

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 24 JULY 2018

6.30pm

Live Streaming of Council Meeting

In the spirit of open, accessible and transparent government, this meeting of the Inner West Council is being streamed live on Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of this meeting that is held in closed session will not be recorded

Pre-Registration to Speak at Council Meetings

Members of the public must register by 2pm of the day of the Meeting to speak at Council Meetings. If you wish to register to speak 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.

Are there any rules for speaking at a Council Meeting?

The following rules apply when addressing a Council meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes. 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; and
- only 3 speakers for and against an Agenda Item are allowed.

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.

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

Accessibility

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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.

PRECIS

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10 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 separately.

ITEM

C0718 Item 27	General Manager's Performance Agreement
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Minutes of Ordinary Council Meeting held on 26 June 2018**Meeting commenced at 6.37pm****Present:**

Darcy Byrne	Mayor
Julie Passas	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Victor Macri	Councillor
Rochelle Porteous	Councillor
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Rik Hart	General Manager
Elizabeth Richardson	Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
Pav Kuzmanovski	Group Manager Finance
Wal Petschler	Group Manager Footpaths, Roads, Traffic and Stormwater
Cathy Edwards-Davis	Group Manager Parks, Trees and Sportsfields
Laura Stevens	Group Manager Communication, Engagement and Events
Annette Morgan	Group Manager Children and Family Services
Adam Vine	Executive Manager Enterprise Risk Policy and Risk Services
Ian Naylor	Manager Civic and Executive Support
Darcie Huisman	Business Paper Support Officer (Minute Taker)

APOLOGIES: Nil**DISCLOSURES OF INTERESTS:**

Clr Raciti declared a non-pecuniary, non-significant interest in relation to item 15 as she lives in Hawthorn Parade, Haberfield.

Motion: (Passas/Da Cruz)**THAT Council receive and note the disclosures of interest.****Motion Carried**

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Porteous

CONFIRMATION OF MINUTES**Motion (Stamolis/Raciti)**

1. THAT the Minutes of the Council Meeting held on Tuesday, 22 May 2018 be confirmed.
2. THAT the Minutes of the Council Meeting held on Tuesday, 12 June 2018 be confirmed.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Porteous

Suspension of Standing Orders

Motion: (Byrne/Passas)

THAT Standing Orders be suspended to hear from the registered speakers.

Motion Carried

For Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York

Against Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Stamolis and Steer

Absent: Cr Porteous

Clr Porteous entered the meeting at 6.43pm

Resumption of Standing Orders

Motion: (Byrne/Passas)

THAT Standing Orders be resumed.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0618 Item 29 Mayoral Minute: Support for South Sea Islander Community

Motion: (Byrne)

THAT:

- 1. Council flies the Flag of the Australian South Sea Islands annually on 25 August;**
- 2. Officers liaise with the Australian South Sea Islanders Secretariat to investigate the inclusion of a Australian South Sea Islander mural as part of the Perfect Match program in 2019; and**
- 3. On provision of Australian South Sea Islanders (Port Jackson) (ASSIPJ) Historical academic advisory panel completed information resources, Council makes these resources available at Council libraries.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0618 Item 30 Mayoral Minute: Campaigning Against Cuts to Public Library Funding**Motion: (Byrne)****THAT Council:**

1. **Make representation to the local State Members, in relation to the need for additional funding from the NSW State Government for the provision of public library services; and**
2. **Write to the Hon Don Harwin, Minister for the Arts and the Hon Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C0618 Item 31 Mayoral Minute: Sydney Metro - Sydenham To Bankstown - Preferred Infrastructure Report****Motion: (Byrne)****THAT Council writes to the Minister for Transport and Infrastructure requesting that the exhibition period be extended by four weeks until 15 August.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**C0618 Item 1 Proposed New SSROC Governance Structure****Motion: (Porteous/McKenna OAM)****THAT Council rejects the proposed new SSROC Governance Structure and endorse instead the current governance structure.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Crs Passas and Raciti**C0618 Item 2 2017/18 Third Quarter Budget Review****Motion: (Drury/McKenna OAM)****THAT:**

1. **The report be received and noted; and**
2. **Council approves the budget adjustments required.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0618 Item 3 Council Recess

Motion: (McKenna OAM/Porteous)

THAT Council:

1. Schedule a recess from 9-20 July and not hold any meetings or briefings in that period;
2. Notify the public of the recess; and
3. Schedule a recess in to the adopted meeting schedule in future years.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Steer and York

Against Motion: Crs Macri, Passas, Raciti and Stamolis

C0618 Item 4 Adoption of IWC Integrated, Planning and Reporting suite of documents.

Motion: (Drury/Byrne)

THAT Council:

1. Endorse the revised Inner West Community Strategic Plan *Our Inner West 2036*;
2. Adopt the revised Inner West Council Delivery Program 2018-2022, Operational Plan and Budget FY2018/19 and Fees and Charges FY2018/19;
3. Adopt the Draft Resourcing Strategy and supporting plans being:
 - Long Term Financial Plan
 - Workforce Plan
 - Information and Communication Technology Plan
 - Asset Management Strategy
 - Stormwater Asset Management Plan
 - Parks and Sportsfields Asset Management Plan
 - Transport Asset Management Plan
 - Properties Asset Management Plan
4. Approve for public exhibition the Draft Asset Management Policy with a separate report back to Council;
5. Make and levy the Rates and Charges for 2018/19 as contained in the Operational Plan in accordance with the *Local Government Act 1993*;
6. Adopts the Business – Airport rate as the basis for determining equivalent rate payments;

7. Adopts the rate of 7.5% as the interest rate to apply on outstanding rates, in accordance with section 566(3) of the *Local Government Act 1993*; and
8. Include in its 4 year capital works program, upgrade works for Alex Trevillion Plaza with a view to commence planning and scoping in the 2018/19 financial year and construction in the 2019/20 financial year funded by developer contributions.

Motion Carried

For Motion: Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and York

Against Motion: Crs Da Cruz, Hesse, Kiat, Porteous and Steer

The Mayor ruled that points 3 and 4 of the Foreshadowed Motion could not be moved as amendments to the Primary Motion.

Motion of Dissent: (Kiat/Hesse)

Cr Kiat moved a motion of dissent in the ruling of the Mayor.

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Porteous and Steer

Against Motion: Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis and York

The Mayor's ruling was upheld.

ADJOURNMENT

The Mayor, Clr Byrne adjourned the meeting for a short recess at 8.36pm.

The Mayor, Clr Byrne resumed the meeting at 8.46pm.

Foreshadowed Motion: (Porteous)**THAT Council:**

1. Endorse the revised Inner West Community Strategic Plan *Our Inner West 2036*;
2. Put on Exhibition for at least 28 days the Draft Resourcing Strategy and supporting plans being:
 - a) Long Term Financial Plan
 - b) Workforce Plan
 - c) Information and Communication Technology Plan
 - d) Asset management Strategy
 - e) Stormwater asset management Plan
 - f) Parks and Sportsfields Asset Management Plan
 - g) Transport Asset Management Plan
 - h) Properties Asset Management Plan

i) Asset Management Policy

Provide briefings to Councillors on these plans and policies and report them back to council following exhibition for endorsement;

3. Adopt the revised Inner West Delivery Program 2018-2022; Operational Plan and Budget FY2018/19 and Fees and Charges FY2018/19 with the following amendments:
 - a) Reinstate the \$5,500,000 removed from the 2018/19 budget in Corporate Support Services – Employee Costs;
 - b) Add \$150,000 for a comprehensive health report on the current and future health impacts of WestConnex on Inner West residents;
 - c) Add \$150,000 for additional consultancy work on WestConnex issues;
 - d) Add \$100,000 for FTE.6 air pollution monitoring officer for 12 month term;
 - e) Remove \$250,000 from the Mayor's Unit staffing costs and reallocate staff and these funds to other parts of the organization;
 - f) Defer the Traffic and Parking Needs Assessment works (\$250,000 budgeted) to the 2019/20 financial year; and
 - g) That the Child and Family Services budget for 2018/19 reflect the income and expenditure associated with opening the new Steele Park and Leichhardt Park centres (to be operated by Council) and service as usual operation of Globe Preschool, Leichhardt Children's Centre and the May Murray centre, noting that Council has made no decision to change the existing level of service or the planned new services.
4. That Councillors receive a briefing on the accounting allocation of Corporate Support Services costs ("Overhead charges") to Children and Family Services, with proposals to improve the accuracy of true cost accounting in this service unit; and
5. A report be brought to a September council meeting outlining exactly the proposals from each Group Manager which will enable them to make \$5,500,000 in "savings" . That these "saving proposals go out for exhibition for 28 days and then be considered for endorsement by council. Should the "savings' be successfully endorsed by council they should then be reincorporated into the 2018/19 budget at the next Quarterly review.

This Foreshadowed Motion Lapsed

Amendment (Passas/Raciti)

THAT Councillors Passas and Raciti oppose the following items in the proposed budget: the addition of 900 new trees and allocation of \$100,000 for a Pride Centre.

Motion Lost

For Motion: Crs Passas and Raciti

Against Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Amendment: (Da Cruz/Steer)

THAT Council start the process to transfer the agreement between the Metropolitan Land Council with Leichhardt Council to Inner West Council and allocate funding for Welcome to Country and Acknowledgements of Country for 10 events at the Metropolitan Land Council Rate approximately \$3500. Money to be found in next quarterly review.

Clr Da Cruz withdrew this Amendment.

C0618 Item 5 Branding

Motion: (McKenna OAM/York)

THAT Council:

1. Adopt option 1 in the report with as much of the project as possible being managed in house;
2. Support the establishment of a panel of nine people (membership to include nominated Councillors and the Mayor, Council officers and relevant community members identified collaboratively by those Councillors and Council officers) to determine selection criteria and briefing for the expressions of interest and final decision making criteria, and oversee the broad engagement strategy to involve the community in decision-making for the final visual identity;
3. Commence rollout of the new brand/logo across the local government area once the above steps have been completed;
4. Consider asking the community to design our logo;
5. Consider inviting prominent members of the community be on the decision panel or full Council;
6. Consider putting alternative options for logos on Councils website for a community vote;
7. Consider asking its community if it would like to continue with the name 'Inner West Council' or choose from other options; and
8. Consider that the winning designer receive \$20,000 and the top ten designers receive \$1000 each.

Motion Carried

For Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti, Stamolis and York

Against Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Porteous and Steer

Foreshadowed Motion: (Porteous)

THAT Council notes:

1. That further rebranding of council, council having already undergone a total rebranding following the forced amalgamation of the 3 councils - Ashfield, Marrickville and Leichhardt in 2016/17 will mean council incurring significant costs and reallocation of resources;
2. That there are many items of higher priority than a further rebranding of council; and
3. That council therefore does not proceed with the implementation of a new brand, visual identity and logo.

This Foreshadowed Motion lapsed

Motion: (Byrne/Stamolis)

THAT items 6 and 20 be considered in conjunction.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0618 Item 6 Event Invitation and Speaking Policy

Motion: (York/McKenna OAM)

THAT Council adopt the event invitation and speaking policy with the following amendments:

1. A Council-approved public meeting (whether or not jointly convened) is the responsibility of Council and should uphold the fundamentals of community engagement and inclusiveness;
2. Council-approved public meetings must allow for Councillors (at minimum ward Councillors) to speak. Length of meeting must not be used as a reason to exclude Councillor participation;
3. The Chair or MC of a Council-approved public meeting should, in the first instance, be the Mayor. Otherwise, consultation with Councillors should take place to select the Chair or MC;
4. Any existing position of Council should be reinforced by the Chair or MC;
5. Council must protect public meetings from being, or appearing to be, party political;
6. Councillors (at minimum ward Councillors) should be invited to have input on the content of Council-approved public meetings and to contact and work with community groups if the meeting is a joint meeting;
7. Council should ensure that key action groups are contacted and advised of the public meetings;
8. Identify significant events in the annual calendar where the Metropolitan Land Council will be invited to do a welcome to country – there should be at least two a year. Perhaps the Mayoral election and one major festival;
9. Identify events at which an Aboriginal and Torres Strait Islander Elder will be invited to do an acknowledgement of country. Create a register and issue an invitation to register, preference given to residents of the LGA;
10. Identify events where council's Aboriginal or Torres Strait Islander Staff will be invited to perform the acknowledgement of country;
11. Provide guidance for others to do acknowledgment of country at the start of

meetings etc;

12. Provide guidance on when it is appropriate to include a smoking ceremony in an event;
13. Support Aboriginal and Torres Strait Islander Businesses & Artists by purchasing services such as catering, gifts and cultural training;
14. Clarify identification of the boundary between the gadigal and wangal lands within the EORA nation and use of the appropriate term in the acknowledgement of country;
15. Note that every speaker should not do an acknowledgement; and
16. Publish the policy on its website and intranet.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

Amendment: (Stamolis/Hesse)

THAT the following amendments be made to the policy:

1. A Council-approved public meeting (whether or not jointly convened) is the responsibility of Council and should uphold the fundamentals of community engagement and inclusiveness;

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

As the Motion was carried, it was incorporated into the Primary Motion.

2. Council-approved public meetings must allow for Councillors (at minimum ward Councillors) to speak. Length of meeting must not be used as a reason to exclude Councillor participation;

Motion Carried

For Motion: Crs Byrne, Da Cruz, Hesse, Kiat, Lockie, Macri, Passas, Porteous, Raciti, Stamolis and Steer

Against Motion: Crs Drury, Iskandar, McKenna OAM and York

As the Motion was carried, it was incorporated into the Primary Motion.

3. The Chair or MC of a Council-approved public meeting should, in the first instance, be the Mayor. Otherwise, consultation with Councillors should take place to select the Chair or MC;

Motion Carried

For Motion: Crs Byrne, Da Cruz, Hesse, Kiat, Lockie, Macri, Porteous, Raciti, Stamolis and Steer

Against Motion: Crs Passas, Drury, Iskandar, McKenna OAM and York

As the Motion was carried, it was incorporated into the Primary Motion.

- 4. Any existing position of Council should be reinforced by the Chair or MC;**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

As the Motion was carried, it was incorporated into the Primary Motion.

- 5. Council-approved public meetings should include Q&A. Length of meeting should not be used as a reason to exclude or limit community participation;**

Motion Lost

For Motion: Crs Da Cruz, Hesse, Kiat, Porteous, Steer, Lockie and Stamolis

Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas, Raciti and York

- 6. Council must protect public meetings from being, or appearing to be, party political; and**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

As the Motion was carried, it was incorporated into the Primary Motion.

- 7. Councillors (at minimum ward Councillors) should be invited to have input on the content of Council-approved public meetings and to contact and work with community groups if the meeting is a joint meeting; and**

Motion Carried

For Motion: Crs Da Cruz, Hesse, Kiat, Lockie, Passas, Porteous, Stamolis and Steer

Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Raciti and York

As the Motion was carried, it was incorporated into the Primary Motion.

- 8. Council should ensure that key action groups are contacted and advised of the public meetings.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Crs Passas and Raciti

As the Motion was carried, it was incorporated into the Primary Motion.

Amendment: (Da Cruz/Porteous)**THAT Council:**

- 1. Identify significant events in the annual calendar where the Metropolitan Land Council will be invited to do a welcome to country – there should be at least two a year. Perhaps the Mayoral election and one major festival;**

2. Identify events at which an Aboriginal and Torres Strait Islander Elder will be invited to do an acknowledgement of country. Create a register and issue an invitation to register with preference given to residents of the LGA;
3. Identify events where council's Aboriginal or Torres Strait Islander Staff will be invited to perform the acknowledgement of country;
4. Provide guidance for others to do acknowledgment of country at the start of meetings etc;
5. Provide guidance on when it is appropriate to include a smoking ceremony in an event;
6. Support Aboriginal and Torres Strait Islander Businesses and Artists by purchasing services such as catering, gifts and cultural training;
7. Clarify identification of the boundary between the gadigal and wangal lands within the EORA nation and use of the appropriate term in the acknowledgement of country; and
8. Note that every speaker should not do an acknowledgement.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

As the Amendment was carried it was incorporated into the Primary Motion.

The Mayor ruled the following Motion out of order.

Foreshadowed Motion: (Porteous/Kiat)

That the Event Invitation and Speaking Policy be deferred in order to consider the incorporation of some or all of the protocols as listed in Item 20: Protocols for Council-Approved Public Meetings (Moved by Cr Stamolis) and be brought back to a future Council Meeting.

Suspension of Standing Orders

Motion: (Porteous/Passas)

THAT Council bring forward items 8, 9 16 and 22.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0618 Item 8 Options for Council's two new Early Childhood Education and Care services**Motion: (York/Iskandar)**

1. **THAT the report be deferred for further consideration by Council, pending:**
 - h)
 - a) Correspondence being written from Council to the NSW Department of Education putting on record Council's strong opposition to the planned closure of Globe Wilkins pre-school, and seeking the Department's advice on potential alternative locations for Globe Wilkins pre-school;
 - i)
 - b) Further advice from Council staff on the overhead costs included in the report, including a breakdown of costs between overheads directly incurred by childcare centres, and general administrative overheads;
 - j)
 - c) Further engagement with staff, parents and families at the potentially impacted centres; and
2. **That Council proceeds with the planned in-house council operation of the two new centres, Leichhardt Park and Steel Park, as long day care centres.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Crs Macri, Passas and Raciti**ADJOURNMENT**

The Mayor, Clr Byrne adjourned the meeting for a short recess at 10.32pm.

The Mayor, Clr Byrne resumed the meeting at 10.39.

C0618 Item 9 Old Canterbury Rd & Edward St, Dulwich Hill - Proposed Intersection Signalisation Concept Designs**Motion: (Drury/Kiat)**

THAT the recommendation of the Local Traffic Committee for Item LTC0518 Item 2, Old Canterbury Rd, Dulwich Hill – Proposed Traffic Signals Concept Design Plans, be adopted.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Steer and York**Against Motion:** Crs Macri, Passas, Raciti and Stamolis**Foreshadowed motion: (Passas/Stamolis)**

THAT the matter be deferred and the NRMA and RMS be contacted to review the proposal.

This Foreshadowed Motion lapsed.

Foreshadowed motion: (Macri)

That Council adopt option 2 as detailed in the report.

This Foreshadowed Motion lapsed.

C0618 Item 16 Notice of Motion to Rescind: C0518 Item 27 Balmain Telstra Building and Public Square Project - 22 May 2018**Motion: (Porteous/Stamolis)****THAT Council's resolution of C0518 Item 27 Balmain Telstra Building and Public Square Project be rescinded.****Motion Carried****For Motion:** Crs Da Cruz, Hesse, Kiat, Lockie, Macri, Passas, Porteous, Raciti, Stamolis and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, McKenna OAM and York**Motion: (Porteous/Stamolis)****THAT:**

1. **A full report on the upgrade of the Dawn Fraser pool and the significant increase in funding required be brought to the next available council meeting. The report to include:**
 - **An outline of the works planned;**
 - **A breakdown of estimated costs;**
 - **A full explanation as to why costs have more than doubled;**
 - **An assessment of which works are urgent and which are not; and**
 - **A proposed timeline for the works.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil

2. **A report on the funding proposal options available for council to fund in full the Balmain Public Square heritage project Option A (C0518 Item 27 22/0518) and the full upgrade works at the Dawn Fraser Pool heritage project as required with revised costings. The report to include but not be limited by:**
 - **A loan to meet additional costs for both projects.**
 - **Identification of other available funding sources.**
 - **A review of capital works and the updated timelines and delivery schedules.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Cr Macri

3. **That Council supports in principle completing the Dawn Fraser Pool heritage project refurbishment and the Balmain Public Square heritage project Option A.**

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Crs Macri, Passas and Raciti

Extension of Time**Motion: (Drury/Hesse)****THAT the meeting be extended for 15 minutes.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil

Clr Raciti left the meeting 11.01pm

C0618 Item 22 Notice of Motion: Gladstone Park, Balmain and Spindlers, Smith and Hogan Parks, Annandale Outdoor Fitness Areas**Motion: (Porteous/Da Cruz)****THAT:**

1. Council as soon as possible, organise onsite public meetings (or if onsite is not possible in a nearby council venue) to discuss with local residents and stakeholders, including local schools, churches and, in the case Gladstone Park, also Balmain Hospital the location of the Outdoor Fitness Stations and the installation proposed;

Motion Lost**For Motion:** Crs Hesse, Kiat, Porteous, Da Cruz and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Lockie, Macri, McKenna OAM, Passas, Stamolis and York

2. An end date for submissions on these fitness stations be communicated to the surrounding communities and all stakeholders; and

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Cr Passas

3. The final determination on the location of the Outdoor Fitness Stations in Gladstone Park and Spindlers, Smith and Hogan Parks be brought to a Council meeting with a report on submissions received.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Foreshadowed Motion: (Stamolis/**

That the Inner West Council prepare a Fitness station policy and that Gladstone Park and Spindler Park be removed from any further assessment for fitness stations given the level of resident opposition, the existing high demand and use of these parks and the need to retain the limited open green space in these parks.

This Foreshadowed Motion Lapsed.

Cr Passas left the meeting at 11.15pm.

Extension of Time

Motion: (Drury/Steer)

THAT the meeting be extended to 11.25pm

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Confidential Session

Motion: (Drury/Hesse)

THAT Council move into Confidential session to consider Items of business containing Confidential Information.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Members of the public were asked to leave the Chamber.

Extension of Time

Motion: (Drury/Macri)

THAT the meeting be extended to 11.30pm

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Motion: (Drury/McKenna OAM)

THAT Council return to open session to read out the recommendations from the Closed Session.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

The Mayor read out to the Meeting the recommendation from the Closed Session of Council.

REPORTS WITH CONFIDENTIAL INFORMATION**C0618 Item 28 Tender T 14-18 - Internal Audit Services****Motion: (Drury/York)****THAT the recommendations contained within the CONFIDENTIAL ATTACHMENT 1 (Tender Evaluation Report) be adopted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Lockie, Macri, McKenna
OAM, Porteous, Stamolis, Steer and York**Against Motion:** Nil**Abstained:** Cr Hesse

Meeting closed at 11.26pm.

The following Items will be considered at the Extraordinary Council Meeting on 3 July 2018;
Item 7, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 23, 24, 25 and 26.**PUBLIC SPEAKERS:**

Item #	Speaker	Suburb
Item 29:	Emedla Davis	Pymont
Item 4:	Colin Jones	Summer Hill
Item 8:	Annabel Prince	Marrickville
	Susanna Conti	Marrickville
	Shae Phuong	Marrickville
Item 9:	Bruce Ashley	Dulwich Hill
	Adrian Webster	Dulwich Hill
	Alex Lofts	Summer Hill
Item 16:	Fergus Fricke	Birchgrove
	Michele Hacking	Rozelle
Item 22:	Dione Fague	Balmain
	Bryan Riley	Annandale
	Richard Dudley-Smith	Annandale
	Keith Kerr	Annandale

Minutes of Extraordinary Council Meeting held on 3 July 2018**Meeting commenced at 6.35pm****Present:**

Darcy Byrne	Mayor
Julie Passas	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor (6.42pm)
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Victor Macri	Councillor
Rochelle Porteous	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Rik Hart	General Manager
Elizabeth Richardson	Deputy General Manager Assets and Environment
John Warburton	Deputy General Manager Community and Engagement
John Stephens	Traffic and Transport Services Manager
Cathy Edwards-Davis	Group Manager Trees, Parks and Sports Fields
Joe Strati	Group Manager Legal Services
Ian Naylor	Manager Civic and Executive Support
Katherine Paixao	Business Paper Coordinator (Minute Taker)

APOLOGIES:**Motion: (Passas/Hesse)****THAT leave of absence be granted for Cllr Lockie, apologies for Cllr Raciti and apologies for lateness from Cllr McKenna OAM be accepted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**DISCLOSURES OF INTERESTS:** Nil**Suspension of Standing Orders****Motion : (Passas/Hesse)****THAT Council Suspend Standing Orders to allow a member of the public to address the Council Meeting on an issue not on the agenda for 3 minutes.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil

Councillor McKenna OAM entered the Meeting at 6:42 pm.

Resumption of Standing Orders**Motion: (Passas/York)****THAT Standing Orders be resumed.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna
OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0718 Item 1 Banners, Flags and Temporary Signage Policy****Motion: (Stamolis/Kiat)**

- **THAT prior to public exhibition, the policy be amended:**
1. **To emphasise that one of the purposes of the policy is to support community organisations to have access to banners, flags and temporary signage, for communication and promotion of their activities;**
 2. **Redraft section 7 to include the following intended effect**
 - a. **The banner, flags and signs are a service of council to the community and are appropriately used by local not-for-profit & community organisations.**
 - b. **The Communications team will allocate sites as per calendar availability.**
 - c. **Fees for placing the banners, signs, flags are waived for local NFP community groups, with consideration of covering all or part of the cost of banner production.**
 - d. **Council should receive a quarterly report identifying which organisations accessed the service and the cost of same in terms of fees waived and banner production costs paid by Council.**
 - e. **Business use of the banner, sign, or flag service will be by Council resolution only.**
 3. **To alter the requirement in section 3 for approval for placing banners/signs at sites not listed in the policy. Suggested wording:**
 - a. ***Delete:* “Banners and signs may not be placed sites that are not listed above without prior written approval from the Group Manager Communications, Engagement and Events.”**
 - b. ***Insert:* “Council officers placing banners or signs at sites not listed above should obtain approval to do so from their Service Unit Group Manager. The Group Manager Communication, Engagement and Events should be notified, and advice should be sought if there is a risk of visual pollution or conflicting banners/signage in a locality.”**

4. To alter the requirement in section 4 for approval for banner design. Suggested wording:
- a. *Delete*: “Banner design must be approved by Inner West Council Communications team prior to production to ensure it meets Council’s brand guidelines. Approval is required for all designs, even if banners and temporary signage have been used previously.”
 - b. *Insert*: “Prior to submitting banner design to the Communications team, Council staff should consider relevant guidelines as issued by the Communications team and seek advice and assistance as required.”
5. To clarify the OHS requirement in section 6, in relation to banners/signs at sites where no height equipment is required. Suggested wording:
- a. *After*: “To minimise risks to staff and the general public, only approved Council staff may hang banners, flags and temporary signage.” *Insert*: “Group Managers should communicate with their staff regarding approval to place banners or signs, in which locations, and the OHS requirements to be followed. This approval may be general in nature, mindful of the level of OHS risk.”
6. Delete section 9.

Motion Carried**For Motion:**

Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna
OAM, Porteous, Stamolis, Steer and York

Against Motion:

Cr Passas

C0718 Item 2 Local Traffic Committee Meeting held on 5 June 2018**Motion: (Drury/McKenna OAM)**

THAT the Minutes of the Local Traffic Committee Meeting held on 5 June 2018 be received and the recommendations be adopted.

Motion Carried**For Motion:**

Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna
OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion:

Nil

C0718 Item 3 Councillor Expenses and Facilities Policy**Motion: (Kiat)**

THAT prior to exhibition, the policy be amended to clarify that as well as membership to professional bodies, the Professional Development budget (total \$5000) includes relevant paper or electronic subscription services (e.g. newspapers, newsletters, journals, circulars).

- o *Suggested wording: insert new clause between 6.25 and 6.26 “6.26 Subscription services may be covered where they provide access to information and analysis that are relevant to a Councillor’s civic duties. Eligible subscription services may include, but are not limited to, paper or electronic access to newspapers, newsletters, journals or circulars.”*

The Mayor ruled this motion out of order, as Council has previously rescinded the substance of this motion at the Council Meeting on 24 April 2018 and Section 372(5) of the Local Government Act requires that there be a 3 month period before a previously rescinded motion can be put again.

Motion: (Byrne/Stamolis)**THAT Council:**

1. **Amend Clause 8.5 of the Policy to remove the requirement to have a resolution of Council to approve a request for reimbursement of legal expenses prior to incurring these expenses;**
2. **Place the Amended Policy on public exhibition for 28 days;**
3. **Receive a further report on any submissions received during the public exhibition period;**
4. **Remove the provision for overseas travel from the Policy;**
5. **Combine the 2 categories; Professional development and conferences and seminars to provide \$6000 per councillor per year;**
6. **Consolidate the carers expenses to \$45,000 to be used across all councillors as needed; and**
7. **To provide a quarterly update of total actual expenditure versus facilities budget.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Cr Passas

Amendment (Passas/Stamolis)

THAT the legal assistance (section 8) of the Councillor Expenses and Facilities Policy be reviewed by an independent legal firm.

Motion Lost

For Motion: Crs Hesse, Passas, Porteous, Stamolis and Steer

Against Motion: Crs Byrne, Da Cruz, Drury, Iskandar, Kiat, Macri, McKenna OAM and York

Amendment (Stamolis/Hesse)**THAT Council:**

1. **Combine the 2 categories Professional development and conferences and seminars to provide \$6000 per councillor per year;**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

As the amendment was carried, it was included as part of the primary motion.

- 2. Consolidate the carers expenses to \$45,000 to be used across all councillors as needed; and**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis and Steer

Against Motion: Nil

Abstained: Cr York

As the amendment was carried, it was included as part of the primary motion.

- 3. To provide a quarterly update of total actual expenditure versus facilities budget.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, , Passas, Porteous, Stamolis, Steer and York

Against Motion: Cr McKenna OAM

As the amendment was carried, it was included as part of the primary motion.

Amendment (Hesse/Passas)

THAT Council remove the provision for overseas travel from the Policy.

Motion Carried

For Motion: Crs Da Cruz, Hesse, Kiat, Passas, Porteous, Stamolis and Steer

Against Motion: Crs Byrne, Drury, Iskandar, Macri, McKenna OAM and York

As the amendment was carried, it was included as part of the primary motion.

ADJOURNMENT

7.39pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

7.44pm– The Mayor, Clr Byrne resumed the meeting.

Councillors Da Cruz, Hesse and Iskandar re-entered to the Meeting at 7:46 pm.

C0718 Item 4 Local Government Remuneration Tribunal Determination for 2018-19

Motion: (McKenna OAM/Da Cruz)

THAT:

- 1. The remuneration for the Mayor and Councillor Fees for the Inner West Council be set at the maximum rates set by the Local Government Remuneration Tribunal.**
- 2. Council write to the Minister of Local Government, the Office of Local Government and the Local Government Remuneration Tribunal regarding concerns and inconsistencies with Councillor remuneration.**

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Cr Passas

Councillor Passas re-entered to the Meeting at 7:52 pm.

C0718 Item 5 Delegations to the General Manager - Contracts**Motion: (York/Drury)****THAT:**

1. The information be received and noted and that Council delegate to the General Manager power to enter into contracts up to \$1,500,000; and
2. Information on tenders issued and awarded under delegations by the General Manager be reported to Council for information only at the next possible council meeting.

Motion Carried**For Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas and York**Against Motion:** Crs Da Cruz, Hesse, Kiat, Porteous, Stamolis and Steer**Amendment (Porteous/Stamolis)**

THAT point 1 be replaced with “the information be received and noted and that Council delegate to the General Manager power to enter into contracts for tenders be up to \$500,000”

Motion Lost**For Motion:** Crs Da Cruz, Hesse, Kiat, Porteous, Stamolis and Steer**Against Motion:** Crs Byrne, Drury, Iskandar, Macri, McKenna OAM, Passas and York**Foreshadowed Motion (Kiat)**

THAT Council delegate to the General Manager the power to enter into contracts except those for which Council must invite tenders as per the Local Government Act.

This Foreshadowed Motion lapsed.

C0718 Item 6 Investment Report as at 31 May 2018**Motion: (Drury/McKenna OAM)****THAT the report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0718 Item 7 Notice of Motion to Rescind: C0518 Item 1 Richard Murden Reserve - Provision of Three Netball Courts - 22 May 2018 Council Meeting****Motion: (Macri/Passas)**

THAT the resolution of the 22 May 2018 Council Meeting with respect to Item 1 Richard Murden Reserve - Provision of Three Netball Courts, be rescinded.

Motion Lost**For Motion:** Crs Macri and Passas**Against Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, McKenna OAM, Porteous, Stamolis, Steer and York

C0718 Item 8 Notice of Motion: Heritage Pub Protections**Motion: (Byrne/Stamolis)****THAT Council:**

1. Provide information on which pubs in the Inner West Council local government area have heritage protection and which do not;
2. Identify a program for an investigation into which pubs in the area have the highest architectural, historical and social heritage and are most in need of further heritage protection; and
3. Liaise with architectural schools and departments to enquire whether they would be interested in carrying out pro bono heritage assessments as a study of this niche area of Sydney history.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0718 Item 9 Notice of Motion: Street Libraries****Motion: (York/Steer)****THAT a response be prepared for Council's consideration regarding Council's potential to support street libraries across the Inner West.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Cr Passas**C0718 Item 10 Notice of Motion: Ann Cashman Reserve 30 year Commemoration****Motion: (Porteous/Byrne)****THAT:**

1. Council installs a new plaque with, if possible, a photo of Mayor Ann Cashman at the Ann Cashman Reserve, Balmain;
2. The unveiling of the new plaque take place together with a tree planting and a community BBQ to celebrate the 30th anniversary of the establishment of the Ann Cashman Reserve close to the September anniversary date; and
3. The funds for the above be identified in the next quarterly budget review.

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Porteous, Stamolis, Steer and York**Against Motion:** Cr Passas**C0718 Item 11 Notice of Motion: Increase in Court Appeals since Merger****Motion: (Stamolis/Byrne)****THAT:**

1. Council report on the increase in appeals to the Land and Environment Court since the Council merger. The report should identify the reasons for the increase (as well as the potential for further increase), the additional costs and resources impacting on Council and it should address ways to best respond to the increase in appeals; and
2. The Inner West Planning Panel be required to report to Council every 6 months to identify any policy issues.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0718 Item 12 Notice of Motion: Expand Waste Booking Services

Motion: (Passas/Byrne)

THAT Council provide advice on options for assisting residents without access to vehicles to be able to make use of e-waste and chemical disposal service. This should include an assessment of the most cost effective model and any external organisations can assist with the coordination of the service.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0718 Item 13 Notice of Motion: Reopening Balmain West Ferry Wharf

Motion: (Byrne/Stamolis)

THAT Council:

1. Write to the Premier of NSW and the Minister for Transport requesting that, in recognition of the potential isolation of the Balmain Peninsula due to the construction of WestConnex and other nearby State Government projects, as well as growing travel demand associated with new residents now moving into the former Nutrimetics site, they instruct Sydney Ferries to immediately reintroduce regular ferry services to Balmain West/Elliott Street; and
2. Write to Sydney Ferries and Transport for NSW requesting that, in recognition of the potential isolation of the Balmain Peninsula due to the construction of WestConnex and other nearby State Government projects, as well as growing travel demand associated with new residents now moving into the former Nutrimetics site, they instruct Sydney Ferries to immediately reintroduce regular ferry services to Balmain West/Elliott Street.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

C0718 Item 14 Notice of Motion: Supporting the Welcome Choir**Motion: (Byrne/Hesse)****THAT Council:**

1. Requests the Group Manager of Community and Cultural Services to report on how a partnership between Council and the Welcome Choir could operate to assist the Choir to expand across the Inner West Local Government Area;
2. Officers advise the Welcome Choir of the Community Grants Program currently open for application and invite Choir representatives to Grants Information and Assistance sessions; and
3. Promote participation in the Welcome Choir to the Inner West community through all regular Council communications channels including community development networks

Motion Carried**For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York**Against Motion:** Nil**C0718 Item 15 Notice of Motion: Improving Cyclist and Pedestrian safety on State Roads in the Inner West LGA.****Motion: (Da Cruz/Hesse)****THAT:**

1. The Mayor write to NSW Minister for Roads and Maritime Services noting the announcement of funding to increase liveability and safety in urban communities through infrastructure safety upgrades for pedestrians, cyclists and other road users and requesting improvements on State Roads through Residential, Educational, Child Care, Recreational and High Pedestrian Activity locations in the Inner West LGA;

In particular a reduction in the motor vehicle speeds and improvements in pedestrian and cyclist safety including the reduction of motor vehicle speeds on State Roads in the LGA in particular the following:

- a) The City West Link;
- b) James Street/Darley Road; at Norton Street; at Balmain Road and Catherine Street and the Crescent on City West Link;
- c) Victoria Road and in particular at the crossings at Robert Street, Evans Street and Darling Street, Rozelle;
- d) James St, Darley Road, Foster and Tebbutt Street, Leichhardt including safe crossing points;
- e) Liverpool Road from Elizabeth Street to Frederick Street, Ashfield;
- f) Frederick Street, Ashfield;
- g) Johnston Street, Annandale in particular at Parramatta Road, Booth Street, the Crescent, Annandale Public, Annandale North Public School and Collins Street;

- h) The Crescent, Annandale including intersection with City West Link and Johnston Street;
- i) The major public transport corridor on Parramatta Road from Mallet Street, Annandale to Croydon Road, Croydon; and

- 2. Further that the General Manager request the RMS to carry out an audit of roadside noise and air pollution at the above locations.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Macri, McKenna OAM, Passas, Porteous, Stamolis, Steer and York

Against Motion: Nil

Councillors Macri and Passas retired from the Meeting at 9:06 pm.

Councillor Porteous requested that the meeting consider an Urgency Motion with regards to Real Bodies: The Exhibition.

Motion: (Porteous/Steer)

THAT the motion be considered as a matter of urgency.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, McKenna OAM, Porteous, Stamolis, Steer and York

Against Motion: Nil

Absent: Crs Macri and Passas

The Mayor declared this matter was urgent.

Urgency Motion - Real Bodies: The Exhibition**Motion: (Porteous/Steer)****THAT:**

- 1. Council does not run an excursion to Real Bodies: The Exhibition as a part of the school holidays activities program and, if possible, an alternative excursion be offered in its place; and
- 2. The Mayor urgently write to the Federal Minister for the Arts requesting that he require the exhibitors to provide valid documentation to prove the bodies origins and consent from the deceased and their family members.

Motion Lost

For Motion: Crs Hesse, Kiat, Porteous, Stamolis and Steer

Against Motion: Crs Byrne, Da Cruz, Drury, Iskandar, McKenna OAM and York

Absent: Crs Macri and Passas

Meeting closed at 9.25 pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Urgency Motion	Emmy Pfister	Carlingford

Item No: C0718 Item 1

Subject: IMPROVING COMMUNITY SAFETY IN THE INNER WEST

Prepared By: Ingrid de Meyer - Coordinator Community Development and Matthew Balane - Community Projects Officer

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

The Council meeting on 24 April 2018 (C0418 Item 28) requested a report with respect to community safety. This report presents how the Inner West Council strives to create safer community spaces/public domain for the community; this is supported through a number of measures from environmental approaches to crime prevention and social approaches. Multiple sections of Council are involved in the delivery of safety initiatives with an educational and preventative approach to crime prevention as well as utilising placemaking principles to activate public spaces.

Similarly, Crime Prevention Through Environmental Design (CPTED) principles are embedded in the planning and assessment process to ensure any developments factor these principles in the design to lessen or prevent the incidence of crime. This report proposes Council host a twice- yearly Strategic Community Safety Forum.

RECOMMENDATION

That Council:

- 1. Notes the current work to address Community Safety through the delivery of community safety initiatives and projects;**
- 2. Note that Council staff are actively working with Police and the community in known hotspots (i.e. Camperdown Park, Salmon Park Playground and Darrell Jackson Gardens); and**
- 3. Continue working with key partners to investigate and research strategic approaches addressing community safety including a Local Safety Forum to be hosted by Council twice per year.**

BACKGROUND

Council resolved (C0418 Item 28):

THAT:

- 1. Council makes creating safer community spaces for people to gather at night time a high priority of council by supporting measures that encourage open, free and accessible spaces that are well integrated and connected with surrounding land uses and transport options; and*
- 2. In line with this, a report be brought to Council within the next 2 months which provides an overview of the work currently being carried out by Inner West Council into improving community safety on both public and private lands and property across the LGA. That this report include, how community safety is being integrated into council's planning controls; what audits have been done in the three councils of Leichhardt, Ashfield and Marrickville on identifying high risk places and what has been done about putting in place action plans to address identified risk areas; what staff resources are currently allocated to improving*

community safety and what other measures are currently being taken by Council to promote community safety, and what further measures are needed to ensure that Inner West residents can enjoy open, free and accessible spaces at night. The report should also include consideration on the setting up of a Community Safety Committee for the Inner West Council with members to include the police, relevant council staff members, Councillors and community stakeholders.

CRIME STATISTICS: SUMMARY

Inner West Council comprises the Police Area Commands (PAC) of Leichhardt PAC, Burwood PAC (formerly Ashfield and Burwood Local Area Commands), and the Inner West PAC (formerly Marrickville and Newtown Local Area Command). Statistics collected from the Bureau of Crime and Statistics (BOSCAR) between 2007 and 2017, suggests that crime occurring around Outdoor / Public Places have remained steady or decreased.

For instance, non-domestic violence related assault (within the Leichhardt PAC), has seen a 42 per cent decrease, similarly Burwood PAC had seen a 25 per cent decrease in non-domestic violence related assault. In addition, the two most prevalent types of offences committed within outdoor / public places were non-domestic violence related assault and possession and / or use of cannabis. Both types of offences occurred mainly on footpaths, and roads and streets, however taking place sporadically between 3pm and 12am.

CURRENT LITERATURE

Local Government plays an important role in the prevention of crime, particularly working alongside the community to address issues around community safety. The research suggests that community safety is a multi-faceted issue, in which a holistic approach is necessary in addressing crime.

Garner (2015) suggests an effective approach in addressing community safety is through collaboration, leadership, use of research and evaluation, a focus on outcomes, capacity, community engagement, and a coordinated approach across sectors and agencies. Working to prevent and address crime can vary in each scenario and it is important that programs, interventions and technologies operating to prevent crime are tailored to each case.

There are a number of crime prevention approaches which aim to reduce crime and strengthen communities. These include Environmental approaches to Crime Prevention and Social approaches to Crime Prevention (Garner, 2015).

Environmental approaches to crime prevention

This approach addresses factors in the physical environment or situation that create opportunities for crime (Safer By Design, 2018). Crime Prevention Through Environmental Design (CPTED) is an approach to deter criminal behavior through environmental design, whereby strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social and administrative environment ([Safer By Design](#), 2018).

CPTED is an approach which is adopted by local Councils to improve natural surveillance and to alleviate a given space for community use. There are a number of examples where this approach is used to address a lack of natural surveillance, which had contributed to an increase in antisocial behavior, property damage and graffiti (Parliamentary Secretary for Justice, 2015; Case Study: Reclaiming Memorial Park in Drouin, 2016).

Social approaches to crime prevention

This approach addresses factors that influence the likelihood of people becoming involved in crime and develops mitigation or management through capacity building, community partnerships, collaboration and educational programs. This coordinated approach works

across multiple stakeholders, which aims for community members and community agencies to work in partnership. Some examples include Movies in the Park (Why Community-Based Crime Prevention Works, 2012), Music Festivals ([Parliamentary Secretary for Justice](#), 2015; [Case Study: Reclaiming Memorial Park in Drouin](#), 2016), preventative programs (Glebe Youth Service, 2018) and neighbourhood watch.

COUNCIL INITIATIVES ADDRESSING COMMUNITY SAFETY

Community Wellbeing: Community programs and initiatives

Inner West Council Community Wellbeing Unit has developed two crime prevention plans aligned with funding footprints covering former Marrickville and Ashfield LGA's. These two plans have enabled Council to apply and receive funding from the NSW Department of Justice to deliver two projects that reduce incidences of 'Steal from Dwelling' and 'Break and enter Dwelling' in the local government area. The project includes a number of strategies, Crime Prevention through Environmental Design (CPTED) audits by Police, subsidised locks for audited dwellings, a home security Expo and the production and distribution of a DIY Home Security Kit.

In accordance with the Inner West Council's Community Strategic Plan, staff work towards collective wellbeing, prioritising inclusion, diversity, social justice, social cohesion, connected neighbourhoods and community engagement. The Community Wellbeing Unit are involved /coordinate a number of community based initiatives / committees that promote participation, equity and access, and collective wellbeing. External and internal stakeholders are actively engaged from community-based services, Police as well as community members. These include initiatives such as the:

- Aged Service Interagency
- Community Safety Precincts Committees (Leichardt LAC, Inner West LAC, and Burwood LAC)
- Inner West Council Crime Prevention Project
- Inner West Disability Forum
- Inner West Youth Alliance
- Leichhardt Marrickville Domestic Violence Liaison Committee
- Liquor Accord (Leichardt, Marrickville)
- LGBTIQ working group
- Marrickville Community Drug Action Team
- Preventative and educational workshops engaging with targeted groups from the community (i.e. seniors, young people, etc.)
- Speak Out campaign
- White Ribbon Day

A number of issues and priorities are raised at various levels within these projects and committees, and a collaborative approach is embedded to ensure community needs are being met.

Homelessness

Council's homelessness Policy and associated strategies and actions aims to reduce the numbers of people sleeping rough in the Inner West. Council's collaborative approach to homelessness includes supporting the Ashfield and Newtown Multi-Agency outreach teams. Assisting these people to move away from the dangers of sleeping rough into the safety of their own accommodation is one important way of improving community safety in the Inner West.

Community Forums: Child Safety

Council had hosted a Child Safety Workshop with a focus on Aquatic Facilities across the Sydney region, representatives included officers from - Randwick, Canterbury Bankstown, Willoughby, Burwood, Northern Beaches, Ryde, Campbelltown etc. As a result the Aquatic and Recreation Institute (ARI) intend to seek funding for projects which may include the development of training modules that can be provided to Aquatics Centres and Staff.

Living Arts: Placemaking and activation

Placemaking activates community participation in the creative design of civic spaces, which builds on community strengths to create a sense of belonging and ownership. Council works extensively with artists and creatives to express their diverse stories, explore local heritage, express identity, create inspiration and enhance their environments. Some examples of placemaking projects which have been successful in significantly reducing illegal tagging and anti-social behavior include:

- Birrung Art Space
- Hawthorn Canal Mosaic Mural
- Hay Street Car Park
- Perfect Match
- Off Broadway Precinct.

Planning and Assessments

In accordance to the Crime Prevention Legislative Guidelines under Section 79C of the Environmental Planning and Assessment Act, 1979 ([Safer By Design](#), 2018), Inner West Council acknowledges and implements these guidelines in assessing development applications to address safety and security to users and the community. For instance, if a development presents a crime risk, the guidelines can be used to require modification of the development to minimise the risk of crime.

The consolidated Local Environmental Plan and Development Control Plan project, currently underway within the Strategic Planning Group, will be developed with CPTED principles in mind when it comes to design standards for buildings and the function of the public realm

In addition, Master Planning work undertaken by the Public Domain Planning team, incorporate Crime Prevention through Environmental Design (CPTED) principles into the planning, design and management of public spaces.

Safety: Parks

There are 279 Parks in the Inner West Local Government Area. Council's Trees, Parks and Sporting Fields team is working on a number of community safety initiatives in parks which are largely focused on addressing issues around antisocial behaviour. The key areas include Camperdown Memorial Park (Newtown), Salmon Playground (Newtown), Fleming Playground (Newtown) and O'Dea Reserve (Camperdown).

An officer's report will be prepared to highlight community safety issues and outcomes at Salmon Playground. An additional officers report is being prepared for Council's consideration in relation to serious problems associated with anti-social behaviour issues at Camperdown Memorial Rest Park and Fleming Street Playground. Local residents and the Newtown Area Command have been working closely with Council on options for addressing antisocial behaviour in these parks. A report will be completed in late June and presented to Council in early July in this regard.

Safety: Animals

Inner West Council now has its own specialised Companion Animal Services (CAS) Team. There are currently over 27,000 cats and 33,000 dogs listed on the NSW Companion Animals Register residing within the Inner West Council area. The Companion Animal Services team educates pet owners, prospective owners and the wider community about responsible pet ownership. Companion Animal Officers regularly patrol parks, playgrounds and sporting fields and investigate reports of dog attacks to ensure a safe, harmonious and cohesive community.

The Newtown Vibe Roundtable - 4 per year

The Newtown Vibe was established by Newtown Neighborhood Centre in response to lock out laws. The group includes members of the local community, business people, elected representatives, and organisations. The group discuss community concerns which also include safety. Council staff attend meeting which are held 4 times per year or on a needs basis.

Resident Action Groups - as needed

Camperdown Rest Memorial Park is a resident action place based group, which is convened with key players (residents, Council staff and Police). There has been a CPTED safety audit in this park which was undertaken by Police approximately two years ago.

Community Safety Committee

A number of Local Councils implement and administrate Community Safety Committees, such as Canterbury Bankstown Council, Woollahra Council, Northern Beaches Council, and Fairfield City Council. The role of their committees is to provide strategic advice to Council, to encourage community collaboration and networking, to address safety issues and information sharing. Representation on these committees vary from Police, community agencies, community members, Chamber of Commerce etc.

A coordinated and informed approach is required in the implementation of a Community Safety Committee which is either directed through Council's Community Strategic Plan or a Community Safety Plan. To ascertain the delivery of a Community Safety Committee it is important that a whole of community approach is adopted, and further investigation and planning is invested.

Officer Comment:

The community safety agenda is broad and council staff currently participate in or lead, crime specific and safety-specific forums and committees. Recognising the broad scope, and changing landscape, it is considered appropriate for Council to not duplicate existing committees and processes. However, Council can add value through an integrated and holistic approach, working with key stakeholders in focused forums giving in depth consideration of issues impacting on community safety through collaborative whole of agency wide responses.

Local Safety Forums

Council can deliver two local Safety Forums per year. This will build on existing Safety Precinct Committee work and is an opportunity for NSW Police and Council to work in partnership to inform the community of current safety issues relevant to their ward and provide a forum to raise their concerns (Canterbury Bankstown, 2018; Engage Victoria, 2018). The forums will provide a key mechanism for consultations on our Strategic plans and policies, as well to plan initiatives.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

In preparation of this report other sections of Council were consulted which included; Parks, Aquatics, Public Domain, Strategic Planning and Urban Strategy, Community Services, Arts and Culture.

PUBLIC CONSULTATION

Nil.

CONCLUSION

The recommendations of this report aim to inform Council that staff actively work with Police and the community to address community safety, and will continue to utilise an evidence-based approach to crime prevention.

REFERENCES

Canterbury Bankstown (2018). Local Safety Forums. Available at:

<https://www.cbcity.nsw.gov.au/community/safety/safety-programs-initiatives/local-safety-forums>

Community Crime Prevention (2016). Case Study: Reclaiming Memorial Park in Drouin.

Available at: <https://www.crimeprevention.vic.gov.au/resources/urban-design-and-crime/case-study-reclaiming-memorial-park-in-drouin>

Crime Prevention Ottawa (2012). Why Community-Based Crime Prevention Works. Available at: http://s540406496.onlinehome.us/cpl2014/wp-content/uploads/2014/02/Crime-Prevention-Ottawa_AFTER.pdf

Garner, C. (2015). Some findings from an Australian local crime prevention case study. *Crime Prevention and Community Safety*. 17(2), pp.71-87

Glebe Youth Service (2018). After Dark. Available at: <https://glebeyouth.org.au/home/what-we-do/after-dark/>

Engage Victoria (2018). Wyndham Community Safety Network. Available at:

<https://engage.vic.gov.au/communitysafetynetworks/wyndham-community-safety-network>

NSW Police Public (2018). Safer By Design. Available at:

http://www.police.nsw.gov.au/safety_and_prevention/policing_in_the_community/safer_by_design

Parliamentary Secretary for Justice (2018). Community Crime Prevention Program. Available at: <http://youthlaw.asn.au/wp-content/uploads/2016/07/Community-Crime-Prevention-Program-Review-3.pdf>

ATTACHMENTS

Nil.

Item No: C0718 Item 2

Subject: **OPERATIONAL LAND CLASSIFICATION FOR ARLINGTON GROVE, DULWICH HILL AFFORDABLE UNITS (X 2)**

Prepared By: Caroline Tunney - Property Officer

Authorised By: Brooke Martin - Group Manager Properties, Major Building Projects and Facilities

SUMMARY

On 8 May 2018, the Inner West Council acquired Land ("The Land") lots 8 and 47, 6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill as a result of a Voluntary Planning Agreement. In accordance with the *Local Government Act 1993*, it is recommended that the land be classified as "operational land".

RECOMMENDATION

THAT Council classifies land at Lot 8 and 47, 6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill as operational land for the purposes of the *Local Government Act 1993*.

BACKGROUND

On 8 May 2018, the Inner West Council acquired lots 8 and 47, 6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill under a strata scheme as a result of a Voluntary Planning Agreement. The two units will be managed as affordable housing. The units include 1 x 1 bedroom unit and 1 x studio unit. The units are located within the Arlington Grove Development, 6 Grove Street, Dulwich Hill.



Figure 1: Location map

Under Chapter 6, Part 2, Division 1 of the *Local Government Act 1993*, the Land must be classified as either community or operational land.

A community land classification is usually applied to land that is reserved for a public purpose (particularly open space land) as it comes with a number of management consequences under the Act (including plans of management, restrictions on the granting of leases/licenses/easements, disposal of land). A community land classification is not considered appropriate for the Grove St Dulwich Hill Land considering the proposed use as

affordable housing units (which requires more flexible management) and is within a strata scheme.

A Council resolution within 3 months of acquisition (i.e. by 7 August 2018) is required for the Land classification of operational.

FINANCIAL IMPLICATIONS

Nil provided that the land is classified operational. Otherwise, there will be some cost associated with managing the land as community land including the preparation of a plan of management.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

The public consultation notification was published on Your Say Inner West and IWC social media from 24 May 2018 to 23 June 2018. During the exhibition period, Council's Your Say Inner West website received the following response:

- No. of visitors who viewed the page - 162
- No. of visitors who clicked the page to download documents - 10
- No. of visitors who engaged and made an online submission - 5

Submission
Three submissions highlighted their support for more affordable housing in the Inner West.
RESPONSE
<p>This matter is not part of the scope to classify the land as operational.</p> <p>No change to the exhibited document is recommended.</p>
Submission
One submission inquired whether Council intended to dedicate community land for the development of affordable housing.
RESPONSE
<p>Council officer has advised the applicant the affordable units were acquired through a VPA.</p> <p>No change to the exhibited document is recommended.</p>

Submission
One submission stated whilst they appreciate the need for affordable housing Dulwich Hill does not need any more development.
RESPONSE
<p>This matter is not part of the scope to classify the land as operational.</p> <p>No change to the exhibited document is recommended.</p>

CONCLUSION

Council classifies land at Lot 8 and 47, 6-26 Grove Street and 60-64 Constitution Road, Dulwich Hill as operational land for the purposes of the *Local Government Act 1993*.

ATTACHMENTS

Nil.

Item No: C0718 Item 3

Subject: HENSON PARK - PROPOSED DEVELOPMENT

Prepared By: Cathy Edwards-Davis - Group Manager Trees, Parks and Sports Fields

Authorised By: Elizabeth Richardson - Deputy General Manager Assets and Environment

SUMMARY

Council has received a proposal from Newtown Jets, Sydney Swans and AFL NSW/ ACT to redevelop the grandstand at Henson Park, Marrickville. The report outlines some of the details of the proposal.

RECOMMENDATION

THAT:

- 1. The report be received and noted; and**
 - 2. Council staff continue to discuss the proposed development with Newtown Jets, Sydney Swans and AFL NSW/ ACT as outlined in the report.**
-

BACKGROUND

Council has received a proposal from Newtown Jets, Sydney Swans and AFL NSW/ACT to redevelop the grandstand at Henson Park, Marrickville.

At its meeting on the 27 February 2018, Council resolved that:

Officers provide a report to Councillors on the status of the proposed Henson Park upgrade and the potential partnership between Council, the Newtown Jets and Sydney Swans.

The proposal seeks to make alterations and additions to the rear of the existing grandstand building at Henson Park to improve the existing sporting facilities. The works include:

- Storage, reconfigure existing change rooms (basement);
- New change rooms, amenities (ground floor);
- New gym, office, meeting room, players lounge (first floor);
- Lift access to all floors.

The value of the works is approximately \$4 million, subject to further detailed design and estimates.

Currently, the grandstand and amenities areas are not accessible by people who are less mobile or in a wheelchair. One of the key community benefits of the proposal is that a lift will enable access and movement throughout the building and also into the covered spectator area of the grandstand.

The existing change rooms are in less than optimal condition and they are subject to occasional flooding. The change room facilities would be improved substantially.

The Clubs have advised that the siting of the proposed building to the rear of the existing grandstand has been planned to minimise any perceived visual or social impact on the

surrounding residents. By siting the new massing to the rear of the existing grandstand it will not create unreasonable overshadowing, privacy or visual bulk concerns for the surrounding land uses. Furthermore, the proposal to the rear of the existing grandstand is a positive utilisation of available space which is currently underutilised. It will also ensure that the movement of people within the RE1 zone including passive recreation activities such as walking and dog walking is unaffected by the proposal.

Should the development proceed, in recognition of the substantial \$4 million capital commitment invested by the Clubs, they are requesting a long term lease of the grandstand and a licence over the sporting ground. Henson Park is classified as community land. S46A(3) of the Local Government Act requires leases of community land greater than five years to be via tender unless to a not-for-profit organisation. If the lease is going to be greater than 21 years up to the maximum of 30 years, then it will require the Minister for Local Government approval.

Council has existing agreements with Newtown Jets and AFL (separately) for a non-exclusive seasonal licence for match play and training during the winter season at Henson Park for a period of 8 years commencing the 1 April 2017.

Should the proposal proceed, the expiry date for the lease of the grandstand and the licence over the sporting ground should be aligned.



Image 1: Photomontage of the proposed redevelopment

Alternative Options

The Clubs have investigated alternative options for the creation of new change rooms of sufficient size to accommodate elite AFL football and rugby league. This would entail a freestanding complex. Two locations were investigated, one to the immediate north east of the King George V Grandstand that integrated the existing canteen, public toilets and viewing tower and the other in the carpark to the south of the ground abutting the terrace seating. These options were dismissed for the following reasons:

Integrated with existing canteen, toilets and tower option – this elevated location requires an unacceptably steep access to the ground and disrupts the public circulation that circles the ground, an intrinsic attraction of Henson Park. It is too disruptive to one of the preferred, existing seating areas, needing to be cut into the hill to cope with required levels.

South carpark option – there were 2 issues with this isolated location. It is too far away from grandstand crowds, coaches boxes and officials and the incremental costs of servicing the building with power, water, sewerage and drainage were prohibitive.

History of Henson Park

Henson Park was a former brick pit. It was officially opened as a park in 1933.

The Newtown Rugby League Football Club was formed in 1908. Since 1936, Henson Park has been their home ground. The Newtown Jets compete in the NSW Cup competition and draw large crowds for home games.

The King George V Memorial Grandstand was completed in 1937.

Henson Park also hosts AFL matches, including the annual Community Cup charity match.

In 2017, both Newtown Jets and AFL contributed \$75,000 each for the upgrading of the sporting ground lights. In recognition of this capital contribution, they were given an eight year licence, as stated above.

Pre-DA Advice

A pre-development application was lodged by Newtown Jets and AFL in January 2017. The key issues identified, which would need to be addressed in any future DA include the following:

- Parking and access
- Heritage conservation
- Potential contamination
- Provision of compliant car parking and stormwater design, in accordance with the relevant Australian Standards
- Equity of access and mobility
- Access to be maintained to the concourse
- Construction management plan

Recreation Needs Study

Council is researching the current and future recreation needs of the Inner West Council area. This study will inform the development of Council policy and strategy to address existing needs and forecast for additional population and increasing densities as a result of new development. Council defines recreation as a broad spectrum ranging from unstructured activities like picnics, walking the dog and playing in parks to organised sport and everything in between. Further information on this project is available on Council's website:

<https://www.yoursayinnerwest.com.au/recreation-needs-study-my-urban-playground-inner-west>

The draft Recreation Needs Study: A Healthier Inner West is on public exhibition. It does not specifically identify the need to redevelop the grandstand at Henson Park.

Plan of Management

The Henson Park Plan of Management, adopted 19 February 2002, allows for the proposed development to proceed. It is noted that this document is 16 years old and is due for review.

Offer from Newtown Jets & AFL

To date, Council staff have had “in principle” conversations only with Newtown Jets and AFL. No detailed information has been provided to Council on any offer and/or proposed commercial arrangements for the proposed development and lease/ licence.

Currently, the grandstand and amenities areas are not accessible by people who are less mobile or in a wheelchair. One of the key community benefits of the proposal is that a lift will enable access and movement throughout the building and also into the covered spectator area of the grandstand.

The existing change rooms are in less than optimal condition and they are subject to occasional flooding. The change room facilities would be improved substantially.

Approval Process and Funding

Henson Park is classified as community land. S46A(3) of the *Local Government Act 1993* states that a lease or licence for a term exceeding 5 years may be granted only by tender, unless it is granted to a non-profit organisation.

Following Tender, Council may grant a lease up to 21 years. If the lease is going to be greater than 21 years, up to the maximum of 30 years, then it will require approval from the Minister for Local Government.

Should Council determine to go to Tender, staff would develop the tender specification, commercial terms which would be acceptable to Council and the assessment criteria for determining the preferred tenderer. The Tender would be publically advertised and it would allow other Clubs/ organisations to submit a proposal for the redevelopment of the grandstand at Henson Park.

Council's Properties, Major Building Projects and Facilities Group have undertaken an audit of all of Council's buildings. The audit identifies that Henson Park Grandstand building requires \$466,000 to be spent on renewal within the next 10 years. The draft prioritisation which is based on risk, condition, and current Long Term Financial Plan places this in the year 2025. The scope includes works to the external fabric, services (electrical/fire/mechanical/water), interior finishes, handrails. An annual maintenance allowance of \$50,000 has been recommended.

The scoreboard building identifies that \$124,000 is required to be spent on renewal in the next 10 years. The draft prioritisation which is based on risk, condition, and current Long term financial plan places this in the year 2020.

The proposed new redevelopment works are not identified in the ten year Long Term Financial Plan (LTFP) or Asset Management Plans. Newtown Jets and AFL have been advised of this, and they are investigating opportunities for grant funding.

Any advertised Tender would outline the proposed commercial terms. It is recommended that Council does not commit capital investment to the project, and that a cost neutral outcome is pursued. That is, the lease arrangements would ensure that all outgoings including ongoing maintenance and utilities are covered.

It should be noted that the proposed asset upgrade would result in a substantial long term increase in depreciation and maintenance costs to Council, after the 21 year lease period expired.

FINANCIAL IMPLICATIONS

Considerable staff time would be required to progress with the proposal to redevelop the grandstand at Henson Park. The commercial terms of the Tender, should it proceed, would be reported to Council as part of the tender assessment.

The proposed asset upgrade would result in a substantial long term increase in depreciation and maintenance costs to Council, after the 21 year lease period expired.

OTHER STAFF COMMENTS

This report was prepared in consultation with staff from Properties, Major Projects and Building Facilities and Legal Services.

PUBLIC CONSULTATION

It is not proposed to undertake public consultation at this time. Should this proposal proceed, public consultation will occur as part of any future Development Application.

CONCLUSION

Newtown Jets, Sydney Swans and AFL NSW/ ACT have proposed a substantial redevelopment to the grandstand at Henson Park, Marrickville.

It is recommended that Council staff continue to progress the discussions with the Clubs. These discussions should be on the basis that if Council were to proceed to open Tender:

1. Council would not commit a capital contribution to the project; and
2. The lease would require all outgoings, including ongoing maintenance and utilities to be paid for by the lessee for the term of the lease.

ATTACHMENTS

Nil.

Item No: C0718 Item 4

Subject: **AMENDMENT NO. 14 TO LEICHHARDT LOCAL ENVIRONMENTAL PLAN
2013 - 101 -103 LILYFIELD ROAD, LILYFIELD**

Prepared By: Gunika Singh - Strategic Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report relates to a draft amendment to *Leichhardt Local Environmental Plan (LLEP) 2013* for 101 - 103 Lilyfield Road, Lilyfield which seeks to increase the Floor Space Ratio (FSR) from 0.5:1 to 1:1, introduce a new height control of RL 35.73 equivalent to 5 storeys, and permit 'restaurants or cafes' and 'take away food and drink premises' on the ground floor.

The post-exhibition outcomes of the Planning Proposal were reported to Council on 25 July 2017 and it was determined by the Administrator that a Voluntary Planning Agreement (VPA) should be drafted and exhibited; and a request be submitted to Parliamentary Counsel to draft an amendment to LLEP 2013 in support of the Planning Proposal. This report provides an update on the progress of the VPA and the Planning Proposal following receipt of an Opinion from Parliamentary Counsel's Office and seeks Council's endorsement to make the plan.

RECOMMENDATION

THAT:

- 1. Council resolve to make the amendment to Leichhardt Local Environmental Plan 2013 for 101 - 103 Lilyfield Road, Lilyfield.**
- 2. Council delegate the plan making function for the above amendment to the Group Manager Strategic Planning.**
- 3. The Plan, once made, be forwarded to the NSW Department of Planning and Environment for publication.**

BACKGROUND

At its meeting on 25 July 2017, Council considered a report (Attachment 1) on the community consultation outcomes of the Planning Proposal for 101 - 103 Lilyfield Road, Lilyfield.

The Administrator determined (C07/17 Item 13) that Council:

- 1. Receive and note this report;*
- 2. Complete the drafting of a voluntary planning instrument in consultation with the Proponent and exhibit the Agreement in accordance with the Environmental Planning & Assessment Act 1979;*
- 3. Subject to resolution 2 above, request that an amendment to Leichhardt Local Environmental Plan 2013 be drafted by Parliamentary Counsel in support of this Planning Proposal that seeks an FSR of 1:1 and 'restaurants or cafes' and 'takeaway food and drink premises' up to 50 sqm on the ground floor as additional permitted uses on the land; and*
- 4. Include a height of building control that states the maximum height of development is 5 storeys or RL 35.73 to the top of the lift overruns.*

The intent of the *Leichhardt Local Environmental Plan 2013 Amendment 14* is to increase the FSR of site from 0.5:1 to 1:1, introduce a maximum building height of RL 35.73 to the top of lift overruns (5 storeys) and allow certain additional permitted uses on the land including 'restaurants or cafes' and 'takeaway food and drink premises'.

REPORT

The drafting of the Voluntary Planning Agreement (VPA) has now been completed. The draft VPA was exhibited between 8 May 2018 and 5 June 2018. The VPA relates to a monetary payment of \$250,000 to be allocated to affordable housing in the council area. The post exhibition outcomes of the VPA will be reported to Council on 24 July 2018.

On 1 May 2018, a request was sent to Parliamentary Counsel's Office (PCO) that an amendment to LLEP 2013 be drafted to reflect the Planning Proposal for 101 - 103 Lilyfield Road, Lilyfield in accordance with Council's 25 July 2017 resolution.

On 15 June 2018, Council received an Opinion from PCO that the plan can be legally made (Attachment - 2).

The draft plan is accompanied by amendments to the Floor Space Ratio (FSR), Height of Building (HOB) and Key Sites (KYS) maps of LLEP 2013. Consistent with the exhibited Planning Proposal, the draft LLEP maps:

- Amend the FSR of the site from 0.5:1 to 1:1;
- Introduce a Height of Building control of RL 35.73; and
- Identify the site as Key Sites within the proposed Additional Local Provision clause.

MAKING OF THE PLAN

The Gateway Determination issued on 18 January 2017 delegated Council to exercise the functions of the Minister for Planning under section 3.36 (previously s59) of the *Environmental Planning and Assessment Act 1979* in relation to the subject Planning Proposal to make this local environmental plan amendment.

It is recommended that Council delegate responsibility to the Group Manager Strategic Planning to make the LLEP 2013 Amendment No. 14. The Plan will come into effect the day it is published on the NSW legislation website.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

The Planning Proposal was exhibited for 35 days from Tuesday 11 April 2017 until Tuesday 23 May 2017. The post exhibition outcomes report (Attachment 1) was considered by Council on 25 July 2017 which recommended the support of the Planning Proposal as mentioned in the above resolution (C0717 Item 13).

CONCLUSION

It is recommended that Council resolve to make the amendment to LLEP 2013 as drafted and delegate this function to the Group Manager Strategic Planning. Once made, the Plan will be forwarded to the Department of Planning and Environment with a request that it be published.

ATTACHMENTS

1. [↓](#) Post exhibition outcomes report 25 July 2017 - 101 - 103 Lilyfield Road, Lilyfield
2. [↓](#) Parliamentary Counsel Final Opinion - LLEP Amendment No. 14

Item 4.

Item No: C0717 Item 13
Subject: 101-103 LILYFIELD ROAD PLANNING PROPOSAL REPORT
File Ref: 17/4718/76886.17
Prepared By: Svetlana Kotevska - Executive Strategic Planner
Authorised By: Simon Manoski - Group Manager Strategic Planning

SUMMARY

This Planning Proposal for 101 to 103 Lilyfield Road, Lilyfield seeks to amend Leichhardt Local Environmental Plan 2013 to increase the Floor Space Ratio (FSR) from 0.5:1 to 1:1 and permit 'restaurants or cafes' and 'take away food and drink uses' on the ground floor. The Planning Proposal has been publicly exhibited in accordance with the Gateway Determination. This report advises Council of the results of community consultation. A total of nine (9) submissions were received objecting to the Planning Proposal, three (3) submissions in support subject to a reduction in height, and a further submission by the Proponent seeking a greater FSR of 1.4:1. This report outlines the issues raised in the submissions and provides a response to these concerns.

RECOMMENDATION

THAT Council:

1. **Receive and note this report; and**
2. **Request that an amendment to Leichhardt Local Environmental Plan 2013 be drafted by Parliamentary Counsel in support of this Planning Proposal that seeks an FSR of 1:1 and 'restaurants or cafes' and 'takeaway food and drink uses' up to 50sqm on the ground floor as additional permitted uses on the land.**
3. **Include a height of building control that states the maximum height of the development is 5 storeys or RL 35.73 to the top of the lift overruns.**

BACKGROUND

The proponent's original Planning Proposal, was lodged with Council on 15 March 2016. The proposal sought to amend LEP 2013 to facilitate redevelopment of the site for a six storey mixed use development by:

- increasing the maximum floor space ratio for the site from 0.5:1 to 1.53:1; and
- introducing a maximum height of buildings of 22m.

Following consideration of the proposal against the NSW State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) and in response to concerns raised by Council officers, the proponent prepared an amended Planning Proposal to:

- increase the maximum floor space ratio for the site to 1:1 (the concept designs reflect a 5 storey built form); and
- introduce 'restaurant or cafes' and 'take away food and drink premises' as additional permitted uses for the site.

The amended Planning Proposal was reported to the Ordinary Council meeting held on 25 October 2016, where the Administrator determined (**C1016 Item 13**) that:

1. The attached Planning Proposal be forwarded to the Minister for Planning for a Gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*;
2. The Department of Planning and Environment be requested to delegate the plan making functions, in relation to the subject Planning Proposal, to Council;
3. Following receipt of a Gateway determination, and compliance with any conditions, the Planning Proposal and supporting documentation be placed on public exhibition for a minimum of 28 days and public authorities be consulted on the Planning Proposal in accordance with the Gateway determination; and
4. A report be presented to Council at the completion of the public exhibition period detailing submissions received and the outcome of consultation with public authorities.

Council received a Gateway Determination from the NSW Department of Planning and Environment on the 18 January, 2017. This required community consultation with residents and relevant authorities including Sydney Water, the adjacent land owner. The Gateway conditions also required that the Planning Proposal be updated to include concept schemes demonstrating compliance with SEPP 65, the ADG and address recent policies, being the Draft Central District Plan, prior to public exhibition.

FINANCIAL IMPLICATIONS

As this report relates to a policy change, it does not raise any financial obligation for Council. The Proponent has submitted an offer to enter into a Voluntary Planning Agreement with Council for the provision of affordable housing. This offer is currently being considered in accordance with Council's Interim Voluntary Planning Agreement Policy. The offer also includes payment of up to \$20,000 to cover Council's legal costs for negotiating the agreement. The VPA will need to be publicly exhibited as required by the Regulations prior to finalising the LEP amendment.

OTHER STAFF COMMENTS

Nil

PUBLIC CONSULTATION

In accordance with Gateway Determination requirements, the Planning Proposal was placed on public exhibition (**see Attachment 3**) for 35 days from Tuesday 11 April 2017 until Tuesday 23 May 2017. This extended exhibition period took account of the school holiday period.

- Approximately 179 notification letters were sent to owners and occupiers in the immediate vicinity of the subject site, including the occupiers of the Department of Housing building next door;
- A notice appeared in the Inner West Courier on Tuesday 11 April 2017;
- Sydney Water who owns the adjoining site was consulted;
- The planning proposal and supporting documentation were made available for viewing on the Inner West Council's 'Your Say' online community engagement hub;
- Hard copies of the relevant documents made available at Council's Wetherill Street Administration Centre and Leichhardt and Balmain Libraries.

PUBLIC EXHIBITION – SUBMISSIONS RECEIVED / ISSUES RAISED

During the exhibition period, Council's online site 'Your Say Inner West' received:

- 90 aware visitors - people who viewed the page
- 64 informed visitors - people who clicked to read more and download documents
- 8 engaged - people who made a submission online at Have Your Say

By the end of the exhibition period, this resulted in twelve (12) submissions to Council. In addition, the Proponent is seeking a higher FSR of 1.4:1 and lodged a submission during the public exhibition for Councils consideration and this is discussed separately below.

Of the twelve (12) public submissions received:

- nine (9) submissions (75%) object to the Planning Proposal
- Three (3) submissions (25%) support the planning proposal subject to a reduction in height to 2 to 3 storeys and reduced FSR

Issues raised by submissions

Submissions, objecting to the planning proposal, have raised a range of matters and issues they would like to see addressed (**see Table 1**).

Some of the issues are common to a number of the submissions.

The most common issues raised by respondents objecting to the planning proposal (Table 1) are:

- Excessive height of five storeys plus roof terrace;
- Loss of privacy;
- Density of 1:1 is excessive and an overdevelopment, sets a new precedent, results in a bulk and scale inconsistent with the existing dwellings / It is not a high density residential zone;
- Loss of views and outlook.

TABLE 1

Issues raised by objectors to the planning proposal	By number of respondents
Excessive height of five storeys plus roof terrace	8
Loss of privacy. Balconies, windows and a roof terrace overlook yards and dwellings	7
Density of 1:1 is excessive and an overdevelopment, sets a new precedent, results in a bulk and scale inconsistent with the existing dwellings. It is not a high density residential zone	5
Loss of views and outlook from properties atop the ridge blocked by the building height. The proposal is obtrusive	5
Overshadowing and loss of sunlight to neighbours dwellings and backyards	3
Acoustic privacy and noise concerns with future occupants using the roof terrace due to parties/entertainment at night and noise during construction	3
Increasingly scarce parking and traffic will get worse with the development and commercial premises	2
Landscape/existing rock outcrops/escarpment of the "Nanny Goat Hill" ridge will be visually and physically impacted by excavation. This is inconsistent with the natural unique character	2
Loss of trees, green space and disturbed microclimate. The trees true height/canopy are not accurately shown on the elevations. Trees protect privacy to yards and living areas	2
Existing rock escarpment/outcrop limits natural light, solar access and ventilation to units	2
Digging into the cliff face may cause future instability	1
Food and drink premises are incongruous with existing uses and has unacceptable impacts	1
Councils notification letter was obscure as it seemed like it only concerned the café	1
The new development at 107-109 Lilyfield Road has been developed using existing FSRs on a smaller block	1
The recently exhibited Draft FSR LEP Amendment No. 13 represents a comprehensive review that should be complied with	1
The development adversely impacts pockets of natural character and the environment. It takes away more than is on offer and isn't the kind of development IWC should advocate	1
This is a poor Planning Proposal given the sites inherent constraints and directly impacts on neighbours	1

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Trees and land upon which existing privacy screening is based are not currently maintained by the owner, reducing the trees life expectancy	1
Potential privacy concerns were raised by Council with my own DA resulting in its modification	1
Sydney Water infrastructure (sewerage) is present everywhere in and around this area that would be problematic and costly to move, restore or resolve in a new development	1
Loss of property values due to this proposed development	1
Commercial premises located on the street frontage is not in keeping with the character of the neighbourhood	1

Responses to issues raised by community consultation

The following tables are a summary of the key issues raised through the public exhibition, including Council responses.

ISSUE – Excessive height of five storeys plus roof terrace
Number of respondents commented on the issue – 8
RESPONSE
<p>The Planning Proposal density of 1:1 is reflected in a built form of five (5) storeys including ground floor café/parking and four residential storeys above plus a roof terrace. This is depicted in the concept urban design plans submitted in support of the proposal. This concept design shows that the lowest ground floor level is 15.73, the roof terrace finished floor level is RL 31.73 and the parapet is RL 32.73, 1m above. This equates to 17m, but excludes the lift overrun at an RL of 35.73, which is even higher than the parapet.</p> <p>Concern was also raised that a conservative estimate of the building height means it will be 18m tall excluding the roof terrace/lifts, which is 5 times greater than the Nanny Goat Hill Distinctive Neighbourhood wall height of 3.6m.</p> <p>Existing development surrounding the site includes a mix of one to two storey dwellings, townhouses currently under construction to the west and a 5/6 storey Public Housing development to the east.</p> <p>Given the slope of the land and the prominent ridge line traversing the site towards the rear, the development can be built into the existing ridge and rock outcrops. This means that its height, as viewed from neighbouring properties, has been minimised along with amenity issues arising from a five storey development. It is noted that the adjoining rear dwellings No. 12 and No. 14 on Garnet Avenue are predominantly two storeys at the rear of the site in height and are located on top of the prominent ridge line. The concept designs show, given the slope of the land/ridge, that the height of the proposed building envelope at five storeys is not as visually imposing on these neighbouring properties as the development would visually present as a two to three storey building when viewed from Garnet Avenue. Similarly, the adjoining single storey dwelling to the west on Lilyfield Road is located on top of the ridge line, such that this concept design would appear as a three storey built form relative to this one storey dwelling.</p> <p>A reduced height of 2-3 storeys would not be feasible on this site given its constraints. The Proposed density/FSR of 1:1 as reflected in a five storey proposal limits overshadowing of adjoining properties and can be designed to mitigate privacy concerns with offset balconies to living areas and windows from neighbouring properties to reduce the privacy impacts. The roof terrace incorporates planter boxes along the perimeter edge to the whole terrace to aid screening and minimise any loss of visual and acoustic privacy.</p>

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Council sought a height of building control for this Planning Proposal as part of a Gateway Determination, as stated in the original report to Council dated 25 October 2016. This was not, however included in the Gateway Determination issued by the Department of Planning and Environment. The concept design plans in support of a Planning Proposal for a 1:1 FSR show a five storey built form plus a roof terrace with a lift overrun to a RL of 35.73. This is consistent with the neighbouring public housing development. It is recommended that Council seeks to include a height of building control that states the maximum height of the development is 5 storeys or RL 35.73 which is to the top of the lift overrun and will include the roof terrace.

There is also potential that the concept development may have to be redesigned to avoid Sydney Water infrastructure/easement, and reconfigured to a greater height on a smaller building footprint. To ensure the concept design for a FSR of 1:1 over 5 storeys is not greatly increased in height, a height of building control is essential as part of this Planning Proposal. This will minimise any potential adverse streetscape concerns relating to the future character of the area such that the future development is not higher than the adjoining Department of Housing development, and minimise overlooking of neighbours properties. It will also help to maintain the heritage significance of the Sydney Water sewer vent. Without a height of building control, the proposed concept design can be reconfigured with a subsequent DA to propose a higher building/ greater number of storeys.

ISSUE - Loss of privacy. Balconies, windows and a roof terrace overlook yards and dwellings

Number of respondents commented on the issue – 6

RESPONSE

The Planning Proposal shows conceptual design for a 5 storey development comprising eight (8) units over four (4) residential storeys above a ground floor café and parking area. This is an additional six units on the site. Two units are located on each residential floor level, one facing the rear (north) and the other orientated towards Lilyfield Road to the south. Four dwellings face the rear boundary. Excavation would be required into the rock face and ridge to facilitate the concept development shown. Many of the surrounding single storey and two storey residential dwellings are located on top of the existing ridge. As such, the proposed concept development would have the appearance of three storey residential development when viewed from the rear yards of the Garnet Avenue properties, as compared to a five storey development. Of the four units on the north elevation, only 3 units would have an outlook to Garnet Avenue.

The proposed setbacks to the side and rear boundaries of 6m, in addition to the neighbouring dwellings setbacks provides for separation between dwellings to minimise the opportunities for overlooking. The dwellings to the rear at Nos. 10, 12 and 14 Garnet Avenue that adjoin the sites northern boundary are setback from this rear boundary between 7.8m to 9m. Combined with the concept proposals 6m setback, this separation is a minimum of 13.8m.

The top residential level on the fifth storey should be setback 9m from the rear northern boundary to provide greater building separation, as per the SEPP 65 Apartment Design Guide, building separation control 2F that requires the fifth storey of a building to have a 9m setback between habitable rooms on each site which is a total of 18m building separation. This is not achieved on this site as there is 13.8m building separation. Compliance in this regard can be demonstrated at a future DA stage with opportunities for a reduced front building setback.

To further address privacy concerns, the design of the concept development has offset balconies to the north-west of the site, 6m side and rear boundary setbacks, and in addition, landscaping/trees can be used, including fast growing species to protect privacy.

The roof terrace incorporates planter boxes along the entire perimeter and edge of the terrace to facilitate screening and minimise any potential loss of visual and acoustic privacy. Privacy screening measures such as louvers to balconies along the north-west elevation, raised window sill heights to the dining room and bedroom 1 on each floor level to a 1.5m

minimum sill height, along the north elevation, can be used to minimise privacy impacts and overlooking of rear neighbour's properties. Should this Planning Proposal be supported, such privacy screening measures can be reflected in a future Development Application.

ISSUE – Density FSR of 1:1 is excessive and an overdevelopment, sets a new precedent, results in a bulk and scale inconsistent with existing dwellings. It is not a high density residential zone

Number of respondents commented on the issue - 5

RESPONSE

The Planning Proposal density of 1:1 represents a 50% increase on the permissible FSR of 0.5:1 and a 40% increase based on the proposed 0.6:1 FSR recently exhibited and supported by Council as part of Draft LEP Amendment No. 13. The Proposal density of 1:1 is reflected in a concept design scheme of five storeys plus a roof terrace.

The concept design plans show that even with this significant increase in density, the built form is not unsympathetic to the existing surrounding development and with minor changes to increase the fifth storey rear setback, compliance can be achieved with the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development Apartment Design Guide (the Gateway Determination required the planning proposal to demonstrate compliance with the Apartment Design Guide).

The proposed density of 1:1 represents a significant change from existing dwellings that are one to two storeys, however it is considered to not be inconsistent with the desired future character given that the potential amenity impacts arising from such a development have largely been mitigated and it is consistent with the adjoining public housing development to the east that is five to six storeys in height. The concept design includes landscaping in the proposed front setback and a narrow building footprint and a façade that does not dominate the street.

A concern was also raised that the proposed development includes recently purchased crown land which was added to the lot only to increase the FSR and council should exclude this parcel from FSR calculations. There is no evidence to suggest that such a purchase has occurred and the existing buildings erected on the land have been present since the late 1970s based on aerial photography.

The increased density on the site results in an additional six dwellings on the site and a total of 8 dwellings located 150m from a light rail station. This can be supported from a strategic perspective and is consistent with relevant local and state strategies that support increased housing close to jobs and transport.

The area is not a high density residential zone. Council only has one general residential zone, however there is a mix of densities immediately adjoining the site, with both one and two storey dwellings and a five to six storey residential flat building that the Planning Proposal is consistent with in terms of building height. Residents pointed out that the public housing apartment block adjoining the site was built in the middle of last century and should be excluded from the assessment of the local area.

The proposal does not unreasonably overshadow neighbouring properties because it is located to the south and east of the single residential dwelling houses. These surrounding one and two storey dwellings are located on top of the ridge and therefore less likely to be impacted by this development as the height of the proposal when viewed from these properties is up to 3 storeys instead of the full five storeys. The development provides a setback to the east, west and northern boundary. The fifth storey setback is currently six (6) metre, a nine (9) metre setback can be conditioned at the Development Application stage to provide additional building separation along with adequate privacy screening measures to minimise potential overlooking.

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The development provides adequate internal amenity to the proposed units. As such the Planning Proposal is not considered to be an overdevelopment of the site. All planning proposals and development applications are assessed on their merits as such this proposal does not set an undesirable precedent for the area.

ISSUE – Loss of views and outlook from properties atop the ridge and the proposal is obtrusive

Number of respondents commented on the issue - 4

RESPONSE

A prominent ridge line/rock escarpment traverses the site and many surrounding residential dwellings are located on top of this ridge. There is the light rail and city west link to the south of the subject site. To the east of the site are significant and iconic views of the Sydney CBD and city skyline.

As the site is situated to the south of the rear dwellings on Garnet Avenue, that sit on top of a prominent ridge line, their significant views east to the Sydney CBD will not be impacted by this Planning Proposal. The property to the west of the site at 105 Lilyfield Road's existing views east are likely to be obscured by the existing five to six storey public housing development and any view obtained from the front of their dwelling will be maintained as the front setback of the concept design is 6m, such that there will be no significant view loss as a result of this Planning Proposal.

The concept design's view analysis diagram shows that the rear properties along Garnet Avenues view and outlook to the south is towards the existing mature trees on the rear of the subject site, with distant district views of the Spire of the Hunter Baillie Memorial Presbyterian Church, Annandale between trees, as shown in the photograph. While this view may not be significant, a view of the church spire is likely to be maintained from a habitable room window, given the eastern boundary setbacks to the proposed development as shown in the concept design.



The outlook to the mature trees that the existing Garnet Avenue properties currently enjoy will be impacted by the proposed development, as many of these trees are likely to be removed to facilitate the proposal. The view will be replaced by the façade of a residential flat building and the north elevation of the proposed development (only 3 storeys given the ridge and slope of the land -refer to Proponent's photography below showing the existing view and the wireframe outline of the concept building design). The loss of this outlook due to the removal of trees may only be short term. Future planting, landscaping and trees on the subject site will grow to reach maturity and replace any existing trees lost and reinstate the current outlook enjoyed from the rear of the residential properties, one of dense trees and greenery.

The Leichhardt DCP Clause 3.10 View Sharing controls do not apply to this Planning Proposal as it does not impact on water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Sydney Tower). Such views are more highly valued than district views or views without significant landmarks.


ISSUE - Overshadowing and loss of sunlight to neighbouring dwellings and backyards

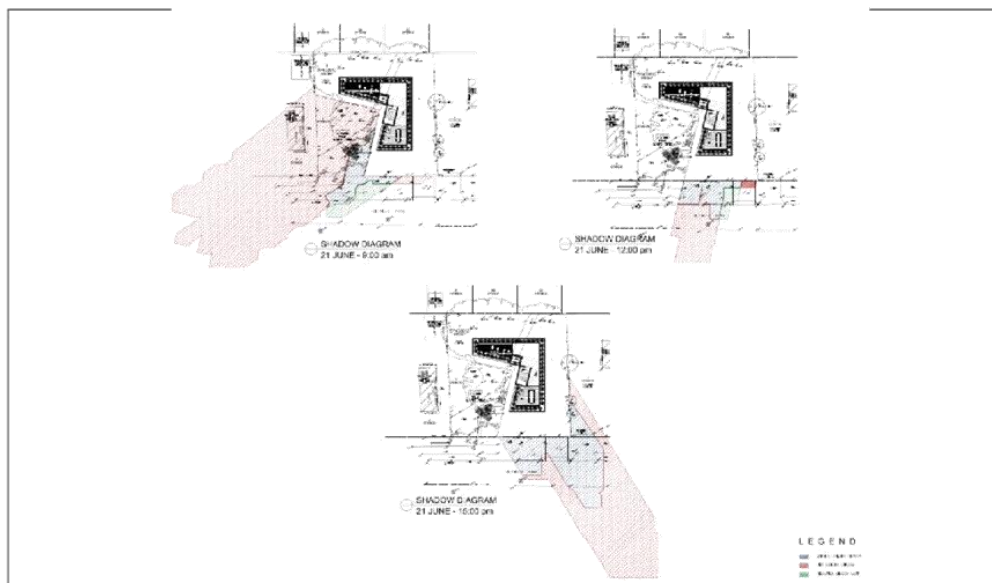
Number of respondents commented on the issue - 2

RESPONSE

The concept designs submitted in support of this Planning Proposal show that the development does not unreasonably overshadow neighbouring properties. The site is located to the south of the dwellings facing Garnet Avenue and to the east of 105 Lilyfield Road. These one and two storey dwellings are located on top of the ridge and therefore less impacted by this development. The Solar access diagrams submitted with the concept design scheme show that the shadow cast by the development predominantly falls onto the street, Lilyfield Road. A shadow is cast over the dwelling at 105 Lilyfield Road at 9am but by midday there is no shadow cast on this property. This dwelling will receive adequate solar access from midday onwards in mid June (21 June). Further, their principal open space/yard area is not overshadowed (refer to Proponent's shadow diagrams below). The shadow does not extend as far as the property at 107 Lilyfield Road which is not impacted by overshadowing.

In addition, Part C3.9 of Clause C17 in Leichhardt DCP 2013 requires that new developments must ensure that solar access is retained for three hours between 9am and 3pm to 50% of the total area of adjoining existing dwellings with north facing private open space during the winter solstice. The proposal complies with this requirement.

There is minimal overshadowing on the driveway of the adjoining public housing development to the east at 99 Lilyfield Road, Lilyfield. There is no shadow impact on the properties located to the rear on Garnet Avenue as they are located to the north and the subject site is located to the south of these properties as shown on the diagrams for the 21 June.



ISSUE - Increasingly scarce parking and traffic will get worse with the development and commercial premises

Number of respondents commented on the issue - 2

RESPONSE

The concept design provides seven (7) car spaces including a stacked space that caters for the parking generated on site. This complies with the minimum car parking rates required by Leichhardt Development Control Plan 2013 of 4 to 6 spaces for the residential component and 1 space per 80 sqm to café/restaurants or 1 space per 100 sqm for takeaway food and drink premises. The Proposal is unlikely to impact on parking on Lilyfield Road or neighbouring streets given that parking demand is accommodated on site and also the close proximity of public transport, including the light rail 150m away. The ground floor plan shows the open car parking spaces, and the dimensions would comply with relevant standards.

ISSUE - Existing rock escarpment/outcrop limits natural light, solar access and ventilation to units

Number of respondents commented on the issue - 2

RESPONSE

Due to the rock escarpment, the slope of land with an RL of 23 atop the ridge in the rear yard and the residential first floor Finished Floor Level of 19.33 RL, the lowest residential units appear to be potentially overshadowed by the slope itself. The proponent's solar access diagrams show that Unit 2 along the rear north elevation on the first floor will receive adequate sunlight, 3.5 hours where the minimum required under the Apartment Design Guide is 2 hours. The units can also be adequately cross ventilated with openings along three elevations to the north, west and east elevations.

ISSUE - Landscape/existing rock outcrops/escarpment of the "Nanny Goat Hill" ridge will be visually and physically impacted by excavation. This is inconsistent with the natural unique character

Number of respondents commented on the issue - 2

RESPONSE

The landscape/existing rock outcrops/escarpment of the "Nanny Goat Hill" ridge will be impacted by the excavation required to facilitate this development. A submission also pointed out the Planning Proposal refers to the Draft Central District Plan Sustainability Priority #8

"Improve protection of ridgelines and scenic areas" and another submission is concerned that there will be a significant loss of landscaped area when compared to what is currently existing on the site, and the landscaped area is unlikely to survive construction and unlikely to comply with the Apartment Design Guide (ADG).

The proposed rear boundary setbacks of 6m will provide for deep soil planting and landscaping. The proposed rear landscaped area is 241.8sqm and complies with the ADG that requires 7% of the site area to be deep soil zone, and 37% is provided. In addition to the neighbouring dwellings setbacks, separation exists between dwellings to allow adequate tree planting.

There is an existing two storey building on the site and a building accommodating a café use currently located at the bottom of the existing rock face. The concept designs show a much larger building footprint on the site that would require excavation into the ridge and rock face. Towards the southern boundary and the front of the property along Lilyfield Road, the existing rock face is visible. This front section of the rock face to the south-west boundary is to be maintained by the proposed new development. The concept design incorporates 6m side and rear boundary setbacks which reduces the extent of excavation on site and maintains the rear sections of the existing rock face that are currently not visible from the street as the existing site buildings block views to it.

It is noted that the nearby townhouse development at 107-109 Lilyfield Road that is currently under construction shows significant excavation into the sandstone rocks/ridge to facilitate a basement car park and five dwellings.

ISSUE - Loss of trees, green space and disturbed microclimate. The trees true height/canopy are not accurately shown on the elevations. Trees protect privacy to yards and living areas

Number of respondents commented on the issue - 2

RESPONSE

An Arboricultural Impact Assessment (AIA) report prepared by Urban Forestry Australia was submitted with the Planning Proposal that assessed the vigour and condition of 23 surveyed trees on the site and adjoining the site. The proponent's AIA report recommends:

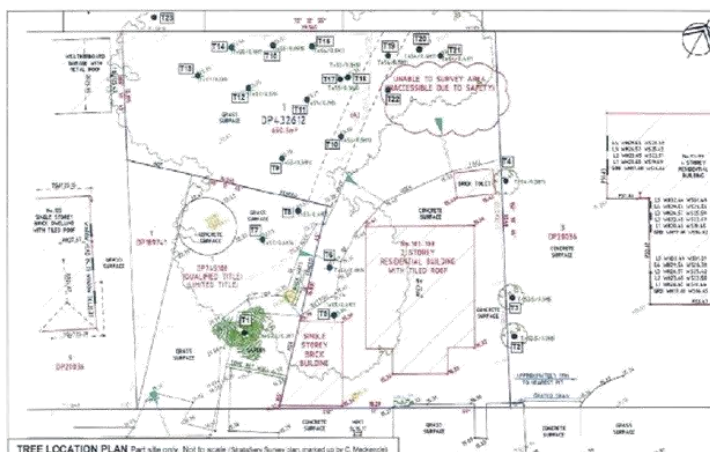
- Removal of eleven (11) prescribed trees (greater than 6m height and having a trunk diameter of more than 200mm)
- The basis for the removal is that these trees fall within or are too close to the proposed development footprint
- Removal of three (3) non-prescribed trees/or weeds of local significance on the site
- Six large mature trees in the north-east corner of the site are recommended to be removed regardless of a development proposal due to structural defects posing issues with risk, safety and site management.
- Retention of two (2) trees on the site being Tree No. 13 a Silky Oak and Tree No. 14 Red Ironbark to the sites north-western corner. Although, tree 14 is also listed as a mature tree recommended for removal, so it is unclear whether this would be retained.
- No trees on adjoining properties are proposed to be removed.

Many of the trees proposed to be removed are located along the rear northern boundary and are mature, with heights of between 12m and 20m (Trees 13, 14, 15, 16, 19, 20 and 21). Since they are not located within the concept designs building footprint, their retention should be investigated at the Development Application stage subject to adequate Tree Protection zones being maintained.

Should the concept design propose a built form located further towards the front boundary, this may provide for additional tree retention on site and help maintain privacy. The proposed development will disturb the local micro climate however there is the potential for this to adapt and for new trees to be planted within the 6m rear setback to help reinstate the green space and microclimate benefits of having trees, urban canopy from tree cover and a variety of

species. The Apartment Design Guide requires 1 medium tree per 50m² of deep soil zone such that a minimum of 4 medium trees would need to be provided.

The concept design elevation plans show some trees, however the concept design's northern elevation drawing does not accurately reflect their existing heights as they are mature trees. It should be noted that there are other measures that can be implemented into the development to protect privacy including new tree planting and privacy screening devices such as offset windows and balconies or raised window sill heights above 1.5m.



ISSUE - Acoustic privacy and noise concerns with future occupants using the roof terrace with parties/entertainment at night and noise during construction

Number of respondents commented on the issue - 3

RESPONSE

The concept design shows a roof top terrace as the principal open space for the proposed development, with a BBQ area and a deck with seating. This may give rise to minor acoustic privacy impacts to neighbouring residents. The roof terrace incorporates planter boxes along the entire perimeter and edge of the terrace that will facilitate planting, and landscape screening. If densely planted with appropriate species, such planting may provide an additional buffer to mitigate against the loss of privacy. Also the proposal is setback 6m from the rear boundary. There is also another landscaped area provided to the rear of the property that can be utilised for residents for passive open space, subject to the design incorporating access thereto, this further mitigates the loss of acoustic privacy. In the event that late night parties occur and residents are unreasonably impacted, they are entitled to their normal recourse to report the matter to the police.

It is noted that there is an existing roof terrace to the sixth storey of the existing public housing development to the east of the site that appears to be used for clothes drying purposes refer to photo.

There will be noise generated during construction of the development, however this will be a short-term impact. Construction can only occur during limited daytime hours that will be conditioned as part of any future Development Application.



ISSUE - Digging into the cliff face may cause future instability

Number of respondents commented on the issue - 1

RESPONSE

Should this Planning Proposal be supported, this issue around structural stability of the existing rock cliff face that needs to be excavated, can be managed and addressed at a future development application stage. It is noted that the approved townhouse redevelopment at 107 to 109 Lilyfield Road, Lilyfield involved a geotechnical investigation report that was prepared by a suitably qualified engineering geologist. This will also be required by Council to determine structural stability with any future Development Application submitted to Council for the site. High quality construction methodology and techniques will be required to limit the potential for any damage to the neighbouring properties.

ISSUE - Food and drink premises are incongruous with existing uses and has unacceptable impacts

Number of respondents commented on the issue - 1

RESPONSE

This Planning Proposal does not include 'food and drink premises' as an additional permitted use on the site because pubs and small bars are inappropriate in this location. As such Council required the applicant to amend their Planning Proposal to only include restaurant or café and take away food and drink premises as additional permitted uses. Further, Council proposes to limit these uses to a maximum floor space of 50sqm to minimise any potential amenity impacts. These uses, defined as follows, are appropriate:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

It is not considered that these additional permitted uses would be incongruous with the existing uses in the nearby vicinity, with an existing café already operating on site and with the proposed limits to the scale the impacts are likely to be similar.

ISSUE - Councils notification letter was obscure as it seemed like it only concerned the café

Number of respondents commented on the issue - 1

RESPONSE

Councils' notification letter clearly stated twice in the subject heading and within the body of the letter that the Planning Proposal also sought to increase the sites floor space ratio as well as allow for additional permitted uses. The relevant sections of Councils notification letter are extracted below:

- "Have your say on a planning proposal to permit restaurants or cafés and takeaway food and drink premises, and increase the Floor Space Ratio"
- increase the sites Floor Space Ratio (FSR) from 0.5:1 to 1:1. Floor Space Ratio is the ratio of a building's overall floor area to the size of its site.
- amend the FSR and additional permitted uses LEP 2013 maps accordingly

Council's advertisement in the Inner West Courier also stated that the Planning Proposal sought to increase the FSR.

ISSUE - The new development at 107-109 Lilyfield Road has been developed using existing FSRs on a smaller block

Number of respondents commented on the issue - 1

RESPONSE

A development application for a nearby townhouse development was approved by Council officers. The FSR applicable was 0.5:1. Council officers approved an FSR of 0.69:1 as the proposal was assessed to have merit. The Planning Proposal under consideration seeks an increased FSR of 1:1 to facilitate eight residential units is considered to have planning merit

without significant adverse impacts on neighbours amenity.

ISSUE - The recently exhibited Draft FSR LEP Amendment No. 13 represents a comprehensive review that should be complied with

Number of respondents commented on the issue - 1

RESPONSE

Leichhardt Draft LEP Amendment No. 13 – Floor Space Ratio was recently exhibited and is a comprehensive review of floor space ratio across the former Leichhardt Local Government Area. This draft LEP proposed a FSR of 0.6:1 for the Lilyfield area on sites greater than 450sqm which includes the subject site. However, site specific Planning Proposals can be lodged seeking changes to Councils development standards, in this case the FSR which the Proponent is seeking to increase to 1:1. The original Planning Proposal as submitted by the Proponent sought an FSR of 1.53:1. However, the amenity impacts of this FSR at this scale was assessed by Council officers as unacceptable and Council staff advised the Proponent to reduce the FSR to a maximum of 1:1. At its meeting on the 25th October 2016 Council officers report stated that an FSR of 1:1 had potential merit on this site. As such, Council resolved to support this increased FSR of 1:1 for this site and to forward the Planning Proposal to the Department of Planning and Environment for a gateway determination. Council officers assessed the concept design schemes submitted in support of the 1:1 Planning Proposal against relevant policies, in particular SEPP 65 and the Apartment Design Guide, and determined that the proposal had merit and could achieve compliance.

ISSUE - The development adversely impacts pockets of natural character and the environment. It takes away more than is on offer and isn't the kind of development IWC should advocate

Number of respondents commented on the issue - 1

RESPONSE

The existing natural character on this site includes the trees present and existing landform/rock shelf. The environment will be impacted by a future development proposal, however, this is not considered to be significant. There is the potential for the local environment to adapt in response to this future development with new trees and plantings within the 6m rear setback, a rooftop terrace with landscaping and deep soil zone to help reinstate the green space, tree canopy and natural character. While excavation of the rock shelf is required to facilitate a redevelopment, a section to the rear will be retained as part of the rear setback.

ISSUE - This is a poor Planning Proposal given the sites inherent constraints and directly impacts on neighbours

Number of respondents commented on the issue - 1

RESPONSE

The site is constrained due to the L-shaped lot configuration, however the Planning Proposal shows that conceptual designs for a 5 storey development comprising eight (8) units over four (4) residential storeys can work with the existing natural features without significant adverse impacts on surrounding residential amenity.

The majority of the surrounding single storey and two storey residential dwellings are located on top of the existing ridge. Also, the subject site is located to the south of the single residential dwellings along Garnet Avenue such that there is no overshadowing. To the west of the site is a single residential dwelling at 105 Lilyfield Road and this property's rear boundary only is shared with the subject site, as it is partly separated by the Sydney Water land parcel. As such overshadowing of this property is minimal and limited to the morning.

The proposed side and rear boundary setbacks of 6m, in addition to the neighbouring dwellings setbacks, provides for adequate separation between dwellings, and minimises opportunities for overlooking. The 6m setback to the fifth residential storey can be increased to 9m to the rear boundary to comply with the ADG.

As such, the concept design minimises the impacts on surrounding neighbours in terms of amenity, privacy and solar access and it is not considered a poor Planning Proposal.

ISSUE - Trees and land upon which existing privacy screening is based are not currently maintained by the owner, reducing the trees life expectancy

Number of respondents commented on the issue - 1

RESPONSE

This issue is not strictly relevant to this Planning Proposal as it relates to a current property maintenance concern that is pre-existing and needs to be taken up with the land owner.

ISSUE - Potential privacy concerns were raised by Council with my own DA resulting in its modification

Number of respondents commented on the issue - 1

RESPONSE

This issue is not strictly relevant to this Planning Proposal as it relates to a previous development application for the erection of a dwelling house on a neighbouring property and Council raised privacy concerns that needed to be addressed. Any potential privacy concerns with this Planning Proposal can be addressed and dealt with as part of a future Development Application.

ISSUE - Sydney Water infrastructure (sewerage) is present everywhere in and around

this area that would be problematic and costly to move, restore or resolve in a new development

Number of respondents commented on the issue - 1

RESPONSE

There is a sewer easement over the subject site. The adjoining site to the west at 103A Lilyfield Road, Lilyfield is owned by Sydney Water and significant sewer infrastructure is present both above ground (heritage sewer vent) and underground (Bondi Sewer Main). The depth of this sewer main and easement is unknown. Council was required to consult with Sydney Water on the abovementioned Planning Proposal in accordance with the Department of Planning and Environment Gateway determination condition and section 56(2) of the Environmental Planning and Assessment Act, 1979. Council wrote to Sydney Water on the 11 April, 2017 to advise of the public exhibition of this Planning Proposal. Sydney Water in response advised of the following, extracted below:

"Thank you for notifying Sydney Water of the proposed development listed above. We have reviewed the proposal and can provide the following comments for your consideration.

Due to the proximity of the proposed development to Sydney Water assets, we recommend that Council imposing the following conditions of consent:

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early 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."

Sydney Water's response is relevant to a future Development Application. Council reiterated to Sydney Water that this was a Planning Proposal and no response was provided. The proponent has also sought advice from Sydney Water to no avail as they are concerned with detailed designs submitted after a Development Application has been approved by Council. The concept design proposed will involve a significant cut into the rock wall to facilitate the development where the Sydney Water easement appears to be located. This is due to the sites topography, a ridge line and rock wall. Should this Planning Proposal proceed and a future DA lodged, a Section 73 certificate and Sydney Water approval will be required where there are any potential modifications to their infrastructure.

The proponent had contacted Sydney Water with the intent to purchase their land as it adjoins the subject site and could have potentially enabled a larger redevelopment site. In an e-mail from Sydney Water to the Proponent dated 22 November, 2016 it states that *"the land is operational and is not surplus to Sydney Waters operational requirements"* and also that *"due to the operational complexity of the site, Group Property cannot, at this stage, provide you with any confirmation regarding the likelihood of a change to the land of its current Non Surplus status"*.

Therefore a height of building control is essential as part of this Planning Proposal to ensure that if a reconfiguration is required to to avoid Sydney Water infrastructure or redesign around, there is no increase in height above 5 storeys. This was always Council's intent as stated in the original report to Council which sought this in the gateway conditions.

ISSUE - Loss of property values due to this proposed development

Number of respondents commented on the issue - 1

RESPONSE

There is no evidence presented to suggest that this Planning Proposal will result in a loss of

property values and this is not a relevant matter for consideration in this Planning Proposal.

ISSUE - Commercial premises located on the street frontage is not in keeping with the character of the neighbourhood

Number of respondents commented on the issue - 1

RESPONSE

Based on the survey plan submitted, the existing single storey brick building housing the café on the site, is located on the property boundary, with the two storey flat building located approximately 2.7m from the front boundary with Lilyfield Road. The concept designs show a café component on the boundary and this will assist to activate the street frontage and is not inconsistent with the established streetscape character.



Support for the proposed LEP amendment

ISSUE – Support a reduced height to 2-3 storeys on a small site

Number of respondents commented on the issue – 3

RESPONSE

A reduced height of 2-3 storeys is unlikely to make redevelopment of the site feasible given the site constraints. The Proposed density/FSR of 1:1, as reflected in a five storey proposal, limits overshadowing of adjoining properties and can be designed to mitigate privacy concerns with offset balconies to living areas and windows from neighbouring properties to reduce the privacy impacts. Also, given the slope and topography of the land, the proposal presents at the rear of the Garnet Avenue properties as only a three storey development. Also the proposal is consistent in height with the five to six storey residential flat building adjoining the site on Lilyfield Road.

ISSUE – Support in principle to increased floor space and uses as a useful public amenity but only if the number of storeys is limited to 3 at a maximum with a similar height to the existing 2 storeys and existing FSR

Number of respondents commented on the issue – 2

RESPONSE

It is acknowledged that the proposed uses can be considered a useful public amenity as the existing café is well utilised by local workers and residents.

A reduced height of 2-3 storeys is unlikely to make redevelopment of the site feasible given the site constraints. The Proposed density/FSR of 1:1, as reflected in a five storey proposal, limits overshadowing of adjoining properties and can be designed to mitigate privacy concerns with offset balconies to living areas and windows from neighbouring properties to reduce the privacy impacts. Also, given the slope and topography of the land, the proposal presents at the rear of the Garnet Avenue properties as only a three storey development. Also the proposal is consistent in height with the five to six storey residential flat building adjoining the site on Lilyfield Road.

Proponents Submission seeking an increased FSR of 1.4:1

During the public exhibition, the Proponent made a submission seeking an increased FSR of 1.4:1 as part of this Planning Proposal. Council officers assessed the concept design schemes for an FSR of 1.4:1. The assessment revealed that poor amenity outcomes would likely result, for both future residents of the development and the existing neighbours as a consequence of an increased density on the site, and additional non-compliances with the Apartment Design Guide (ADG). Compliance with the ADG with an FSR of 1:1 is only just achieved, with the exception of the required 9m setback to the fifth storey where compliance is not achieved. Following a meeting with the Proponent, Council officers outlined their serious concerns with the submission seeking a higher FSR of 1.4:1 and recommended that the Proponent withdraw their submission. However, the Proponent advised they would still like Council officers report on their submission.

This is the Proponent's third request to amend the sites FSR and the following background is relevant:

1. Original Planning Proposal FSR sought an FSR of 1.53:1;
2. Amended Planning Proposal with an FSR of 1:1. This was supported/recommended for a gateway by Council;
3. Submission made during public exhibition seeking an FSR of 1.4:1. This is considered in detail below.

With any increase in density to an FSR of 1.4:1, residential amenity is compromised and on this basis cannot be supported. The main issues of concern with a proposed FSR of 1.4:1 are:

- visual and acoustic privacy impacts;
- insufficient side and rear boundary setbacks, including a zero lot line to the boundary with Sydney Water;
- poor residential amenity with the increased number of dwellings to 12;
- inadequate natural ventilation;
- poor solar access;
- increased density/bulk and scale not consistent with the character of the area.

Brief outline of Proponents submission seeking an FSR of 1.4:1;

- This is reflected in a five (5) storey development comprised of 4 residential storeys above a ground floor café.
- Side and rear setbacks decreased to west, east and southern boundary from 6m at the 1:1 FSR:
 - East setback: 4.5m to non-habitable rooms and 6m to habitable rooms up to 4 storeys. While this complies with ADG 3F-1, there are limited habitable rooms with windows along the east elevation reducing opportunities for solar access and ventilation and therefore compromising residential amenity.
 - The fifth storey should be setback 9m from all boundaries. This does not comply.
 - West setback is 4.725m with a blank wall.
 - Nil boundary setback to Sydney Waters boundaries to the south and west. Sydney Water correspondence in Appendix C, states *"due to the operational complexity of the site, Group Property cannot, at this stage, provide you with any confirmation regarding the likelihood of a change to the land of its current Non Surplus status"*.

Visual privacy concerns

- The additional density of 1.4:1 results in 8 northern facing units to the rear and increased overlooking of neighbouring properties. This compares with only four units facing neighboring dwellings on Garnet Avenue under the proposed 1:1 FSR. This increased density adversely impacts on visual privacy. Many submissions from Garnet Avenue residents were received objecting to the development including for reasons relating to visual privacy impacts. The density of 1.4:1 results in additional dwellings overlooking rear yards and cannot be justified or supported.
- The fifth storey should be setback 9m in compliance with the ADG to protect privacy.
- The private open space located on the rooftop with increased number of dwellings and residents exacerbates the adverse impacts on both visual and acoustic privacy.

Acoustic privacy concerns

- Given the proximity to noise sources such as the light rail, City West Link, noise attenuation would be required to balconies along Lilyfield Road such as enclosures which may limit solar access.
- The bedrooms of Units 2, 5, 8 and 11 are located next to the communal foyer lift entry where acoustic privacy is compromised. Non-habitable bathrooms could be relocated here to buffer noise and improve solar access to the bedrooms

Natural Ventilation concerns

- The lack of openings to the side elevations to enable reduced side boundary setbacks, compromises residential amenity to future occupants by reducing both solar access and natural cross ventilation. The FSR of 1:1 proposal has living rooms and balconies facing east and west that would receive solar access and ventilation.
- All 8 units in the exhibited 1:1 FSR proposal were dual aspect apartments facing both north/east and north/west and also south/east but at this greater density of FSR to 1.4:1 shows that four (4) units have lost their dual aspect which curtails cross ventilation due to blank facades without openings and poor dwelling layout/configuration.
- The development is proposed to be built to the boundary on a zero lot line to the Sydney Water allotment further limiting natural ventilation.
- The west and east elevations have no openings along their facades with the exception of a small walk in wardrobe window associated with four (4) units to the north-east. These units do not receive adequate ventilation via 1.55m² small window that does not appear openable.
- The exhibited FSR at 1:1 concept design showed the bedrooms with both north and east facing windows for solar access and ventilation that can be offset from the neighbouring property to the east or louvered for privacy.
- In accordance with the ADG, clause 4B.1.1 requires that the buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms – this is not achieved. The ADG requires that 66% of units are adequately ventilated, it is more likely that only 33% achieve this and this does not comply with ADG Objective 4B.3.

Solar access concerns

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- Units 1 and 2 along the rear north elevation on the first floor are unlikely to receive adequate sunlight (min 2 hours) due to slope of land – 23 RL atop the ridge in the rear yard and the units on the First Floor FFL is RL of 19.33 and they appear overshadowed by the slope itself. Drawing 15 does not show whether these units get sunlight.
- The south facing units 3, 6 and 9 do not get adequate solar access. Unit 12 is higher on the 4th floor and while the plans state that it receives solar access it is unclear if this is the case as a shadow diagram in elevation was not provided.
- Southern units balconies were east facing in the exhibited concept design at an FSR of 1:1 but are now only south facing limiting solar access. ADG 4E-2 design guidance states private open spaces and balconies predominantly face north, east or west.
- The exhibited concept design at 1:1 FSR had a vastly different concept design/unit layout which was capable of achieving compliance with the ADG solar access provisions.

The blank east and western elevations to allow for reduced side and rear setbacks and nil boundary setbacks to accommodate additional density results in poor visual and acoustic privacy, poor natural cross ventilation and limited solar access. For the above reasons, the proposed density increase to FSR of 1.4:1 cannot be supported and results in unacceptable residential amenity. An FSR increase of 1.4:1 is not consistent with the character of the area. In summary no further increase in density above 1:1 is supported as the amenity impacts above this are to great and compliance with the Apartment Design Guide is already stretched at this FSR.

CONCLUSION

This Planning Proposal for 101 to 103 Lilyfield Road, Lilyfield seeks to amend Leichhardt Local Environmental Plan 2013 to increase the Floor Space Ratio (FSR) from 0.5:1 to 1:1 (as reflected in a five storey concept design scheme) and permit 'restaurants or cafes' and 'take away food and drink uses' on the ground floor. The Planning Proposal has been publicly exhibited in accordance with the Gateway Determination. This report has assessed the submissions and recommends that the Planning Proposal as exhibited be supported by Council. It is recommended that Council resolve to request that an amendment to Leichhardt Local Environmental Plan 2013 be drafted by Parliamentary Counsel which reflects the exhibited planning proposal, and includes a height of building control and complies with Gateway Determination conditions.

ATTACHMENTS

1. Attachment 1 - Council report Item 13 - Planning Proposal 101-103 Lilyfield Road Lilyfield
2. Attachment 2 - Signed Gateway Determination
3. Attachment 3a - ADG Compliance Table Design Verification Statement
4. Attachment 3b - Additional Permitted Uses Map
5. Attachment 3c - Draft_Planning_Proposal_lilyfield_101-103_Lilyfield_Road
6. Attachment 3d - Design Concept Plan
7. Attachment 3e - Map_amending_Leichhardt_LEP_2013__Floor_Space_Ratio
8. Attachment 4 - Height of Building Map



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Leichhardt Local Environmental Plan 2013 (Amendment No 14)

Your ref: PP_2016_IWEST_002_00):
Our ref: e2018-117.d06 EL

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

(R HODGE)
Acting Parliamentary Counsel
15 June 2018



Leichhardt Local Environmental Plan 2013 (Amendment No 14)

under the
Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the
Environmental Planning and Assessment Act 1979.

.....

e2018-117.d06

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Leichhardt Local Environmental Plan 2013 (Amendment No 14) [NSW]

Leichhardt Local Environmental Plan 2013 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Leichhardt Local Environmental Plan 2013 (Amendment No 14)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lot 1, DP 432612, being 101–103 Lilyfield Road, Lilyfield.

4 Maps

The maps adopted by *Leichhardt Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

5 Amendment of Leichhardt Environmental Plan 2013

Part 6 Additional local provisions

Insert at the end of Part 6 with appropriate clause numbering:

Development of land at 101–103 Lilyfield Road, Lilyfield

- (1) This clause applies to Lot 1, DP 432612, being 101–103 Lilyfield Road, Lilyfield, identified as “5 101–103 Lilyfield Road Lilyfield” on the Key Sites Map.
- (2) Development consent may be granted to development for either or both of the following purposes on land to which this clause applies:
 - (a) restaurants or cafes,
 - (b) takeaway food and drink premises.
- (3) However, development consent must not be granted under this clause unless the consent authority is satisfied that the gross floor area of any part of a building used for either or both of those purposes will not exceed 50 square metres in total.
- (4) This clause applies despite clause 6.10.

Page 2

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Item No: C0718 Item 5

Subject: **POST EXHIBITION REPORT - REVIEW OF PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT FEES**

Prepared By: Leah Chiswick - Executive Strategic Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report advises Council of the outcomes of public consultation on proposed changes to the planning proposal and development control plan (DCP) amendment fee structure and seeks adoption of the exhibited fees.

RECOMMENDATION

THAT Council:

- 1. Adopt the exhibited fees for planning proposals and development control plans amendments in accordance with the provisions of *Local Government Act 1993*; and**
- 2. Amend the Fees and Charges FY2018/19 to reflect the new fee structure.**

BACKGROUND

At its meeting of 24 April 2018, Council considered a report on fees associated with proponent led planning proposals and DCP amendments. The report followed a review which aimed to ensure that Council's costs in the assessment and processing of proposals are covered. The review considered the fees charged by surrounding and similar sized councils in the Sydney metro area as well as incentivising pre-planning proposals to improve the quality and merit of planning proposals received. Council resolved as follows:

THAT:

- 1. Council place on public exhibition with the 2018/19 Draft Fees and Charges; and*
- 2. A post-exhibition report be presented to Council discussing any submissions received.*

PUBLIC CONSULTATION

The proposed changes to the fee structure were placed on public exhibition for a period of 28 days from 15 May 2018 to 12 June 2018. The consultation was undertaken in accordance with Sections 610F and 705 of the *Local Government Act 1993* and Council's Community Engagement framework.

Notification of the community consultation included:

- Public notice in the local newspaper (Inner West Courier) on Tuesday 15 May 2018;
- Advertisement on Council's Your Say Inner West webpage throughout the consultation period.

No submissions were received during the public exhibition period.

FINANCIAL IMPLICATIONS

The fee increases proposed for planning proposals and DCP amendments will ensure that the costs associated with their assessment and processing are covered.

OTHER STAFF COMMENTS

Nil.

CONCLUSION

It is recommended that Council adopt the fee structure as advertised and attached to this report (Attachment 1) and amend the Inner West Council Schedule of Fees and Charges 2018/19 accordingly.

ATTACHMENTS

1. [!\[\]\(4decd7f4d36b8b21e9f05326cc7983ef_img.jpg\)](#) Exhibited Fees - Planning Proposals and DCP Amendments

2018/19 Planning Proposal and DCP Amendment Fees

PREPARATION OF LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN AMENDMENTS	
Pre Planning Proposal Consultation (mandatory for all applications)	
Minor LEP Amendment	\$2,500
Major LEP Amendment	\$5,000
Complex LEP Amendment	\$7,000
Precinct LEP Amendment	\$12,000
Additional meetings	25% of original fee
Planning Proposals	
Minor LEP Amendment e.g. adding or removing a heritage item, adding or removing a use that does not require complex assessment	\$18,000
Major LEP Amendment e.g. FSR and height amendments	\$60,000
Complex LEP Amendment e.g. change of zoning or matters that involve significant consideration of economic, environmental and transport issues	\$100,000
Precinct LEP Amendment e.g. similar to a complex LEP amendment but where the proposal relates to multiple lots	\$150,000
Amended Planning Proposal	25% of fee for Minor Planning Proposals 50% of fee for Major, Complex and Precinct Planning Proposals
Refund where withdrawn prior to the Planning Proposal being reported to Council	Maximum 50% of Planning Proposal fee. At discretion of Council officers.
Amendments to Development Control Plans (lodged in conjunction with a Planning Proposal or in isolation)	
Minor DCP Amendment	\$7,000
Major DCP Amendment	\$20,000
Complex DCP Amendment	\$35,000
Precinct DCP Amendment	\$55,000
Refund where withdrawn prior to being reported to Council	Maximum 50% of DCP amendment fee. At discretion of Council officers.
Advertisement and notification of LEP and DCP amendments	
Advertising	\$3,000
Notification	\$2.00 per property notified
Public Hearing	
Public Hearing if required. Cost recovery to Council.	At cost
Additional costs and expenses	
For all LEP and DCP amendments any additional costs and expenses incurred by Council in undertaking studies, peer reviews, referral to panels (Inner West Planning Panel and Architectural Excellence Panel) and other matters are to be paid at cost	At cost

Item No: C0718 Item 6

Subject: PLANNING PROPOSAL AT 2-6 CAVILL AVENUE ASHFIELD

Prepared By: Con Colot - Senior Strategic Planner & Projects

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This proposal relates to a large and unique site on the western side of the Ashfield Town Centre, containing two five storey office buildings in a landscaped setting, and comprises several allotments with a B4 Mixed Use zoning, and two small lots with a R2 Low Density Residential Zoning.

Council previously considered a report on 25 July 2017 on the preliminary exhibition stage of the Planning Proposal when the Administrator supported the application and sought Gateway Determination to become the Planning Proposal Authority. This was subsequently granted. This report advises Council on the outcomes of the community consultation stage carried out in March/April 2018.

The Planning Proposal seeks to make amendments to the Ashfield Local Environmental Plan 2013, and associated amendment to the Inner West Development Control Plan 2016. For the part of the land zoned B4 Mixed Use the Planning Proposal seeks to increase the Maximum Floor Space Ratio from 2.0:1 to 3.0:1 to bring this in line with other sites in the Ashfield Town Centre. It also seeks to apply a 7m height (2 storey) bonus to the site, which would be in addition to the existing 23m Maximum Building Height, and will require 25 % Affordable Housing in the “uplift” under the Ashfield LEP 2013. This would be the same requirement as for other sites in the Ashfield Town Centre.

Also sought is a site specific LEP clause to clarify that the roadway use of two smaller lots zoned R2 fronting “The Avenue” includes vehicular access to the larger 2-6 Cavill Avenue part zoned B4, and other amendments to specific clauses in the Ashfield LEP 2013.

The report recommends that Council support the Planning Proposal and progress it to the final stages for the making of amendments to the Ashfield LEP 2013. It also recommends that the proposed Draft site specific Development Control Plan amendment be adopted subject to the amendments identified in the report.

RECOMMENDATION

THAT:

- 1. Council support and finalise to gazettal stage the Planning Proposal PP_2017_IWEST_012_00 for 2-6 Cavill Avenue Ashfield to amend the Ashfield Local Environmental Plan 2013 as indicated in the report;**
 - 2. Council liaise with Department of Planning and Environment and Parliamentary Counsel’s Office to draft and finalise the LEP Amendment;**
 - 3. Following completion of (2) above, Council instruct the Department of Planning and Environment to notify the plan;**
 - 4. Council authorise the General Manager to finalise the LEP amendments using the delegation granted by the Gateway Determination, and to finalise the amendments to the site specific Development Control Plan as indicated in**
-

the report;

5. Council adopt the site specific amendments for 2-6 Cavill Avenue, Ashfield to the “Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill” as recommended in the report, and:
 - (i) Carry out the procedures under the Environmental Planning and Assessment Act 1979 for making the amendment to the Development Control Plan, and
 - (ii) Place an advertisement in the local newspaper advising that Council has adopted the amendments to the Development Control Plan, which will come into force in the event and at the time Planning Proposal PP_2017_IWEST_012_00 LEP amendment is published on the Legislation website.

1.0 BACKGROUND

Council is the Relevant Planning Proposal Authority for the Planning Proposal at 2-6 Cavill Avenue described in **Part 3** below. This means Council may determine whether to make the amendments proposed to the Ashfield Local Environmental Plan (Ashfield LEP) and carry out remaining statutory procedures to bring into force.

The applicant for the Planning Proposal is the current site owner. The existing office buildings are occupied by the Department of Family and Community Services.

The Planning Proposal and Draft site specific Development Control Plan (Draft DCP) amendment was put on formal public exhibition between 13 March 2018 until 10 April 2018. There were 20 submissions received and these are commented on in **Part 5** of this report for Council’s consideration as required under the Environmental Planning and Assessment (EPA) Act 1979.

The Planning Proposal (PP_2017_IWEST_012_00) affects the site in **Figure 1** and seeks several amendments to the Ashfield LEP 2013 as summarised below, and which are described in detail including with diagrams in **Part 3** of this report.

- Add clause 9 in Schedule 1 of the Ashfield LEP 2013 to clarify that the roadways use on two lots in The Avenue that comprise part of the site may provide access to the larger B4 zone site at 2 – 6 Cavill Avenue Ashfield.
- Increase the maximum floor space ratio from 2:1 to 3:1 on the larger part of the site zoned B4 – Mixed Use.
- Apply “Area 1 boundary” to the Height of Building Map on the larger part of the site zoned B4 – Mixed Use. This enables a 7m height bonus for residential flat buildings and shop top housing developments providing affordable housing is included in the development.
- Implement a site specific exemption to Clause 4.3(2A) and Clause 4.3B(3) of the Ashfield LEP 2013 which will then allow for a greater number of habitable storeys within the maximum building height.



Figure 1 Site Location - in grey shading, and aerial view.

As put forward by the applicant (and explained in more detail in **Attachment 2 – Planning Proposal**) the basic rationale and justification for the Planning Proposal is that there is a likelihood that the two existing 5 storey office buildings which contain a State Government Department will be vacated in the near future, there is a declining long term market for commercial tenants of the type required for large buildings in the Ashfield Town Centre, and that therefore there should be development standards that make the continued use or redevelopment of the site viable so that the two existing 5 storey buildings are not left vacant or derelict. Also that it is equitable to have same development standards as the majority of other sites in the Ashfield Town Centre.

Previous Council resolution

This proposal was initially put on upfront community consultation in accordance with the policy of the former Ashfield Council in 2017. Council then considered a report on the application on July 2017 (**Attachment 9**). This provided considerable background information including the current use of site and surrounding uses, and so this information is not repeated in this report.

Council resolved in July 2017 to support the Proposal and seek Gateway Determination for Council to become the Planning Proposal Authority for the making of the LEP amendment. Council's resolution stated:

- 1/4 *Support the Planning Proposal subject to amendments outlined in the report.*
- 2/4 *Forward the Planning Proposal to the Minister of Planning for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, and seek that Council use its delegated plan making functions to be the Relevant Planning Authority for the processing of the Planning Proposal.*
- 3/4 *Authorise the General Manager to be Council's delegate and "the Authorisation" to be the Relevant Planning Authority for the processing of the Planning Proposal.*
- 4/4 *Develop a site specific Draft Development Control Plan as outlined in the report once the Gateway approval is received and exhibit the draft DCP concurrently with the Planning Proposal.*

2.0 GATEWAY DETERMINATION

Gateway Determination (**Attachment 1**) was issued on 6 Oct 2017 by the State Department of Planning and Environment, and Council were made the Planning Proposal Authority.

The Determination required:

- The proposal to be exhibited for a minimum of 28 days.
- Consultation with Roads and Maritime Services and Sydney Trains.
- The Proposal updated “to resolve the permissibility of access to development permitted in the B4 Mixed Use zone across the two access handles which are zoned R2 Low Density Residential and connect the site to The Avenue”.

The Planning Proposal documents were subsequently updated to respond to the Planning Proposal guidelines and Council recommendations as outlined in the report to Council on July 2017, and to reflect the Draft State Plans in place at the time of exhibition. Deferral was requested to consider a submission by the applicant for the contents of a Draft site specific Development Control Plan (Draft DCP). An in-house Council Draft DCP was produced reflecting the recommendations of the Council report of July 2017. The proposal was thereafter put on formal public exhibition (community consultation) which is commented on in **Part 5** below.

3.0 DESCRIPTION OF PROPOSED PLANNING PROPOSAL AMENDMENTS TO THE ASHFIELD LEP 2013 AS EXHIBITED

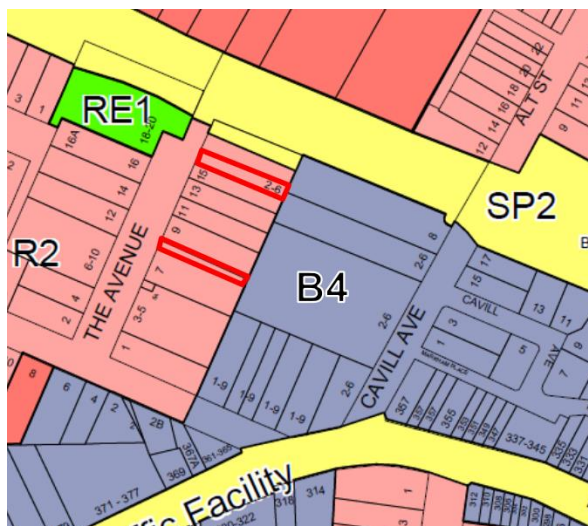
3.1 Amendment to land use zoning for lots at The Avenue

As instructed by the Gateway Determination, the application seeks that the properties within the red boundary in The Avenue shown in **Figure 2** below zoned R2 and for which the current zoning permits a “roadway” land use, have the following clause applied in Schedule 9 of the Ashfield LEP 2013.

9. Use of certain land at 2-6 Cavill Avenue, Ashfield

- (1) ***This clause applies to 2-6 Cavill Avenue, Ashfield and relates to Lot 17 in DP 168456, and part of Lot 101 in DP 234926.***
- (2) ***Access (private or otherwise) to development for the purposes of Commercial premises; Residential accommodation; Community facilities; Function centre; Health services facility; Centre-based child care; Educational establishments; Entertainment facilities; Tourist and visitor accommodation; Recreation facilities; Registered clubs; and Car parking, are permitted with development consent.***

This is in order to ensure traffic access is maintained from The Avenue for any new development onto the main site at 2-6 Cavill Avenue zoned B4.



R2 indicates R2 – Low Density Residential
B4 indicates B4 – Mixed Use

Figure 2 – Extract Ashfield LEP 2013 – Land Use Zoning Map.

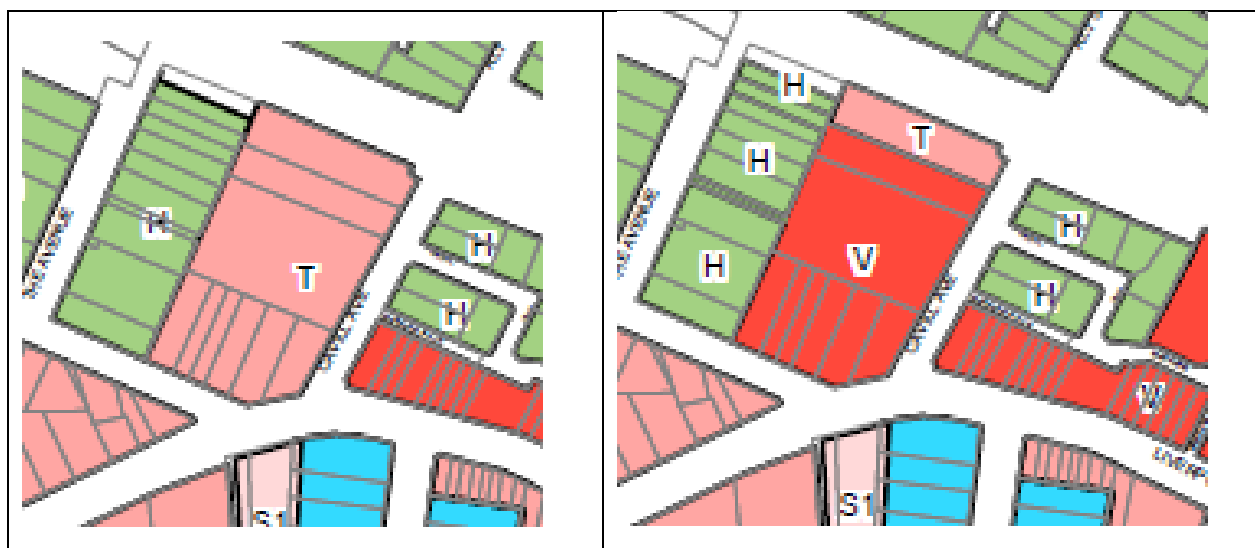
Red boundary indicates the properties affected by the proposed clause located off The Avenue.

Officer comment:

The applicant advises in the Planning Proposal that resolution of this issue is required due to a precedent set by a past Land and Environment Court case concerning a site in another Council area. Whilst the laneways zoned R2 are presently used for access to the existing commercial building, and roadways are permissible in the R2 Zone, the decision of the Court might prevent use of the “roadway” land use in the R2 zone to an adjacent B4 zone commercial site for any new major development. Given this issue, and the Gateway Determination instruction, it is agreed this amendment should be supported.

3.2 Amendment to Maximum Floor Space Ratio (FSR) Map.

The application seeks to apply a 3.0: 1 Maximum FSR development standard on the land zoned B4 – Mixed use as indicated in **Figure 3** below, and as shown in the actual proposed LEP A3 tile LEP map in **Attachment 4**. This would be the same as that in the majority of sites in the Ashfield Town Centre zoned B4.



Existing Floor Space Ratio Map	Proposed Floor Space Ratio Map
Site is shown as Code T- maximum FSR 2.0:1	Site is shown as Code V – Maximum FSR 3.0:1.

Figure 3 - Existing and proposed Maximum Floor Space Ratio Map

Officer Comments:

This proposed FSR would be the same as that in the majority of sites in the Ashfield Town Centre zoned B4- Mixed Use, and will accommodate the existing Maximum Building Height of 23m and 7m height bonus being sought as discussed below, and should be supported. The Draft DCP will provide guidelines for the extra building height as discussed in **Part 4** of this report.

3.3 Amendment to Maximum Height of Buildings (MBH) Map.

The application seeks to apply “Area 1” delineated by a blue boundary to the MBH LEP Map as shown in **Figure 4** below, and as proposed in the actual LEP map in **Attachment 4**. This identifies an area which gives a 7 m height bonus (equivalent of two storeys) pursuant to Clause 4.3 A (3) of the Ashfield LEP 2013.



 <p>Existing Height of Buildings Map</p> <p>Site is shown as Code S - maximum Height 23m</p>	 <p>Proposed Height of Buildings Map</p> <p>Site is kept as Code S- maximum Height 23m , and in addition has “Area 1” and blue boundary applied</p>
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Figure 4 - Existing and proposed Height of Buildings Map

Officer Comments:

Council (former Ashfield) provided a 7 m height bonus in the Ashfield LEP 2013 as part of its housing strategy, on the proviso there would be community benefit provided being the equivalent of 25 percent affordable housing (of the two storeys) as stipulated by clause 4.3 A (3). This 7 m height bonus has been applied to the majority of sites zoned B4 in the Ashfield Town Centre. Council in 25 July 2017 agreed with the town planner’s report (**Attachment 9**) that for consistency this pre – existing “Ashfield Housing Strategy” should

be applied to the site since it would yield approx. 18 Affordable Housing apartments (mix of one and two bedrooms), and was already a compulsory legislated requirement in the Ashfield LEP 2013 and also that the Planning Proposal application was lodged in December 2016, prior to that Council's Affordable Housing Policy coming into effect on March 2017, which has the status of being a "policy" subject to negotiation on the amount of affordable housing to be provided.

For 2-6 Cavill Avenue use of the 7 m height bonus would generate approximately 18 "affordable apartments" (mix of one and two bedrooms of varying sizes). This is implemented by conditions of approval applied to any development consent requiring that the dwellings be transferred to a community housing provider, by having a "restriction on the use of the land" placed on the land title.

The existing Ashfield LEP in its clause objective 4.3 (1) (c) states that there must be a transition in height between different areas, such as when adjacent a R2 Low Density Zone. This is given more detail in the proposed Draft DCP discussed in **Part 4** of this report which will require a 20 m western boundary setback for the additional 7m height, to adjacent properties zoned R2 Low Density off The Avenue.

Given the above, application of "Area 1" (7m bonus) to the site should be supported as it intrinsically linked to the increase in FSR from 2:1 to 3:1, additional building bulk impacts can be managed with the draft DCP, and there will provision of affordable housing.

3.4 Amendment to Clause 4.3 (2A) in the Ashfield LEP 2013, that affects the use of the uppermost part –roof zone- of the building.

Existing clause	Proposed additional clause
<p>Clause 4.3 states as follows :</p> <p>4.3 Height of buildings</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to achieve high quality built form for all buildings,</p> <p>(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,</p> <p>(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,</p> <p>(d) to maintain satisfactory solar access to existing buildings and public areas.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.</p>	<p>Add as part of existing clause (2A) :</p> <p>(a) <i>Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue , Ashfield in accordance with subclause 2, if Council has considered the relevant objectives.</i></p>

Clause 4.3 is present in the LEP to address the technical limitations of the standard definition of Building Height, and is applied to the Ashfield Town Centre to further restrict the height of buildings to reflect the number of acceptable storeys - similar to having a maximum ceiling height control. Its purpose is to technically take account of a rooftop area which is not a habitable storey, which includes evident necessary structures such as protruding lift motor and plant rooms up to 3.5 m high. It also enables roof top communal open space and its ancillary structures such as enclosed stairs and pergolas/shade structures. Such smaller sites in a town centre are not able to have 25 percent resident communal open space at ground level, and so it follows it is necessary to provide this on the roof top.

The application wishes to remove the affectation of sub clause Part (2A) for the subject site by adding clause (a) shown in bold above. This is in order to permit an extra storey for apartments, which will enable a total of 9 storeys (23m plus 7m bonus= 30m) on the site. The proposal essentially argues that the justification for this:

- The site is in a different context to those of the rest of the town centre, since it is a large site, this situation enables the option of a predominantly residential use of the site with provision of 25 percent communal open space at ground level, and includes achieving various ground level “green landscaped” areas.
- That any new buildings will have very large empty roof areas, and so it is reasonable to allow within that roof top area some building (habitable floorspace).
- In the above context the maximum number of storeys should not be restricted to 8 storeys within a maximum height of 30 m as a consequence of not allowing any habitable floor areas within 3m of the maximum height.
- Assessment of an appropriate upper level built form can be made against the existing objectives of clause 4.3.

Officer comments:

The site area for the part zoned B4 is 7,766 sqm. This is approx. five times the size of a site recently constructed at 270 Liverpool Road for an eight storey building. In this situation it is evident that buildings can be arranged in a way where there can be substantial provision of ground level open space and protection of existing trees. The Draft DCP in **Attachment 7** provides guidelines for this. This amendment should be supported.

3.5 Amendment to clause 4.3B of the Ashfield LEP –‘street wall height’.

Existing clause	Proposed additional clause
<p>4.3B Ashfield town centre—maximum height for street frontages on certain land</p> <p>(1) The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.</p> <p>(2) This clause applies to land identified as “Area 1” on the Height of Buildings Map.</p> <p>(3) Despite clauses 4.3 (2) and 4.3A (3), the maximum height of that part of a building that has an entrance or lobby on the ground floor facing Liverpool Road, Norton or Hercules Streets or Markham Place, Ashfield (a <i>primary street frontage</i>) is 12 metres for a distance of 12 metres</p>	<p>Add after Sub Clause (3):</p> <p><i>(a) Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue, Ashfield in accordance with subclause (2), if Council is satisfied that this achieves an appropriate design outcome having regard to surrounding development.</i></p>

from the primary street frontage away from the road.	
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The proposal essentially argues that requiring such a control along Liverpool Road for this site is was never intended by Council and is inappropriate.

Officer Comments:

Clause 4.3B is included in the LEP in order to maintain a lower scale building along the principal older roads in the Ashfield Town Centre and so continue the established typology of the place which typically has 10-11 metre high buildings and provides a responsive “human scale”. Council would be aware of buildings that have been already constructed that illustrate this urban design scale principle, with taller 8 storey buildings placed to the rear and having a 12 metre setback. This objective was not intended for the subject site which has modern 5 storey commercial buildings with substantial front setbacks from site boundaries, with a landscaped setting, and only has a small part of its frontage along Liverpool Road. It is agreed the proposed clause should be added to the LEP to remove the existing affectation.

4.0 AMENDMENT TO COMPREHENSIVE INNER WEST DEVELOPMENT CONTROL PLAN 2016 FOR ASHBURY, ASHFIELD, CROYDON, CROYDON PARK, HABERFIELD, HURLSTONE PARK AND SUMMER HILL (INNER WEST DCP 2016)

Council resolved that a site specific Draft Development Control Plan amendment (Draft DCP) containing ancillary guidelines (**Attachment 7**) be added to the “Inner West DCP 2016” (Ashfield) in order to ensure the existing positive characteristics of the site are continued and there is a satisfactory relationship with adjacent sites (refer to previous report in **Attachment 9**). This is necessary because the site is a unique type in the town centre being:

- Large site being approx. 7,965 sqm, which can result in buildings which have a different built form type and site layout arrangement to that found on smaller sites and so this requires particular design controls.
- Has a garden setting, including with numerous perimeter large tree planting, which contributes to the townscape and environmental qualities of the centre, and this spatial contribution should be retained.
- Adjacent lower rise residential areas in The Avenue will be impacted by additional building heights, and so there needs to be a setback transition for any additional storeys.
- Currently provides an informal pedestrian link along its north side between Heighway Avenue, The Avenue, through to Cavill Avenue and the town centre, which should be maintained.
- Contains apartments at 8 Cavill Avenue in close proximity to the northern boundary of the site, whose privacy and amenity must be addressed.
- There are several development options under the existing B4 zoning which should be addressed by having guidelines.
- Has particular vehicular entry and exit points, and also internal site servicing lanes including for deliveries and waste collection which should be maintained to ensure local streets and the public domain are not impacted.

The Draft DCP also sets out the “Desirable Qualities” for the site, in accordance with to State Environmental Planning Policy no 65 (SEPP 65)- the Context Principle, which is a local matter for Council to determine.

If Council resolves to support the Planning Proposal it is recommended that Council adopt the draft DCP amendment as follows:

- Amendments are made as indicated in the Council officer recommendations in **Attachment 8** (DCP submission review) of this report, and **Part 5** of this report (response to submissions) as shown underlined.
- Carry out procedures under the Environmental Planning and Assessment Act for amendment of the "Inner West DCP 2016".
- Place an advertisement in the local newspaper within 28 days of Council's resolution, advising that the amendments come into force upon gazettal of this LEP amendment.
- DCP advises that it will apply to any Development Application for major development lodged both prior to and after LEP gazettal of this amendment.

5.0 COMMUNITY CONSULTATION AND PUBLIC SUBMISSIONS

The Planning Proposal was notified between 13 March 2018 and 10 April 2018, in the way required by "A guide to preparing local environmental plans", part 5.5.2 Community Consultation. This included a notice and its required content placed in the local newspaper, letters sent to adjacent and nearby property owners, and details placed on Council's "Have Your Say" webpage where submissions could be made electronically.

There were 198 visitations to Council's "Have Your Say" website. Two submissions supporting the application were received. Thirteen submissions objected to the proposal. There were also five late submissions (due to problems with letter delivery from Australia Post to a particular adjacent property) objecting to the proposal. It is Council policy that copies of submissions will not be made publicly available, issues raised in submissions are instead summarised below.

Table 1 – Submission comments

Support for Proposal

	Officer Comments
Proposal will provide 18 affordable dwellings.	It is the case that the proposed additional two storeys will be required to provide 25 percent of the floorspace as affordable housing under the Ashfield LEP 2013, equating to approx. 18 dwellings (mix of one and two bed apartments).

Objections to Proposal

Inadequate Justification and documentation	Officer Response
The proposal will simply provide more apartments replacing the existing office spaces, and this in itself does not provide adequate justification for the Planning Proposal.	<p>In accordance with the Planning Proposal Guidelines adequate justification has been provided. This was examined in the report to Council of July 2017 in Attachment 9, verified by the issuing of a Gateway Determination, and demonstrated in the content of the updated Planning Proposal.</p> <p>The zoning of the land already permits a standalone residential flat building, and the site owner seeks to have the same development standards/opportunities that apply to the rest of the Ashfield Town Centre.</p> <p>The proposal will also provide affordable</p>

<p>Proposal does not state the height of the existing buildings, this is required in order to understand the impacts from additional heights, and such information should be provided in order to understand the impacts.</p>	<p>housing.</p> <p>There was no requirement from the Gateway Determination to provide a supporting Design Concept to illustrate existing building heights.</p> <p>Figure 5 below shows the existing building heights, and new height plane proposed. Draft DCP (Attachment 7) has particular guidelines to minimize impacts on adjacent properties in The Avenue by requiring a significant setback to the upper storeys of buildings as explained below.</p>
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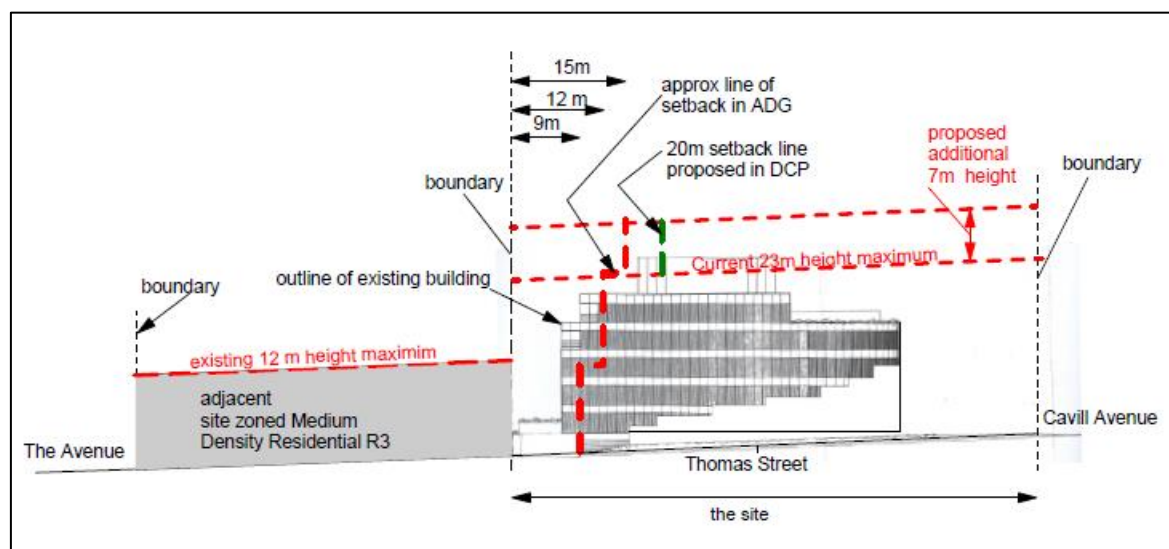


Figure 5 - Comparative Building Heights

The Apartment Design Guide (referenced in SEPP 65) provides guidelines for building setbacks to adjacent place such as Low Density Residential R2 zones. Such setback include : a minimum of 9 metres for up to 4 storeys, then 12 metres for up to 8 storeys, and then 15 m for 9 storeys. This would result in the envelope shown in red as notated. In accordance with the SEPP 65 –Context Principle, and Council stating the “Desired Character”, proposed DS 12.2 of the Draft DCP requires a greater upper level setback (in green) for the additional 7m height, to ensure that additional visual impacts to The Avenue are minimized. The upper building parts would be contained within an actual effective recessive 45 degree (approx.) plane established by the edge of the existing 5 storey commercial buildings.

Not in accordance with Council Strategy	Officer Response
<p>Proposal will provide more housing than that planned for in the Ashfield Urban Planning Strategy 2010, with 1000 new resident and there is a lack of public open space to cater for this. Disregard Council policy for building height transition. “I understood you couldn’t have high rise buildings near a medium density area’.</p>	<p>Use of the site for predominantly residential use is consistent with the dwelling projections in the town centre.</p> <p>The Ashfield Town Centre has capacity for around 1100 new dwellings as identified in the Ashfield Urban Strategy 2010. Since 2010 there have been approvals for around 500 dwellings with approx. 260 dwellings completed and the remaining under construction. In round figures, the site utilizing the existing FSR of 2:1 is capable of producing around 160 apartments (assuming 100 sqm each). The additional FSR of 1:1 is capable of producing around 80 apartments (assuming 100 sqm each). If ground level commercial uses were proposed there would be fewer apartments.</p>

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	<p>The current DCP controls lead to a maximum of 6 storeys which generally reflect the existing buildings on site. The Ashfield Town Centre Strategy 2008 requires that there be lower transitional building heights around the perimeter of the area where they are near lower residential areas. This is also a stated objective in Clause 4.3(1) of the Ashfield LEP 2013. With regard to the additional building heights, the Draft DCP provides guidelines that any additional storeys above 6 storeys must have a substantial 20 m setback to properties in The Avenue to maintain this principle.</p> <p>A future development proposal will be capable of providing 25 percent ground level communal open space.</p> <p>There are nearby parks within walking distance at Bill Peters Reserve and Pratten Park, and Ashfield Pool is within walking distance. There are also open space improvements being constructed in the town centre which will create distinct and scenic walking paths, and new civic spaces in The Esplanade for new residents, as part of Council's Ashfield Public Domain Strategy 2016.</p>
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Loss of employment floorspace	Officer Response
<p>There will be a significant loss of employment, and a loss of such commercial office space. There will also result in people having to travel longer distances to travel to work adding to traffic congestion.</p>	<p>The applicant has provided a Strategic Economic Assessment report (Attachment 3). This explains :</p> <ul style="list-style-type: none"> - This notes that the B4 -Mixed Use Land Zoning already permits stand alone residential flat development. Such a development has resulted at 164 Liverpool Road Ashfield which had a substantial 6 storey commercial building converted to apartments. - There are adequate regional employment areas within close vicinity and transport access of the Ashfield Town Centre, and that its more likely that demand for large standalone commercial building (apart from Sydney City) will occur in Strategic Centres such as Burwood and Parramatta. <p>Council's Economic Development Manager agrees the Planning Proposal will not result in an adverse local economic impact.</p> <p>The Site owner has also explained that there is no certainty that in the event the two very large commercial buildings are vacated by the present Government departments, that he will be able to find new tenants for these buildings.</p>

Inadequate Affordable Housing	Officer Response
Local employment floorspace should not be replaced by more housing, including affordable housing. Affordable housing should instead be provided as social (public) housing by the State Government.	<p>The B4 -Mixed Use Land Zoning already permits stand alone residential flat development.</p> <p>Council's LEP planning controls cannot influence the State Governments policy for providing social (public) housing.</p>
The existing Ashfield LEP 2013 controls already require the site owner to provide approx. 18 affordable housing apartments, and so there is no community benefit created.	The existing Ashfield LEP provisions for this site do not require affordable housing. This Proposal will enable application of Clause 4.3A (3) of the LEP which requires the equivalent of 25 percent of the floorspace of the additional storeys to be provided as affordable housing. This is enforced at Development Application stage by applying development consent conditions that require transfer of those dwellings to a community housing provider. This proposal is likely to generate the equivalent of 18 x one or two bedroom affordable apartments.
Proposal does not comply with Council's Affordable Housing Policy March 2017.	<p>The Proposal was submitted in Dec 2016.</p> <p>The Proposal addresses the former Ashfield Council Strategy which uses an inclusionary clause principle and this results in high yields of affordable housing. This is found in the Ashfield Urban Planning Strategy 2010, under its Housing Objectives (4.2, 03). This was implemented in the Ashfield LEP 2013 by having clause 4.3(A) (3) (b) for development in the Ashfield Town Centre. This requires 25 percent affordable housing in order to obtain a 2 storey bonus (e.g. no prior VPA negotiations are required). This clause has had efficacy with several recent 8 storey development in the town centre being reliant on using 4.3(A) (3) (b) for obtaining approval for an extra two storeys. It is enforced via conditions of development consent.</p> <p>The site owners state in the Planning Proposal they are agreeable to having clause 4.3(A) (3) (b) apply to their site and so contribute to Council's affordable housing supply.</p> <p>Also to note is that under the EPA Act 1979 is that a DCP cannot be more onerous than development standards of the Ashfield LEP 2013 which already provide for affordable housing. This principle would apply to a non statutory policy document.</p>

Adverse Traffic generation, inadequate parking	Officer comments
Additional vehicles using the laneways and The Avenue will make the street more dangerous.	<p>The current commercial and office use of the site already uses properties off The Avenue as laneways for entry and exit from the site, and this has been occurring since the middle 1980s. Council cannot prohibit this.</p> <p>Traffic vehicular access will be assessed under a future Development Application to ensure safe entry and exit.</p>
There will be a loss of onstreet parking in the Avenue.	Council (former Ashfield LGA) has implemented a resident parking scheme. This has determined that the west side of the Avenue has a two hour parking limit, except for resident permit holders. The east side has no parking restrictions, and members of the public are already able to park in this location irrespective of what occurs at the 2-6 Cavill Avenue site. This includes numerous people who work or use the adjacent town centre.
Traffic report instructs that the Roads and Maritime Services (RMS) guidelines be used which means there would be 50 fewer carparking spaces, the Council Ashfield DCP requirements should be used instead which require higher levels of parking.	The amount of carparking provision is a matter for assessment at development application stage. For the residential apartment component of any future development, the carparking rates stipulated in the Apartment Design Guide (via State Environmental Planning Policy no 65) are the minimum legally required, and they reference the RMS guidelines. Any non- residential component, such as commercial offices or retail space, will be required to comply with Council's "Inner West DCP 2016" (for former Ashfield LGA).
The traffic report is inadequate. Traffic impacts on adjacent and local streets have not been adequately documented. It discusses traffic movements during peak hours only, but does not discuss difference in traffic movements between the existing commercial premises and the proposed residential development. It states that traffic numbers from the existing commercial operation are the same as the proposed development, and there has not been any data on actual traffic generation from the development.	<p>The Roads and Maritime Services (RMS), who oversee impacts on main roads, raised no objection to the report and traffic impacts. This was likely due to the site presently having three entry and exit streets, at Cavill Avenue, Thomas Street, and The Avenue.</p> <p>Both the RMS and Council's Traffic engineers have advised that at a future development application stage for major redevelopment of the site <u>that a detailed traffic assessment report will be required to be provided. This includes that existing and anticipated intersection performance for the adjacent intersections must be modelled, including Thomas Street/The Avenue, Thomas Street/Liverpool Road, and Liverpool Road/Cavill Avenue, and a traffic management plan put in place.</u> It is recommended this be added to the Draft DCP as underlined.</p>
The internal laneways off The Avenue are too narrow for continual 24 hour usage, and use of the laneways after business hours should not be allowed due to the noise nuisance this creates for adjacent residents.	The site already uses the laneways for entry and exit. The laneway between the properties 7 and 9 the Avenue is approx. 3.6 wide. This is satisfactory for one way movement, which is how the laneway currently operates and which prohibits pedestrian use. The laneway (north side) adjacent 15 the Avenue is 4.2 wide (contained within a 7.9 wide lot which has an area set aside for large trees). This laneway is

	<p>satisfactory for one way movement, and also caters for pedestrian movement between The Avenue and Cavill Avenue and beyond to the town centre and railway station.</p> <p>Noting the above, Council's Traffic engineers have recommended that any future development be encouraged to have the majority of traffic movements occur off Cavill Avenue and Thomas Street. Also that large vehicles such as garbage and recycling trucks should only use for site access Cavill Avenue and Thomas Street. This is relevant since any future predominantly residential development will have owners pay rates for and be reliant on use of large Council vehicles, whereas at present the commercial offices are able to be serviced by private company vehicles.</p> <p>It is recommended the above be addressed by adding to the Draft DCP the following as underlined:</p> <p><u>A traffic management plan shall be submitted with a development application and include the following:</u></p> <ul style="list-style-type: none"> - <u>Vehicle entry and exit from the site is to maximise use of Cavill Avenue and Thomas Streets.</u> - <u>Large vehicles such as delivery vehicles and waste and recycling trucks must only use Cavill Avenue and Thomas Street as entry and exit points.</u> - <u>The site's internal laneway on the lot adjacent 15 the Avenue is to be designed to be a shared way between pedestrians and vehicles, with minimal traffic movements, in order to maintain an existing pedestrian route through the site between The Avenue and Cavill Avenue.</u> - <u>Consideration given to restricting laneway use of The Avenue to after business hours</u>
There should be limited retail provided on the site in order to minimise use of local residential streets by service vehicles and ancillary vehicles.	Retail uses are already permissible on the site. Any traffic impacts, such as the points of entry and exit from the site, would be examined with any future development application for redevelopment of the site, and avoid use of The Avenue.
Adverse amenity for neighbouring properties	Officer comments
Residential development will have a 24 hour movement of vehicles through the existing	The current office use of the site already uses properties off The Avenue as

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<p>access laneways. These are adjacent residential properties and the impacts of 24 hour movement to these properties has not been considered, including headlights and noise. There are current restrictions on the use of the laneways, as indicated by the signage in the laneway which limits access and this should be continued.</p>	<p>laneways for entry and exit from the site, and this has been occurring since the 1980s. Council cannot prohibit this. There is also no such signage.</p> <p>Refer above, where it is recommended that additional clauses be added to the Draft DCP to minimize use of the laneways, by having more reliance on Cavil Avenue and Thomas Street. Such matters would be assessed and negotiated at development application stage, including the possibility of placing laneway restrictions after business hours via conditions of consent.</p>
<p>Additional building heights will adversely impact residences in the Avenue who are already affected by overshadowing.</p> <p>The planning proposal's size, height and massing will have a significant adverse impact on the amenity of the properties immediately adjacent to the subject site and the surrounding area, including an overbearing visual impact, overlooking and loss of privacy.</p>	<p>The western part of the site already contains 5 storey commercial buildings with glass facades that overlook residential properties in The Avenue and cause shadowing up until around noon in winter. There will not be any additional overshadowing from new development after 12 noon in winter to properties in The Avenue because they are located to the west of the site.</p> <p>Additional building height and bulk impacts above the existing buildings will be minimized by the Draft DCP (Attachment 7) - Design Criteria no 12.2 and requires that within 20 metres of the western boundary with properties in The Avenue that there is no height increase above the height established by existing building (see Figure 5 above). This aligns with the Strategy of the former Ashfield Council (2008) to have a transitional height on the perimeter of the town centre, and the Building Heights objective of Clause 4.3(1)(2) of the Ashfield LEP 2013.</p> <p>The Draft DCP also requires a 3 metre wide deep soil zone be provided along the western boundary to establish tall tree planting for privacy.</p>
<p>Existing apartments at 8 Cavill Avenue which are located along the boundary with 2-6 Avenue and setback approx 2 metres, will be affected by overshadowing, loss of privacy, and noise, removal of existing trees, and will be overwhelmed by the scale of new buildings. Any new buildings should be setback 9 metres from the boundary. This will also affect the economic viability for apartment owners who rent out this apartments.</p>	<p>The development site is to the south of 8 Cavill Avenue, and since new buildings will be located to the south of the existing flats there will not be any winter overshadowing from new buildings for the period 9am to 3pm.</p> <p>Any new apartment buildings up to eight storeys will be required to be setback a minimum of 9 metres from the boundary under the Apartment Design Guide which is a development assessment consideration under SEPP 65. This will mean that south facing apartments at 8 Cavill Avenue (already without winter solar access) will maintain their summer solar access during morning and afternoon periods as is currently the case.</p> <p>Draft DCP Design Criterion and its Map 9 stipulates there should be a minimum 3 metre wide deep soil planting zone to establish a permanent and dense tree buffer zone to provide</p>

	<p>privacy along the boundary with 8 Cavill Avenue.</p> <p>However, there is also a possibility that other buildings and a driveway might be proposed within the 9 metre setback. To address this it is recommended that an additional clause should be added to the Draft DCP as follows: .</p> <p><u>Any buildings along the northern portion alongside 8 Cavill Avenue of the site must :</u></p> <ul style="list-style-type: none"> - <u>where affected by State Environmental Planning Policy no 65 comply with the minimum separation distance stipulated in the Apartment Design Guide for apartment buildings , and</u> - <u>all other structures shall ensure there is an adequate separation distance that provides adequate amenity for apartments at 8 Cavill Avenue, including an attractive outlook with landscaping, and</u> - <u>any driveway or carparking area along the northern part of the site shall have noise mitigation measures to reduce noise impacts for apartments at 8 Cavill Avenue including use of noise attenuating walls.</u>
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Poor spatial impact and urban design outcomes	Officer comments
The size and potential built form of the proposal is incompatible and out of character with surrounding low rise typology of commercial buildings in the town centre, houses and low rise apartments, and the existing landscape character of the site.	<p>There are already 5-6 storey buildings on the site. The 8 -9 storey built form being sought on the main part of the site is comparable with the maximum 8 storey height in the other parts of the Ashfield Town Centre. The additional 9th storey can be entertained due to the large resultant roof plate and with the Draft DCP requiring a 3 metre upper level setback.</p> <p>As explained above, the Draft DCP contains Design Criteria which requires that within 20 m of the western boundary with properties in The Avenue there is no height increase above the height established by existing 5- 6 storey commercial building. Additional storeys will therefore be recessed, being further distant in the visual background.</p> <p>The Draft DCP also requires a 3 metre wide deep soil zone be provided along the western boundary to establish tall tree planting, retention of existing large trees on the site, provision of a gardens setting for the site (as currently exists) along Thomas Street, Liverpool Road, and Cavill Avenue.</p>
The maximum FSR should remain at 2:1, in order to be more compatible with buildings in	The proposal is compatible with new development in the town centre, which has

surrounding streets.	a lower podium height and then rear 8 storey buildings, which is achieving a FSR of around 3.5:1 per site.
High rise development will not enhance the built character and diversity of the Ashfield, but will instead result in a bland, dense urban streetscape.	The Proposed Maximum FSR of 3:1 can be accommodated on the site with 8-9 storey buildings, within a garden setting (due to the large site area) and provides for the minimum building separation distances required by the Apartment Design Guide. The quality of any future building design will be assessed at Development Application stage by Council's Architectural Excellence Panel.

Impacts on town centre	Officer comments
There is inadequate infrastructure, trains are at capacity. This area is already suffering from impacts of overdevelopment and resulting frequent traffic congestion and parking constraints, loss of onstreet parking, and the proposal will exacerbate these issues.	Referrals were made to Sydney Trains and the Roads and Maritime Services. Their comments are in Attachment 6 and no objection was received by Council. The site is well located in terms of public transport, the various services found in the town centre, and proximity to local schools and hospitals.
Various complaints concerning places in the Ashfield Town Centre being unclean and littered with rubbish, that the existing Ashfield Town Centre shopping centre should be improved.	This Planning Proposal will not influence these issues since they are external to the site.

Construction stages and damage to buildings	Officer comments
Potential structural damage of adjacent properties resulting from future construction. The laneways should not be used by any construction vehicles/trucks.	This matter can be addressed at future Development Application stage.

Content of the Draft Site specific Development Control Plan (Draft DCP).	Officer comments
A submission was received from the Planning Proposal applicants. They generally support the provision of the Draft DCP, but object to particular parts, as indicated in Attachment 8. This included that particular clause be deleted which seek upper level building setbacks, seek retention of significant trees, and seek building setbacks to provide landscaped front gardens.	These are examined in detail in Attachment 8, where it is recommended that some minor fine tuning amendments be made, but that the majority the Draft DCP content remain in order to maintain its integrity and objectives as resolved by Council in July 2017 and to address concerns raised by submissions, including having transitional upper level building heights, protection of existing large trees, and maintaining a garden landscaped setting.

6.0 STATE AGENCY RESPONSES

In accordance with the Gateway Determination the following referrals were made and responses received.

Roads and Maritime Services (RMS)

Comments were received from RMS on 12 May 2018 at **Attachment 6**. They raised no objection to this particular Planning Proposal.

They also advise that any future Planning Proposal seeking major rezonings and “development uplift” should be required to carry out a traffic impact study.

Sydney Trains

Comments were received from Sydney Trains on 22 March 2018: They advised:

“Given the land is between the rail corridor and the proposed road extension associated with The Avenue, Sydney Train’s only consideration is that the applicant is made aware of the Department of Planning & Environment-Development near Busy Roads and rail Corridors Interim Guide and that no works on RailCorp owner lands is to be undertaken without obtaining written approval from Sydney Trains (as delegated authority), for future works”.

The above guide applies at a future Development Application Stage, the Planning Proposal does not pertain to RailCorp owner lands.

7.0 OTHER STAFF COMMENTS

Traffic Engineer

Council’s Traffic engineer raised no objections to the Planning Proposal, and noted the Draft DCP has clauses pertaining to traffic access and internal servicing. They requested that traffic access be predominantly from Cavill Avenue and Thomas Street, and **Part 5** of this report (response to submissions) recommends such a clause be added to the Draft DCP. They noted that at future development application stage for a major redevelopment of the site that a detailed traffic report will be required, and such a clause will be placed in the Draft DCP.

Waste Collection and Servicing

Council’s Senior Resource Recovery Officer noted that any future major development will need to address servicing of the site for waste collection. Such requirements have been placed in the Draft DCP as exhibited.

Urban Ecology

Council’s Urban Ecology Manager in relation to matters affecting the Draft DCP content, supports Councils resolution to maintain a landscape setting on the site, protect existing trees and habitat, and so contribute to the mitigation of the “heat island effect” and maintain existing biodiversity.

Economic Development Manager

Council's Economic Development Manager agrees with the findings of the Strategic Economic Assessment Report (**Attachment 3**), and that use of the site for mostly residential flat buildings will not have an adverse local economic impact to existing retail areas and service providers in the town centre. It was agreed that there will be good transport access to regional employment areas within close vicinity of the Ashfield Town Centre which will compensate for loss of employment resulting from the commercial buildings being vacated.

8.0 EVALUATION OF SUBMISSIONS AND NEXT STATUTORY STEPS

Pursuant to the Environmental Planning and Assessment Act 1979 and procedures in the "LEP making guidelines", Council as the Planning Proposal Authority is required to consider submissions made during the Community Consultation Process. These have been commented on in **Part 5** of this report. It is considered the submissions have not raised issues that would warrant the Planning Proposal not being progressed by Council. This is providing the Draft DCP is adopted by Council to address the concerns raised by submitters (e.g. amenity and controlling building bulk), and to address site specific design matters explained in **Part 4** (e.g. maintaining a garden setting contribution to the town centre and protection of trees).

Adequate Explanation and Justification pursuant to Part 3.33 of the EPA Act, and the criterion in the "Planning Proposal Guidelines", has been provided by the Planning Proposal in **Attachment 2**.

It is considered that Council should finalise the LEP amendment as described in **Part 3** of this report and have it gazetted. The following steps are required to be completed.

Legal Drafting of LEP amendment by Parliamentary Counsel

Council officers will forward the Planning Proposal to the State Government's Parliamentary Counsel ("the legal branch"). Parliamentary Counsel will check that the statutory procedures carried out to date and the content of the Planning Proposal in order to ensure there are no drafting errors.

Council makes the Draft LEP

Once Council receives the Parliamentary Counsel opinion that the plan may be legally made, Council will be able to send an instruction (together with various ancillary documents) to the Department of Planning and Environment requiring that the amendment be placed on the legislation website. This will require the General Manager to be authorised to sign the relevant documents. The amended version of the Ashfield LEP 2013 will come into effect on the date of its publication on the website.

The DCP amendment comes into effect when the LEP amendments is gazetted. This needs to be stated in the newspaper advertisement Council places in the local newspaper advising of the DCP amendment adoption. It is also necessary so that Council updates and change the various amendments to the actual Inner West DCP document at the correct point in time.

Council LEP (plan-making) delegation (former Ashfield LGA)

In November 2012 the then Minister for NSW Planning & Infrastructure delegated certain powers to Council to make and determine an LEP amendment. This gives Council the power to exercise the Minister's Plan making functions after "Gateway Determination" stage, and to draft and make the LEP amendments should Council resolve to do so.

The previous Ashfield Council resolved to allow the General Manager to use the above delegation only when prior approval is given from Council on specific applications, such as after considering a report on a Planning Proposal.

In the event Council agrees with the recommendations of this report, Council is required to authorize the General Manager to finalise and gazette the LEP amendments.

FINANCIAL IMPLICATIONS

The Planning Proposal and the resultant development uplift does not raise any financial implications for Council.

Detailed assessment of new uses will be undertaken at future development application for any major new redevelopment.

CONCLUSION

In accordance with the Environmental Planning and Assessment Act 1979 and the "Guide to preparing local environmental plans" this report has considered the submissions made during the Community Consultation Process. Concerns raised by adjacent property owners regarding amenity impacts and other matters have been discussed in **Part 5** of this report. These will be addressed by the Site Specific Development Control Plan as discussed in this report. No objections were raised by the Roads and Maritime Services and Sydney Trains.

Council should support the Planning Proposal pertaining to the various amendments to the Ashfield LEP 2013 identified in **Part 3** of this report, including applying a 7m height bonus to the existing Maximum Building Height, having a 3.0:1 Maximum Floor Space Ratio, as currently applies to the majority of other sites in the Ashfield Town Centre.

The proposed Site Specific Development Control Plan and ancillary amendments to the "Inner West DCP 2016" should be adopted by Council as recommended in **Part 4** of this report. This will provide guidelines for retaining the existing desirable qualities of the site and its contribution to the town centre including its green landscaped setting and retention of large significant trees.

Council should now progress the Planning Proposal to the final stages, including referral to Parliamentary Counsel, and thereafter give the State Department of Planning and Environment an instruction to have the amendments gazetted. To enable this Council is procedurally required to resolve to continue to give the General Manager delegation to complete this process.

Item 6**ATTACHMENTS**

1. [↓](#) Gateway Determination
2. [↓](#) Planning Proposal
3. [↓](#) Appended Reports to Planning Proposal
4. [↓](#) Proposed Floor Space Ratio Map
5. [↓](#) Proposed Maximum Height of Buildings Map
6. [↓](#) State Agency Submissions
7. [↓](#) Site Specific DCP
8. [↓](#) Response to submission Draft DCP
9. [↓](#) Report To Council July 2017

**Planning &
Environment**

PP_2017_IWEST_012_00/17/12297

Mr Rik Hart
General Manager
Inner West Council
PO Box 1145
ASHFIELD NSW 1800

Dear Mr Hart

**Planning Proposal PP_2017_IWEST_012_00 to amend Ashfield Local
Environmental Plan 2013**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to amend the development standards applying to 2-6 Cavill Avenue, Ashfield under Ashfield LEP 2013 to facilitate a high density mixed-use development.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Brendan Metcalfe to assist you. Mr Metcalfe can be contacted on (02) 9860 1442.

Yours sincerely

Karen Armstrong
Director, Sydney Region East
Planning Services

✓ 6/10/17

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



**Planning &
Environment**

Gateway Determination

Planning Proposal (Department Ref: PP_2017_IWEST_012_00): to amend the development standards applying to 2-6 Cavill Avenue, Ashfield under Ashfield LEP 2013 to facilitate a high density mixed-use development.

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Ashfield Local Environmental Plan (LEP) 2013 to amend the development standards applying to 2-6 Cavill Avenue, Ashfield to facilitate a high density mixed-use development should proceed subject to the following conditions:

1. Prior to the commencement of community consultation, the planning proposal is to be updated to resolve the permissibility of access to development permitted in the B4 Mixed Use zone across the two access handles which are zoned R2 Low Density Residential and connect the site to The Avenue.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Roads and Maritime Services
 - Sydney Trains

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

PP_2017_IWEST_012_00 (17/12297)

**Planning &
Environment**

5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *6th* day of *OCTOBER* 2017.


Karen Armstrong ✓
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

**Planning &
Environment**

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2017_IWEST_012_00)

I, Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 6 October 2017 for the proposed amendment to the Ashfield Local Environmental Plan 2013 as follows:

1. Delete:

"condition 5"

and replace with:

a new condition 5 "The time frame for completing the LEP is by 6 November 2018"

Dated 28th day of June 2018.

Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

PP_2017_IWEST_012_00 IRF18/3386

Planning Proposal

**2 – 6 Cavill Avenue Ashfield,
and sites at The Avenue at Lot 17 – DP 168456 and Part Lot 101 – DP
234926**

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- B Heritage Impact Assessment
GBA Heritage
- C Traffic and Parking Impact Assessment
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- D Strategic Economic Assessment
JBA / Colliers

1.0 Introduction

Council considered a report on the Planning Proposal on 25 July 2017 and resolved to support the application being referred for Gateway Determination seeking that Council become the Planning Proposal Authority. This was granted by the Greater Sydney Commission with a Gateway Determination on 6 October 2017.

This Planning Proposal has been prepared based on the previous 2017 JBA Planning submission- updated by Ethos Urban (former JBA Planning), reflecting the Gateway Determination, and Council's resolution of 25 July 2017. Council's resolution included that a site specific DCP be produced covering the matters in the Council report, and this is also on exhibition.

This Planning Proposal has been submitted on behalf of Barana Group by Ethos Urban (former JBA Planning), as owners of 2-6 Cavill Avenue, Ashfield (herein to be referred to as the Site).

The Site is subject to the *Ashfield Local Environment Plan 2013* (the Ashfield LEP), and in order to facilitate a better redevelopment of the Site, this planning proposal requests that Council initiate an LEP amendment process to:

- retain the base maximum building heights applicable to the Site, and identify part of the Site as 'Area 1' on the Height of Buildings Map;
- increase the maximum Floor Space Ratio of a portion of the Site from 2:1 to 3:1;
- suspend the requirements of Clause 4.3(2A) on this site only;
- suspend the requirements of Clause 4.3B(3) on this site only; and
- include a site-specific clause in Schedule 1 to enable the existing through-site links to be retained for vehicle access.

The Planning Proposal is described in more detail in **Section 6.0** of this report.

1.1 Planning Proposal Structure

The report has been prepared in accordance with the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (August 2016), and has been prepared in six parts to address section 55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as outlined below:

- **Part 1** – Objectives and intended outcomes of the proposed instrument;
- **Part 2** – explanation of the provisions that are to be included in the proposed instrument;
- **Part 3** – Justification of the objectives and intended outcomes;
- **Part 4** – Mapping of the proposed instrument;
- **Part 5** – details of the community consultation to be undertaken; and
- **Part 6** – Project timeline.

This planning proposal describes the Site and the proposed changes to the Ashfield LEP, and provides a justification for the proposal. The report should be read in conjunction with the specialist consultant reports appended to this report (refer Table of Contents).

1.2 Background

This Planning Proposal presents a unique opportunity to influence the evolution of the Ashfield Town Centre and provide for new homes and jobs in a highly accessible location. At almost a hectare in area, the scale of the Site lends itself to a reconsideration of the applicable planning controls in order to deliver the best possible outcome and to leverage the Sites accessible and strategically valuable location within the existing town centre. The proposal thereby seeks to align the Site with the dominant development standards of the Ashfield Town Centre, and provide for a mixed use development that is commensurate with the strategic context and potential of the Site.

Consultation

Prior to its lodgement, the applicant sought that the Planning Proposal be deliberated between the representatives of Inner West Council and the landowner on two separate occasions, to discuss the proposal and gain general feedback on submission requirements as required by the Planning Proposal guidelines. These meetings were held on the 6 October 2016 and 14 December 2016. This included that consideration will be given by Council to the interface of the development with the north west of the Site, the inclusion of affordable housing, and the proposal's nexus with existing Council strategies.

After lodgement of the Planning Proposal, the proponent also met with Inner West Council's Architectural Excellence Panel on 23 May 2017, to discuss the future potential built form and site layout of future development on the Site should the LEP amendment proceed to gazettal.

2.0 Site Analysis

The Site is located within the suburb of Ashfield in the Inner West Council Local Government Area (LGA). Ashfield is located approximately 9km south west of the Sydney CBD and 7km north west of Sydney International Airport, within Sydney's Inner West. The Site is located on the southern side of the railway line, approximately 400m to the west of Ashfield Railway Station, on the western edge of the Ashfield Town Centre.

It is situated in a prominent corner position off the main east/west connector road through Ashfield (Liverpool Road / Hume Highway) and forms a key bridging location between the currently disjointed retail premises to the east and west on Liverpool Road. The Site can be characterised as a 'transition Site' between the Ashfield Town Centre and retail premises and the residential communities to the west. In order to address the transitional context of the Site, development has to fulfil dual objectives of protecting the need for active street frontages and mixed uses, whilst also creating greater vibrancy and addressing demand for dwellings in established centres that are well serviced by public transport.



Figure 1- The Site within the Ashfield Town Centre
Source: Bates Smart

2.1 Site Description

The Site comprises of nine (9) allotments at the corner of Cavill Avenue, Liverpool Road, and Thomas Street. These lots are owned by Barana Group (the proponent). They have a combined area of 8,421m² and are generally rectangular in shape. Within the combined allotments there are two through-site links running from the development Site between/adjacent to the apartment buildings bordering the Site to the west and providing access to The Avenue. These through Site links are used for vehicle access.

The various allotments subject to this proposal include:

- Lot 9 in DP 940918;
- Lot 17 in DP 168456;
- Lot 101 in DP 234926;
- Lot 5 in DP 6262;
- Lot 1 in DP 556722;
- Lot 2 in DP 556722;
- Lot 1 in DP 971932;
- Lot 1 in DP 6262; and
- Lot 2 in DP 6262.

2.2 Existing Development

The Site is presently occupied by two independent commercial buildings approximately six storeys in height (plus rooftop plant), with modular built forms and a mixture of at-grade and basement car parking. They have generally been built with a generous landscaped setback fronting Cavill Avenue between 24m and 15m, and with reduced side and rear setbacks ranging from approximately 2-6m.

Neither of these buildings are identified as heritage items, and the Site is not located in a heritage conservation area.



The Site

Figure 2- Aerial photo of the Site and existing development



Figure 3- buildings on the Site as viewed from Liverpool Road



Figure 4- buildings on the Site as viewed from Cavill Avenue

2.3 Site Access and Transport Infrastructure

Surrounding Road Network

The Site is connected by the following roads:

- **Liverpool Road/Hume Highway** – Liverpool Road is State Road that is configured as a two-way four-lane road. This road provides a good east-west arterial link to surrounding suburbs and connects to the other arterial links such as Paramatta Road and Centenary Drive via Hume Highway. Strategically it is the main east/west connector road through Ashfield (Liverpool Road / Hume Highway) and forms a key bridging location between the currently disjointed retail premises to the east and west on Liverpool Road.
- **Cavill Avenue** – Cavill Avenue is a Regional Road that generally travels in a north-south alignment with an L-shape one-way connection from Markham Place. It is a two-way, two-lane cul-de-sac arrangement, with a posted speed limit is 50km/h. Kerbside parking is permitted on both sides of the road.
- **Thomas Street** – Thomas Street is a Regional Road that is a two-way, two-lane road, generally aligned in an east-west direction. It has a posted speed limit of 50km/h. Kerbside parking is generally provided on both sides of the road.
- **The Avenue** – The Avenue is a Local Road configured as a two-way cul-de-sac arrangement. This road mainly services residential traffic accessing their properties on The Avenue. Kerbside parking is provided on both sides of the road.

Pedestrian

The Site is located at the junction of key pedestrian linkages along Liverpool Road and Markham Place/The Esplanade that run east/west through the Ashfield Town Centre, and a pedestrian tunnel from Cavill Avenue under the rail line to the northern side of Ashfield. These pedestrian thoroughfares provide access to the railway station, and over the rail line, as well as various businesses and services within the centre. Refer to **Figure 5** below.

The *Ashfield Town Centre Renewal – Public Domain Strategy* has also identified public domain improvements to be delivered including a laneway and threshold upgrade and potential retail opportunities along Markham Place/The Esplanade. These upgrades in proximity of the Site will improve the pedestrian experience.

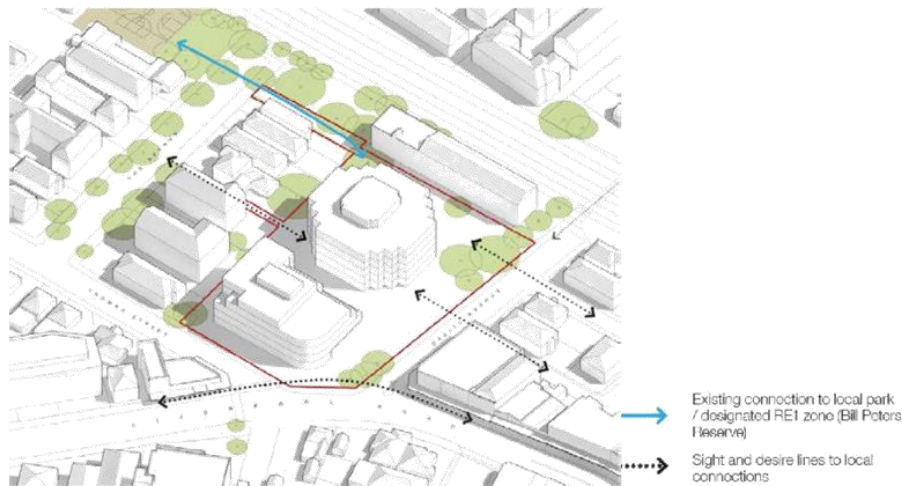


Figure 5- Existing pedestrian connections
Source: Bates Smart

Bicycle

Cycle paths in the vicinity of the Site are generally on-road routes running north/south along Holden Street/Bland Street providing access to Haberfield and the Greenway, and east/west along the Elizabeth Street that follows the rail corridor. No new cycle routes are proposed in vicinity of the Site.

Rail

The Site is located approximately 400m to the west of Ashfield Railway Station. Ashfield Railway Station is on the T2 Inner West and South Line and comprises of five platforms (two city bound, two outward bound, and one used as a turnback to the city). Ashfield Station was either the origin or destination for 3,530,995 journeys in 2014, which is significant in the context of the Sydney Trains network, and is comparable to Burwood, Kogarah, Rockdale, Hornsby, Blacktown and Auburn Station, which all had an equivalent number of journeys.

The growth generated by urban renewal along the Sydenham to Bankstown corridor and planned improvements to the public transport network has also been forecast to increase public transport patronage for residents of the corridor by approximately 6% per annum up to the year 2036. Whilst Ashfield will not be provided with a new Metro Station, the surrounding renewal in the Inner West will generated a high uptake in rail trips following the introduction of the proposed Sydney Metro City & Southwest network.

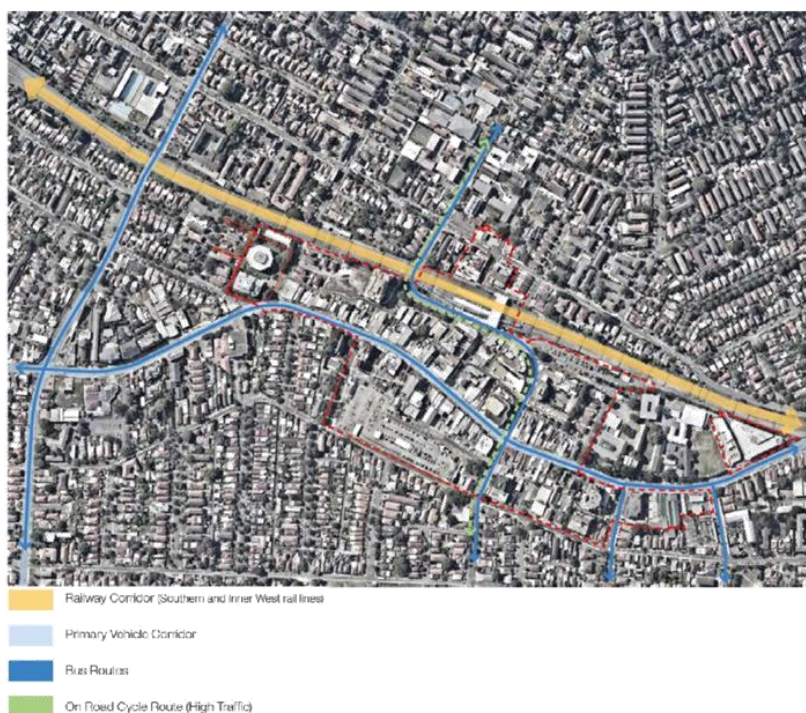


Figure 6- Existing pathways of movement
Source: Bates Smart

2.4 Surrounding Development

The Site is located on the western edge of the Ashfield Town Centre, which comprises of a mixture of different uses and densities and a range of architectural types. Since the 1980s this centre is continuing to be in the process of undergoing a transition from its original traditional low rise town centre, to an active mixed use area incorporating a mix of retail and residential land uses with buildings up to 8 -10 storeys.. This transition is being evidenced by current development activity, recent approvals, and further planned development providing contemporary higher density development interspersed within and around the centre (refer to **Figure 7** below).



Figure 7- Transformation occurring in the locality

Source: Bates Smart

The Site is adjoined to the north by a four storey residential apartment block that accommodates 60 units. The building has been built to the southern side boundary (where it adjoins the Site), and is setback from the rail corridor by an access driveway. Private open space for the residents is provided in the form of balconies that overlook the Site and rail corridor.

Adjoining the Site to the east is Cavill Avenue. On the north eastern side of Cavill Avenue are lower density two storey walk-up apartment blocks constructed from red brick with red tiled roofs and a pitched roof form. The north western corner of the Town Centre is dominated by this style of development that typically houses between 4 and 15 dwellings with minimal Site landscaping. On the south eastern side of Cavill Road is a two and a half storey retail development fronting Liverpool Road, with ground floor commercial uses and storage or offices above. Ground floor non-residential uses as active frontages continue down Liverpool Road.



Figure 8- walk up apartments on the Eastern Side of Cavill Avenue



Figure 9- Existing building at the corner of Liverpool Road and Cavill Avenue

To the south of the Site is the corner of Thomas Street and Liverpool Road. Development on the southern side of these roads is diverse both in terms of land uses and built form that ranges from a three storey commercial tower, to a six storey residential flat building, and low density detached dwellings leading into the Miller Avenue heritage conservation area.



Figure 10- Existing commercial tower on Liverpool Road

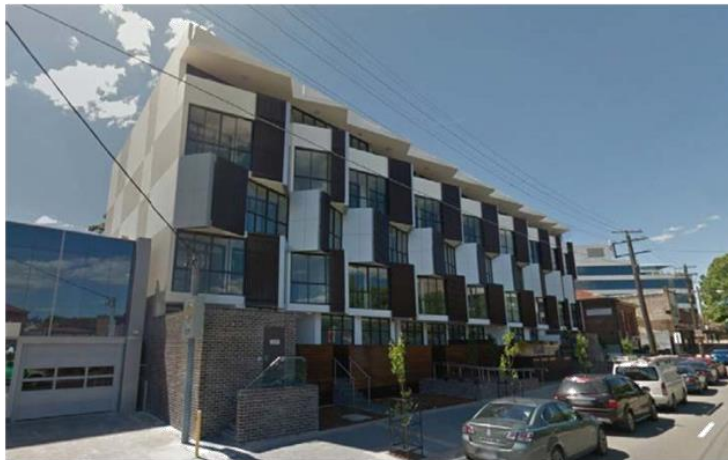


Figure 11- Residential flat building on Liverpool Road



Figure 12- Low density detached dwelling on Liverpool Road

To the west of the Site is residential development fronting The Avenue and ranging from one to four storeys in height. This includes three local heritage listed residences (Item Numbers 306-308), which have been recognised as examples of residential architecture in the Federation Queen Anne Style, and a cogent expression of several themes of municipal history including the growth and development of Ashfield in the Federation period.



Figure 13- Higher density residential development on the eastern side of The Avenue



Figure 14- Heritage listed house at 9 The Avenue

3.0 Local Planning Framework

The Site is subject to the *Ashfield Local Environment Plan 2013* (Ashfield LEP), which provides the following controls. The proposed changes to these controls is discussed in **Section 6** below, which will propose to align the Site with the dominant development standards of the Ashfield Town Centre.

3.1 Zoning

The majority of the Site is zoned B4 Mixed Use with both employment generating uses and residential accommodation permitted on the Site, with the remaining part of the Site zoned R2 Low Density Residential (refer to **Figure 15** below).

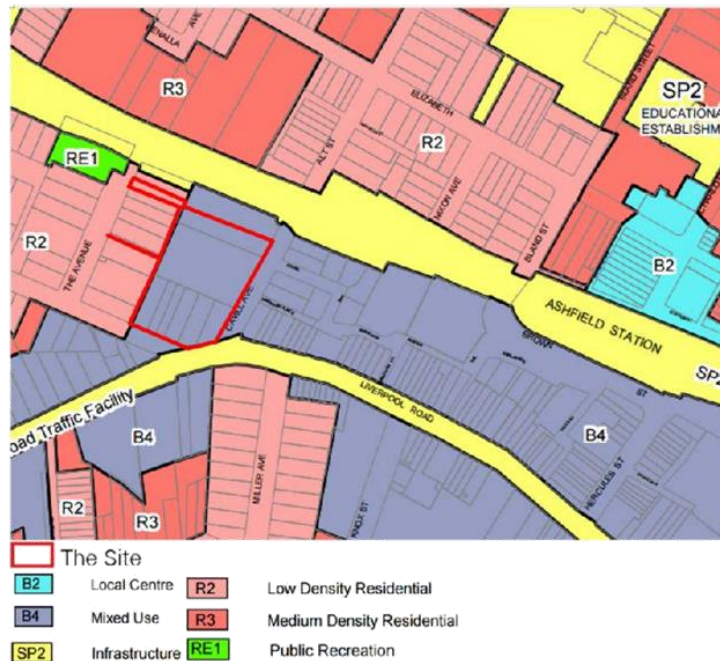


Figure 15- Existing land use zone

Source: *Ashfield Local Environment Plan 2013 / Ethos Urban*

3.2 Building Height

The through-site link allotments are zoned for a maximum building height of 8.5m, which steps up to 23m on the developable portion of the Site (refer to **Figure 16** below) on the B4 zoned land. This base height control is influenced by Clause 4.3(2A) of the Ashfield LEP, which applies to the B4 Mixed Use portion of the Site and prohibits any Gross Floor Area (GFA) within the top three metres of the height limit set by the Height of Buildings Map. This is in order to accommodate roof top uses and structures such as lift motor rooms, stair enclosures, and communal open space, characteristic of basic building design within a town centre context with small sites. Accordingly, the 23m base height is limited to a maximum realistic height of 20m on the developable portion of the Site.

The Site is also not presently subject to any bonus height above this maximum when providing affordable housing, as contained in Clause 4.3A of the Ashfield LEP. This provision for a height bonus applies to much of the Ashfield Town Centre surrounding the Site.



Figure 16- Existing maximum building height
Source: Ashfield Local Environment Plan 2013 / Ethos Urban

3.3 Floor Space Ratio

The developable portion of the Site has a maximum Floor Space Ratio of 2:1, and the through-site links have a Floor Space Ratio of 0.7:1 (refer to **Figure 17** below).



Figure 2- Existing FSR

Source: Ashfield Local Environment Plan 2013 / Ethos Urban

4.0 Strategic Context

The Site forms an important strategic location within Ashfield, and will assist in realising the desired outcomes for strategic planning in Greater Sydney. The strategic planning context of the Site is discussed below.

4.1 A Plan for Growing Sydney (Dec 2014)

In December 2014, the Department of Planning and Environment (The Department) released *A Plan for Growing Sydney*. This Plan presents a strategy for accommodating Sydney's future population growth over the next 20 years, and sets out goals and associated actions that will guide this growth.

The strategy is the overarching document, and is informed by the district plans, local strategies, and finally local plans as illustrated in **Figure 18** below.

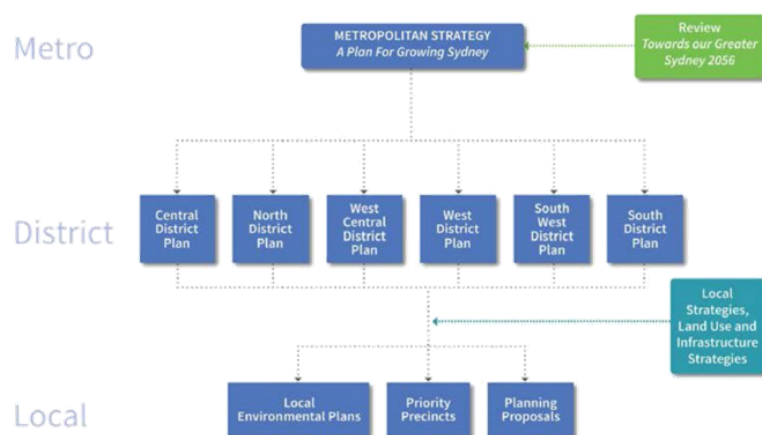


Figure 1- A hierarchy of plans

Key actions for this plan centre around establishing a competitive economy, housing supply and choice, strong, healthy, and connected communities, and addressing sustainability and resilience with a balanced approach to the natural environment. Specifically, relevant actions include:

- providing more jobs closer to home;
- accelerate housing supply across Sydney;
- accelerating urban renewal across Sydney;
- improving housing choice to suit different needs and lifestyles;
- create healthy built environments;
- protect our natural environment and biodiversity; and
- manage the impacts of development on the environment.

The Plan forecasts increased levels of growth in the employment and residential sectors with residential dwelling targets increased by 22% to accommodate an additional 664,000 new dwellings in Sydney by 2031. More recently, The Department has released the NSW population projections, which indicate that the Inner West LGA will grow by 29% by 2036 (or c.1% per annum) with an additional 51,800 expected persons to reside in the LGA over the period.

A Plan for Growing Sydney also identifies six subregions within Greater Sydney, that have guided the further study of the area in the Draft District Plans released November 2016. Ashfield is located in the Central Precinct and the town centre and located within the blue strip labelled "urban renewal corridor" in Figure 2 below, but without any more

precise detail provided in the Plan concerning the town centre. It is the intention of the plan to implement housing intensification and urban renewal along key public transport corridors, which includes the Inner West railway line, which the current Ashfield Urban Planning Strategy responds to, as has been the case with previous State Plans.

There is thereby the opportunity to support and facilitate the directions of this plan through the future redevelopment of the Site. Namely, it can support urban renewal to in-turn improve housing choice and housing supply in an established centre; it can continue to provide a mix of uses on the Site to provide jobs closer to home; it can locate more residents in close proximity of public transport; and it can provide additional density on a developed Site without significant environmental and biodiversity features.

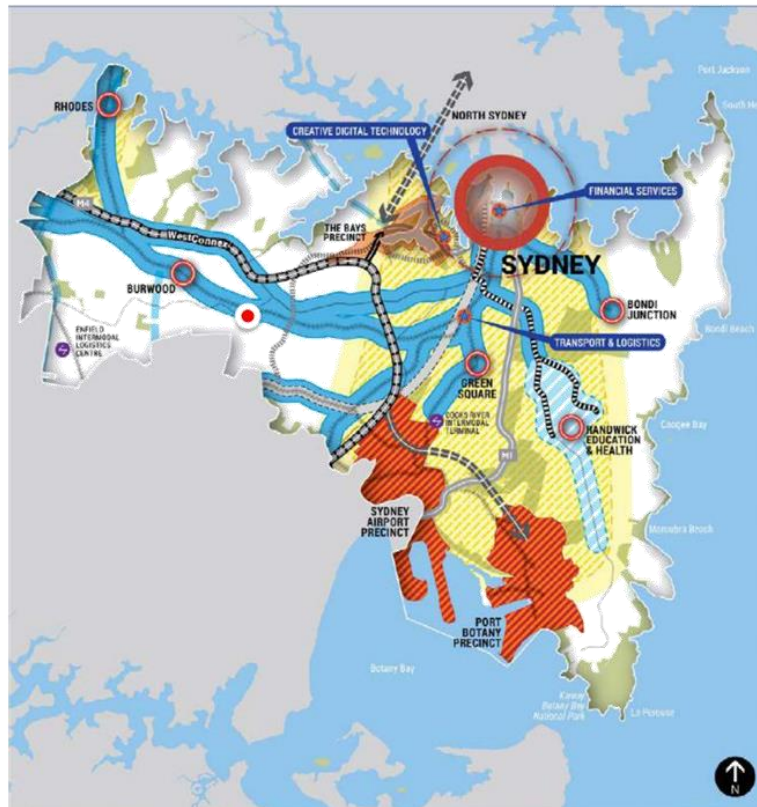


Figure 2- The Central Subregion

Source: *A Plan for Growing Sydney* –PG 109

Also relevant considerations are the following:

Draft Toward our Greater Sydney 2056 (Nov 2016-Greater Sydney Commission). This document states that it outlines a draft amendment to a *Plan for Growing Sydney 2014*, in order to reconceptualise Sydney as a metropolis of three cities. The Planning Proposal does not contravene the objective of this document.

Draft A Metropolis of three cities (Nov 2016-Greater Sydney Commission) which provides a concept for Sydney as “three cities” with Ashfield being within the “Eastern City”, and also provides various objectives for the Eastern City area, including that it should continue to provide for more housing and employment. The Planning Proposal is consistent with this general objective.

4.2 Draft Eastern Central District Plan (Nov 2016)

The Draft Eastern Central District Plan underpins both the *Draft A Metropolis of three cities* (Nov 2016-Greater Sydney Commission) and *A Plan for Growing Sydney 2014* and has identified this region of Sydney as a 'powerhouse' and focal point for establishing a competitive and liveable city. The plan establishes key priorities for achieving its vision for the centre of Sydney, including:

- leveraging investment in transport infrastructure to increase connections between where people work, live, and play to create a '30 minute city';
- meeting housing demand with innovative solutions, including providing people with a range of housing choices and types, and partnering population growth with infrastructure planning; and
- enriching unique places and connections through facilitating a network of attractive, liveable centres and community hubs connected by convenient transport links.

More specifically, the plan identifies Ashfield as a local centre. The Draft Plan recognises that in order to accommodate the Department's population projections (discussed further above), an additional 46,550 dwellings are required for this district in the next five years and up to 157,500 dwellings in the next ten years. This translates to 5,900 dwellings for the Inner West LGA to be delivered by 2021. The plan also notes that there are opportunities to deliver beyond this minimum dwelling target and address pent up demand resulting from past undersupply. A key action for Council to address this is to *"investigate local opportunities to address demand and diversity in and around local centres and infill areas with a particular focus on transport corridors and other areas with high accessibility"*. Accordingly, in order to address the nominated targets and actions for Council, there is a requirement to accelerate housing supply and urban renewal in established centres.

The proposal addresses 'Principle 2: stronger economic development in strategic centres and transport gateways', which was a principle considered under *A Plan for Growing Sydney* and referenced in the Draft Central District Plan. Whilst this principle does not strictly apply to the Site, which is neither in a Strategic Centre or a Transport Gateway (refer to **Figure 20** below), the priority states:

"Locating jobs in around 30 to 40 large centres across Greater Sydney provides the greatest benefits to the city's overall productivity. Greater Sydney's largest and most important hubs for business and employment are 'strategic centres' and 'transport gateways'."

As is detailed in the Strategic Economic Assessment prepared by JBA/Colliers International (**Appendix D**) and discussed further in **Section 7**, whilst Ashfield does embody some of these principles relating to access to transport and the presence of government agencies, there are also a multitude of fundamental strategic and market based reasons preventing significant commercial and retail development within the centre. It is emphasised that the existing land use for the Site does not prevent development for purely residential uses, and as such the Planning Proposal needs to be considered in this light.

Notwithstanding this, 'Productivity Priority 3' in the Draft Central District Plan can relate to the proposal and the context of Ashfield as a Local Centre. This priority refers to managing the growth of business in centres, and matters for consideration when preparing a Planning Proposal, which have been addressed in **Table 1** below.

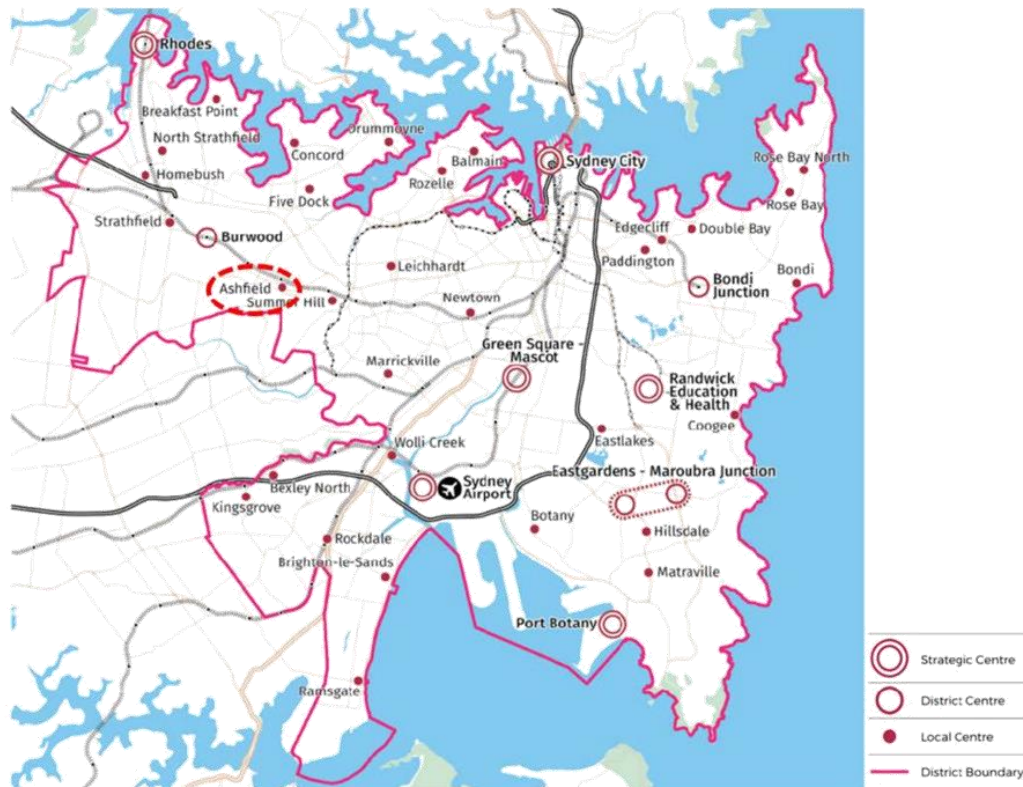


Figure 3- Central District Centres
Source: Draft Central District Plan

Table 1- Assessment against Productivity Priority 3 of the Draft Central District Plan

Provision	Comment
<p>When undertaking planning for strategic, district and local centres, the relevant planning authority should consider:</p> <ul style="list-style-type: none"> Opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail business types, including: <ul style="list-style-type: none"> The need to reinforce the suitability of centres for retail and commercial encouraging a competitive market 	<p>As is discussed in the Strategic Economic Assessment report and Section 7, there is limited opportunity for the existing Ashfield Local Centre to grow substantial retail and commercial offerings beyond smaller floor plates, given the extent of current commercial/retail offering in the suburb and the broader Inner West region. For the reasons given in the report, whilst there is a need to encourage vitality and mixed uses in the centre, the Site is and existing buildings are not suitable for, and cannot competitively provide, substantial commercial or retail development. Other strategic centres such as Burwood town centre are in close proximity, and such strategic centres will be the likely places for demand for multi storey commercial buildings.</p>
<ul style="list-style-type: none"> The commercial requirements of retailers and commercial operators such as servicing, location, and visibility and accessibility 	<p>These factors are a primary consideration when determining the feasibility of new commercial or retail development, and have informed the proposed outcome, and will inform future development on the Site. These requirements have not been achieved on the Site and as such are preventing significant commercial or retail redevelopment.</p>
<ul style="list-style-type: none"> The use of B3 Commercial Core Zones in strategic centres, and where appropriate, in district centres to reinforce and support the operation and viability of non-residential uses, including local office markets. 	<p>As discussed above, the Site is presently zoned R2 Low Density Residential and B4 Mixed Uses. These existing land use zones presently allow development for purely residential uses.</p>

4.3 Ashfield Urban Planning Strategy 2010

The *Ashfield Urban Planning Strategy 2010* (Ashfield Strategy) was a comprehensive study undertaken by Council to inform the Ashfield LEP 2013. It provide an overview of the strategic planning intent for the Ashfield Town Centre and the Site. This study addressed previous housing supply targets that have since been revised under the new District Plan. This strategy is identified under the Draft Central District Plan (Nov 2016) as providing housing supply capacity.

This strategy identifies the Site as being within the town centre core, and a mixed use centre (refer to **Figures 21 and 22**).

A key direction for housing in Ashfield under this strategy is to promote urban renewal in and around the Ashfield Town Centre, which will continue to be the focus for accommodating the majority of Ashfield's future housing requirements into the future. The introduction of new apartment buildings and greater mixed use development is credited as providing people with the opportunity to live close to transport and shops. The strategy accordingly seeks to promote mixed use development with ground level active, non-residential uses. It also highlighted that there is a need to cater for smaller household sizes and the increase in people living alone, and address the lack of housing affordability in the area.

The Town Centre is also identified as having a strong commercial and business sector, recognising that there is an opportunity for new stand alone and mixed use developments that can take advantage of access to public transport and provide significant 'flow on' economic benefits to retailers and support services. A key action was to promote new retail and business opportunities as part of mixed use developments within the town centre.

This support for mixed use developments, providing for integrated work and jobs in the centre, is leveraged off the existing public transport network. The strategy notes that Ashfield is well serviced by public transport in the form of heavy rail and bus services and that the Town Centre embodies the principles of Transit Orientated Design through providing retail and commercial uses and greater residential densities within walking catchment of Ashfield Station.



Figure 4- Ashfield Town Centre Core (Site shown in red)
Source: *Ashfield Urban Planning Strategy 2010*

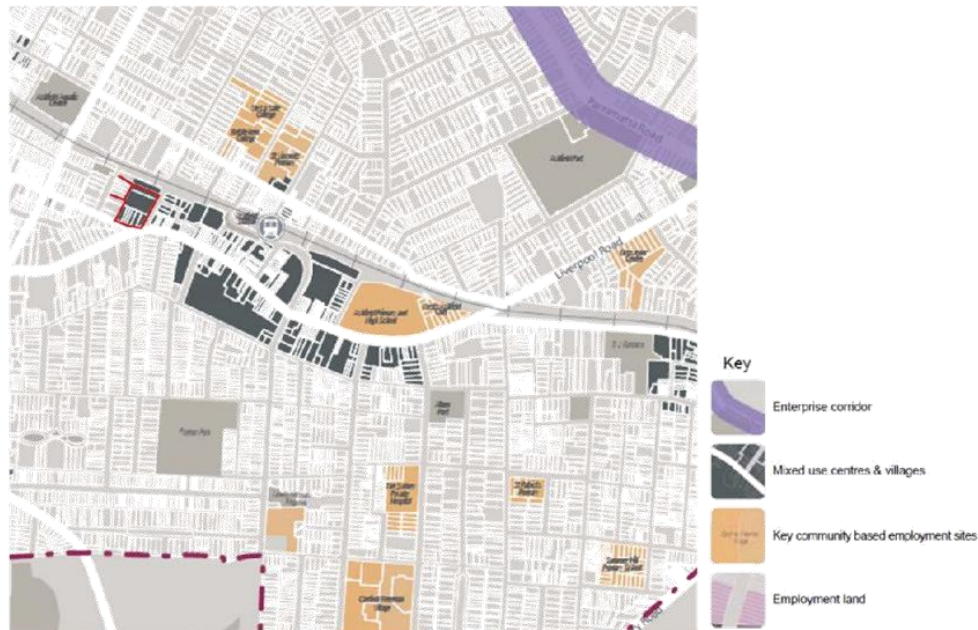


Figure 5 – Ashfield mixed use centre (Site shown in red)

Source: *Ashfield Urban Planning Strategy 2010*

4.4 Ashfield Town Centre Strategy

Whilst the Planning Proposal has addressed its consistency with the *Ashfield Urban Planning Strategy 2010* above, there is also the *Ashfield Town Centre Strategy 2008* that was never rescinded. This Strategy sought to review the previous Town Centre Strategy and Development Control Plan, and serve as a reference point for other town planning statutory documents. At the time the review specified that the Strategy would not entertain any change to the existing FSR or height within the centre, however this was superseded by the *Ashfield Urban Planning Strategy 2010* and development standards determined for the Ashfield LEP 2013. The Strategy's community principles remain relevant. The Strategy's urban design/built form morphology remains relevant, and this has been reflected, in combination with some adjustments to the building heights found in the 2008 Strategy, in particular parts of the Ashfield LEP 2013. The first is the Maximum Building Heights Map. The second is the Ashfield LEP 2013, clause 4.3 B, requiring lower podium building heights in particular places to both achieve a human scale and located where they reflect the original townscape building typology, and having tower building forms to the rear. This is also reflected in the Inner West DCP 2016-Part 1- Ashfield Town Centre, such as Map no 3 –street wall height zone, and Figure 1, which do not apply to the site.

Relevant to the Site under the *Ashfield Town Centre Strategy 2008* is the following.

Section 2a - Economic Development

A key objective is to strengthen the economic position of Ashfield, however, the Strategy also acknowledges that the "challenges are to promote employment growth in the Town Centre by ensuring new employment-generating development is feasible", and that there is a need to "apply planning controls that will make development feasible in order to accommodate required additional employment and residential growth". This acknowledges the challenges in attracting significant employment-generating uses in the centre, and associated feasibility problems with commercial development.

These key issues have been encountered by the proponent. Whilst it is intended that future development on the Site will provide non-residential tenancies, developing a substantial proportion of the Site as either commercial or retail floor space would remain unfeasible. As is discussed in **Section 7.2.1**, the proposal will remain consistent with the overall intent of the Site to foster mixed uses and contribute to the vitality of the centre.

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Section 2B – Potential & Constraints

The Strategy identifies those areas that are capable of being developed to their fullest potential, being those sites that achieve the fundamentals of being capable of being amalgamated and having vehicle access. The Site is consistent with both of these considerations, being almost a hectare in size and with vehicle access available from three frontages (Cavill Avenue, The Avenue, and Thomas Street). It is emphasised that a development and place making opportunity of this magnitude is extremely rare, and lends itself to a reconsideration of the applicable planning controls.

5.0 Objectives and Intended Outcomes

The Planning Proposal seeks to amend the Ashfield LEP to support a high density mixed-use development on the Site. The following section outlines the indicative development concept, the objectives and intended outcomes of the Planning Proposal, and provides an explanation of the proposed provisions in order to achieve those outcomes.

5.1 Objectives and Intended Outcomes

The intended outcome of this Planning Proposal is to amend the Ashfield LEP to enable a better redevelopment of 2-6 Cavill Avenue, Ashfield. The proposal seeks to deliver a mixed use development commensurate with the strategic context and potential of the Site. It does not constitute a major or unforeseen change to the town centre structure but rather it builds on the consistency of the centre.

Site is situated in a prominent corner position off the main east/west connector road through Ashfield (Liverpool Road / Hume Highway) and forms a key bridging location between the currently disjointed retail premises to the east and west on Liverpool Road. The Site can be characterised as a 'transition Site' between the Ashfield Town Centre and retail premises and the residential communities to the west. In order to address the transitional context of the Site, development has to fulfil dual objectives of protecting the need for active street frontages and mixed uses, whilst also creating greater vibrancy and addressing demand for dwellings in established centres.

Presently, the Ashfield Town Centre does not demonstrate a logical spread of density around the Railway Station. Existing high density development is interspersed in within or around the centre, creating an eclectic and transitional urban character with sometimes limited access to the station and the commercial assets that directly adjoin the station. There is thereby the opportunity to better integrate density and services through this proposal, commensurate with the increased capacity for development in the Inner West and the Ashfield Railway Station that accommodates a significant number of journeys every day.

It is also emphasised that, at almost a hectare in area, the scale of the Site lends itself to a reconsideration of the applicable planning controls in order to deliver the best possible outcome and to leverage the Sites accessible and strategically valuable location within the existing town centre. The Planning Proposal represents a unique opportunity to influence the evolution of the Ashfield Town Centre through aligning the Site with the dominant development standards of the Ashfield Town Centre.

More specifically, the proposal intends to facilitate the delivery of a high quality mixed use development of a desirably located Site that reflects the evolution of Ashfield and the Inner West towards a high density mixed land use character. This proposed redevelopment will also deliver significant public benefits through the provision of affordable housing under the Ashfield LEP, as discussed further in **Sections 6 and 7** below.

More specifically, the proposal will:

- Continue to support the provision of an integrated mixed use building in an evolving mixed use precinct.
- Facilitate the renewal of a strategically located parcel of land.
- Encourage a continued commercial presence on the Site, at a scale that will meet the future needs of new jobs, support the mixed use intention of the Site, and strengthen the corridor of active uses along the Hume Highway/Liverpool Road.
- Provide new residential apartments to take advantage of this accessible location, proximity to services, and existing rail networks with direct connections to major employment destinations.

These proposed outcomes will be achieved by:

- retaining the base maximum building heights applicable to the Site, and identify part of the Site as 'Area 1' on the Height of Buildings Map;
- increasing the maximum Floor Space Ratio of part of the Site from 2:1 to 3:1;
- suspending the requirements of Clause 4.3(2A) on this site only;
- suspend the requirements of Clause 4.3B(3) on this site only; and

- include a site-specific clause in Schedule 1 to enable the existing through-site links to be retained for vehicle access.

Refer to **Section 6** for further discussion on the proposed amendments to the Ashfield LEP.

5.2 Development Concept

An illustrative Design Concept Study for a mostly residential use has been produced by the Planning Proposal applicant illustrated below in **Figures 6 and 7**, prior to Gateway Determination. However Council resolved to prepare an ancillary (to the Ashfield Town Centre DCP Part) site specific Development Control Plan, to ensure the desired urban design outcomes in the DCP are achieved in the future redevelopment of the Site and are compatible with the proposed development standards. This will influence the likely development outcomes in terms of building locations and heights, open space site layout, and relationships to neighbouring sites.



Figure 6 – Illustration of one possible scenario for the redevelopment of the Site
Source: Bates Smart



Figure 7 – Illustration of one possible scenario for the redevelopment of the Site
Source: Bates Smart

The Site could be arranged so that through-site links along the line of existing laneways are extended through the Site to enhance permeability. These will improve connections to the east towards Ashfield Station and to the RE1 zone / Reserve to the west. The arrangement is such to avoid as much conflict as possible with vehicular movement, and to build on existing paths of travel and a revitalised public domain (refer to **Figure 25**).

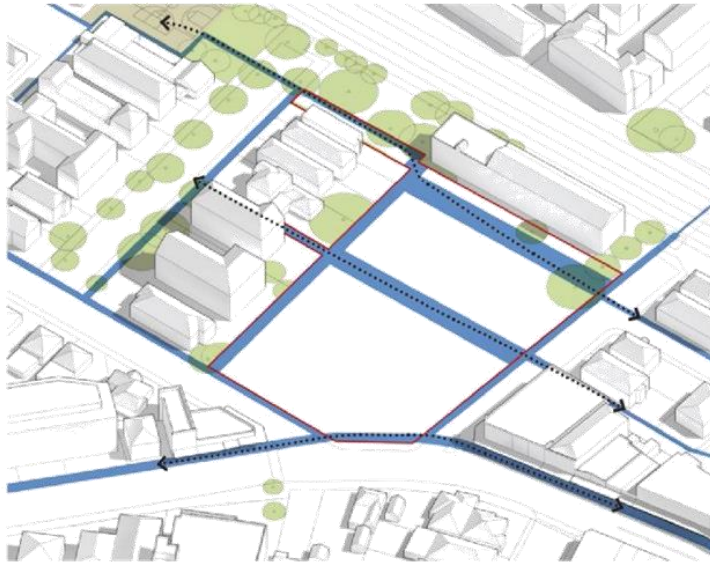


Figure 8 – Through-site links
Source: Bates Smart

As put forward by the applicant - the following are also possible desirable attributes that can be achieved through the redevelopment of the Site, with illustrations given in Figures 9 and 10 by the applicant:

- Built form can better address the prominent location on the "corner" of Liverpool Road and respond to the natural curvature of the road.
- It can activate and address this prominent road corridor and address the presently disjointed retail premises to the east and west of the Site, contributing to a holistic retail/commercial corridor.
- The top most storeys of buildings can be inset to reduce the height of the street wall and provide external amenity space to the top floor apartments.
- The future design can create a two storey townhouse "base" that helps to sculpt the perceivable ground plane and public realm. These integrated townhouse offerings assist in creating a human scale and establishing a built form that responds to the medium density development in the adjacent sites (refer to **Figures 26-27** below). These terraces would typically be provided with private terraces and individual ground floor entries to activate the street frontages, giving the look-and-feel of lower density living. This dwelling typology has been delivered successfully in other areas of Sydney such as Harold Park, and can be refined through a future site-specific Development Control Plan.
- The built form can be stepped down to Thomas Street and the existing properties on The Avenue to reduce the visual impact on the neighbouring properties and provide an appropriate height transition.



Figure 9 – Residential flat design as Harold Park with terrace housing at ground level
Source: Mirvac



Figure 10 – Residential flat design as Harold Park with terrace housing at ground level
Source: Mirvac

6.0 Explanation of Provisions

(Response to Part 2 of *Guide to Preparing Planning Proposals – An Explanation of the provisions to be included in the proposed amendment*).

The Ashfield LEP sets out the local planning controls across the formerly Ashfield LGA, now part of the Inner West Council area. This PP seeks to amend the Ashfield LEP to facilitate a better redevelopment of the Site as outlined above.

The existing and proposed LEP controls as well as the recommended amendments are outlined below, and justification is provided in **Section 7**.

6.1 Existing and Proposed LEP Controls

The existing and proposed LEP controls are outlined in **Table 2**. An explanation of the proposed changes is provided in the subsequent sections.

For clarity when discussing the proposed amendments, the Site has been divided into land used for the existing through-site links and the portion of the Site deemed to be the developable land that are proposed to be amended as part of this Planning Proposal (refer to **Figure 28** below when referring to **Table 2** and the discussion following).



Figure 11 – Areas of the Site subject to this Planning Proposal

Table 2 – Existing and Proposed LEP Controls

Location	Existing LEP Control	Proposed LEP Control
Land Use Zone		
Through-site links : Two sites at The Avenue, Lot 17-DP 168456, Lot101-DP 234926.	R2 Low Density Residential	<ul style="list-style-type: none"> No change to zoning. New Schedule 1 clause.
Developable land at 2-6 Cavill Avenue	B4 Mixed Use	No change.
Cl. 4.3 Height of Buildings		
Through-site links	8.5m	No change.
Developable land at 2-6 Cavill Avenue: Two sites at The Avenue, Lot 17-DP 168456, Lot101-DP 234926.	<ul style="list-style-type: none"> 23m Clause 4.3(2A) applies to the Site 	<ul style="list-style-type: none"> Retain base height, and identify the Site as 'Area 1' on the Height of Buildings Map Site specific suspension from Clause 4.3(2A)
Cl. 4.3A Maximum Height of Buildings in Ashfield Town Centre		
Through-site links	Clause does not apply.	No change.
Developable land at 2-6 Cavill Avenue	Clause does not apply.	Identify the Site as 'Area 1'
Cl. 4.3B Ashfield Town Centre – Maximum Height for Street Frontages on Certain Land		
Through-site links	Clause does not apply.	No change.
Developable land at 2-6 Cavill Avenue	Clause does not apply to the site as it is not within "Area 1" on the Height of Buildings Map, despite Clause 4.3(B) 3 referring to "Liverpool Road".	Site specific suspension from Clause 4.3B(3)
Cl. 4.4 Floor Space Ratio		
Through-site links : Two sites at The Avenue, Lot 17-DP 168456, Lot101-DP 234926.	0.7:1	No change.
Developable land at 2-6 Cavill Avenue	2:1	3:1

6.2 Zoning

This Planning Proposal seeks to conserve the original intent for the Site to deliver a mixed use development that provides an essential transition or interface between the Ashfield Town Centre and retail premises and the residential communities to the west. The intended outcome of the Site is to fulfil dual objectives of protecting the need for active street frontages and mixed uses, whilst also creating greater vibrancy and addressing demand for dwellings in established centres.

Whilst no rezoning is proposed, the application should consider a practical way for how access can be easily and sensibly maintained to the B4 land via the existing through-site links. Further investigations should be completed into an alternative land use or site-specific provision for the through-site links. This is discussed further in **Section 6.5** below.

6.3 Building Height

6.3.1 Inclusion in 'Area 1'

It is proposed to include part of the Site (deemed to be developable portion of the Site) in 'Area 1' on the Height of Buildings Map (refer to the proposed zoning map at **Appendix A**). There is no proposed change to the base height of 23m that applies to buildings on the Site, rather, the amendment will trigger the application of Clause 4.3A of the Ashfield LEP for the Site. This clause of the Ashfield LEP is an 'exception to maximum building heights in the Ashfield Town Centre' that enables residential flat buildings or shop top housing to exceed the permitted base height (23m) by up to 7m (for a maximum height of 30m) if:

- (a) *the development will contain at least 1 dwelling used for the purpose of affordable rental housing, and*
- (b) *at least 25% of the additional floor space area resulting from the part of the building that exceeds the maximum height will be used for the purpose of affordable rental housing.*

The inclusion of part of the Site within 'Area 1' thereby enables future development to reach a maximum height of 30m with the provision of associated affordable housing, which provides a significant public benefit and aligns the Site with the development standards of the surrounding Town Centre.

Whilst Council's *Inner West Affordable Housing Policy* was adopted in March 2017, the proponent requests that public benefits be provided in accordance with Cl.4.3A of the Ashfield LEP, which is the Environmental Planning Instrument that applied to the Site at the time of lodgement.

6.3.2 Suspension from Cl. 4.3(2A)

It is proposed to include a site specific clause suspending the Site from Clause 4.3(2A) of the Ashfield LEP. This clause presently requires all land zoned B4 Mixed Use (as is the developable portion of the Site) to exclude any GFA from the part of the building that is within three metres of the height limit set by the Height of Buildings Map. Accordingly, the addition of a site specific suspension within the Ashfield LEP will remove this existing restriction on the delivery of a mixed use development on the Site. We propose the following example wording (shown in ***bold italic***):

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) *to achieve high quality built form for all buildings,*
- (b) *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*
- (c) *to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*
- (d) *to maintain satisfactory solar access to existing buildings and public areas.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

(2A) *If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.*

- (a) ***Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue, Ashfield in accordance with subclause 2, if Council has considered the relevant objectives.***

Criterion for the relevant objectives in Clause 4.3 (2A) will be informed by the content of the site specific ancillary Draft Development Control Plan for the site, and Part D 1 Ashfield Town Centre, of the *Inner West DCP 2016*.

6.3.3 Suspension from Cl. 4.3B(3)

It is proposed to include a site specific clause suspending the Site from Clause 4.3B(3) of the Ashfield LEP. This clause presently requires development with entrances off Liverpool Road to have a maximum height of 12m for a distance of 12m from the street frontage. This clause only applies to land identified as 'Area 1' on the Height of Buildings Map, and as such whilst it does not presently apply to the Site, the proposed amendment outlined in **Section 6.3.1** will trigger this clause for future development on the Site.

As identified in **Section 2** above, the south eastern corner of the Site fronts Liverpool Road for approximately 24m. Accordingly, The small portion of the development addressing this corner would either be required to be setback above a 12m street wall, or to design the development so as to provide entries in alternative locations. In order to achieve the best possible outcome for the Site, and appropriately address and activate this corner frontage, we propose to suspend this restriction on the renewal of this significant Site. We propose the following example wording (shown in **bold italic**):

4.3B Ashfield town centre—maximum height for street frontages on certain land

- (1) *The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.*
- (2) *This clause applies to land identified as "Area 1" on the Height of Buildings Map.*
- (3) *Despite clauses 4.3 (2) and 4.3A (3), the maximum height of that part of a building that has an entrance or lobby on the ground floor facing Liverpool Road, Norton or Hercules Streets or Markham Place, Ashfield (a primary street frontage) is 12 metres for a distance of 12 metres from the primary street frontage away from the road.*
 - (a) ***Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue, Ashfield in accordance with subclause 4.3(2), if Council is satisfied that it achieves an appropriate design outcome having regard to surrounding development.***

6.4 Floor Space Ratio

It is proposed to change the maximum permitted FSR of the developable portion of the Site to 3:1, providing for mixed uses and affordable housing on the Site in line with the capacity of the Site.

No change is proposed to the FSR development standard applying to the through-site links.

6.5 Site-Specific Clause

It is proposed to include a new site-specific clause in 'Schedule 1 Additional permitted uses' of the Ashfield LEP to permissibly use the existing through-site links for vehicle access. The through-site links are presently zoned R2 Low Density Residential, and thereby permit different land uses than the remainder of the site that is zoned B4 Mixed Use. Accordingly, they cannot be retained as private access roads; as the Court has held in such cases as *Site Plus Pty Ltd v Wollongong City Council* [2014] NSWLEC 125, and *Chamwell v Strathfield Municipal Council* [2008] NSWLEC 4, that a private access road takes on the character of the development it services and is not defined as a 'road'.

Accordingly, the through-site links can only be permissibly used for vehicle access if the land use zone also permits residential flat buildings, shop top housing, commercial tenancies etc on this portion of the Site. Under the Ashfield LEP, each of these uses are prohibited within the R2 zone and as such the through-site links cannot be used to permissibly access development on the remainder of the Site. A site-specific provision is proposed in Schedule 1 of the Ashfield LEP, expressly permitting any development for the purposes of access (private or otherwise) to development on the remainder of the Site zoned B4. We propose the following example wording (shown in **bold italics**):

9. Use of certain land at 2-6 Cavill Avenue, Ashfield

- (1) ***This clause applies to 2-6 Cavill Avenue, Ashfield and relates to Lot 17 in DP 168456, and part of Lot 101 in DP 234926.***
- (2) ***Access (private or otherwise) to development for the purposes of Commercial premises; Residential accommodation; Community facilities; Function centre; Health services facility; Centre-based child care; Educational establishments; Entertainment facilities; Tourist and visitor accommodation; Recreation facilities; Registered clubs; and Car parking, are permitted with development consent.***

This amendment will ensure that the existing vehicle access points used by the commercial towers are maintained and improved as part of the future redevelopment of the Site. Given the scale and location of these sections of the Site, there wouldn't be any realistic opportunity to build on these portions of land.

If no amendment is supported, the existing through-site links will have to be removed. This would be a poor outcome on the grounds of vehicle circulation and general permeability. The Architectural Excellence Panel were supportive of the retention of these through-site links, which tie in with public domain improvements set to be commenced by Council. Council's Traffic Engineer also raised no objection to the Proposal, noting that the development could achieve adequate existing vehicular access off Cavill Avenue and The Avenue.

7.0 Justification

(Response to Part 3 of *Guide to Preparing Planning Proposals – The justification of those objectives, outcomes, and the process for their implementation*).

This section demonstrates the need for the proposal and its relationship with the strategic planning framework. The environmental, social and economic impacts of the proposal are considered in **Section 7.3**.

7.1 Section A – Need for a Planning Proposal

Q1. Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal is not as a result of any specific strategic study or report. Rather, the proposal has sought to address the existing potential for the urban renewal of the Site in line with the strategic framework for the area, to provide an improved built form on the Site and in the centre, and to deliver a significant public benefit.

It is emphasised that at almost a hectare in area, the scale of the Site lends itself to a reconsideration of the applicable planning controls in order to deliver the best possible outcome and to leverage the Sites accessible and strategically valuable location within the existing town centre. This Planning Proposal thereby presents a unique opportunity to influence the evolution of the Ashfield Town Centre and provide for new homes and jobs in a highly accessible location.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal is the best means of achieving the objectives and intended outcome of the Planning Proposal. The proposed height and FSR would not be supported under the existing development standards, and the provision of affordable housing would not be required.

7.2 Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Regional & Subregional Plan

As outlined in the sections below, the Planning Proposal is consistent with the goals and directions outlined in *A Plan for Growing Sydney*, as it provides for:

- future urban renewal and growth within an established centre;
- increased housing close to centres and stations;
- increased housing variety;
- housing in an existing centre, delivering economic, environmental and social benefits;
- the development of already urbanised land without significant biodiversity features.

The Planning Proposal is also consistent with the Central Precinct, which identifies the Site as being within an urban renewal corridor following the Inner West railway, and as such aligns with the intent of the plan to implement housing intensification and urban renewal along key public transport corridors. There is thereby the opportunity to support and facilitate the directions of this plan through the future redevelopment of the Site.

Draft District Plans

In addition to the above, the proposal aligns with the Draft Central District Plan that underpins *A Plan for Growing Sydney*. It achieves the strategic actions for the district by:

- providing a mixed use development that integrates housing and employment opportunities to assist in creating a '30 minute city';
- assisting in meeting the housing target to provide an additional 5,900 dwellings in the Inner West LGA by 2021, including addressing opportunities to address pent up demand resulting from past undersupply;

- supporting a range of housing choices and types, including the provision of affordable housing; and
- revitalising a strategically important Site in the Ashfield Town Centre to assist in reforming Ashfield as a liveable centre and community hub that benefits from connections to convenient transport links.

The Draft Central District Plan also provides strategic guidance for investigating new housing capacity in the district. This guidance specifically supports urban renewal in existing centres with frequent public transport capable of carrying large number of passengers to jobs and services. It identifies the urban renewal corridors presented in *A Plan for Growing Sydney*, which includes the corridor along the Inner West rail line encompassing Ashfield, and provides a general guidance for investigating the capacity of urban renewal corridors. This guidance can be applied to the Site to demonstrate the potential of the Site to accommodate greater capacity:

Alignment with Regional and District Infrastructure

The proposal directly responds to the Sites proximity to existing regional and district infrastructure in proposing to increase capacity on the Site, such as being in proximity of Ashfield Railway Station and Liverpool Road/Hume Highway, local schools and within easy access to local hospitals.

Accessibility to Jobs

The Site is located within the Ashfield Town Centre and is in proximity of notable employment centres such as the Burwood District Centre identified for further mixed use development and the delivery of 12,000 jobs by 2036, the Green Square / Mascot Strategic Centre identified as an employment hub and the delivery of 75,000 jobs by 2036, and the Sydney CBD identified for the delivery of 496,900 jobs by 2036. These centres are all between 4 minutes and 25 minutes away by train, thereby meeting the desire for a '30 minute city'. In addition to being ideally located to access surrounding strategic and district centres, the proposal is also in proximity of the Parramatta Road Urban Renewal Corridor and Sydenham to Bankstown Urban Renewal Corridor, which have indicated targets of 50,000 and 45,050 additional jobs (respectively) for the area by 2036.

Accessibility to Regional Transport

The Site is located within walking distance of Ashfield Railway Station and bus routes along Liverpool Road that provide easy access to the centres identified above. It is noted that Ashfield Station was either the origin or destination for some 3,530,995 journeys in 2014, which is significant in the context of the Sydney Trains network and is comparable to much larger centres including Burwood, Kogarah, Rockdale, Hornsby, Blacktown and Auburn Station, which all had an equivalent number of journeys. This recognises that there is the opportunity to better integrate density and services commensurate with the activity of Ashfield Railway Station that accommodates a significant number of journeys every day.

Catchment Area

The catchment area of the Site includes the remainder of the Ashfield Town Centre and regional transport connections providing easy access to other strategic and district centres.

Feasibility of the Development

The proposal will directly assist with the feasibility of the development in enabling increased capacity on the Site assisting in the viability of the urban renewable process. A future design concept will be tested and seek to provide a mix of dwellings capable of being delivered on the Site, including a portion of affordable housing.

Proximity to Services

The Site is in close proximity of a number of both primary and high schools, and public private and religious schools located just north of the railway line, and east of the Site at Croydon. Sydney Private Hospital and Westley Hospital are within 1km of the Site, as well as local medical practices and associated professions located within the Ashfield Town Centre.

Environmental Constraints

Consideration of heritage and cultural elements, visual impacts, natural elements, specific land uses, and other environmental constraints have been addressed in **Section 7** below.

Local Features

Consideration of local features such as topography, lot sizes, strata ownership, and the transition between different built forms has been considered in the Site description at **Section 2**, and addressed at **Section 5** through the objectives and intended outcomes. A site specific DCP will ensure future development on the Site directly responds to the local features of the Site.

Delivery Considerations

Delivery considerations such as staging, enabling infrastructure, upgrades or expansions of social infrastructure such as schools, open space and community facilities will be explored through a detailed Development Application to follow.

7.2.2 Assessment Criteria – Does the Planning Proposal have strategic merit

Part 3 of *A Guide to Preparing Planning Proposals* establishes an assessment criteria for determining if Planning Proposals have strategic merit (emphasis added for relevant criteria achieved by the Planning Proposal):

a) *Does the proposal have strategic merit? Is it:*

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the Site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Guide also notes that there is a presumption against a rezoning review that requests to amend LEP controls less than 5 years old, unless the proposal can clearly justify that it meets the strategic merit test. The Ashfield LEP was gazetted in 2013 and as such is now only 3 years old. Accordingly, it meets the criteria of a contemporary control and the Planning Proposal is required to demonstrate how it clearly meets the Strategic Merit test outlined above.

Point 1

As addressed in **Section 7.2** above, the proposal is consistent with *A Plan for Growing Sydney* including the directions for the Central Subregion, and will directly assist in achieving the targets and actions under the Draft Central District Plan.

Point 2

Whilst the development is not directly in response to any local planning strategies developed by Council, it has been shown to be generally in-line with *Ashfield Urban Planning Strategy 2010* that informed the Ashfield LEP and outlines the strategic planning intent for the Ashfield Town Centre and the Site. In-keeping with this planning strategy, the proposal will:

- continue to focus future housing in the centre, to promote urban renewal in and around the Ashfield Town Centre;
- improve housing choice and directly respond to the lack of housing affordability in the area;
- afford people the opportunity to live close to transport and shops;
- promote mixed use development with ground level active, non-residential uses; and
- provide greater capacity on the Site to take advantage of access to public transport and provide significant 'flow on' economic benefits to retailers and support services.

It is also emphasised that at almost a hectare in area, the scale of the Site lends itself to a reconsideration of the applicable planning controls in order to deliver the best possible outcome and to leverage the Sites accessible and strategically valuable location within the existing town centre. This Planning Proposal thereby presents a unique opportunity to influence the evolution of the Ashfield Town Centre and provide for new homes and jobs in a highly accessible location.

Point 3

The proposal is located on the western edge of the Ashfield Town Centre, surrounded by a mixture of different uses and densities and a range of architectural types. This centre is in the process of undergoing a transition since the 1980s, from being a local shopping town centre strip, to an active mixed use area incorporating a mix of commercial and residential land uses up to 8 - 10 storeys. This transition is being created by current development activity, recent approvals, and further planned development providing higher density development interspersed within and around the centre. This change process is also likely to be accelerated by increase housing demand, which will act as a catalyst for greater spatial transformation and urban renewal in Ashfield and the Inner West suburbs of Sydney.

7.2.3 Response to Site Specific Merit

The second part of the Merit test contained within part 3 of the Guide, relates to the Site-specific merit of the proposal, as outlined below:

b) Does the proposal have Site-specific merit, having regard to the following:

- *the natural environment (including known significant environmental values, resources or hazards) and*
- *the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The Planning Proposal is also required to demonstrate how it clearly meets the Site specific Strategic Merit test outlined above.

Point 1

The proposal seeks to assist in the renewal of the Site, which is already developed and located within an urbanised area. Accordingly, the proposal will not any significant environmental features or adversely impact the natural environment as part of the urban renewal process. This is also addressed in **Section 7.3** below.

Point 2

The redevelopment of the Site will remain consistent with the original intent for the Site, as a mixed use development that provides an essential transition between the town centre, retail premises, and residential communities to the west. It is emphasised that the Planning Proposal does not intend to rezone the Site, which presents an opportunity to redevelop purely for residential uses without any prior amendment to the Ashfield. However, in facilitating the redevelopment of the Site, there may be a resultant loss in employment floor space in Ashfield. As discussed previously, the Site is occupied by two independent commercial office buildings, and the likely redevelopment of the Site will provide for a mixture of residential and non-residential uses.

In spite of this, the likely loss of employment floor space is considered to be acceptable and in-keeping with the future uses of the surrounding area, as:

- The Site is already zoned B4 Mixed Use and enables high density development, and as such irrespective of this proposal, there is the potential and intent to redevelop the Site for a combination of residential and commercial uses.
- The Site is strategically located on the western edge on of the Ashfield Town Centre, positioning it as a transition Site between the centre and residential communities that is best served by a blend of residential and non-residential uses.
- The inclusion of dwellings on the Site aligns with the ongoing transformation occurring in the area in favour of active mixed use Sites.
- The redevelopment of the Site will facilitate an improved outcome for the presently disjointed retail premises to the east and west on Liverpool Road, providing ground-floor commercial uses that address the street frontage and enforce the corridor of activity leading into the town centre.
- The Site is in close proximity of existing major commercial centres, including Burwood, Green Square / Mascot, Parramatta, Australian Technology Park, and the Sydney CBD that are between 4 minutes and 25 minutes away by train or bus, and are expected to grow as major employment centres.
- The Site is also in close proximity of Priority Growth Areas, including the Parramatta Road Urban Renewal Corridor and Sydenham to Bankstown Urban Renewal Corridor, which are forecast to deliver thousands of new jobs and associated employment floor space, negating the strategic significance of this limited commercial floor space in the local centre of Ashfield. The economic role and function of Ashfield is currently, and is forecast to, continue to service the day to day needs of the local community.
- The existing State Government tenant of the commercial buildings on site is being relocated to the Parramatta CBD, consistent with the State Government's policy to relocate government departments and agencies to Western Sydney centres like Parramatta, Liverpool and Penrith.

- An assessment of the market potential for major commercial and retail developments by Colliers International (**Appendix D**) has revealed Ashfield lacks the amenity, critical mass and economic diversity of centre to attract and retain major commercial and retail tenants. Colliers International confirm that *"overall, the prospect for the new commercial development in Ashfield is extremely low, and is a risky proposition"*, and that it is both *"unlikely that the Ashfield market will be able to sustain any further major retail additions"* and that *"the features and traits of the site (are) also not conducive for major retail uses"*.
- Future employment growth within Ashfield is only forecast to occur as a result from an increase of population within the local area, which will be supported by the proposal.

A Strategic Economic Assessment has been prepared by JBA, and accompanied by market analysis from Colliers International, at **Appendix D**. This assessment confirms that Ashfield is a less desirable and competitive location, relative to neighbouring centres, to sustain substantial employment growth and attract new businesses. The issues with the performance of the centre relate to agglomeration, the quality of office stock, amenity, the delivery of major infrastructure and urban renewal projects in other areas, a shift in State Government policy, and the composition of business demand, which are attracting tenants in other more established and growing commercial centres and health and education precincts. These surrounding locations will continue to be the focus of future growth, thereby affecting the overall competitiveness and feasibility of commercial and retail uses within Ashfield.

This confirms that Ashfield lacks the amenity, critical mass and economic diversity of centre to attract and retain major commercial and retail tenants. Colliers International conclude that *"overall, the prospect for the new commercial development in Ashfield is extremely low, and is a risky proposition"*, and that it is both *"unlikely that the Ashfield market will be able to sustain any further major retail additions"* and that *"the features and traits of the site [are] also not conducive for major retail uses"*.

Accordingly, whilst the proposal does not directly seek to amend the existing land use zones applying to the Site, it will enable a better redevelopment of the Site in-line with its highest and best use, its strategic context, and the recognisable changes occurring in the locality and the greater Inner West. The proposed rezoning will also enable a potential maximum height of 30m and an FSR of 3:1, which are the controls generally adopted across the remaining Ashfield Town Centre and as such builds the Site as being compatible with the surrounding area.

Point 3

The Site is located in an established urban area and has access to a range of existing utility services, public transport, infrastructure and health and education services. Further investigations will be undertaken as part of the preparation of the DA to determine whether any upgrade of existing utilities is required.

7.2.4 Relationship to Local Planning Framework

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

As addressed in **Section 7.2.1** above, whilst the proposal is not directly in response to any local planning strategies developed by Council, it has been shown to be generally in-line with *Ashfield Urban Planning Strategy 2010*. This strategy informed the Ashfield LEP and outlined the strategic planning intent for the Ashfield Town Centre and specifically for the Site. Housing supply targets have since been revised under the new Draft Central District Plan (Nov 2016). This strategy is identified under the draft District Plan as a former local initiative to increase capacity in the LGA.

7.2.5 Relationship to Legislative Plans and Policies

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is provided in the **Table 3** below.

Table 3 – Consistency with Relevant SEPPs

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to the Ashfield LEP.
SEPP No 55 Remediation of Land			✓	Pursuant to clause 6 of the SEPP, there is no change of land use proposed. The historical land uses on the Site don't suggest that it has accommodated a potentially contaminating land use. An assessment can be carried out at future Development Application stage.
SEPP No 64 Advertising and signage			✓	Not relevant to proposed amendment.
SEPP No 65 Design Quality of Residential Flat Development	✓			A future Development Concept will be formed post Gateway, providing evidence for the development standards being sought including an assessment of how a residential component could achieve compliance with the relevant design principles contained within SEPP 65 and the ADGs, as relevant.
SEPP (Affordable Rental Housing) 2009			✓	The proposed amendment will facilitate the provision of affordable housing under the LEP. Accordingly, whilst affordable rental housing has the same meaning as in the SEPP, the SEPP itself does not directly apply to the proposed amendment.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application for the Site facilitated by this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the Site.
SEPP (Infrastructure) 2007	✓			The future development will be referred to the RMS when the DA is lodged.
SEPP (State and Regional Development) 2011	✓			The future development of the Site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the Planning Panel acting as the determining authority.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			The Site is not located directly on the Sydney Harbour Catchment foreshore. Consistency with the SREP will be considered and addressed appropriately at DA stage.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Ministerial directions under Section 117 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning and Infrastructure under Section 117 of the EP&A Act is provided in the table below.

Table 4 – Assessment against S.117 Directions

Direction		Consistency			Comment
		Yes	No	N/A	
1. Employment and Resources					
1.1 Business and Industrial Zones	✓				Whilst the Site is not located within a Strategic Centre, the proposal seeks to encourage investment, growth and the resultant viability of the Ashfield Town Centre. The Site will remain consistent with the original intent for the Site as a mixed use zone, however, in

Direction	Consistency			Comment
				facilitating the redevelopment of the Site, there may be a resultant loss in employment floor space in Ashfield. This is addressed in Section 7.2.3 above, which highlights that the Planning Proposal's potential effect on employment resources is of minor significance.
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
2. Environment and Heritage				
2.1 Environment Protection Zones			✓	Not applicable
2.2 Coastal Protection			✓	Not applicable
2.3 Heritage Conservation			✓	Not applicable
2.4 Recreation Vehicle Areas			✓	Not applicable
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The amendment to the R2 zoned land per the discussion in Section 6.5 , retains the existing zoning whilst allowing for the existing vehicle access points used by the commercial towers are maintained and improved as part of the future redevelopment of the Site. This will enable the delivery of a mixed use development incorporating new dwellings that are located in close proximity to public transport, employment opportunities, and day to day services. The proposal makes more efficient use of existing infrastructure and reduces the consumption of land for housing and associated urban development on the urban fringe. The proposal will increase the permissible density of land, ensuring the minor change to the low density residential land will not adversely affect the provision of dwellings and is of minor significance.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The Planning Proposal, through unlocking the development potential of the Site, will concentrate critical mass to support public transport, and improve access to housing and jobs and services by walking, cycling and public transport. In light of this it is expected that the proposal will reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car.
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
4. Hazard and Risk				
4.1 Acid Sulphate Soils			✓	Not applicable
4.2 Mine Subsidence and Unstable Land			✓	Not applicable
4.3 Flood Prone Land			✓	Not applicable

Direction	Consistency			Comment
4.4 Planning for Bushfire Protection			✓	Not applicable
5. Regional Planning				
5.1 Implementation of Regional Strategies			✓	Not applicable
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport: Badgerys Creek			✓	Not applicable
5.10 Implementation of Regional Plans			✓	This proposal is consistent with the Plans.
6. Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.
6.2 Reserving Land for Public Purposes	✓			No new road reservation is proposed.
6.3 Site Specific Provisions	✓			The Planning Proposal will not result in any unnecessarily restrictive site-specific controls, rather it specifically seeks to allow for flexibility in the design of future buildings on the Site, in order to achieve the best possible outcome for the Site. The proposed amendments do not specify a particular development proposal, rather a proof of concept supports this report as one possible outcome for the Site.
7. Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent. Refer to Section 7.2 .

NSW Long Term Transport Plan 2012

The NSW Long Term Transport Plan 2012 has the aim of better integrating land use and transport. A *Plan for Growing Sydney* has been prepared to integrate with the Long Term Transport Plan.

The Planning Proposal will serve the objectives of the Transport Plan by locating both residential and employment generating uses close to an existing railway station and bus network. This will promote the use of public transport and reduce reliance on private motor vehicles.

NSW State Priorities

The NSW State Priorities were determined by (then) Premier Mike Baird as significant overarching goals for the state, to provide high quality public services and infrastructure, while protecting those most vulnerable in our society. The proposal is considered to be in-keeping with these priorities by increasing housing supply that responds to key existing infrastructure, and more generally to infrastructure projects planned for the surrounding area.

7.2.6 Local Statutory Framework

Ashfield LEP 2013

objectives of the Ashfield LEP and relevant development standards.

Consistency with Overall Aims

The proposal's consistency with the overall aims of the Ashfield LEP is demonstrated in **Table 5** below.

Table 5 – Consistency with the aims of the Ashfield LEP

Aim	Proposal	Consistency
a) to promote the orderly and economic development of Ashfield in a manner that is consistent with the need to protect the environment	The proposal will directly facilitate the orderly and economic redevelopment of the Site, in enabling the delivery of a high quality mixed use development that reflects the evolution of Ashfield and the Inner West towards a high density mixed land use character. The proposal will have significant associated public benefits, and will not adversely impact the environment as considered in Sections 7.3 and 7.4 .	✓
b) to retain and enhance the identity of Ashfield as an early residential suburb with local service industries and retail centres	The proposal will reinforce the strategic direction for Ashfield Town Centre, whilst also providing for a future development that recognises and enhances the desirable features of the Site. No change is proposed to the desired future use of the mixed use Site, rather the proposal will facilitate a better redevelopment of a prominent corner lot to enhance existing active frontages along Liverpool Road / Hume Highway, and improve housing diversity and choice, including affordable housing to contribute to the vitality of the community.	✓
c) to identify and conserve the environmental and cultural heritage of Ashfield	As addressed in Section 7.3 below and the Heritage Impact Assessment at Appendix B , the proposal is considered to be acceptable from a heritage perspective and GBA Heritage confirm it should be recommended for approval.	✓
d) 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 directly responds to this aim, in facilitating greater housing supply, choice, and affordability on a Site that has exceptional access to public transport, surrounding services and facilities, and strategic, district and local employment centres.	✓
e) to strengthen the viability and vitality of the Ashfield town centre as a primary centre for investment, employment, cultural and civic activity, and to encourage a majority of future housing opportunities to be located within and around the centre,	The proposal also directly responds to this aim. The proposed planning controls will support the Ashfield Town Centre as the focal point for activity and investment in the area through providing a landmark mixed use development at the periphery or western gateway of the centre. The proposal protects the need for active street frontages and mixed uses whilst also creating greater vibrancy by addressing demand for dwellings in established centres.	✓
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	N/A	N/A
g) to encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely affect adjacent residential areas	N/A	N/A
h) to ensure that development has proper regard to environmental constraints and minimises any adverse impacts on	This is addressed in Section 7.3 below, that confirms that the Planning Proposal will not result in any adverse impact on the environment in view of the Site's urban location and	✓

Aim	Proposal	Consistency
biodiversity, water resources, riparian land and natural landforms	that it has already been developed as a high density commercial building.	
i) to require that new development incorporates the principles of ecologically sustainable development	The future redevelopment of the Site will demonstrate the environmental sustainability of the development scheme.	✓

Consistency with Height Objectives

The proposal's consistency with the objectives for height under the Ashfield LEP is demonstrated in **Table 6** below.

Table 6 – Consistency with building height objectives

Objective	Proposal	Consistency
a) to achieve high quality built form for all buildings	Whilst no detailed design is provided as part of the Planning Proposal, but rather will be the subject of a potential future DA, this proposal enables a better redevelopment of the Site to address its context and provide an enhanced built form outcome than the existing isolated commercial towers that poorly address their Site context.	✓
b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes	Refer to the discussion in Section 7.3.1 . There is the potential to redevelop the Site so as to minimise impacts on the surrounding properties associated with overshadowing, privacy and views.	✓
c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings	The Planning Proposal seeks to enable an increased building height to respond to the Site's position in the Ashfield Town Centre. The proposed height is commensurate with the Site's position within the town centre, as the focal point for residential capacity and investment in the area, and recognises the strategic importance of the Site and Inner West LGA. As highlighted in Sections 7.2 and 7.2.2 , an appropriate relationship can be maintained with the surrounding area including surrounding local heritage.	✓
d) to maintain satisfactory solar access to existing buildings and public areas.	Generally, the areas of public domain in the vicinity of the Site are located to the north west of the Site, and as such will not have any significant adverse overshadowing impacts as a result of the proposal. Overshadowing is discussed further at Section 7.3.1 .	✓

Consistency with FSR Objectives

The proposal's consistency with the objective for FSR under the Ashfield LEP is demonstrated in **Table 7** below.

Table 7 – Consistency with the FSR objectives

Objective	Proposal	Consistency
a) to achieve high quality built form for all buildings	Whilst no detailed design is provided as part of the Planning Proposal, but rather will be the subject of a potential future DA, this proposal enables a better redevelopment of the Site to address its context and provide an enhanced built form outcome than the existing isolated commercial towers that poorly address their Site context.	✓
b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes	Refer to the discussion in Section 7.3.1 . There is the potential to redevelop the Site so as to minimise impacts on the surrounding properties associated with overshadowing, privacy and views.	✓
c) to minimise adverse environmental impacts on heritage conservation areas and heritage items	As addressed in Section 7.3 below and the Heritage Impact Assessment at Appendix B , the proposal is considered to be acceptable from a heritage perspective and GBA Heritage confirm it should be recommended for approval.	✓

Objective	Proposal	Consistency
d) to protect the use or enjoyment of adjoining properties and the public domain	The future design concept will demonstrate how development can be designed to minimise impacts associated with overshadowing, privacy and view impacts on surrounding properties. Refer to discussion in Section 7.3.1.	✓
e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation	As highlighted in Section 5 above, there is the potential for the redevelopment of the Site in-line with the proposed changes to maintain an appropriate relationship with the surrounding area, including residential areas immediately to the west of the Site that are unlikely to undergo significant change. This is further discussed in Section 7.3 below.	✓

Consistency with The Maximum Height for Street Frontages Objectives

The proposal's consistency with the objective for FSR under the Ashfield LEP is demonstrated in **Table 8** below.

Table 8 – Consistency with maximum height for street frontages

Objective	Proposal	Consistency
The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.	Applying a reduced maximum height for the portion of the Site fronting Liverpool Road does not achieve the best outcome for the Site, and owing to the minimal corner frontage to this road, the control cannot be readily applied to future development on the Site. As addressed in Section 7.3 below, the proposed suspension from Clause 4.3B(3) of the Ashfield LEP will assist in crafting an active, economically viable, and high-quality mixed use development on the Site.	N/A

7.3 Section C – Assessment of Environmental, Social and Economic Effects

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?

The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats, given the Site's urban location and that it has already been developed as a high density commercial building. A future site-specific DCP will consider the retention and celebration of significant vegetation on the Site.

7.3.1 Environmental Effects

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Additional site coverage impacting natural features and plantings on the site are already affected by existing floor space ratio in the Ashfield LEP 2013. Spatially the proposal will result in additional storeys with potential impacts pertaining to building scale and shadowing for neighbouring properties. In accordance with the Council resolution, Council has produced a draft site specific Development Control Plan to address these matters.

The applicant has provided the following comments (in grey shade):

Built form

As discussed in the following sections, the proposal has the potential to deliver a compatible built form with the surrounding area, and an improved outcome for this strategically important Site in the Ashfield Town Centre. The proposal can be comfortably accommodated on the Site without resultant adverse environmental outcomes.

Roof Design and Servicing

The proposed suspension from Clause 4.3(2A) of the Ashfield LEP will achieve a better outcome for the Site whilst still allowing for a building that is appropriately serviced and has a resolved roof form. In restricting usable floor space from

the top floor of a building, the provision creates an incentive to spread the building mass across the Site in order to achieve the permitted FSR, rather than centralising massing in compact buildings. This enlargement of building floorplates has the potential to remove desirable Site features considered in the concept plan such as the through-site links and significant internal courtyard. Removing these features would likely achieve a compliant scheme with Cl. 4.3(2A), however, in doing so the best possible outcome for the Site would be compromised.

It is also emphasised that the integration of usable space on the top floor of the building can create a more resolved roof form. Plant and services can be integrated into the overall form and massing of the building, to effectively hide these unattractive elements from the public domain. The existing structures on the Site, whilst not an example of a mixed use development, are dominated by visually prominent and unattractive rooftop plant and services, highlighting the incentive and potential to achieve a better design outcome for the Site. Integrating plant and services into the overall building form will improve available views and the setting of the western edge of the Ashfield Town Centre.

In addition to this, by allowing usable floor space on the top floor of the building, the future redevelopment of the Site can take advantage of a location with the best possible amenity. Rooftop dwellings and open space can make use of excellent available solar access and views to ensure future dwellings achieve exceptional amenity, and to create new desirable homes within the centre.

Accordingly, a suspension from Cl. 4.3(2A) will enable future development to achieve the maximum permitted building height envisaged under the Ashfield LEP, whilst still providing; an adequately serviced building with a resolved roof form; more compact buildings that achieve the available FSR whilst enhancing the public domain; and dwellings that take advantage of excellent amenity available on the Site. The suspension thereby provides the necessary flexibility to deliver the best possible outcome for the Site and future residents.

Liverpool Road Street Wall

The proposed suspension from Clause 4.3B(3) of the Ashfield LEP will assist in crafting an active, economically viable, and high-quality mixed use development on the Site. As was highlighted in **Section 6**, the south eastern corner of the Site fronts Liverpool Road for approximately 24m, and as such this small portion of the development is required to be setback 12m above a 12m street wall, or be designed to provide entries in alternative locations.

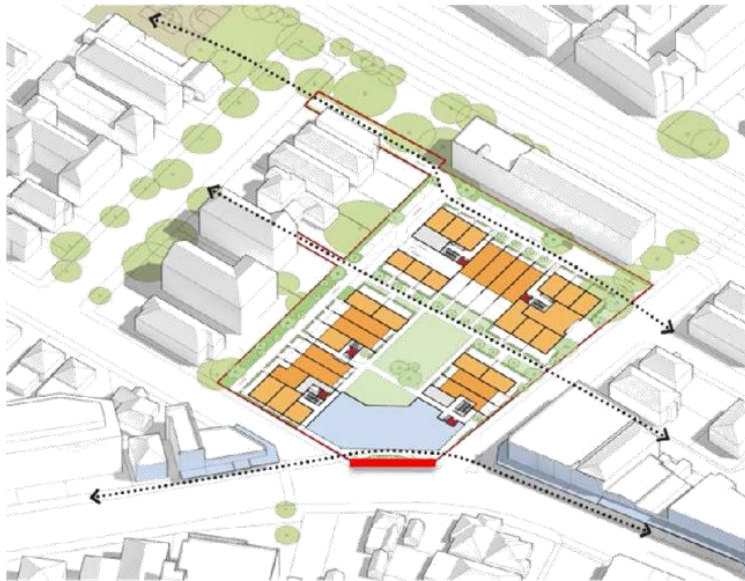


Figure 12 – Minor corner frontage of the Site to Liverpool Road (highlighted in red)
Source: Bates Smart / JBA

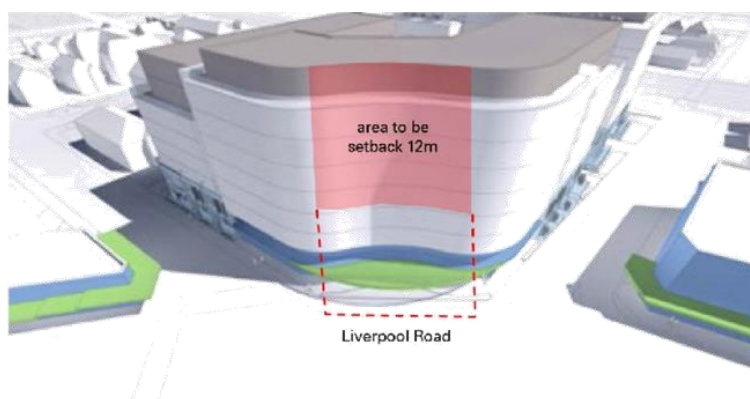


Figure 13 – Minor corner frontage of the Site to Liverpool Road (highlighted in red)
Source: Bates Smart / JBA

The indicative upper level setback under this provision is demonstrated in **Figures 14 to 15** above. It is evident that stepping down the built form in this one corner of the Site, which does not apply to Thomas Street or Cavill Avenue, would erode the buildings ability to architecturally define and address this visually prominent corner. It would create an illogical stepping in height on the Site, and limit the ability of development to respond to the curvature of the road. It is emphasised that, as demonstrated in **Figure 31-32** below, a 2-2.5 storey street wall could be achieved visually through materials and modulation to realise the intent of this control.

In the absence of an exclusion, future redevelopment could be able to avoid triggering Clause 4.3B(3) of the Ashfield LEP by designing all Site entries to occur off Thomas Street or Cavill Avenue. However, this is not a desirable outcome for the Site as the redevelopment would no longer be able to reinforce the currently disjointed retail corridor along Liverpool Road/Hume Highway and provide a continuous strip of active uses along this main connection to the centre. Relocating the entry to the tenancies, away from the visually prominent corner of the Site, would also have potential ramifications for the economic viability of future tenancies and the leasing of these spaces. This therefore surrenders an important opportunity on the Site to provide new services and jobs, and encourage new investment in the Ashfield Town Centre.

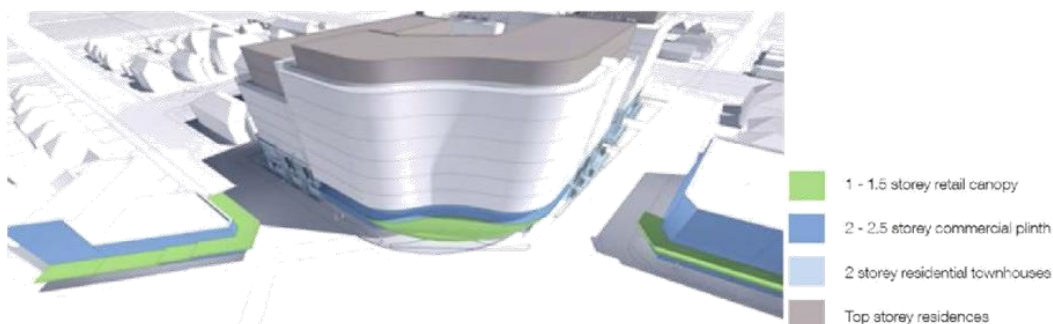


Figure 14 – Podium relationship to surrounding developments
Source: Bates Smart



Figure 15 – Photomontage of the Site from Liverpool Road/Hume Highway looking west
Source: Bates Smart

Residential Amenity

Although the ultimate built form on the Site will only be determined at the DA stage, the built form facilitated by this Planning Proposal is expected to:

- Provide adequate building separation distances from the nearby existing residential flat buildings;
- Be able to achieve compliance with the solar access design criteria i.e. at least 70% of apartments are likely to receive 2 or more hours of solar access on June 21;
- Be able to achieve compliance with the natural ventilation design criteria as demonstrated in the attached indicative scheme where approximately 60% of the total apartments are capable of natural ventilation; and
- Be consistent with the height, bulk, scale and density of the future character of development in the locality.

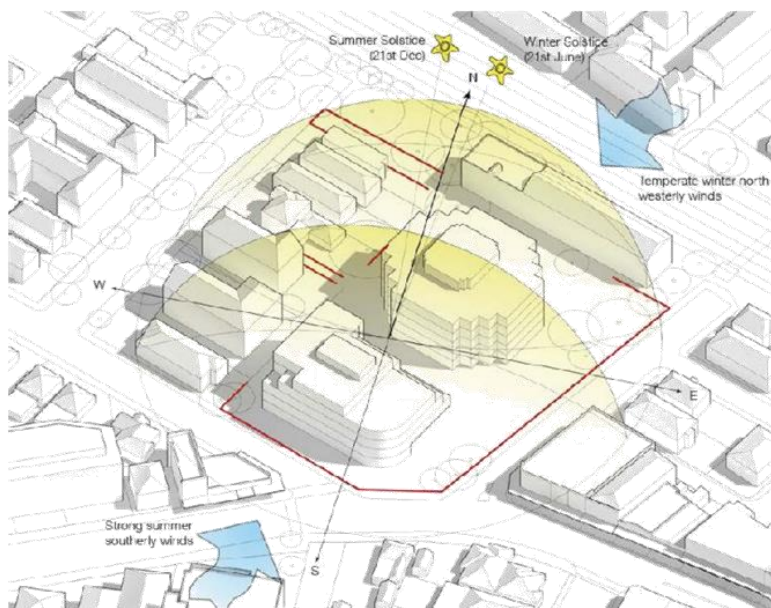


Figure 16 – Environmental context of the Site
Source: Bates Smart

Overshadowing

An increase in building height and massing has the potential to increase overshadowing impacts, however, it will be possible to minimise these impacts by stepping the built form and adopting appropriate setbacks. With respect to the overshadowing of adjoining uses, it is noted that residential development in close proximity of the Site including a number of local heritage items, are located to the north west of the concept buildings and as such will not be affected by the proposal.

Potential shadows from the Site are not expected to adversely impact any significant public domain areas or impact the ability of surrounding dwellings to achieve three hours of direct solar access. Importantly, potential overshadowing would not affect adjacent local heritage items discussed further below.

Bates Smart undertook an initial shadow analysis of one potential outcome for the Site, which can be refined and retested post Gateway. These initial studies were undertaken on the winter solstice and demonstrated that high levels of solar access can be achieved on the Site with the proposed development standards.

Visual/View Impacts

An increased building height has the potential to effect existing views from surrounding Sites. However, this is not unreasonable considering the urban location of the Site within the centre and the existing high density built form on the Site.

GBA Heritage have considered the visual setting of surrounding heritage items with regards to the existing built form (Appendix B). Based on this analysis, it is apparent that:

- There are no significant or landmark regional views occurring through or over the Site, with the surrounding areas being already urbanised and absent of any water views or iconic vistas.
- The Site and surrounding area is relatively flat, and as such the proposal can appropriately integrated with its setting and the topography of the area.
- Through an analysis of the existing structures on the Site by GBA Heritage, it the Site is not highly visible from surrounding residences, or adverse to the setting of Ashfield.

- The existing high density buildings on the Site are only partly visible behind tall plantings, with the storey structures with parapet on the north side of Liverpool Road almost completely block views of the building when viewed from 298-321 Liverpool Road to the east of the Site.
- Properties at the corner of Miller Street to the east of the Site have partial views of the rooftop plant of buildings on the Site, as background views of the house from Miller Avenue. The buildings are largely if not completely blocked from view by the listed house itself, boundary planting, and a structure on the northern boundary of the listed property.
- The buildings are partly visible in the background behind views of the listed house from some locations along the eastern side of The Avenue. Owing to the proximity of these dwellings to the Site, this is not unexpected.
- Properties to the east of Cavill Road have existing views of the Site, however, it is considered that through the revitalisation of the Site with a high-quality and active mixed use development, these views may be improved.
- The proposal can be designed to address, and make an architectural feature out of the visually prominent corner of the Site. This is achieved through a curvaceous form that follows the line of the road within the body of the main elevation whilst at the perceived ground floor(s) of the building, commercial premises imitate the existing 2 - 2.5 storey units to the east and west (refer to **Figures 31 and 32** above).

Owing to the existing scale of development and the prominent corner location of the Site within the town centre, there is not considered to be any significant view sharing between the surrounding Sites. The proposal is also capable of fitting into the setting of the Site and visually enhancing key features of its location. The proposal will assist in delivering a high quality, revitalised, mixed use development.

Heritage

A Heritage Impact Assessment has been prepared by GBA Heritage, and accompanies the Planning Proposal at **Appendix B**. Whilst the Site is not listed as an item or heritage significance, it is located in the vicinity of some local heritage items identified under the Ashfield LEP:

- Item 213 - 298-312 Liverpool Road
- Item 222 - 1 Miller Avenue
- Item 306 - 2 The Avenue
- Item 307 - 4 The Avenue
- Item 308 - 9 The Avenue

Whilst this assessment considers the previous design concept developed by Bates Smart, which is to be revised post Gateway, the findings of the study confirm that a scenario where the Site is redeveloped in accordance with the proposed controls will not result in unacceptable impacts. Accordingly, GBA Heritage have confirmed the following in relation to the surrounding heritage items and their relationship with the Site and the proposed amendments to the LEP:

Given the physical separation between these items and the subject site, the potential for heritage impact is limited to that of views and setting.

These have been considered in the commentary above and it is considered that the proposed change in the planning controls will not have an adverse the established heritage significance of the listed items and conservation area in the vicinity of the subject site.

The potential impact on the setting of these items is considered to be acceptable from a heritage perspective, given their current context at the edge of the Ashfield Town Centre.

Accordingly, the Planning Proposal is considered acceptable from a heritage perspective, and GBA Heritage confirm it should be recommended for approval.

Vehicle Access and Parking

A Traffic and Parking Impact Assessment has been prepared by The Transport Planning Partnership, and accompanies this Planning Proposal at **Appendix C**. Whilst this assessment considers the previous design concept developed by Bates Smart, the findings of the study confirm that a scenario where the Site is redeveloped in accordance with the proposed controls will not result in unacceptable impacts.

Parking

This report confirms that the provision of 395 car parking spaces captured in the concept design scheme by Bates Smart would be appropriate for the indicative uses and the relevant controls, demonstrating that sufficient vehicle parking can be provided on the Site to service the proposed increase in capacity for the Site. Notwithstanding this, this level of detail concerning the number of parking spaces on Site would be expected as part of a Development Application to follow.

All loading and unloading would be capable of being undertaken within the site boundary. A loading dock can be provided for all relevant service vehicle activities, including waste collection purposes.

Site Access

The desired retention of the existing through-site links and driveway crossings off Thomas Street and Cavill Avenue, for the purposes of vehicle access, will not result in any adverse impacts or operational safety issues for the surrounding road network. The primary vehicle access for general traffic to the site would ideally be via The Avenue, while Cavill Avenue would be predominately used by service vehicles with some limited use by general traffic.

Traffic Generation

An initial assessment of traffic generated by the redevelopment of the Site was completed in relation to the preliminary concept design prepared by Bates Smart. This was conservatively estimated to generate approximately 78 vehicle trips during the busiest peak period, which is considered to be relatively low in the context of the existing background traffic in the surrounding road network.

Taking into consideration the existing 279 car parking spaces servicing the commercial buildings presently on Site, the potential redevelopment of the Site was also estimated to generate approximately 145 trips per hour less than the existing commercial use. As such, the potential future redevelopment of the Site commensurate with the proposed controls has the potential to positively impact traffic through generating less traffic than the existing use.

In addition to this, a compliant mixed use development at the current FSR 2:1 is estimated to generate approximately 59 trips per peak hour (i.e. 19 trips less than was estimated for the proposed development standards). The additional 19 trips generated from the proposed increase to the capacity of the Site is thereby considered to be negligible. Intersection improvements to nearby roads and intersections, therefore would not be required to accommodate the expected traffic demand from the redevelopment of the Site.

7.4 Social and Economic Effects

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social Effects

The Planning Proposal will facilitate a better redevelopment of the Site, delivering a number of positive social outcomes including:

- the direct outcome of the proposal to provide affordable housing on the Site, as part of the future redevelopment of the Site.
- the overall provision of high-quality dwellings on the Site, providing additional housing for the Inner West LGA and Ashfield Town Centre to assist in housing mix, affordability, and choice;
- locating homes in proximity of transport, employment, health and education services;
- providing an activated public domain that offers increased passive surveillance and retail activation; and
- delivering a significant public benefit through the provision of S94 contributions for a monetary contribution towards significant public infrastructure, amongst other items.

Economic Effects

Whilst it is recognised that the proposal may indirectly relate to a loss of employment uses on the Site, it has been addressed in **Section 7.2.2**, and found to be commensurate with the changing character of the area, the Sites proximity to major existing and future employment centres, existing Government policies and market conditions, and the specific

transitional nature of the Site. The proposal is also capable of generating a number of positive economic outcomes, including:

- the provision of permanent jobs on the Site and jobs during construction, strengthening the local economy;
- the strengthening of the currently disjointed economic corridor along Liverpool Road/Hume Highway; and
- the revitalisation of the Site that will have likely flow on effects for shops and services in the region, assisting the local economy.

7.5 Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The Site is located in an established urban area and has access to a range of existing utility services, public transport, infrastructure and health and education services. Further investigations will be undertaken as part of the preparation of the DA to determine whether any upgrade of existing utilities is required.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition. Any future DA will be referred to the relevant authorities as required.

8.0 Mapping

(Response to Part 4 of *Guide to Preparing Planning Proposals – Maps to identify the intent of the Planning Proposal and the area to which it lies*)

The proposed amendments to the maps contained within the Ashfield LEP are illustrated below in **Figure 17 to 18** and included at **Appendix A**.



Figure 17 – Proposed amendments to the Height of Buildings Map



Figure 18 – Proposed amendments to the Floor Space Ratio Map

Note Code V - 3.0:1 does not apply to sites off The Avenue zoned R3- Medium Density Residential

9.0 Community Consultation

(Response to Part 5 of Guide to Preparing Planning Proposals – Details of the Community Consultation to be undertaken).

Pursuant to Section 57 of the EP&A Act, the LEP amendment will be the subject of community consultation in accordance with the Gateway Determination. Confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway Determination.

Any future DA for the Site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

10.0 Project Timeline

Part 6 of the Department's Guide to preparing Planning Proposal's provides that the inclusion of a project timeline will run a mechanism to monitor the progress of the planning proposal through the plan making process.

The anticipated timeline for the LEP amendment is provided in **Table 9** below.

Table 9 – Indicative project timeline

Action	Timeframe
Lodge Planning Proposal	December 2016
Council Endorse Planning Proposal	July 2017
Gateway Determination	October 2017
Public Exhibition	March 2018
Final Assessment by Council	May 2018
Plan Making	June 2018

11.0 Conclusion

This Planning Proposal seeks to amend the Ashfield LEP relating to the maximum building height and FSR development standards for a portion of 2-6 Cavill Road, Ashfield.

This Planning Proposal and supporting specialist studies have demonstrated that the proposal would be in the public interest for the following reasons:

- The urban renewal of the Site facilitated by the proposal will be consistent with state, subregional, and district strategies for the area.
- The resultant potential building envelopes will not generate any unacceptable environmental impacts in relation to built form, view loss or overshadowing.
- The proposal will facilitate a significant public benefit through the delivery of affordable housing.
- The development will provide significant public domain improvements, enhancing activity and the Sites interface with the visually prominent corner and active frontages along Liverpool Road/Hume Highway.
- The proposal will not generate any adverse impacts on the operation of the surrounding road network.
- The proposal will not adversely affect the heritage significance of surrounding local heritage items.
- The proposal will contribute towards the vibrancy and revitalisation of a key Site in Ashfield Town Centre.



STRATEGIC ECONOMIC ASSESSMENT
ASHFIELD TOWN CENTRE
PROJECT NO. 15708 | JUNE 2017



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JBA operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:

02/06/2017

This report has been reviewed by:



02/06/2017

EXECUTIVE SUMMARY

This Strategic Economic Assessment has been undertaken to support a Planning Proposal for 2-6 Cavill Avenue, Ashfield. JBA has prepared this report on behalf of Barana Group. The proposed development seeks to revitalise the site through redevelopment of two (soon to be vacated) office buildings to provide a mixed use development capable of accommodating some 283 dwellings and approximately 1,100m² of non-residential GFA.

An assessment of the economic factors that influence the scale, type and location of employment growth indicates that Ashfield is unable to attract and retain significant employment. Results of our analysis show that Ashfield is a less desirable and competitive location relative to neighbouring centres, affecting its ability to sustain employment growth and attract new businesses. These findings are supported by:

- Key metropolitan and local strategic plans and employment policies that specify centres like Greater Parramatta and the Sydney CBD will accommodate the majority of future employment growth.
- The State Government's policy to relocate government departments and agencies to centres in western Sydney like Parramatta, Liverpool and Penrith.
- The government's delivery program for major infrastructure and urban renewal projects will concentrate employment growth in centres surrounding such as Parramatta and the Sydney CBD.
- Future employment growth forecasts, developed prior to the State Government's decision to relocate offices to Greater Parramatta, indicate that Ashfield is forecast to experience limited employment growth between 2016 and 2036.
- The current and forecast role and function of the centre indicates that Ashfield will continue to service the day to day needs of the local community.
- An assessment of the market potential for major commercial and retail developments¹ indicates that Ashfield lacks the amenity, critical mass and economic diversity to attract and retain major commercial and retail tenants.
- Future employment growth within Ashfield is anticipated to only result from an increase of population within the local area.
- The proposed development will directly support local businesses, reinforce the retail core of Ashfield, help Council achieve its 2021 housing target, facilitate transit oriented development and promote the urban renewal of Ashfield.

¹ Ashfield Commercial and Retail Market Assessment, Colliers International, 2017



Source: Flickr Images, Ashfield Station

INTRODUCTION

This Strategic Economic Assessment has been undertaken to support a Planning Proposal for 2-6 Cavill Avenue, Ashfield. The proposed development seeks to revitalise the site through the redevelopment of two (soon to be vacated) office buildings to provide a mixed use development capable of accommodating some 283 dwellings and 1,100m² of non-residential GFA. The objective of this assessment is to assess and analyse the role and function of Ashfield in attracting and retaining economic activity and employment. Currently Ashfield services the day to day needs of the local and surrounding community. It is also an administrative centre for local and state governments and has experienced limited growth in office based employment.

Ashfield is anticipated to experience a decline in office based employment. Recent policy decisions by the NSW Government to support the economic growth and development of Parramatta have led to the relocation of many State Government departments and agencies to Parramatta. This is evident in the departure of the Department of Family and Community Services from the site.

Beyond the impact of State Government policy initiatives, the lack of office based employment in Ashfield reflects the centre's competitive disadvantages relative to

- neighbouring centres, as a place to attract and retain office based employment.
- The following report outlines the economic drivers and factors that are expected to impact on demand for office based employment in the future, including:
 - a review of key strategic planning and employment policies that identify neighbouring centres as the primary focus of employment growth;
 - a review of major infrastructure and urban renewal projects that are designed to encourage employment growth outside of Ashfield;
 - an outline of the regional economic growth drivers that are expected to focus Ashfield's future development as a transit oriented community
 - discussion of how the current economic composition of Ashfield, relative to neighbouring centres, reflects its role and function as a population serving local centre;
 - a summary of current market conditions, including low market interest and demand for commercial floorspace in Ashfield; and
 - an outline of how the proposed development will benefit the Ashfield Town Centre and is consistent with the centre's future role and function.



Source: Inner West Council, Feast of Flavours 2016

CURRENT SNAPSHOT

The site is located within Town Centre of Ashfield and is approximately 9km west of the Sydney CBD and 18km east of Parramatta CBD. On the site is two office buildings that are soon to be vacated by the Department of Family and Community Services as they relocate to Parramatta.

The site is within 400m of the Ashfield Railway Station which provides direct connections to neighbouring employment hubs and urban renewal areas. The site is currently zoned part R2 Low Density Residential and part B4 Mixed Use, with a maximum FSR of 2:1 and maximum building height of 23 metres.

The Ashfield Town Centre can generally be described as predominantly retail focused with a number C grade older commercial buildings. The largest economic activity generator in the centre is the Ashfield Mall and surrounding retail stores that service the daily needs of the local community.

Significantly, the majority of commercial office buildings scattered throughout the centre are tenanted by local and state government agencies, such as Council and the Department of Family and Community Services and NSW Land and Housing Corporation.

Surrounding the town centre is a mix of residential developments that vary from

detached dwellings, and small scale 'walk-up' flats and multistorey apartments.

Ashfield is currently undergoing a renewal from an ageing local centre, to an active mixed use area incorporating a mix of retail and residential land uses that service a more affluent and diverse community.

This transition is being supported by current development activity, recent approvals, and further planned development providing contemporary higher density mixed use development interspersed within and around the centre.

This urban renewal is stimulated by Ashfield's position in the transport network, access to local goods and services, the relocation of office based employment to neighbouring centres, and metropolitan strategic plans and economic policies.



Source: JBA

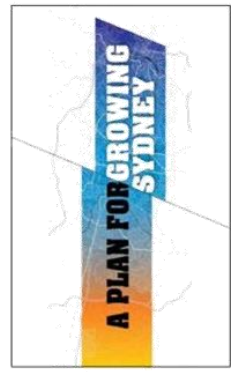
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STRATEGIC PLANNING AND EMPLOYMENT POLICY FRAMEWORK METROPOLITAN

State government planning policy influences the location and growth of employment across the metropolitan region. The desired future role and function of Ashfield is described in recent strategic planning policy, the *Draft District Plans*.

The *Draft Central District Plan* identifies Ashfield as a local centre, that will provide for the daily needs of the local and surrounding community. Further, future employment growth is focused in other Sydney centres and consistent with these policy objectives, the State government has an active program supporting the relocation of Government offices to key identified growth centres such as Parramatta, Liverpool and Penrith.



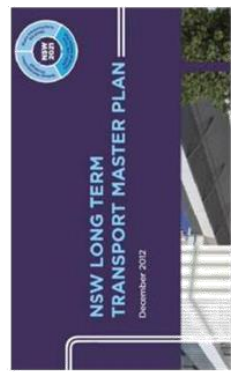
A Plan for Growing Sydney (2014)

- Population and employment growth to focus in strategic centres and urban renewal precincts such as Sydney CBD, Central to Eveleigh Corridor and Greater Parramatta to the Olympic Peninsula.
- Ashfield is not identified to play a role in supporting future employment growth.
- Identifies rail corridor between Sydney and Parramatta CBDs as an urban renewal corridor.



Draft South District Plan (2016)

- Proposed priorities and actions described in terms of:
 - A productive city
 - A liveable city
 - A sustainable city
- Ashfield is identified as a 'local centre' within the Draft Central District Plan and is to provide range of local jobs and services for local communities
- Highlights that Inner West Council is to concentrate future housing in areas with access to transport infrastructure.
- Employment growth focused in the Sydney CBD, Randwick, Sydney Airport and Rhodes.



NSW Long Term Transport Master Plan (2012)

- Identifies rail improvement, rail timetabling and M4 widening (WestConnex) as key improvements to the Parramatta to Sydney CBD Corridor.
- Identification of Parramatta Light Rail to support the growth and development of Greater Parramatta.

STRATEGIC PLANNING AND EMPLOYMENT POLICY FRAMEWORK LOCAL

The local strategic planning and employment policy framework for Ashfield mirrors the State Government objectives. The *Ashfield Urban Planning Strategy 2010* actively encourages mixed use development that increases the demand for a "Thriving Local Economy".

Further, the strategic intent of metropolitan and local strategic planning and employment policies is being reinforced by the delivery of several infrastructure projects and urban renewal initiatives intended to actively grow employment in centres surrounding Ashfield.



Ashfield Council Plan 2015-2019

- Ashfield Council Plan 2015-2019 identifies key priorities for a 'Thriving Local Economy'. These include:
 - Creating thriving local economies that are sustainable over the long term
 - Developing strong partnerships between Council and local business as partners in promoting Ashfield
 - Creating main street economies that are vibrant and desirable locations for business, visitors and residents



Ashfield Urban Planning Strategy (2010)

- The Town Centre is also identified as having a strong commercial and business sector
- Recognises that there is an opportunity for new stand alone and mixed use developments that can take advantage of access to public transport and provide significant 'flow on' economic benefits to retailers and support services. A key action was to promote new retail and business opportunities as part of mixed use developments within the town centre.
- Aims to promote urban renewal in and around the Ashfield Town Centre, which will continue to be the focus for accommodating the majority of Ashfield's future housing requirements into the future.
- Promote mixed use development with ground level active, non-residential uses.

URBAN RENEWAL AND INFRASTRUCTURE PROJECTS

As highlighted within the metropolitan and local strategic planning and employment policy framework, Ashfield is not intended to support significant office based employment growth. Growth in office based employment is to be concentrated in strategic and district centres across Greater Sydney.










To support this outcome the NSW Government has committed billions of dollars in infrastructure and urban renewal projects to increase the competitiveness of strategic and district centres to attract and retain employment growth.

These infrastructure projects will increase the accessibility and connectivity of centres like Parramatta and the Sydney CBD. Business will be attracted to these centres to leverage the benefits of access to a larger labour market to recruit from and potential customer base.

While businesses will be encouraged to establish outside of Ashfield, this centres position on the transport network provides it great accessibility to surrounding centres. This is a key locational driver for residents who are seeking a place of residence that offers them a '30-minute city' outcome.

The infrastructure and urban renewal projects illustrated on Figure 1 will consolidate the role and function of Ashfield and surrounding centres.

Within this context it is expected Ashfield will experience population growth above what is currently forecast for the area and continue to serve as a local centre.

1		Westconnex Start Date: 2015 Completion Date: expected 2024 Value: \$16.8b
2		Parramatta Road Urban Transformation Strategy Start Date: 2016 Completion Date: expected 2023 Jobs: 50,000 (over 30 years) Dwellings: 27,000 (over 30 years) Value: \$16.8b
3		Parramatta Light Rail Start Date: 2018 Completion Date: expected 2023 Value: \$1b input from NSW Government
4		Sydney Metro West Start Date: TBC Completion Date: TBC Value: TBC
5		Sydney Metro City and South West Start Date: 2017 Completion Date: expected 2024 Value: \$11.5b to \$12.5b
6		Central to Eveleigh Start Date: 2016 Completion Date: 30 year delivery plan Value: TBC Jobs: TBC Dwellings: 6,400+
7		GPOP Start Date: 2016 Completion date: TBC Value: TBC Jobs: TBC Dwellings: TBC
8		The Bays Precinct Start Date: 2016 Completion date: TBC Value: TBC Jobs: TBC Dwellings: TBC
9		Sydenham to Bankstown Start Date: 2016 Completion date: TBC Value: TBC Jobs: TBC Dwellings: TBC

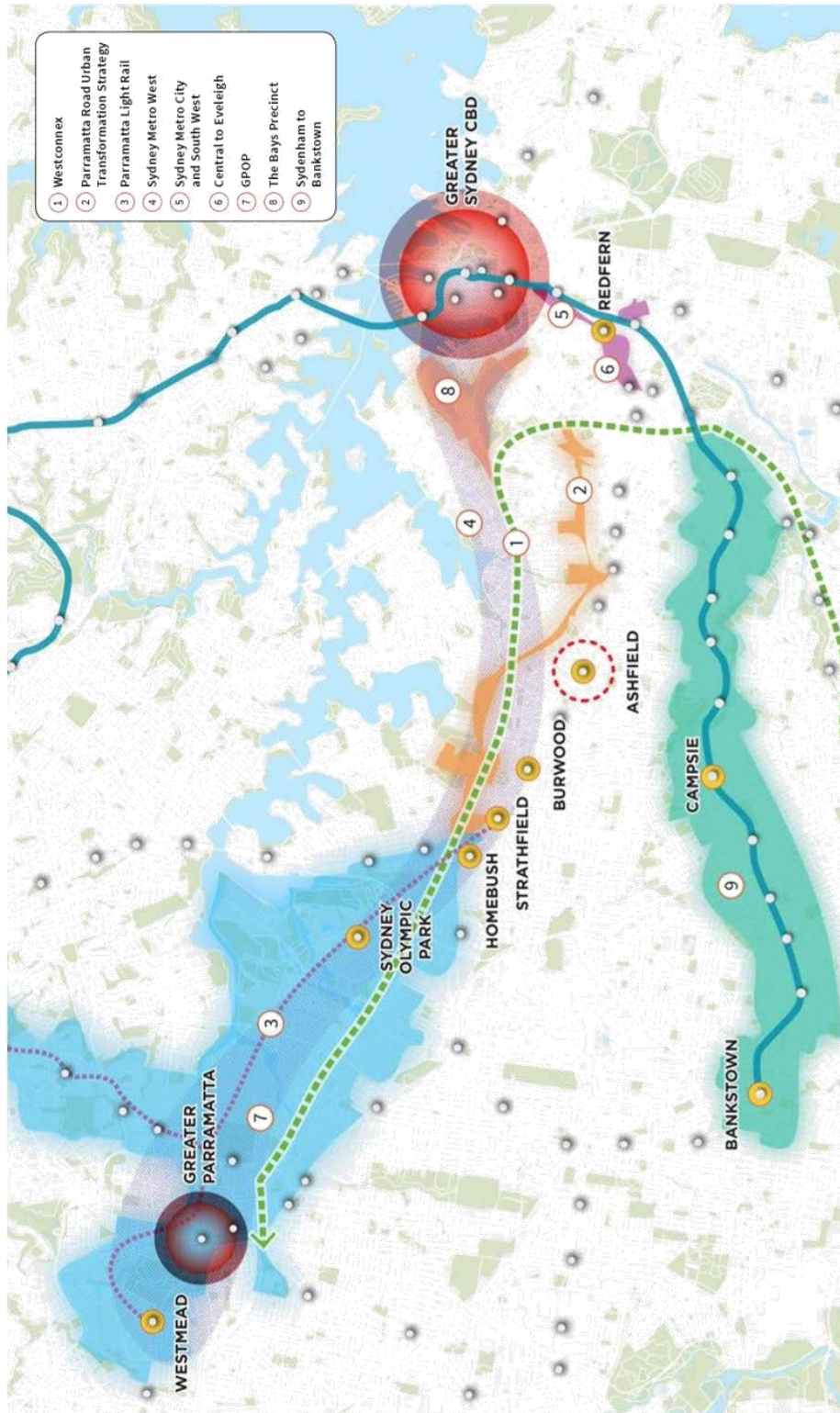


Figure 1: Urban renewal and infrastructure projects

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ECONOMIC ROLE AND FUNCTION

Because neighbouring centres like Parramatta and the Sydney CBD exert such economic gravity within the region, they are expected to sustain the highest employment growth. Analysis of the 2014 employment forecasts by the Bureau of Transport Statistics indicates that Ashfield is expected to support only 1% of the total 169,000 jobs generated for key centres between Parramatta and the Sydney CBD between 2016 and 2036 as shown in Figure 2.

Analysis of the economic structure of Ashfield, relative to neighbouring centres, demonstrates that Ashfield has the greatest proportion of employment that is population serving i.e. economic activity which is generated to service the local community as shown in Figure 3.

Future employment growth within Ashfield will only occur as a result of population growth within the local catchment it services. As the population grows, there will be an increased demand for convenient access to local goods and services such as groceries, clothing, personal services, healthcare, entertainment and take away food.

As outlined earlier, Ashfield is unable to compete with neighbouring centres to attract and retain office based employment like professional services however, it is anticipated to become an increasingly attractive place for people to live given its accessibility to places of employment and social infrastructure.

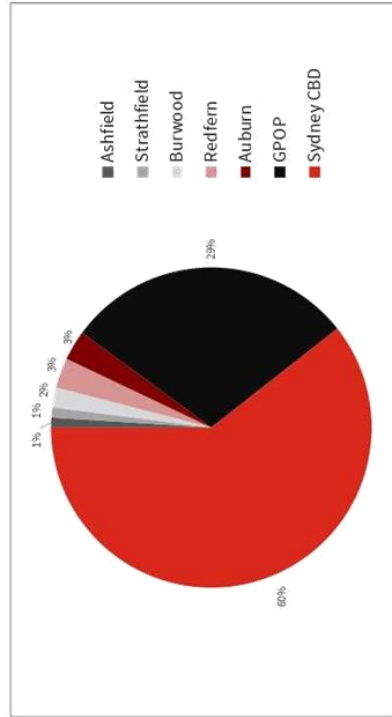


Figure 2: Employment Growth 2016 - 2036

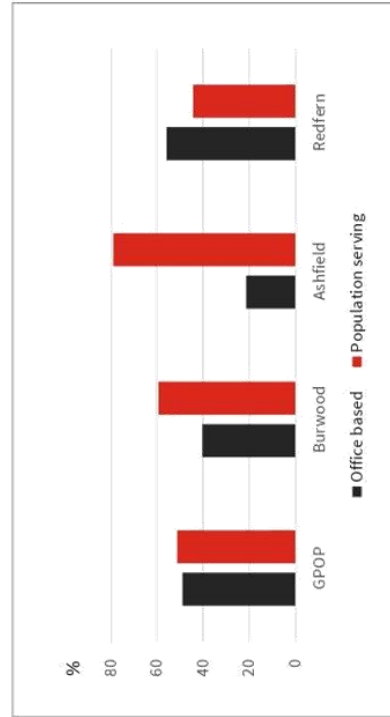
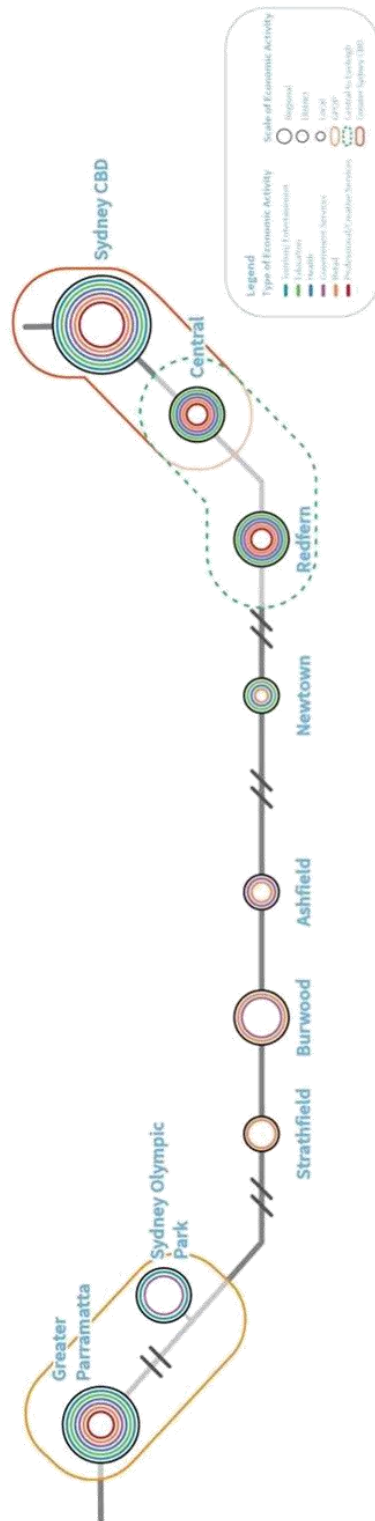


Figure 3: Industry Composition

ECONOMIC ROLE AND FUNCTION



GPOP	Burwood	Ashfield	Redfern / Eveleigh	Sydney CBD
<ul style="list-style-type: none"> Vision for GPOP will be Greater Sydney's true centre As Sydney's second CBD GPOP will have a concentration of diverse employment, economic activity Contains major Health and Education Super Precinct in Parramatta CBD and Westmead Employment activity will include essential Urban Services, Advanced Technology and Knowledge Sectors High level of population and employment growth forecast for GPOP 	<ul style="list-style-type: none"> Identified as a District Centre and will play a significant district role and will service a regional district population Good access to surrounding Strategic and District Centres along public transport corridors Significant dwelling growth anticipated due to Parramatta Road Urban Transformation Strategy Employment growth expected concentrated in retail, transport and logistics, and healthcare and social assistance 	<ul style="list-style-type: none"> Identified as a 'local centre' with a primary to service the local population Expected to accommodate greater increase in population Good access to surrounding Strategic and District Centres along public transport corridors Likely to experience employment growth in retail, healthcare and social assistance and education as local population increases 	<ul style="list-style-type: none"> To become future extension of Sydney CBD, Emerging technology and knowledge hub at the Australian Technology Park. Very good access to Sydney CBD as Greater Sydney's primary economic centre Moderate forecast growth levels of population, however, recent Central to Eveleigh Strategy may increase projected delivery of housing within this area. Proximity to UNSW likely to see increase of office based knowledge employment 	<ul style="list-style-type: none"> Epicentre of the national economy and greatest concentration of economic and employment activity. Has internationally significant clusters of employment activity in commercial and financial sectors that are forecast to grow significantly. Provides a mix of cultural and iconic locations that drive tourism within the CBD and employment growth.

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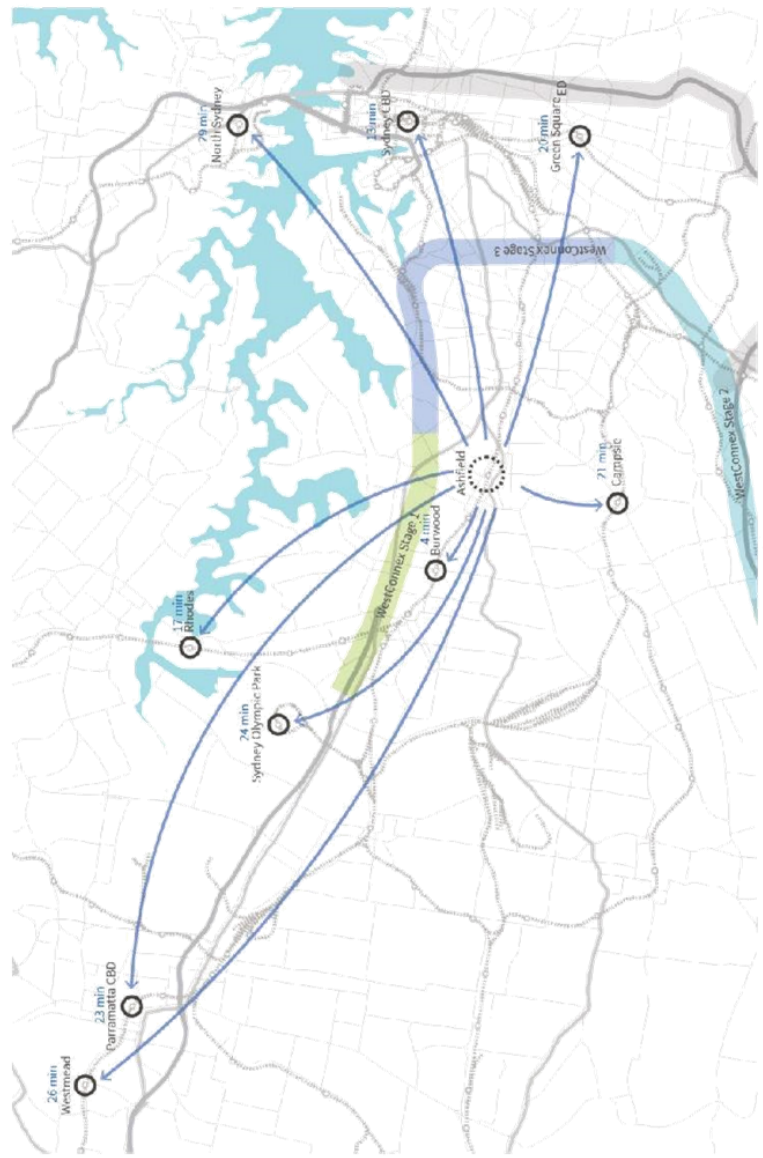
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DRIVERS FOR URBAN RENEWAL

“public transport remains the most effective method of travel to key locations, with the inner city, and key inner-city transport interchanges like Strathfield and Ashfield remaining the suburbs best connected to services.” (Committee for Sydney & PwC, The Geography of Time, 2017)

Ashfield is likely to experience significant population growth that exceeds current forecasts. This will be influenced by people's desire to live in locations near to public transport nodes, which provide good connections to key areas of employment and services. Ashfield's position on the public transport network provides residents with easy access to the greatest range of employment centres and precincts.

A study undertaken by the Committee for Sydney and PwC, assessed which parts of Sydney have the greatest access to major employment centres within the shortest travel time. The study found that Ashfield ranked 1st in 'best value' suburbs in Sydney when overlaying the measure of accessibility with property prices. For this reason, it can be expected that Ashfield will experience residential growth above current forecasts as people and families actively seek out areas that are affordable and provide them the greatest accessibility to work.



COMMERCIAL AND RETAIL MARKET ASSESSMENT

Colliers International have completed a specialist and independent assessment of the market potential for major commercial and retail development in Ashfield. This assessment, refer to Appendix A, confirms that the prospect for commercial redevelopment in Ashfield is remote and generally unviable.

In-line with the strategic context of employment growth within Sydney, there are broader market forces that are working against substantial employment growth within Ashfield.

Following the rapid ascension of out-of-centre commercial destinations in the late 1990s and early 2000s, the clear trend in today's office market is reversion back to centrality. Both large and small private sector businesses are looking to move back to traditional centres which are well serviced by public transport infrastructure, and provide ample recreational, entertainment and lifestyle amenities within a reasonable distance – which have become essential to attracting and retaining staff.

This has been bolstered by an out-flow of State Government departments and agencies to other major centres such as Parramatta. Given that suburban markets do rely on government anchor tenants, the relocation process is undermining the validity of some suburban markets such as Ashfield.

An analysis of the Ashfield market confirms it is has the features of a typical suburban office market anchored by public sector tenants, and dominated by small private sector businesses comprising of ten or less workers.

Ashfield does not possess the necessary traits and features to break away from this suburban office market model and accommodate significant employment growth. These current deficiencies comprise:

- Lack of critical mass and available floorspace
- Unlikely to achieve the sufficient pre-commitment levels required for new development
- Lopsided tenant composition
- Business co-location levels
- Insufficient demand from large, private sector tenants
- The lack of a commercial core
- Quality and composition of existing stock
- Distance from the main public transport node

***"Overall, the prospect for the new commercial development in Ashfield is extremely low, and is a risky proposition."*²**

Further, Colliers International anticipates that it is unlikely that the Ashfield market will be able to sustain any further major retail additions given the extent of current provision in the suburb and the broader Inner West region. For instance, one additional full-line supermarket alone would require an additional 10,000-12,000 new residents, a feat which is unlikely to be achieved in an established suburb such as Ashfield.

***"Overall, it is apparent that there is limited market potential for another major retail offer in Ashfield."*³**

The primary function of the Ashfield Town Centre will therefore be to support not accommodate significant commercial and retail redevelopment, and to support the smaller suburban office market or ancillary retail and service offerings to surrounding residents.

² Ashfield Commercial and Retail Market Assessment, Colliers International, 2017
³ Ashfield Commercial and Retail Market Assessment, Colliers International, 2017

BENEFITS OF THE PROPOSED DEVELOPMENT

Other than reinforcing the economic role and function of Ashfield, the proposed development will encourage residents to use public transport and realise the '30 minute city'. As the site is within 400m of Ashfield Railway Station, potential future residents on the site can access work, shopping, entertainment and community facilities via public transport or walking that will help alleviate current congestion on the local road network.

Most importantly, the proposed development will increase the supply of housing in an area that are well serviced by public transport and provides good access to local goods and services. Sydney is currently facing a housing supply and affordability crisis. To help address these issues the Draft Central District Plan outlines Council's requirement to deliver some 5,900 new dwellings by 2021.

The proposed development could deliver up to 5.0% of Council's housing target and increase the housing diversity and mix of the area.

The proposed development will also reinforce Ashfield's role and function as a centre that provides for the day to day needs of its local community. The development is committed to providing approximately 1,100m² non-residential GFA that can accommodate future local businesses. The proposed development can support the retail core of Ashfield and directly support local businesses.

An increase in population within the centre will increase the total disposable income that is spent within the centre. This will directly increase the demand for local goods and services such as restaurants, banking, basic healthcare and services, clothing and personal services that will generate new employment opportunities for the local community.



Source: Inner West Council, Carnival of Cultures 2015

CONCLUSION

This Strategic Economic Assessment has analysed and assessed the factors determining the future scale, type and location of employment growth and has confirmed that Ashfield is unlikely to attract and retain significant employment growth.

Ashfield is unlikely to compete with neighbouring centres like Parramatta and the Sydney CBD to attract and retain employment due to strategic planning and policy frameworks, the delivery of major infrastructure and urban renewal projects outside of Ashfield, the historically limited economic role and function of Ashfield, creating an overall less desirable locational for commercial businesses.

Key metropolitan and local strategic plans and economic policies actively direct future employment growth out of Ashfield to areas like Greater Parramatta and the Sydney CBD. The strategies specify that Ashfield is to facilitate mixed used development that promotes the growth of local jobs.

To achieve these policy objectives the NSW Government is actively relocating staff from Ashfield to Parramatta and investing billions of dollars in infrastructure and urban renewal projects that encourage employment to grow in centres surrounding Ashfield.

15708 | Ashfield Strategic Economic Assessment

As these infrastructure projects and urban renewal projects are completed, Ashfield will increasingly become a less desirable location for employment. Economic activity will be continue to gravitate to major employment hubs where they can gain access to larger labour markets, access to more customers, and operate from premises that provide greater amenity and workspace flexibility.

This study has identified that Ashfield's future role and function will be to service the local and surrounding community. An analysis of economic composition of Ashfield and neighbouring centres has revealed Ashfield has the greatest proportion of employment that is population serving i.e. economic activity which is generated to service the local community. As Ashfield is forecast to experience minor employment growth, its economic role and function is not expected to change.

While Ashfield lacks the factors that enable it to attract and retain employment it has been identified as an ideal location for population growth. Ashfield's position on the public transport network provides residents with the greatest access to a range of surrounding employment locations and community facilities.

Ashfield is one of Sydney's best examples of the '30 minute city', which will likely see population growth exceed current forecasts for the area. Increases in population within Ashfield will result in an increased demand for local goods and services, which will support local employment growth.

This Strategic Economic Assessment has confirmed the proposed development will reinforce and support Ashfield's role and function as a local centre and support local businesses. The proposed development is capable of delivering up to 5.0% of Council's 2021 housing target in a location that offers residents convenient access to public transport and local goods and services, at a time when Sydney is facing a significant housing supply and affordability crisis.

For these reasons, we recommend that Council approves the planning proposal.



Source: Flickr Images, Ashfield

JBA | 15

Item 6

Attachment 3

Appendix Ashfield Commercial and Retail Market Assessment - Colliers

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June 2, 2017

Mr. Mark Case
Principle Urban Economist
JBA Planning
173 Sussex Street
Sydney NSW 2000

Re: Ashfield Commercial and Retail Market Assessment

Dear Mark,

This letter presents the findings from a specialist and independent assessment on the market potential for major commercial and retail redevelopment in the inner west suburb of Ashfield.

There are two distinct components to this letter. The first relates to demonstrating that the prospect for commercial redevelopment in Ashfield is remote. This conclusion has been arrived at having regard for broader market forces which are influencing demand for office floorspace, as well as a comparison of traits and features of the current Ashfield commercial market with those of a successful centre. The second half of this letter focuses on demonstrating that there is already an extensive network of retail provision in Ashfield, as well as in surrounding areas such as Burwood. We also demonstrate that the features and traits of the subject site (being 2-6 Cavill Avenue Ashfield) are not conducive for a major retail offering.

COMMERCIAL/OFFICE REVIEW

Commercial market assessment

There are broader market forces which are working against new commercial development in Ashfield. Following the rapid ascension of out-of-centre commercial destinations in the late 1990s and early 2000s, the clear trend in today's office market is reversion back to centrality. Both large and small private sector businesses are looking to move back to traditional centres which are well serviced by public transport infrastructure, and provide ample recreational, entertainment and lifestyle amenities within a reasonable distance – which have become essential to attracting and retaining staff. In all, the key benefits identified by major corporations relating to being in major centres include:

- Although there is a premium paid on rents, the flow-on benefits of being situated in a major commercial centre outweigh the outlays i.e. lower travelling costs as most clients are within walking distance;
- Co-location with other businesses provides new business opportunities; and
- Significantly easier to attract and retain staff (which is fast emerging as a major consideration of businesses).

There has also been a shift in government relocation and consolidation policy. Congruent with the 1980's decentralisation plan, there has been an outflow of state government departments to Parramatta CBD. Ashfield has been affected by this already, with Family and Community Services, which has been a long-standing anchor tenant of the Ashfield commercial market, expected to relocate to Parramatta in 2018. Given that suburban markets do rely on government anchor tenants, the relocation process is undermining the validity of some suburban markets such as Ashfield.



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Overall, it is apparent that suburban markets such as Ashfield are missing out. Broader market forces are coercing businesses back to traditional major commercial centres such as Sydney CBD, North Sydney and Parramatta CBD. Moreover, suburban markets continue to lose major tenants as government departments relocate to other centres such as Parramatta. In the absence of government commitments, suburban markets are increasingly relying on private sector tenants, who are themselves favouring traditional centres.

Ashfield office/commercial market

The Ashfield commercial market is typical of a suburban office market anchored by public sector tenants. It comprises of approximately 30,000m² of office floorspace, situated in either low-rise standalone commercial buildings or within street-strip premises along major arterial roads such as Liverpool Road. Other key features and traits of the Ashfield commercial market include:

- Standalone commercial buildings in Ashfield were developed during the 1980s and 1990s, as state government departments were asked to decentralise to suburban and regional markets;
- In the absence of redevelopment, the bulk of existing stock is of C grade quality or less;
- There are two distinct 'office' clusters, being the Western (which is centred around the intersection of Thomas Street and Liverpool Street) and the Eastern clusters (which is centred around the intersection of Holden Street and Liverpool Street), meaning that there is no defined core;
- At present, the market is dominated by large public sector anchors such as Family and Community Services, Inner West Council and Housing NSW;
- Small private sector businesses comprising of ten or less workers, and requiring 200m² or less of floorspace represent the other main source of demand;
- There is no distinct private sector theme e.g. medical and health or technology;
- New office development within the Ashfield market has been limited and sparse, with the most recent addition being the Inner West Council Chambers; and
- Demand from major corporations is negligible.

Overall, it is evident that Ashfield fits the profile of a typical suburban office market.





Commercial Office Clusters, Ashfield (2017)



Source: Colliers International

Traits and features of a successful commercial destination

While the exact make-up of a commercial centre varies from location to location, there are however a core set of attributes which are usually apparent in a functional and successful commercial centre. These include:

- **Minimum scale and size threshold** – Successful commercial centres such as Sydney CBD, North Sydney, Macquarie Park and Parramatta CBD comprise of at least 350,000m² of office provision and extend beyond 5 million square metres (Sydney CBD) i.e. critical mass is achieved.

Total Office Floorspace, Major Commercial Centres in Sydney (2017)

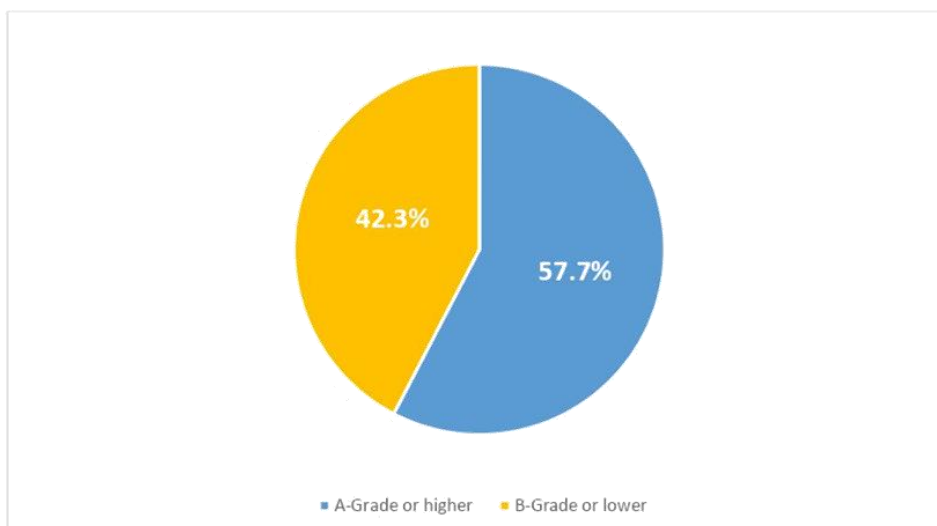
Centre	Estimated floorspace (m ²)
Sydney CBD	5,079,899
Macquarie Park	878,950
North Sydney	822,496
Parramatta CBD	707,099
Norwest Business Park	385,000

Source: Property Council of Australia

- **Stock composition and age of premises** – The composition of successful centres is dominated by higher grade provision (being Premium or A grade), which is generally in excess of 50-60%. Furthermore, new buildings with modern facilities and features (e.g. solar access and breakout spaces) are synonymous with major commercial centres.



Floorspace Grade Composition (%), Sydney CBD (2017)



Source: Property Council of Australia

- **Sector/industry themes** – Businesses of a similar industry or theme may cluster together to form distinct sectors within a commercial market. This is particularly evident in Sydney CBD where financial, insurance and legal based businesses all occupy tenancies within the same area. Macquarie Park benefitted from a favourable market setting which coerced a pharmaceutical/medical theme for the precinct. An industry/sectoral theme is imperative.
- **Tenant composition** – While tenant composition can vary, successful commercial precincts usually have a mix of private and public sector businesses occupying the same locations or facilities. These businesses originate from an array of industries or sectors, and often have different spatial requirements. The successful blend of businesses i.e. large and small, private and public is a dominant feature of a successful commercial centre.
- **Public transport and accessibility** – Office floorspace is typically concentrated adjacent to major public transport links (such as trains, busses, light rail, ferries, etc). Being distant from public transport infrastructure dramatically reduces the attractiveness of office space for private sector tenants.
- **Facilities and Amenities** – Newer commercial office premises usually provide on-site amenities, such as end-of-trip facilities (secure bike parking, car parking, locker facilities, change rooms, showers, etc) and / or food related facilities (such as a café or small coffee shop). Moreover, these commercial building are usually within a reasonable distance of other main amenities (i.e. entertainment, recreational, lifestyle, etc).
- **Sub-precincts** – Major commercial centres comprise of distinct or defined sub-precincts, such as a civic, retail and entertainment.





Assessing the Validity of commercial redevelopment in Ashfield

Overall, the Ashfield suburban office market does not possess the traits and features of a successful and functional commercial destination. While there are some common facets (e.g. amenities within a reasonable distance), the failure to achieve a higher percentage of pre-requisite features does work against the prospect for new commercial development in Ashfield.

Compared to successful major centres, Colliers International notes the following main deficiencies with respect to the Ashfield commercial market:

- Lack of critical mass
- Unlikely to achieve the sufficient pre-commitment levels required for new development
- Lopsided tenant composition
- Insufficient business co-location levels
- Insufficient demand from large, private sector tenants
- The lack of a designated commercial core
- Quality and composition of existing stock
- Distance from the main public transport node

The Ashfield commercial market comprises of only 30,000m² of floorspace, well below the critical mass thresholds exhibited by successful commercial markets. This observed lack of scale serves as a disincentive for private sector businesses and corporations, who generally seek to benefit from co-location with other businesses. Moreover, Ashfield does not offer centralised, well-connected, high-quality stock, which is generally required to secure interest from the private sector. Nor does it have the required spatial layout and connectivity to create a commercial core. The observed deficiencies in the Ashfield commercial market will continue to undermine the prospect for new office development.

The Ashfield commercial market also contains no distinct commercial core, and is instead spread across periphery clusters. This fragmentation of the market fails to promote a clear and distinct theme for Ashfield – a central theme promotes co-location of like-minded businesses and achieves critical mass. Furthermore, the current composition is heavily weighted towards the public sector. It is difficult to foresee additional demand coming from government (which represents another source of risk), given the recent outflow of government departments to Parramatta CBD.

From a feasibility perspective, Colliers International attests that the prospect for new commercial development in Ashfield is remote. While rental rates do vary with size of premises (smaller floorplates tend to attract a higher rent per square metre) and location (retail strip location tends to attract a higher rent on a per square metre basis), the current asking rent (estimated at between \$300-350 per sqm) for commercial floorspace is insufficient to support a feasible development outcome. As noted previously, due to the composition of business demand (being extremely small and sporadic) the process of obtaining necessary pre-commitment levels for new commercial redevelopment is challenging and convoluted.

Overall, the prospect for the new commercial development in Ashfield is extremely low, and is a risky proposition.





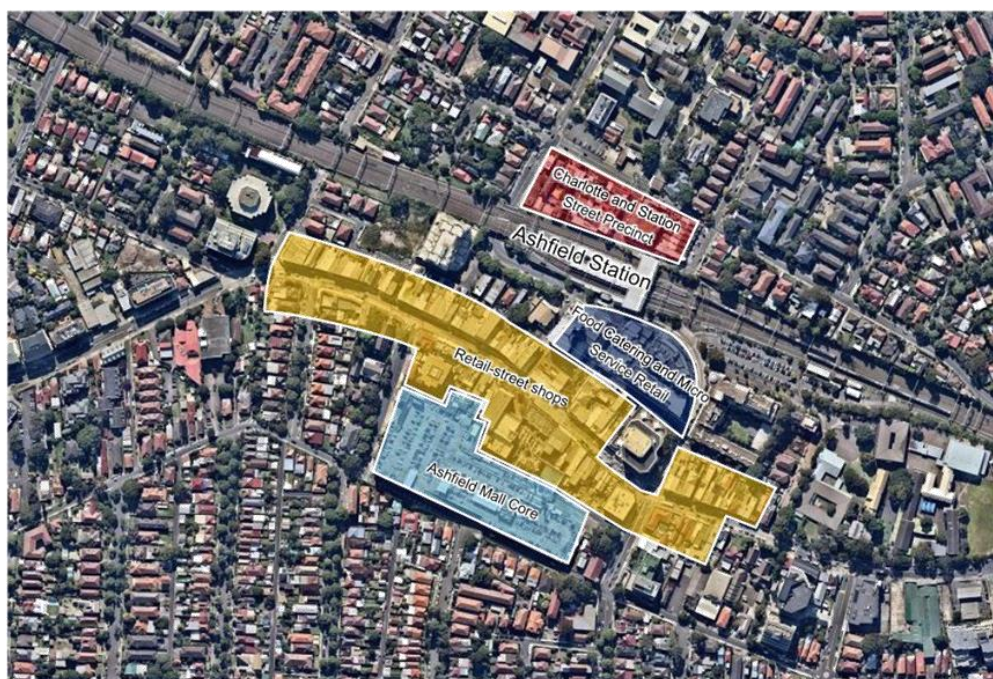
RETAIL REVIEW

Existing retail provision in Ashfield is extensive, anchored by a sub-regional shopping centre (Ashfield Mall) and an elaborate network of street-strip retail offer. Albeit, there is some retail offer to the north of the station on Charlotte and Station Streets, the distribution of retail provision is mostly south of the Ashfield Rail station.

In all, there are four distinct sub-markets or clusters in the Ashfield retail market, being:

- **Ashfield Mall Core**, a 24,900m² sub-regional shopping centre is the cornerstone retail asset in Ashfield. The two-level centre, comprises two supermarket anchors, a discount department store (Kmart), a cross-section of specialties, financial institutions, retail services and a food court. Accommodates a large resident and local workforce catchment.
- **Retail-street Shops along Liverpool Road Strip**, typically embedded in 2-3 storey, mixed use premises on Liverpool Road, this segment of the retail market is geared at local trade and includes traditional retailers (e.g. chemist warehouse), medical centres, real estate agencies, retail services (hair and beauty), solicitors, accountants, restaurants/café's, fresh food and groceries.
- **Food Catering and Micro Service Retail Precinct** offerings along Hercules and Brown Streets (south of Ashfield Rail Station) including international groceries, food eateries, pharmacy, real estate agencies, butcher, optometrist and others.
- **Charlotte and Station Street Precinct** (north of rail station) includes restaurants/café's, newsagency, retail services, butcher, travel agency, fresh food and groceries and medical centre. Generally, focused on lifestyle and services.

Retail Precincts and Clusters, Ashfield (2017)



Source: Colliers International

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Retail offer in the Inner West region is also extensive. Located just two kilometres from Ashfield (two rail stops), the inner west suburb of Burwood is also a major retail destination, encompassing a 63,390m² major regional shopping centre (Westfield Burwood), a secondary sub-regional plaza 'Burwood Chase' (12,000m²) as well as an elaborate network of retail shops along Burwood Road and inter-connecting streets (measuring approximately one kilometre in length). Colliers International anticipates that the Westfield alone would trade to a significant catchment, and would attract customers from as far as 10-15km away.

In addition to Burwood, there is retail provision in every direction from Ashfield:

- East – Broadway (Broadway Shopping Centre and street-strip), Leichhardt (Marketplace and Norton Plaza), Marrickville (Metro and street-strip)
- West – Burwood (Westfield and street-strip), Strathfield (Strathfield Plaza, Bakehouse Quarter and street-strip), Homebush/Auburn/Lidcombe (DFO, Lidcombe Centre, Auburn Central), Parramatta (Westfield, Parramall Shopping Centre, Greenway Shopping Centre).
- South – Campsie (Campsie Central), Hurstville (Westfield, Hurstville Central, Hurstville Plaza), Miranda (Westfield)

Colliers International anticipates that it is unlikely that the Ashfield market will be able to sustain any further major retail additions given the extent of current provision in the suburb and the broader Inner West region. For instance, one additional full-line supermarket alone would require an additional 10,000-12,000 additional residents, a feat which is unlikely to be achieved in an established suburb such as Ashfield.

Moreover, the features and traits of the site is also not conducive for major retail uses. The site would be incapable of accommodating the amount of traffic and thoroughfare a typical major retail destination would create and encounter. Moreover, major centres generally require multiple access points, which is not plausible due to the location of the site. The subject site itself is also too small to accommodate a major retail asset – Ashfield Mall is set on an estimated 22,500m² parcel of land. Overall, it is apparent that there is limited market potential for another major retail offer in Ashfield.



**CONCLUSION**

Overall, we conclude that the prospect for a significant commercial or retail redevelopment outcome in Ashfield, and more specifically the subject site, is remote due to a multitude of fundamental and market based reasons.

Should you have any queries regarding the content of this correspondence, please do not hesitate to contact the author on 0477 800 048 or david.dragicevic@colliers.com.

Yours sincerely

Colliers International Consultancy Pty Ltd

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Author credentials

David has accumulated over a decade's market experience as an Economist in the consulting industry. He has an aptitude for identifying emerging economic and property trends and drivers and applying these at a micro or site specific context. He has prepared numerous independent market assessment report across all sectors in many locations throughout Australia.





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**The Transport
Planning Partnership**

Our Ref: 16274

20 December 2016

Barana Group Pty Ltd
3A Macquarie Street
SYDNEY NSW 2000

Attention: Mr Andrew Urquhart

Dear Andrew,

**RE: 2-6 CAVILL AVENUE, ASHFIELD
PLANNING PROPOSAL – TRAFFIC AND PARKING IMPACT ASSESSMENT**

The Transport Planning Partnership (TPPP) has prepared this traffic statement on behalf of Barana Group to accompany a planning proposal for submission to Inner West Council in relation to a proposed mixed-use development at 2-6 Cavill Avenue, Ashfield. The planning proposal will seek approval to amend the current floor space ratio (FSR) of 2:1 to 3:1.

This statement presents the findings of our traffic and parking assessment associated with the proposed development.

Existing Site Context

Site Description

The site has an area of approximately 8,500m². It is located at 2-6 Cavill Avenue in Ashfield. The site is generally bounded by Cavill Avenue to the east, Thomas Street and Liverpool Road to the south, The Avenue to the west and the T1/T2 rail lines to the north.

The site is currently occupied by two commercial buildings each with a two-level basement car park underneath the respective buildings. The car park beneath the building at 2 Cavill Avenue accommodates 137 car parking spaces. In addition, the 4-6 Cavill Avenue car park contains 142 car parking spaces. In total, there are 279 car parking spaces provided on the site.

The subject site and its surrounds is shown in Figure 1.

The Transport Planning Partnership Pty Ltd
ACN 607 079 005
Suite 402, 22 Atchison Street
ST LEONARDS NSW 2065

**The Transport
Planning Partnership**

Figure 1: Locality Map

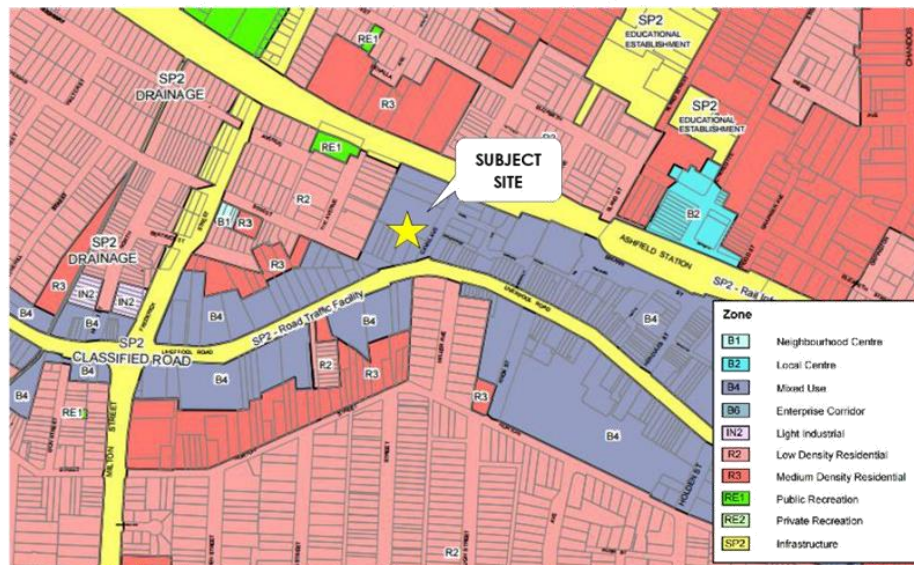


The site is currently zoned as B4 Mixed Use, with a maximum permissible FSR of 2:1. B4 Mixed Use sites allow for a variety of land uses, including residential uses.

Land in the vicinity of the site generally consists of low/medium density housing to the west and mixed retail and commercial uses to the east of the site.

The existing land zoning surrounding the site is shown in Figure 2.

Figure 2: Land Zoning Map



Source: Ashfield Local Environmental Plan 2013 (extract)

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Road Network

The site is surrounded by a network of local roads including Liverpool Road, Cavill Avenue, Thomas Street and The Avenue.

A brief description of these roads is summarised in Table 1.

Table 1: Road Network

Road Name	Road Classification	Description
Liverpool Road	State Road	Liverpool Road is configured as a two-way four-lane road. This road provides a good east-west arterial link to surrounding suburbs and connects to the other arterial links such as Paramatta Road and Centenary Drive via Hume Highway.
Cavill Avenue	Local Road	Cavill Avenue generally travels in a north-south alignment with an L-shape one-way connection from Markham Place. It is a two-way, two-lane cul-de-sac arrangement, with a posted speed limit is 50km/h. Kerbside parking is permitted on both sides of the road.
Thomas Street	Regional Road	Thomas Street is a two-way, two-lane road, generally aligned in an east-west direction. It has a posted speed limit of 50km/h. Kerbside parking is generally provided on both sides of the road.
The Avenue	Local Road	The Avenue is configured as a two-way cul-de-sac arrangement. This road mainly services residential traffic accessing their properties on The Avenue. Kerbside parking is provided on both sides of the road.

Existing Site Vehicle Access Arrangements

As noted previously, the site currently fronts on to Cavill Avenue to the east, Thomas Street to the south and The Avenue to the west boundary of the site.

The existing vehicle access arrangements are shown in Figure 3.

Figure 3: Existing Vehicle Access Arrangements



Basemap Source: SixMaps

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Figure 3 indicates that the site currently has four vehicle accesses, of which are shown in the below figures.

Figure 4: Cavill Avenue – Two-Way Access



Figure 5: Thomas Street – Exit Only



Figure 6: The Avenue – Entry Only



Figure 7: The Avenue – Exit Only



The existing site access arrangements are considered to operate satisfactorily.

Public Transport

The subject site is located within walking distance to the Ashfield Railway Station and a number of key bus routes servicing the area.

The existing public transport facilities are summarised in Table 2, with a map of the existing bus network shown in Figure 8.

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Table 2: Summary of Public Transport Facilities

	Route #	Route Description	Proximity to Site	Frequency
Train	T1 North Shore, Northern Suburbs		< 600m	every five minutes
	T2 Airport, Inner West and South Line			
Bus	418	Bondi Junction to Burwood via Ashfield	< 100m	15-mins peak / 30-mins off-peak
	462, 464, 466	Ashfield to Cabarita and Mortlake		10-mins peak / 30-mins off-peak
	480, 483	Strathfield and Burwood to City via Ashfield		10-mins peak / 20-mins off-peak

Figure 8: Existing Bus Network



Source: State Transit Buses – Inner West Region Map

As can be seen from above, the site is well-served by existing public transport services.

Pedestrian Infrastructure

In the immediate vicinity, sealed pedestrian paths are provided at the following locations:

- Cavill Avenue (both sides) – 2.0m wide pedestrian paths providing good pedestrian connectivity to the retail shop frontages on Liverpool Road to the east
- Thomas Street (both sides) – 1.6m-2.0m wide pedestrian paths providing convenient access to the east and west directions, notably to Ashfield Town Centre
- The Avenue (both sides) – 2.0m-3.5m wide pedestrian paths providing access to the surrounding residential properties, including the Hill Peters Reserve Park at the end of the cul-de-sac.

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In addition, it is noted that safe pedestrian crossing points are provided at:

- Thomas Street / Liverpool Road – signalised pedestrian crossing, and
- Cavill Avenue / Liverpool Road – pedestrian refuge.

Well-established pedestrian facilities are provided within the vicinity of the site.

Proposed Development

The subject site currently has a FSR of 2:1 under the Ashfield Local Environmental Plan 2013 (LEP). The planning proposal for which this traffic statement relates is seeking to amend the FSR from 2:1 to 3:1.

If the subject site's FSR was to be amended from 2:1 to 3:1 a future development could accommodate up to 285 residential apartments and approximately 1,500m² retail shop uses. The anticipated uses would provide an overall floor space area of approximately 25,000m² (i.e. FSR 3:1).

At this stage, it is envisaged that 285 residential apartments would comprise the following apartment mix:

- 2 x studio apartments
- 113 x 1-bedroom apartments
- 136 x 2-bedroom apartments, and
- 34 x 3-bedroom apartments.

In addition, it is noted that the retail uses are expected to be made up of a number of small retail tenancies. These retail tenancies would be occupied by local shops and businesses servicing the local neighbourhood.

Parking Assessment

Car Parking Requirement

The car parking requirements for the proposed mixed-use development (i.e. residential and retail shops) are set out in Council's interim Development Control Plan (DCP) 2013, which was adopted in February 2014.

Whilst this interim DCP outlines the car parking requirements for proposed development, it is noted that these car parking rates are consistent with the Draft Comprehensive Inner West DCP 2016 (Ashfield Area) which is currently being finalised by Council.

The DCP car parking requirements for the proposed development are summarised in Table 3.

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Table 3: DCP Car Parking Requirements

Proposed Use		Size	DCP Parking Rate	DCP Parking Requirement
Residential	Resident parking	285 units	1 space for all dwellings	285 spaces
	Visitor parking		1 space for every 4 dwellings, including serviced apartments plus 1 car wash bay	72 spaces
Retail shop parking ^[1]		1,500m ² GFA	1 space per 40m ² GFA, plus 1 space if resident manager or caretaker.	38 spaces
Total				395 spaces

[1] For local 'corner' shops, parking will be assessed on a case-by-case basis.

Table 3 indicates that the proposed development would require a total car parking provision of 395 spaces, as per DCP guidelines. However, as indicated above, it is noted that parking requirements for local corner shops will be assessed on a case-by-case basis.

As noted previously, the retail component of the site is expected to comprise of a number of low scale retail shops, each with a gross floor area (GFA) of approximately 150m² serving the local community. It is expected that the nature of the retail uses would be such that patronage to these retail uses would be primarily made up of walk-in trips from the surrounding properties, including the occupants living in the proposed residential uses of the site.

In this regard, the provision of 38 retail parking spaces is considered to be excessive for such purposes, particularly given the site's proximity to high frequency public transport. It is therefore proposed to provide 15 car parking spaces for the retail uses, which equates to rate of approximately one to two car parking spaces per retail tenancy. This car parking provision is considered appropriate for the anticipated retail purposes, given that visitor parking would not likely be required.

Notwithstanding, as part of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65), the Apartment Design Guide states that:

1. For development in the following locations:

- *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or*
- *on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre*

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

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Taking the above into consideration, the RMS parking rates for high density residential development in Metropolitan Sub-Regional Centres stipulate the following rates:

- 0.6 spaces per 1-bedroom unit
- 0.9 spaces per 2-bedroom unit
- 1.4 spaces per 3-bedroom unit, and
- 1 space per 5-unit (visitor parking).

On that basis, the proposed residential development would require a total of 295 car parking spaces (i.e. 238 residential tenant and 57 visitor parking).

Thus, it is proposed to provide the following car parking provision for the development:

- 238 residential tenant car parking spaces
- 57 residential visitor car parking spaces, and
- 15 retail car parking spaces.

The proposed car parking provision for the development is considered appropriate for its size and anticipated use.

Bicycle and Motorcycle Parking

The bicycle and motorcycle parking requirements as set out in Council's DCP are summarised in Table 4.

Table 4: DCP Bicycle and Motorcycle Parking Requirements

Parking Type	Proposed Use	Employees / Occupants	Visitors / Customers
Bicycle Parking	Residential Flat	1 per 10 flats	1 per 10 flats
	Retail	1 per 20 employees	2 + 1 per 100m ² GFA
Motorcycle Parking	Residential Flat	1 space per 25 car parking spaces	
	Retail		

The proposed development proposes to comply with bicycle and motorcycle parking requirements stipulated in Council's DCP.

Loading Facilities

All loading and unloading shall be undertaken within the site boundary. A loading dock is proposed to be provided for all relevant service vehicle activities, including waste collection purposes.

Proposed Access Arrangements

As indicated previously, the existing use on the site enjoys vehicle access from Cavill Avenue, Thomas Street and The Avenue. From observations made on site, these accesses appear to operate satisfactorily.

**The Transport
Planning Partnership**

It is proposed to retain the existing vehicle accesses off Cavill Avenue, Thomas Street and The Avenue to serve the proposed development.

The primary vehicle access for general traffic to the site would be via The Avenue, while the Cavill Avenue would be predominately used by service vehicles with some limited use by general traffic.

The proposed access arrangements for the future development are shown in Figure 9.

Figure 9: Proposed Access Arrangements



The proposed vehicle access arrangements are considered satisfactory.

Traffic Generation Impact

Existing Use Traffic Generation

As noted previously, the site is currently occupied by two commercial buildings with a total gross floor area of approximately 10,600m².

The existing traffic generation of the site has been estimated based on the RMS Guide to Traffic Generating Developments (2002). In addition, updated trip generation rates are set out in the updated RMS technical direction of the Guide (TDT2013/04a) for high density and commercial/office uses.

The Transport Planning Partnership

Based on the RMS Guide, the following peak hour trip generation rate for commercial uses is 0.8 vehicle trips per car space¹

Taking into consideration the existing car parking provision of 279 car parking spaces, the existing use is expected to generate some 223 vehicle trips in the peak hour.

Proposed Use Traffic Generation

The proposed development comprises approximately 285 residential apartments and approximately 1,500m² of retail shop uses.

Based on RMS revised guidelines, during the weekday busiest peak period the residential use would generate traffic at a rate of 0.19 vehicle trips per peak hour per apartment.

In relation to the retail use, as noted previously, the retail uses would comprise local neighbourhood shops serving the local community. As such, the retail patronage is likely to be from walk-in trips from local residents and workers from nearby developments. The retail uses would not be a destination for retail customers. Therefore, the proposed retail uses are not expected to generate any vehicle trips.

However, for the purpose of estimating trip generation for the retail uses, a trip generation rate of 1.6 trips per 100m² GFA consistent with the RMS suggested trip rate for commercial uses has been used. In the light of the above discussion, this approach is considered conservative.

The estimated development traffic arising from the proposed development is summarised in Table 5.

Table 5: Proposed Development Traffic

Proposed Use	Size	Peak Hour Traffic Generation Rates	Estimated Peak Hour Trips
Residential	285 units	0.19 trips per unit	54 trips
Retail	1,500m ²	1.6 trips per 100m ²	24 trips
Total			78 trips

The proposed development has been conservatively estimated to generate approximately 78 vehicle trips in the peak hour during the weekday busiest peak period. This is considered to be relatively low in the context of the existing background traffic in the surrounding road network.

A comparison of trip generation between the existing use and proposed uses is shown in Table 6.

¹ This trip rate based on the provision of car parking spaces was derived from the RMS Guide (2002). This Guide suggests a peak hour traffic generation rate of 2.0 trips per 100m² GFA and a car parking provision rate of 1 space per 40m² GFA for commercial use. This equates to a trip generation rate of 0.8 trips per car space provided.

**The Transport
Planning Partnership**
Table 6: Comparison Between Existing and Proposed Uses Trip Generation

Existing Use Traffic Generation	Proposed Use Traffic Generation	Net Change
223 trips per peak hour	78 trips per peak hour	- 145 trips per peak hour

Table 6 indicates that the proposed development would generate approximately 145 trips per hour less than the existing commercial use. As such, it is clear that the proposed development would provide positive traffic benefits as it would generate less traffic than the existing use.

It is noted that the traffic distribution patterns between commercial and residential uses are generally reversed in terms of inbound and outbound movements. For example, commercial uses typically generate inbound movements (i.e. staff travelling to work), with residential uses generating outbound movements (i.e. residents travelling to work) in the morning peak. The opposite also applies during the evening peak (i.e. staff leaving work vs residential returning from work).

Notwithstanding, the anticipated traffic generation associated with the proposed development is considered low and is not likely to result in any adverse impacts or any operational or safety issues on the surrounding road network.

Separately, a compliant mixed use development at the current FSR 2:1 would generate approximately 59 trips per peak hour (i.e. 19 trips less than the proposed development traffic). The additional 19 trips generated from the proposed development at a FSR 3:1 is considered negligible.

Thus, the traffic impacts associated with the proposed development is not expected to result in any significant impacts on the surrounding road network. Intersection improvements to nearby roads and intersections, therefore would not be required to accommodate the traffic demand from the proposed development.

Summary

The proposed development is expected to generate approximately 78 vehicle trips in the peak hour, which is less 145 trips per hour less than the existing use.

Thus, the proposed development is not expected to result in any adverse impacts, nor any operational or safety issues on the surrounding road network.

It is proposed to provide onsite parking in compliance with requirements set out in the Apartment Design Guide to reflect the site's good accessibility to public transport services.

**The Transport
Planning Partnership**

We trust the above is to your satisfaction and should you need any further clarification, please do not hesitate to contact me.

Yours sincerely,

-
Jason Rudd
Director

Item 6

GBA
Heritage

STATEMENT OF HERITAGE IMPACT

Planning Proposal

2-6 Cavill Avenue, Ashfield

December 2016

Attachment 3



2-6 CAVILL AVENUE, ASHFIELD			
ISSUE	DESCRIPTION	DATE	ISSUED BY
A	Draft for Review	05/12/16	CH
B	Issued for DA Submission	08/12/16	CH

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1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This report has been prepared to accompany a Planning Proposal to amend the current height and Floor Space Ratio (FSR) controls of the *Ashfield Local Environmental Plan (LEP) 2013* applicable to 2-6 Cavill Avenue, Ashfield.

It considers the impact of potential future development that would be permissible under the proposed controls, based on an indicative scheme documented by Bates Smart. The following analysis is based on a review of the architectural diagrams and observations made during inspections of the locality.

This report concludes that the proposal will have an acceptable heritage impact.

1.2 REPORT OBJECTIVES

The objective of this report is to review the Planning Proposal and consider the implications, from a heritage perspective, of the proposed LEP amendment.

1.3 METHODOLOGY AND STRUCTURE

This Statement of Heritage Impact has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as *The Burra Charter*, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of *The Burra Charter*. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

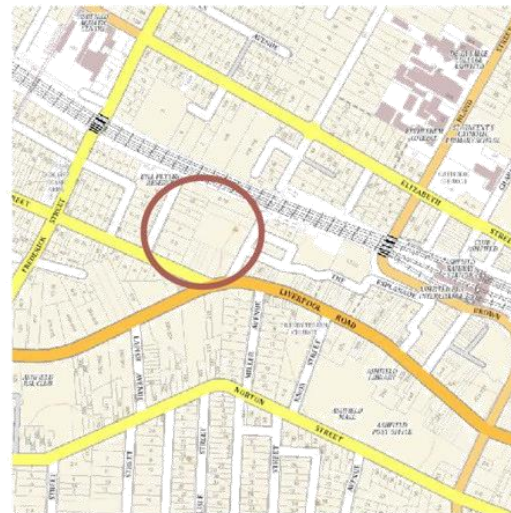


Figure 1.1
Location map showing the subject site marked with a red circle
Source: NSW LPI SIX Maps Website



Figure 1.2
Extract from the LEP Heritage Map showing the subject site outlined in red
Source: NSW Government Legislation Website

1.4 SITE IDENTIFICATION

The subject site at 2-6 Cavill Avenue, Ashfield, is located on the western side of Cavill Avenue and the northern side of Thomas Street, and partly fronts Liverpool Road on its southern side. Two driveways connect the main section of the site to The Avenue. The site is otherwise known as 1-9 Thomas Street, Ashfield.

It is described by NSW Land and Property Information (LPI) as Lots 1, 2 and 5, DP 6262; Lot 1, DP 971932; Lots 1 and 2, DP 556722; Lot 101, DP 234926; Lot 9, DP 940918; and Lot 17, DP 168456.

1.5 HERITAGE MANAGEMENT FRAMEWORK

The subject property is **not** listed as an item of heritage significance in any statutory instrument.

However, it is located in the vicinity of the following items listed in Schedule 5 of the *Ashfield Local Environmental Plan (LEP) 2013*, as items of local heritage significance, the closest being:

- Item 213 - 298-312 Liverpool Road
- Item 222 - 1 Miller Avenue
- Item 306 - 2 The Avenue
- Item 307 - 4 The Avenue
- Item 308 - 9 The Avenue

It is also located in the vicinity of the *Miller Avenue Conservation Area*, listed as a conservation area of local significance in Schedule 5 of the *Ashfield LEP 2013*.

1.6 AUTHORSHIP

This report has been prepared by Dr Cameron Hartnell, Heritage Consultant, of GBA Heritage and has been reviewed by the Director, Graham Brooks. Unless otherwise noted, all of the photographs and drawings in this report are by GBA Heritage.

1.7 REPORT LIMITATIONS

While this report is limited to the analysis of European cultural heritage values, GBA Heritage recognises that for over forty thousand years or more Aboriginal people occupied the land that was later to be claimed as a European settlement.

Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing fabric.

Archaeological assessment of the subject site is outside the scope of this report.

1.8 COPYRIGHT

Copyright of this report remains with the author, GBA Heritage.

2.0

SITE DESCRIPTION

2.1 SITE CONTEXT

The subject site is at the western end of the Ashfield Town Centre, an area Inner West Council has identified as having potential for more intensive development. Liverpool Road, which runs through the area, mostly consists of two storey retail and residential terraced buildings. A number of multi-storey buildings are interspersed throughout the Town Centre, including the Ashfield Mall, which has a large urban footprint. Surrounding the Town Centre on all sides is a large area of medium density residential development, generally one to three storeys high.

The subject site fronts Cavill Avenue, Liverpool Road and Thomas Street with two driveways connecting with The Avenue to the west. The site is one lot south of the Main Suburban Railway Line with Ashfield Railway Station approximately 200 metres to the east. A three storey residential apartment building is located immediately north of the subject site.

The Avenue is a residential street characterised by one to four storey (including ground floor garages) development immediately west of the Ashfield Town Centre. It is lined by mature trees located both in the public realm and on private land, which, together with the residential development on the eastern side of the street, largely obscures views of the subject site from most positions on the street.

2.2 SITE DESCRIPTION

The subject site features two detached contemporary multi-storey buildings on the eastern half of the urban block. The southernmost building, 2 Cavill Avenue, is five stories high with a chamfered corner fronting Liverpool Road. It has a curtain wall with prominent horizontal bands of tinted glazing on all floors. There are prominent balconies on the upper floors overlooking Liverpool Road and smaller balconies on the northern side on all floors.

The building at 4-6 Cavill Avenue also has curtain walls and features the same cladding as the neighbouring building. It is almost octagonal in plan with accordion format walls on four sides. The combined site has a generous landscaping buffer on its southern and eastern sides with some trees near the northern and western boundary.



Figure 2.1
The subject site looking north-west from the intersection of Liverpool Road and Miller Avenue



Figure 2.2
View of the existing building at 2 Cavill Avenue from Thomas Street
Source: Google Maps

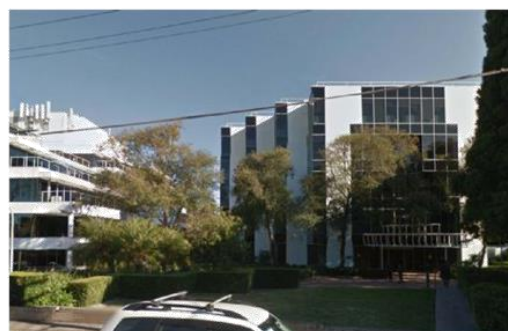


Figure 2.3
View of the existing building at 4-6 Cavill Avenue (right) and the rear of 2 Cavill Avenue (left) from Cavill Street, looking west
Source: Google Maps

2.3 VIEWS OF THE SUBJECT SITE TO AND FROM HERITAGE ITEMS IN THE LOCALITY

ITEM 213 - 298-321 LIVERPOOL ROAD

The heritage item at 298-312 Liverpool Road is a group of eight attached terraced buildings on the southern side of the street.

The subject site is across Liverpool Road and Cavill Avenue and at a considerable distance from this listed item. The subject site is well away from views of this item.

In views from this item, the building at 2 Cavill Avenue is partly visible behind tall plantings from some locations adjacent to Liverpool Road. Two storey structures with parapet on the north side of Liverpool Road almost completely block views of the building at 4-6 Cavill Avenue.

ITEM 222 - 1 MILLER AVENUE

The property at 1 Miller Avenue includes a single-storey house in the Federation Queen Anne Style on the eastern side of the lot, and a number of additions and structures to the west. The established significance for the site identifies the Federation house as the significant element on the site.

The Federation house fronts the intersection of Miller Street and Liverpool Road. The existing multi-storey buildings at 2-6 Cavill Avenue are located across Liverpool Road and Cavill Avenue from the listed house.

The upper floors of the buildings on the subject site are partly visible in the background of views of the house from Miller Avenue. The buildings are largely if not completely blocked from view from the listed house itself by boundary plantings and a structure on the northern boundary of the listed property.

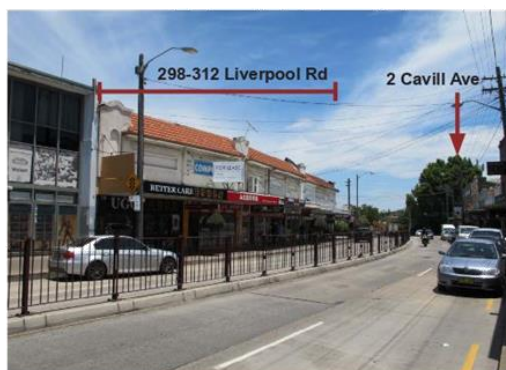


Figure 2.4
View of 298-312 Liverpool Road and 2 Cavill Avenue (behind a tree) from the north side of Liverpool Road, looking west



Figure 2.6
Photograph of 1 Miller Avenue from the east side of Miller Avenue with the buildings at 2 and 4-6 Cavill Avenue visible behind, looking north-west



Figure 2.5
View of 2 Cavill Avenue (partly visible behind a tree) from outside 312 Liverpool Road, looking north-west

ITEM 306 - 2 THE AVENUE

2 The Avenue contains a two storey heritage listed house fronting the western side of The Avenue at the corner of Thomas Street.

Views of the front facade of this listed house from the street are away from the subject site. The building at 2 Cavill Avenue is partly visible from the house through vegetation and intervening development. Views of the building at 4-6 Cavill Avenue are completely blocked by thick vegetation.



Figure 2.7
The house at 2 The Avenue, partly visible behind street and boundary trees



Figure 2.8
The view towards the subject site from the sidewalk in front of 2 The Avenue. 2 Cavill Avenue is partly visible but views of 4-6 Cavill Avenue are completely blocked by thick vegetation

ITEM 307 - 4 THE AVENUE

Similar to its neighbour at no. 2, no. 4 The Avenue contains a two storey heritage listed house fronting the western side of The Avenue.

Views of the front facade of this house from the street are away from the subject site. The buildings on the subject site are barely visible through vegetation and intervening development from the listed house.



Figure 2.9
View of 4 The Avenue from the street



Figure 2.10
The view towards the subject site from the sidewalk in front of 4 The Avenue. Both 2 and 4-6 Cavill Avenue are both barely visible from this location

ITEM 308 - 9 THE AVENUE

The heritage item at 9 The Avenue is a two storey house fronting the eastern side of The Avenue.

The buildings on the subject site are partly visible in the background behind views of the listed house from some locations. Views from the listed house are away from the subject site.

ITEM C10 - MILLER AVENUE CONSERVATION AREA

The *Miller Avenue Conservation Area* is characterised by single storey residential houses flanking each side of Miller Avenue with mature trees regularly spaced down the western side of the street and more intermittently on the eastern side. The houses and trees almost completely obscure views of the existing development at 2-6 Cavill Avenue from within the conservation area.



Figure 2.11
View of 9 The Avenue from the street, looking east. 4-6 Cavill Avenue is partly visible in the background



Figure 2.13
Partial view of 2 Cavill Avenue from within the *Miller Avenue Conservation Area*



Figure 2.12
View of 9 The Avenue from the west side of the street. The building at 2 Cavill Avenue is partly visible in the background.

3.0

ESTABLISHED HERITAGE SIGNIFICANCE

There are a number of individually listed heritage items in the vicinity of the subject site. These are listed as items of local heritage significance on Schedule 5 of the *Ashfield LEP 2013*.

The NSW Heritage Inventory has no information for these items.

The following Statements of Significance for the individually listed items in the vicinity of the subject site have been sourced from Inner West Council's *Heritage Inventory*, which is provided on its website.

House - 1 Miller Avenue, reference number 179

A very good example of residential architecture in the Federation Queen Anne Style.

House - 2 The Avenue, reference number 262

A pleasant and relatively intact house which, like its contemporary neighbour, No. 4, represents a cogent expression of several themes of municipal history.

House - 4 The Avenue, reference number 263

A fine modest Italianate residence decorated with some Australian motifs. Its streetscape significance is enhanced by the proximity of the adjoining similar house (No.2)

House - 9 The Avenue, reference number 2 20 01

This is an unusual two-storeyed example of the Queen Anne style of architecture. Replacing a Victorian house on this site, it reflects the growth and development of Ashfield in the Federation period. As well, because of the number of large home unit blocks in this street, the property illustrates the diminution of the residential character of a 2(a) zone that seems to have occurred by undesirable attrition, here as well as in a few other precincts of Ashfield.

Shops with other occupancies above - 298-312 Liverpool Road

Reason for Listing:

A group of eight streetfront occupancies in the one building is unusual. This one is pleasingly simple and stylish, despite alterations and blatant signage. The building effectively addresses the Miller Street corner and has considerable potential as a townscape element. Criteria (c), (e).

The subject site at 2-6 Cavill Avenue, Ashfield, is located across Liverpool Road and Cavill Avenue from the *Miller Avenue Conservation Area*, which is listed as an item of local heritage significance on Schedule 5 of the *Ashfield LEP 2013*.

Inner West Council's *Heritage Inventory* contains the following information for the *Miller Avenue Conservation Area*:

Statement of Significance:

The cultural significance of the Miller Avenue Conservation Area derives from the following factors -

6.1 The history of the subdivision made by Ashfield's first mayor, John Pope, and exploited in a short time by the Ray Brothers, important speculative builders in Federation Ashfield.

6.2 The street is a unified and attractive whole, comprising only residences, which are compatible in architectural style (essentially Federation Queen Anne), form, materials, textures, colours and details.

6.3 The gentleness of residential scale is notable.

6.4 Despite modifications the buildings possess a high degree of originality and intactness.

4.0

DESCRIPTION OF THE PROPOSAL

The Planning Proposal seeks to amend the maximum height and floor space ratio (FSR) controls of the *Ashfield LEP 2013* applicable to 2-6 Cavill Avenue, Ashfield. It is proposed to rezone the site to a maximum height of 30m and a FSR of 3:1.

Future development would be subject to a development application (DA), to be submitted to Council following gazettal of the Planning Proposal.

5.0

ASSESSMENT OF HERITAGE IMPACT

5.1 INTRODUCTION

The site specific Planning Proposal seeks to amend the height and FSR controls for the subject site.

The likely consequence of the Planning Proposal is that the site will be developed to the maximum allowable under the revised controls.

Any future development of the site will require approval from Inner West Council and will be subject to the heritage provisions of the *Ashfield LEP 2013* and the guidelines of the *Ashfield DCP 2007*, and will be assessed accordingly.

The NSW Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) has published a series of criteria for the assessment of heritage impact. The relevant 'questions to be answered' in the NSW Heritage Manual 'Statements of Heritage Impact' guidelines relating to development adjacent to a heritage item are:

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

As these have been prepared in the context of the assessment of the impacts of built form rather than planning controls, the following additional questions have been formulated for consideration in determining the heritage impact of changing the LEP controls for the site:

- *What are the potential heritage impacts for the heritage items in the vicinity arising from the future development of the subject site under the current planning controls?*
- *What are the likely consequences of the Planning Proposal?*

The existing planning controls for this site include a height limit of 23 metres and an FSR of 2:1. It is proposed to rezone the site for a maximum height of 30m and an FSR of 3:1.

The heritage considerations are the potential impacts of the change in views and setting of the heritage items in the vicinity of the subject site.

5.2 298-312 LIVERPOOL ROAD, 2 AND 4 THE AVENUE

The established significance for 298-312 Liverpool Road references its contribution to the townscape while the established significance for 4 The Avenue references its contribution to the streetscape. The proposal will have no adverse impact on their contribution to the townscape or streetscape.

The subject site is well away from views of the listed item at 298-312 Liverpool Road and is not visible in views to the front facades of 2 and 4 The Avenue. As such the proposal will have no adverse impact on the setting of these items.

The proposal may result in a change in the views from these items. Since the statement of significance does not identify any significant views associated with these items, there will be no adverse impact on their established heritage significance.

5.3 1 MILLER AVENUE AND 9 THE AVENUE

The established significance of these listed items relates to their architectural values, which will not be affected by the proposal.

The existing multi-storey buildings at 2-6 Cavill Avenue are partly visible in the background of views of these listed items. The proposal to amend the current planning controls for the subject site would permit future buildings that may be moderately more visible than the existing. The established heritage significance for these listed items does not identify any significant views to or from them. The potential impact on the setting of these items is considered to be acceptable from a heritage perspective, given their current context at the edge of the Ashfield Town Centre.

Any redevelopment of the subject site will not obscure views of the items, nor physically impact them.

5.4 MILLER AVENUE CONSERVATION AREA

The subject site is separated from the *Miller Avenue Conservation Area* by the width of Liverpool Road.

The established significance of the Conservation Area does not include any reference to significant views to and from the area.

The existing multi-storey buildings on the subject site are already partly visible from within the conservation area. As such, redevelopment of the site as a consequence of the proposal to amend the planning controls will retain its existing urban context at the edge of Ashfield Town Centre.

The development and large trees along the western side of Miller Avenue will largely obscure views of development occurring as a consequence of the proposal to amend the planning controls for 2-6 Cavill Avenue.

5.5 CONSIDERATION OF POTENTIAL HERITAGE IMPACTS

The current update to Section 117 (S117) Direction 2.3 Heritage Conservation, issued under S117 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* on 1 July 2009, requires the following in relation to European heritage:

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

As the potential impacts on the heritage items in the locality have been considered and there are no changes proposed to the *Ashfield LEP 2013* heritage schedule or mapping, or the compulsory heritage provisions in clause 5.10 Heritage Conservation, as part of this Planning Proposal, it is considered that the Planning Proposal is consistent with the S117 Directions in relation to European heritage.

6.0

CONCLUSIONS AND RECOMMENDATION

6.1 CONCLUSIONS

The Planning Proposal seeks to amend the planning controls currently applying to the site at 2-6 Cavill Avenue, Ashfield.

Future development of the site will require approval from Inner West Council and will be subject to the heritage provisions of the *Ashfield LEP 2013* and the guidelines of the *Ashfield DCP 2007*, and will be assessed accordingly.

The subject property is **not** listed as an item of heritage significance in any statutory instrument.

It is located in the vicinity of the following places identified as local heritage items in Schedule 5 of the *Ashfield LEP 2013*: 298-312 Liverpool Road, 1 Miller Avenue, 2 The Avenue, 4 The Avenue and 9 The Avenue.

The *Miller Avenue Conservation Area* is located to the south-east, separated by Liverpool Road and Cavill Avenue.

Given the physical separation between these items and the subject site the potential for heritage impact is limited to that of views and setting.

These have been considered in the commentary above and it is considered that the proposed change in the planning controls will not have an adverse the established heritage significance of the listed items and conservation area in the vicinity of the subject site.

The potential impact on the setting of these items is considered to be acceptable from a heritage perspective, given their current context at the edge of the Ashfield Town Centre.

6.2 RECOMMENDATION

The Planning Proposal is considered acceptable from a heritage perspective and is recommended for approval.

7.0

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Apperly R, Irving R, Reynolds P, *A Pictorial Guide to Identifying Australian Architecture Styles and Terms from 1788 to the Present*, NSW, Angus & Robertson, 2002

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WEBSITES

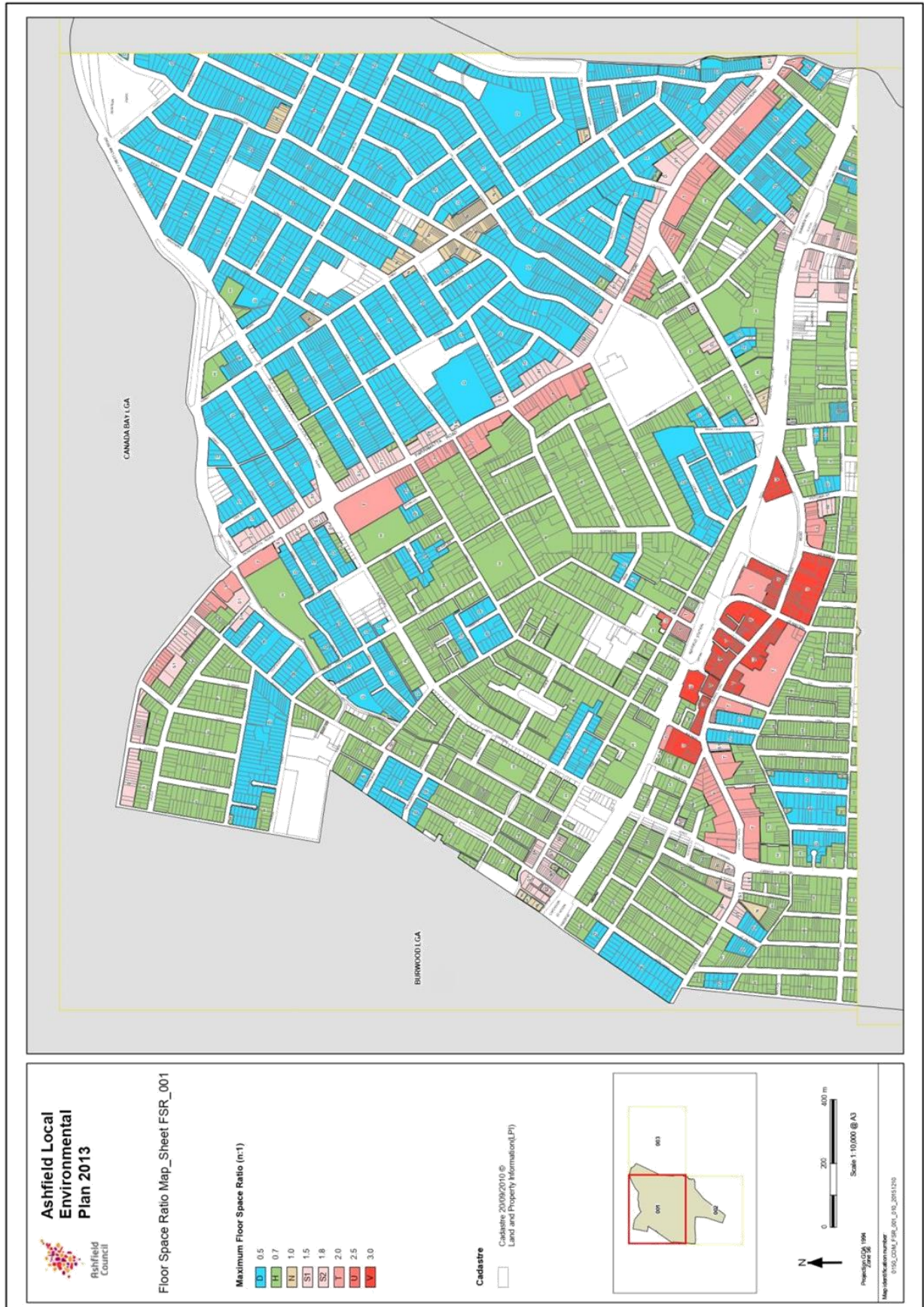
Nearmap, <http://maps.au.nearmap.com>

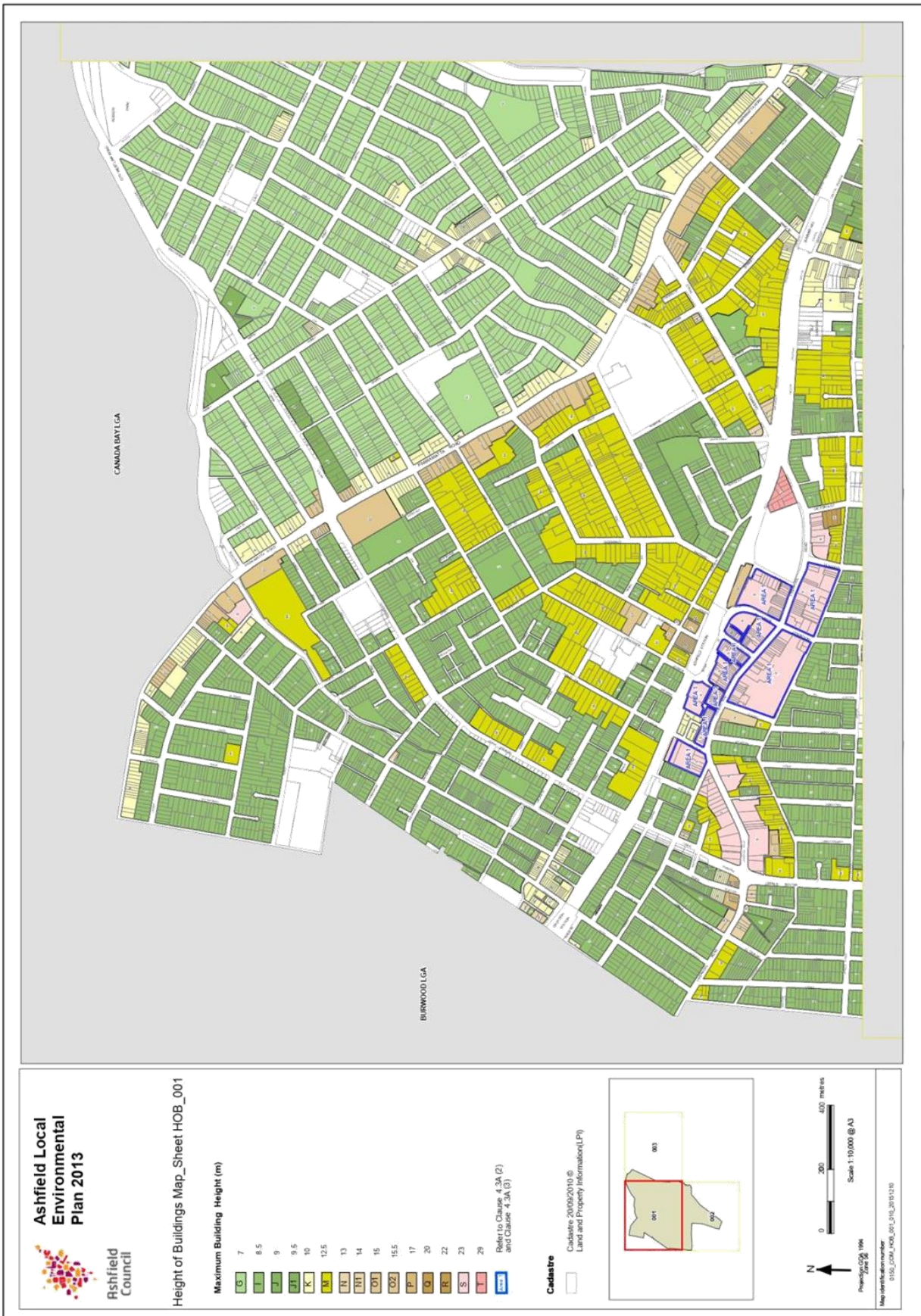
NSW Government Legislation, www.legislation.nsw.gov.au

NSW LPI SIX Maps, www.six.nsw.gov.au

NSW Heritage Inventory, <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

Heritage Inventory (Ashfield), Inner West Council Website,
http://www.ashfield.nsw.gov.au/page/heritage_inventory1.html





Con Colot

From: DA_sydneytrains <DA_sydneytrains@transport.nsw.gov.au>
Sent: Thursday, 22 March 2018 1:14 PM
To: Con Colot
Subject: RE: 2-6 Cavill Ave Ashfield referral

Hi Con

Given the land between the rail corridor and the proposed road extension associated with The Avenue, Sydney Train's only consideration is that the applicant is made aware of the Department of Planning & Environment – Development near Busy Roads & Rail Corridors Interim Guide and that no works on RailCorp owned lands is to be undertaken without obtaining written approval from Sydney Trains (as delegated authority), for future works.

Any queries feel free to contact me,

Kind Regards

Sarah Anderson
 Assistant Town Planner
 Future Direction, Growth & Performance
Sydney Trains

T 02 8575 0237
 Ground Floor East, 36-46 George Street, Burwood NSW 2134
 PO Box 459, Burwood NSW 1805
 Generic email: DA_sydneytrains@transport.nsw.gov.au
 Sydney Trains is a NSW Government agency



From: Con Colot [mailto:Con.Colot@innerwest.nsw.gov.au]
Sent: Tuesday, 20 March 2018 9:32 AM
To: DA_sydneytrains
Subject: RE: 2-6 Cavill Ave Ashfield referral

(For Sarah Anderson- Assistant Town Planner)

Hi Sarah.

Thanks for that info, I've advised others in the team..

I'll take the opportunity please to send you in one package:

Referral letter
 1.0 Planning Proposal
 2.0 Draft DCP
 3.1 Gateway Determination
 3.2 Gateway Determination
 4.0 25 July 17 Council report

The other documents on exhibition have no affectation on Sydney Trains, which are :



Transport
Roads & Maritime
Services

7 May 2018

Roads and Maritime Ref: SYD18/00461 (A22145568)
Council Reference: SC 1486

The General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

Attention: Con Colot

Dear Sir/Madam,

**PLANNING PROPOSAL FOR INCREASED FLOOR SPACE RATIO
2-6 CAVILL AVENUE ASHFIELD**

Reference is made to Council's correspondence dated 12 March 2018, regarding the abovementioned planning proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with the consultation requirements set out under clause 3.34 of the *Environmental Planning and Assessment Act, 1979* and Gateway determination. Roads and Maritime appreciates the opportunity to provide comment on the proposal and apologises for the delay in providing a response.

It is noted that the planning proposal seeks to amend Ashfield Local Environmental Plan 2013 to increase the maximum permissible floor space ratio for the subject site from 2:1 to 3:1 (across the part of the site zoned B4 Mixed Use) and introduce a site specific clause to allow additional height under certain circumstances.

Roads and Maritime raises no objection to the planning proposal, however, advises that as part of any future development applications for redevelopment of the site, all vehicular access to the site will be required to be obtained via the local road network. Direct vehicular access to the Hume Highway will not be permitted.

If this planning proposal is likely to set a precedent for other similar planning proposals in this locality, Council may wish to give consideration to undertaking an area-wide traffic and transport study to consider the cumulative traffic impacts and identify infrastructure upgrades required for the regional road and transport network to support future growth. Council may wish to consider establishing a Master Plan and Development Control Plan for this precinct. Council should be satisfied that a funding mechanism is in place (ie Sec 7.11/7.12 Plan) to ensure that developer contributions for local and regional road transport infrastructure upgrades are provided to support future development.

Irrespective of the above, any future development application would need to be supported by a traffic impact assessment to consider the impacts of the development traffic on the surrounding road network and key intersections and identify any upgrades necessary to support the development.


Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Rachel Nicholson would be please to take your call on 8849 2702 or email development.sydney@rms.nsw.gov.au.

Yours sincerely,


Greg Flynn
Senior Manager Strategic Land Use
Sydney Planning, Sydney Division

Proposed amendment to

**Comprehensive Inner West Development Control Plan (DCP) 2016,
for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield,
Hurlstone Park and Summer Hill),
which will:**

- **add an ancillary site specific section for 2-6 Cavill Avenue Ashfield, to Part D1- Ashfield Town Centre of the DCP 2016.**

Explanatory Note:

The following document contains amendments to the DCP 2016 which propose:

- amendments to sections of Part D1 in order to be consistent with the proposed Clauses PC 12 and PC 13

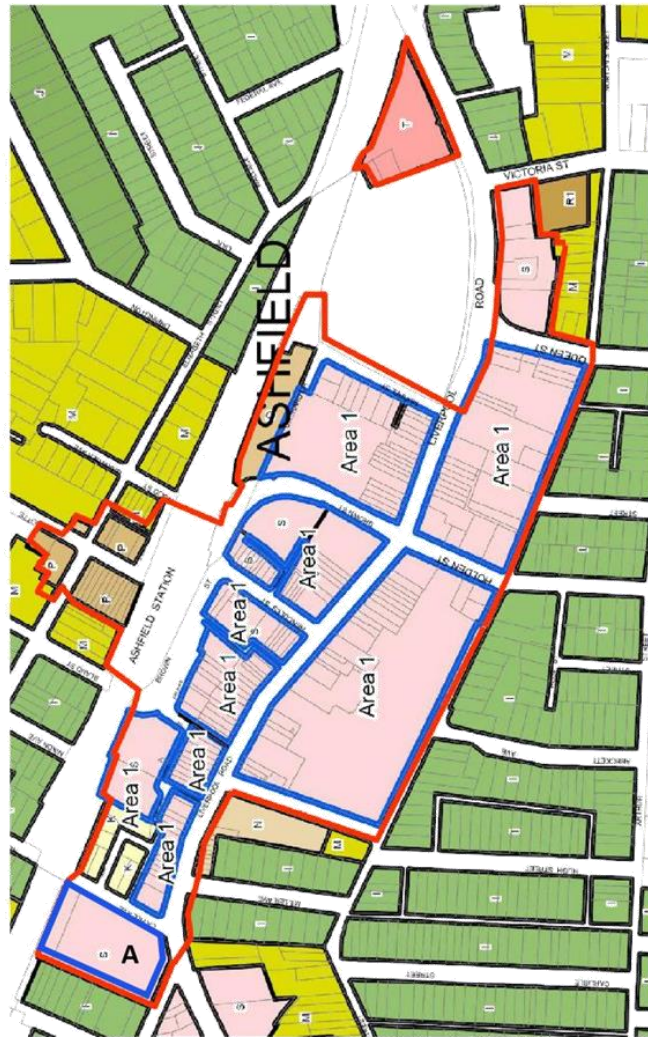
and to add

- controls for Special Areas-2-6 Cavill Avenue for the area identified on Map 9 – in clauses PC 12 and PC13, and their Design Criteria clauses.

This follows from the Council resolution of 25 July 2017 which stated to:

“Develop a site specific Development Control Plan as outlined in the report once the Gateway approval is received and exhibit the Draft DCP concurrently with the Planning Proposal”.

Refer to the Council report of 25 July 2017 also on exhibition for more detail.



LEGEND

K	10	Maximum 3 storeys
P	17	Maximum 4 storeys
R1	22	Maximum 6 storeys
S	23	Maximum 6 storeys

Blue outline Sites with 7m height bonus (2 storeys) pursuant to clause 4.3A of the Ashfield LEP 2013

A – Refer to “Controls for special areas” 2 – 6 Cavill Avenue, clause DS 12 – 7

Map 2 – Number of Storeys



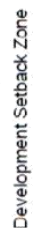
Draft Amendment - Comprehensive Inner West DCP 2016 - in grey shading

Performance Criteria	Design Solution
	<p>buildings, where the additions do not exceed 10 percent of the existing floor space;</p> <p>Or</p> <ul style="list-style-type: none"> any work that Council considers a minor alteration and in the circumstances should not provide a development setback.
DS3.4	<p>Developments required to provide a development setback must lodge a land subdivision concept plan and residue lot layout plan showing:</p> <ul style="list-style-type: none"> position of the new lots to be created; <p>And</p> <ul style="list-style-type: none"> the residue lot which will be dedicated to Council for the purpose of a public verge /footpath area, and the position of future in-ground services, in order to ensure that structures, works or excavations are properly located so that they do not restrict trees for deep soil areas.
DS3.5	<p>Communal Open Space:</p> <ul style="list-style-type: none"> must be provided for development to which SEPP 65 applies; <p>And</p> <ul style="list-style-type: none"> complies with the Communal Open Space requirements of the Apartment Design Guide.
DS3.6	<p>Communal Open Space may be located in the following positions:</p> <ul style="list-style-type: none"> on the roof of the residential flat building; <p>Or</p> <ul style="list-style-type: none"> at ground level where it abuts or will abut a major civic public open space identified in this Part or Public Domain Strategy and is be designed to integrate with that space. <p>For 2-6 Cavill Avenue Ashfield- Refer to Controls For Special and Clause PC 13 and its Design Criteria.</p> <p>Note: Landscaping of all types of buildings, including provision of roof gardens where practical is strongly encouraged. A landscape concept plan should be prepared and submitted with the development application. This should indicate the landscape principles to be used. Depending on the type of development and site circumstances, Council may apply conditions of consent requiring a more detailed landscaping plan/landscape maintenance plan to be submitted for approval after a development is approved (refer to Council's development application form for more information). All landscaping will need to be completed prior to occupancy of the building.</p>



Performance Criteria	Design Solution
	<p>sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room; provide larger balconies or increased private open space for apartments; <p>And</p> <ul style="list-style-type: none"> demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.
	<p>DS3.8 Development along the Esplanade and Markham Place areas which provides a development setback identified on Map 6 and provides a residue lot may provide a smaller communal landscape area than stipulated above. The area of the residue lot may be deducted from the amount of area required for communal open space.</p>
	<p>DS3.9 Planter boxes, such as those provided on roof top communal open space, shall:</p> <ul style="list-style-type: none"> provide soil depth, soil volume and soil area appropriate to the size of the plants to be established, in accordance with the Apartment Design Guide; provide appropriate soil conditions and irrigation methods; <p>And</p> <ul style="list-style-type: none"> provide adequate drainage. <p><i>Note: The above information shall be shown adequately on any submitted Landscape Drawings, and be coordinated with the architectural documentation to take into account the structure of a building including slab thicknesses and beam locations.</i></p>
	<p>DS3.10 Refer to Controls for special areas – 2 – 6 Cavill Avenue, at clauses PC12 and PC 13 and locations for the tree retention and “green” landscaping setting.</p>



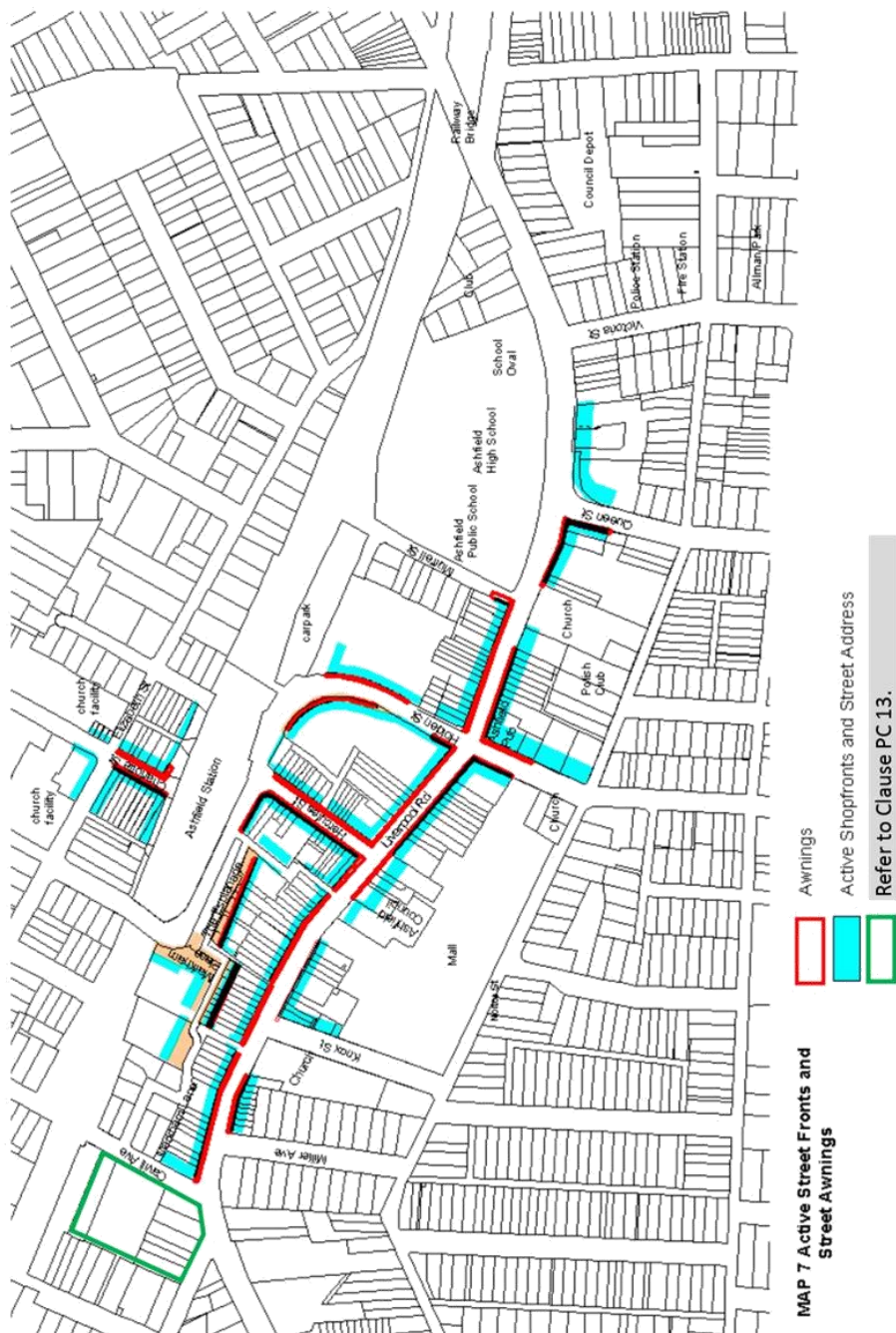


Refer to Controls for Special Areas, 2-6 Cavill Avenue Ashfield

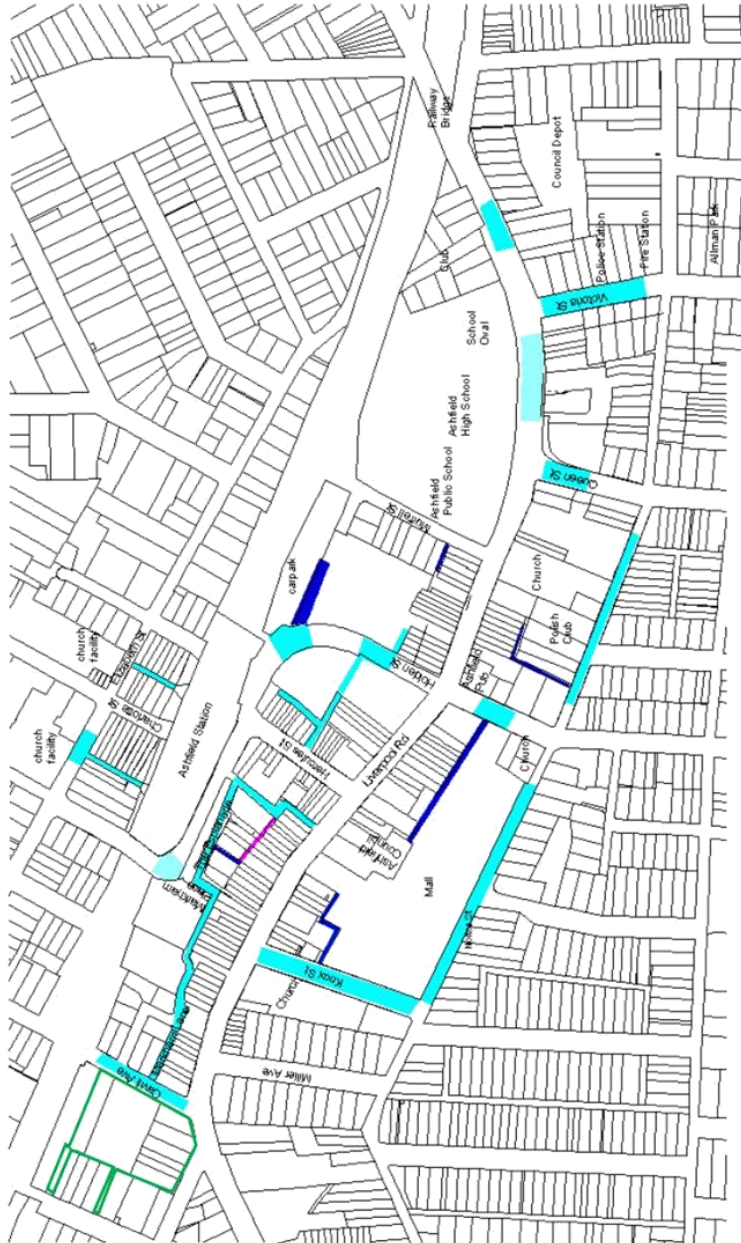
Draft Amendment - Comprehensive Inner West DCP 2016 – in grey shading

Performance Criteria		Design Solution	
Pedestrian Amenity & Safety			
PC4.1	Amenity: <ul style="list-style-type: none"> promotes pedestrian activity and safety in the public domain maximises active street fronts in Ashfield Town Centre and define areas where active streets are required or are desirable ensures buildings are to address the street where active street frontages are required ensures the provision of awnings along the commercial core street frontages and other retail areas. 	DS4.1	Active frontage uses are defined as one of a combination of the following at street level: <ul style="list-style-type: none"> entrance to shops and commercial premises; shop front; clear glazed entries to commercial and residential lobbies; café or restaurant if directly accessed from the street; active office uses, such as reception areas, if visible from the street; <p>And</p> <ul style="list-style-type: none"> public building or community facilities if directly accessed from the street.
		DS4.2	Active street frontages are required in the areas shown on Map 7 . Refer to Clause PC 13 for 2 – 6 Cavill Avenue
		DS4.3	Sites required to have active street frontages shall have shopfronts which are predominantly glazed, in order to ensure that adequate visibility of the street occurs, with the minimum amount of glazed area being as follows: <ul style="list-style-type: none"> Shopfronts shall have as part of their ground level façade, a glazed area which is a minimum of 80 percent of the width of the shopfront, measured vertically from ground level to a minimum of 2.1 metres above ground level. <p>And</p> <ul style="list-style-type: none"> The glazed area shall be transparent, so as to enable visibility of the street from the interior of the building.
		DS4.4	Any on grade (ground level) car parks are to be set back behind an active street frontage, and designed in accordance with the controls set out in Part – A8 Parking, DS4.1 .
		DS4.5	A street address is required on ground level of all areas identified in Map 5 . Street address includes the following: <ul style="list-style-type: none"> entries, lobbies, and habitable rooms with clear glazing overlooking the street; <p>But</p> <ul style="list-style-type: none"> excludes car parking areas.
		DS4.6	Awnings along street frontages are to be provided for all new developments as indicated in Map 5 . Awnings are to be designed to be in accordance with the following: <ul style="list-style-type: none"> constructed out of metal framing and steel





Map 5 – Active Street Frontage and Awning



Areas of road which can be used by vehicles to access sites for car parking and servicing.

Privately Owned land and vehicular access

Rights of way for particular properties over private land.

Refer to Clauses PC 12 and PC 13

Map 6 – Development Servicing & Access



Draft Amendment - Comprehensive Inner West DCP 2016 – in grey shading

**Chapter D - Precinct Guidelines
Part 1 – Ashfield Town Centre**

page 23



Performance Criteria		Design Solution
Commercial Development		
PC8	<p>Commercial developments:</p> <ul style="list-style-type: none"> provides minimum amounts of commercial (non-residential) areas at ground level in order to provide for employment floor space, create lively streets and public spaces, encourage a variety of mixed-use developments, a diversity and range of shopping and recreational activities for workers, residents and visitors. requires attractive ground level shopfront facades in order to benefit the town centre's streetscape and character. ensures that mixed development and commercial development achieve good urban design outcomes by minimizing the impacts of utilitarian components of development such as car park entries, service areas, waste collection, air conditioning and electronic devices. encourages the painting of facades using Council's painting guides. provides adequately sized ground floor ceiling heights to establish flexible and functional commercial ground floor layouts. proposed signage visually complements (not challenge) the architectural composition of buildings and should enhance the Ashfield Town Centre 	<p>DS8.1 Where mixed development occurs the majority of the ground floor area of buildings should comprise business use, in order to promote employment and active street frontages. Residual areas for service functions such as driveway ramps, waste storage, plant rooms, shall be kept to a minimum, this can be done by demonstrating compliance with the Development Servicing requirements of this DCP. For 2 – 6 Cavill Avenue Ashfield refer to Clause PC 13.</p> <p>DS8.2 Car parking required pursuant to Part A8 – Parking of this DCP shall be placed below ground, for substantial developments in order to maximise ground level commercial space, and to maximize potential for active street frontages</p> <p>DS8.3 Service Areas for commercial development shall be provided in accordance with the Development Servicing requirements of this DCP. Refer also to Part A8 – Parking.</p> <p>DS8.4 Minimum ceiling height for ground floor commercial uses is 3.3 metres. The minimum ceiling height is to increase to 4 metres if the Commercial use is a Café/Restaurant. The Development Application is to demonstrate that allowance has been made for above ceiling mechanical requirements any structural beams and slabs.</p> <p>DS8.5 Refer to Part A10 – Signs and Advertising Structures of this DCP and Schedule 2 of Ashfield LEP 2013. Signage is also controlled by State Environment Planning Policy No. 64. SEPP 64 includes requirements for making signage compatible with the desired future character of an area, and therefore meets the requirements of the Context requirements within this Chapter</p> <p>DS8.6 The minimum amount of glazed area shall be as stipulated in the Pedestrian Amenity and Safety section of this Part.</p> <p>DS8.7 Shopfronts shall not have any "roll-a-door" type grille or opaque security shutters, except in the following circumstances:</p> <ul style="list-style-type: none"> only security shutters which are predominantly transparent are permitted. <p>DS8.8 Ground level shopfront composition shall be arranged in a way which complements the building style of the façade and enhances the streetscape.</p> <p>DS8.9 Awnings shall be provided in the locations stipulated on Map 5</p> <p>DS8.10 Air-conditioning units and satellite dishes elements shall be designed and located as follows:</p> <ul style="list-style-type: none"> must not be located on front façade and



Performance Criteria	Design Solution
Controls for Special areas – 2-6 Cavill Avenue Ashfield for the area identified on Map 9 .	

Explanatory Note: This part contains additional controls for Part D 3- Ashfield Town Centre in order to address the unique characteristics of this site, and will follow PC 11 at the end of that part. Explanatory notes will only appear in the draft DCP exhibition.

<p>PC12</p> <p>Ensure major new development maintains the existing desirable spatial character of the site and the contribution that it makes to the public domain, and takes into consideration particular Council policies, including those matters listed below.</p> <ul style="list-style-type: none"> The site forms a key western part of the Ashfield Town Centre and is in prominent position with a high degree of visual exposure. It is also a unique site in the town centre, being very site large of a size not found in other parts of the town centre. It has a different existing building and landscape typology to that found in the town centre. There are two existing 5- 6 storey commercial buildings which are good examples of modernist design for that period, which are in a large landscaped garden setting which include several tall trees along the Cavill Avenue front garden area. This green setting makes a strong contribution to the public domain. The southern part of the site is within the western gateway area affected by Council's Ashfield Public Domain Strategy 2014 - which seeks to have various improvements along the Liverpool Road verge area and surrounds. There are pedestrian links through the north part of the site between the Bill Peters Reserve (park) at The Avenue, through to Cavill Avenue, which parts of that route framed by trees. This includes the internal laneway off The Avenue which has significant tall trees on its north side and along part of the south side with wide tree canopy cover. Traffic entry and exit is both off Thomas Street and Cavill Avenue. Waste Collection is contained within the site using an internal perimeter roadway. Existing buildings on the site are in positions that do not overshadow adjacent residential properties in The Avenue Street after 11 am, and have no winter overshadowing impacts on nearby residential areas in Miller Avenue Heritage Conservation Area to the south. <p><i>Explanatory Note: State Environmental Planning Policy no 65, under the "Context Principle" requires compliance with the "desirable elements of an area's existing or future character". This part identifies those elements. SEPP 65 references the Apartment Design Guide which has guidelines for the design of a Residential Flat Building which a Development Control Plan</i></p>	<p>DS12.1</p> <p><i>(maintain garden setting)</i></p> <p>Major new development shall ensure that the following are provided:</p> <p>A garden setting is provided along the site frontage along Cavill Avenue, Liverpool Road and Thomas Street, with building setbacks, basement setbacks, and provision of deep soil zones in the locations indicated in Map 9 in Areas A and B.</p> <p>Protection and maintenance of existing major trees along Cavill Avenue, Liverpool Road in Area A on Map 9 within the front gardens of the site, and preserving their deep soil areas within the specified building setback. An Arborist Report shall be submitted at Development Application stage showing that any basement or structural walls shall be located in positions that do not adversely impact the root system and health of those trees. Additional trees are to be planted between the trees being retained to enhance the green setting.</p> <p><i>(privacy)</i></p> <p>Screening trees to provide privacy are to be planted along the boundary with properties in The Avenue Street within a 3m wide deep soil zone in area C on Map 9.</p> <p>Provision of trees along the northern boundary in area D on Map 9 planted within a 3m wide deep soil zone, in order to continue to provide privacy for the apartments at 8 Cavill Avenue, Ashfield.</p> <p><i>(tree protection in laneway)</i></p> <p>Protection of existing trees in the laneway garden part in Area F on Map 9. An Arborist Report shall be submitted at Development Application showing how this will be achieved, and in addition specify in detail what measures shall be used at construction stage to ensure protection of those trees.</p>
	<p>DS12.2</p> <p><i>(scale)</i></p> <p>Major new development shall ensure that buildings located on the westerly parts of the site adjacent properties off The Avenue shall not exceed the height of the existing commercial buildings, within area E indicated on Map 9. This is in order to ensure there are no resulting additional visual and privacy and solar access impacts to those adjacent sites, or additional visual impacts to nearby affected properties.</p>
	<p>DS12.3</p> <p><i>(pedestrian links)</i></p> <p>Pedestrian pathway links between Thomas Streets and Cavill Avenue shall be provided. Major new development shall apply a public easement on the land title to enable this.</p>
	<p>DS12.4</p> <p><i>(public domain plan)</i></p> <p>Public verge/footpath areas shall be designed to enhance the western entry into the town centre taking</p>



must not conflict with, and so are not repeated here.		into consideration the concepts in the Ashfield Town Centre Public Domain Plan 2014. This shall include consideration of new footpath pavements and street lighting, and having a wider footpath along Liverpool Road and Thomas street to better accommodate pedestrian movements. Council's Ashfield Street Strategy shall also be adhered to, including appropriate street tree species. Pre-lodgement stage application consultation should occur with Council to coordinate this matter.
	DS12.5	<i>(vehicle access)</i> Vehicle entry and exit shall be off The Avenue utilising the existing properties which service and are related to the site at 2-6 Cavill Avenue, and off Cavill Avenue.
	DS12.6	<i>(waste management and site layout)</i> Major new development shall provide an internal roadway system designed and constructed to allow for waste collection by trucks within the site, and not on public street and verge areas. Waste collection such as resident's bins shall not be from a public place such as a footpath or public street. Any waste storage areas shall not be visible from a public street. The above shall be documented at adequate detail at Development Application stage and demonstrated to accommodate and service the site needs, so as to ensure there are no future adverse affects on the public domain due to a lack of adequate upfront design resolution. An easement will be created to allow Council trucks to enter the site to collect waste and an indemnity provided to Council to enable this. <i>Explanatory Note: Council's rating system requires payment the collection of waste for flats by Council, with no allowance or credit given for independent company collections. There provision must be allowed for Council waste collection within the site. Refer to Part C -3 of the DCP for more detail.</i>
	DS12.7	<i>(number of storeys)</i> Maximum number storeys shall be 9 levels for the part of the site zoned B4- Mixed Use, subject to compliance with clause DS 12.2 which require having varying building heights on the site to address particular issues and site conditions. <i>Explanatory Note: 9 storeys under a maximum Building Height of 30 m (using the 7m bonus provision) achievable in the Ashfield LEP 2013 is technically determined on the basis that allowance must be made for: sloping natural ground levels and varying height planes across the site, a ground level storey including non- residential uses must have a high floor to ceiling height, the number of residential storeys, and a roof zone together with various functional installations.</i> <i>Any proposal for having a building on the site higher than 9 storeys will need to demonstrate that this meets the requirements of Clause 4.6 – Exceptions to Development Standards- of the Ashfield LEP 2013, and produces a better outcome relative to the performance criteria of this part of the DCP.</i>



	<p>Maximum number of storeys for R3 zoned land is found in Part F of the DCP depending on development types, it is unlikely that it will be possible to have any development in the laneways.</p>
DS12.8	<p>(varying building heights)</p> <p>Maximum building heights on the site shall ensure there is a variety of building scale/heights that sympathetically responds to adjacent and nearby building scales and townscape built form characteristics, complies with clause DS12.2 and DS 12.11, provides adequate levels of solar access to communal open space areas, and building heights achieve minimum building setback distances for properties off The Avenue and 8 Cavill Avenue as stipulated in the Apartment Design Guide.</p>
DS12.9	<p>(standard of composition)</p> <p>Major new development, including contemporary design, shall have adequate architectural modelling that ensures there are no monolithic building outcomes, and the building design meets the standards of architectural composition specified in clauses PC 1 and DS1.1 of this DCP part (Ashfield Town Centre) and as defined in Part G of the DCP – "high standard of architectural composition". This shall include there is expression and differentiation of the bottom levels of the building from the main body of the building and provision of a "human scale", compliance with DS 12.10, articulation of the top of the building, and an adequate relationship established with the townscape of the town centre and gateway position of the site. Varying building cladding and finishes are to be used which shall enhance the appearance of the building.</p> <p>Interior open space areas and their surrounding building facades shall provide a sense of place for residents, with building facades being well composed and not have a repetitive mechanical appearance, have adequate tree canopy cover including regular planting of trees in adequately sized planter boxes or deep soil areas, well composed footways and public spaces, and locations provided for seating areas.</p>
DS12.10	<p>(9th storey)</p> <p>Major Development shall have any uppermost 9th storey with a building setback for a minimum of 5m around its perimeter, except where :</p> <ul style="list-style-type: none"> the uppermost storey is predominantly used for communal open space and this accommodates elements such functional and ancillary structures including stairway access enclosure, pergolas, roof gardens or planter boxes, and lift motor rooms, and; the structures are arranged as architectural features which enhance the composition of the built form as viewed from the public domain. <p><i>Explanatory Note. The LEP amendment seeks to remove Clause 4.3 (2A) of the Ashfield LEP for this site only, given the unique characteristics of the large site, and that clause was designed for small or restricted sites. This clause restricts use of the uppermost level to</i></p>

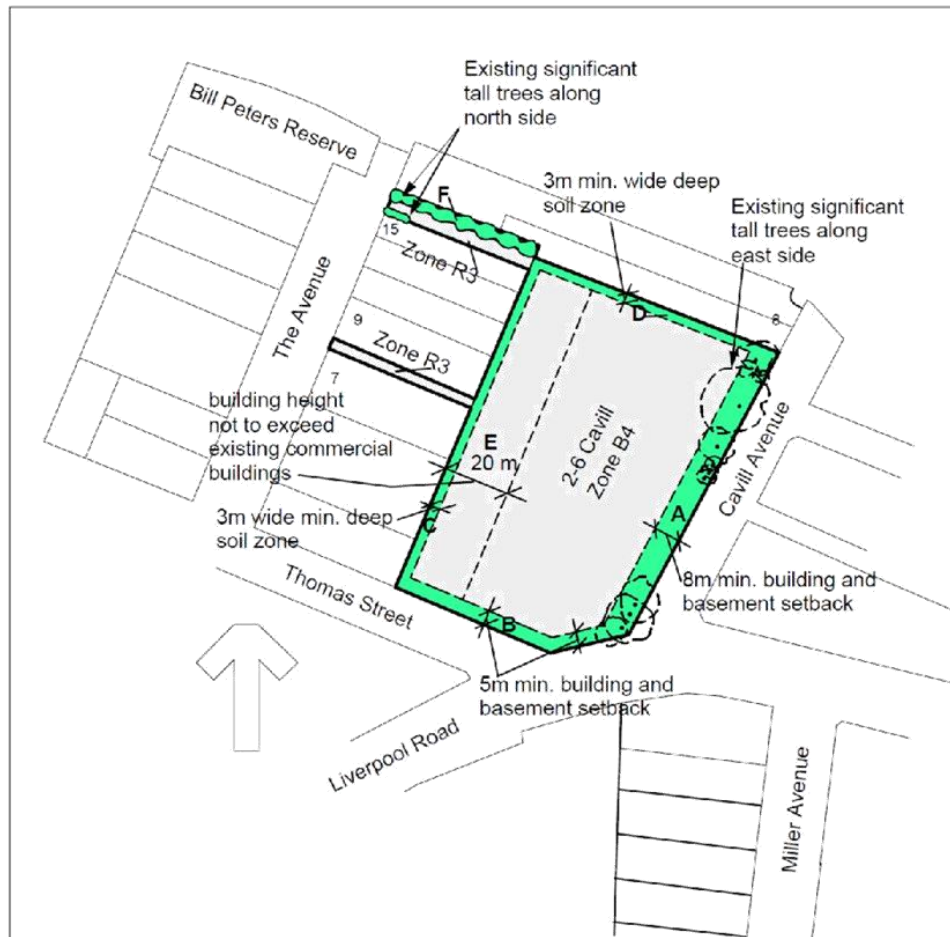




		<p>non-habitable uses, including for the purpose of providing roof top areas for communal open space, which are not able to be provided at ground level on smaller sites in the town centre. Removal of the clause means that development may chose to have 9 levels, noting that the maximum scale is 8 storeys elsewhere in the town centre, and as put forward by the applicants the last storey would be modelled to differentiate itself by being setback and also containing private open space for each dwelling such as balconies. This will enable architectural scale cues with other 8 storey buildings in the town centre.</p>
		<p>DS12.11 (solar access nearby properties)</p> <p>Major development shall ensure there is no new additional winter overshadowing of residential properties in The Avenue, and no winter overshadowing of residential properties in Miller Avenue.</p>
PC13	<p>Under the Ashfield LEP 2013 there are several major development options for the site. Each of these must ensure that the positive characteristics of the site are maintained as identified in PC 12. In addition, each of these will need to address certain considerations for: activation of ground levels for surveillance and public safety, appropriate amounts of business and employment generating floorspace, and provision of communal open space areas and their locations. The major development options include:</p> <ul style="list-style-type: none"> • Development Type 1- Retention or additions to the existing buildings, for land uses permissible in the B4 zone such as stand alone residential flat buildings or mixed use developments. • Development Type 2 - Demolition and construction of new buildings characteristic of a town centre typology such as mixed use developments which seeks to maximise the potential Floor Space Ratio of 3.0: 1 (proposed) at 23 m, and 7m height bonus provisions which generate additional FSR, of the Ashfield LEP 2013. Such as having a large site building coverage for commercial or retail uses, with residential flat buildings above a podium, as has occurs in other parts of the town centre, and provision of podium level and roof top communal open space and gardens. • Development Type 3 - Demolition of existing buildings and having a predominantly residential flat buildings use, maximising the 9 storeys permissible on the site, and provision of ground level communal open space given the large site area and exclusion of Clause 4.3 (2A) of the Ashfield LEP 2013 which requires non habitable roof top uses for providing roof top communal open space and gardens, and various functional building elements. This will likely not exceed the maximum 3.0:1 (proposed) FSR in the Ashfield LEP 2013. <p>The above three types are also referred to as "Major Development" in the Design Solutions column.</p> <p><i>Explanatory Note: The EPA Act explicitly states that a DCP cannot be more restrictive than an</i></p>	<p>DS13.1 (activation)</p> <p>Development Type 2 (such as new mixed use) shall ensure there are active frontages, as defined by clause DS4.1 of this part of the DCP (Ashfield Town Centre) such as shopfronts or similar, along Thomas Street, Liverpool Road and Cavill Avenue. This shall include having ground level entry lift lobbies for any upper level residential flat building, to address those streets.</p> <p>Development Type 3 (majority residential flat buildings) shall provide an adequate amount of ground level shopfronts or similar, in combination with provision of ground level residential lift lobbies, for activation and surveillance of the public domain along Thomas Street, Liverpool Road and Cavill Avenue.</p>
		<p>DS13.2 (communal open space)</p> <p>Development Type 1 (existing buildings and additions) and Type 2 (new mixed use) shall ensure there is provision of communal open space that comply with the minimum areas stipulated in the Apartment Design Guide for the residential flat building component, including use of podium levels and roof top locations as required. Such locations shall have high amounts of tree canopy cover.</p>
		<p>DS13.3 (Type 3- communal open space locations and amount)</p> <p>Development Type 3 (predominantly residential flat buildings) shall provide at a ground level location communal open space and deep soil areas that comply with the minimum areas stipulated in the Apartment Design Guide, (25 to 30 percent of site area for COS). Such locations shall have high amounts of tree canopy cover.</p> <p>Open space areas within the site shall have a landscape design which is holistic, provides a sense of place for residents, has a compositional relationship and connectivity with the front garden areas along the Cavill Avenue frontage of the site and pedestrian links through the site.</p>
		<p>DS13.4 (variations- amount of commercial or similar floorspace)</p> <p>Clause DS8.1 of the this part of the DCP (Ashfield Town Centre) requires a particular minimum provision of ground level commercial /business floor space expressed as percentage of site area, for provision of employment floor space and the general needs of the town centre. This control is devised for small site types.</p>



<p><i>LEP, and limit land uses to particular development types. A DCP is also required to comprehensively address all development scenarios.</i></p>	<p>Given the large site type, these requirements may be varied for Development Type 1, Type 2, Type 3, provided an economic analysis is submitted that demonstrates there will not be any adverse impacts on businesses in the town centre should there be a lower provision of commercial or retail or business floor space to that stipulated in Clause Ds 8.1.</p>
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Map 9



Draft Amendment - Comprehensive Inner West DCP 2016 – in grey shading

**Chapter D - Precinct Guidelines
Part 1 - Ashfield Town Centre**

Attachment

Submission on exhibited Site Specific Development Control Plan (Draft DCP) and Officer Response

A submission was made by the town planner representing the applicant/site owner, raising the issues shown in the Table below in the left column. Officer comments are provided in the right hand column with recommended amendments to the Draft DCP shown in underline.

Table 1

Issue 1	Officer Comments
Accepts the need for a site specific Development Control Plan, but raised the concerns shown below.	This is noted. Refer below for further officer comments.
Issue 2	Officer Comments
<i>The Draft Development Control Plan does not adhere to the Planning Proposal and the Gateway Determination made on 6 October 2017. It will create inconsistencies and contravene the intent and effect of the proposed development standards which is in contravention of the EPA Act, of an FSR of 3.0:1 and maximum 30 m Building Height.</i>	<p>The Gateway Determination does not make reference to requiring a Draft DCP, and the Draft DCP was not created at that time.</p> <p>The comments in the left column are made without having produced design concept diagrams giving any backing for the claims.</p> <p>The Draft DCP content is based on a Council inhouse site capacity analysis. That study locates buildings on the site after considering open space area locations and various technical functional considerations, and confirms that the Draft DCP controls do not compromise the proposed development standards for maximum Floor Space Ratio and Maximum Building Height development standards. Therefore it is evident there is no technical conflict with Section 3.42 of the Environmental Planning and Assessment Act 1979, and the proposed development standards.</p> <p>Noting the above the Draft DCP content is separate and independent to the Planning Proposal, and a matter for Council to determine. There are several examples that provide backing for this. For example it is evident that the "Context Principle" of State Environmental Planning Policy no. 65 calls for expressing the desired character for development- and the place for this is in a Development Control Plan determined by Council. SEPP 65 references the "Apartment Design Guide" which is a guideline document, and this already sets forth restrictions on the height of building which would result in lower building forms to that stated in a LEP's Maximum Building height (see Figure 5 on pg 9 below), otherwise the "Apartment Design Guide" would be pointless. The existing Ashfield LEP 2013 clause 4.3 (1) (c) already states there should be a transition in building height between different areas for which the Draft DCP provides guidance on. The Draft DCP's focussing on design issues is given backing by the superior Design and Amenity objectives of the EPA Act introduced in March 2018.</p> <p>Noting the above the Draft DCP provides guidelines on key matters that affect the design of the site and the quality of development</p>

	<p>outcomes, as identified in the Planning Report , to dispense with these would make the Draft DCP have little efficacy or be pointless.</p> <p>Considerations include that the site is adjacent to well established residential areas (houses and three storey apartments) in The Avenue and nearby in Miller Street (houses in a Conservation Area). It sets out the "Desirable Qualities" for the site which is consistent with SEPP no 65 - the Context Principle. It ensures that the Ashfield Town Centre Strategy 2008 principles are maintained in requiring a lower building height transition adjacent to residential areas – which is relevant given that the Planning Proposal seeks an additional 2 to 3 storeys. It maintains a garden setting around the perimeter of the site and identifies that significant trees are to be retained. It also recognises that there are several development options for the site under the Ashfield LEP 2013, and where the existing garden setting must be maintained.</p> <p>The above principles have been communicated to the applicants prior to lodgement of the Planning Proposal and always understood as ameliorating the impacts of the increase in developments standards, otherwise such increases should not be supported. They also address the numerous concerns put forward by residents and property owners discussed in the current planning report to Council.</p>
Issue 3	Officer comments
<p><i>"The ability to develop design options, adequately address street frontage, and articulate the façade will be hindered if a strict 8m setback to Cavill Avenue and 5m setback to Liverpool Road/Thomas Street is imposed. It is suggested that Council enable building pop outs and recesses that better address the street, make provision for trees, and contribute to the design of the building through a weighted average setback control rather than a strict numerical setback zone". "Council's Architectural Excellence Panel recommended that a 3 m setback to Thomas Street, and 3m tree setback and additional one metre setback for a widened footpath to Cavil avenue be used".</i></p> <p>The Draft DCP clause being referred to above contains building setbacks and follows on the next page.</p>	<p>Part of DS 12.1 of the Draft DCP requires a continuous 8 metre building setback to Cavill Avenue and 5m building setback to Thomas Street as shown on the proposed Draft DCP Map no 9 (extract see Figure 1 below).</p> <p>In order to maintain the existing garden setting and have adequate areas for trees it is important to provide certainty by having controls that clearly show the minimum areas for protection of trees zones.</p> <p>The 8 m setback along Cavill Avenue has been established based on a survey showing the actual location of existing tall and substantial trees (eg some up to 22 m high) and factoring in tree root zones, and so not having any future building work affect those trees. The 5m building setback to Thomas Street and Liverpool Road reflects the landscaped setback that is already there (see Figure 4 aerial view below on page 7) , and ensures there is adequate width to accommodate substantial trees with wide canopies in order to establish a green setting (as opposed to smaller bush like outcomes), and accommodates a necessary widened public footpath given the narrowness of the existing verge.</p> <p>The Architectural Excellence Panel (AEP) did not have any survey of the position of existing trees, were not aware of the need to retain the trees, and to comply with the principles Ashfield Public Domain Plan 2014. The overriding town planner's report to Council in July 2017 did not make reference to the</p>

<p><i>Draft DS 12.1 as exhibited states:</i></p>		<p>adopt AEP's minimal 3 m building setbacks and removal of substantial existing trees, and Council agreed with the town planner's report that there should be a garden setting for the site and trees protected.</p> <p>It is nevertheless agreed that clause DS 12.1 for the front part of the site along Cavill Avenue can be amended to be more flexible by identifying areas where new buildings can be placed between existing trees to be retained. This is providing those buildings also have a front setback that maintains a garden setting and adequate room for large trees. It is still necessary to identify areas requiring the retention of existing trees where there cannot be any building and where buildings must be setback from tree root zones. It is recommended that Clause DS 12.1 be amended as follows as underlined, and the Draft DCP Map 9 (Figure 1 below) amended to suit:</p>
DS12.1	<p>Major new development shall ensure that the following are provided:</p> <p>A garden setting is provided along the site frontage along Cavill Avenue, Liverpool Road and Thomas Street, with building setbacks, basement setbacks, and provision of deep soil zones in the locations indicated in Map 9 in Areas A and B.</p> <p>Protection and maintenance of existing major trees along Cavill Avenue, Liverpool Road in Area A on Map 9 within the front gardens of the site, and preserving their deep soil areas within the specified building setback. An Arborist Report shall be submitted at Development Application stage showing that any basement or structural walls shall be located in positions that do not adversely impact the root system and health of those trees. Additional trees are to be planted between the trees being retained to enhance the green setting.</p>	<p>DS12.1 <u>Major new development shall ensure that the following are provided:</u></p> <p><u>A garden setting is provided along the site frontage along Cavill Avenue and Liverpool Road with:</u></p> <ul style="list-style-type: none"> (i) <u>building setbacks, basement setbacks, and provision of deep soil zones in the locations indicated in Map 9 in Areas A for a minimum width of 5 metres in order to establish large trees, and accommodate a widened footpath, and:</u> (ii) <u>existing large trees along Cavill Avenue, identified on Map 9 in Area A, being retained and there being :</u> <ul style="list-style-type: none"> - <u>a minimum building and basement setback from the Cavill Avenue boundary of 8 metres</u> - <u>a minimum of 6 metres radius clear either side of the trunk of those trees clear of any building structures on the site</u> (iii) <u>Additional trees planted along the Cavill Avenue frontage to achieve the height and scale of existing trees being protected in (ii)</u>

	<p><u>A garden setting is provided along the site frontage of Thomas Street, with</u></p> <p>(iv) <u>building setbacks, basement setbacks, and provision of deep soil zones in the locations indicated in Map 9 in Areas A and B for a minimum width of 5 metres in order to establish large trees, and accommodate a widened footpath.</u></p> <p><u>An Arborist Report shall be submitted at Development Application stage showing that any basement or structural walls shall be adequately located in positions that do not adversely impact the root system and health of those trees in (ii) and (iii).</u></p>
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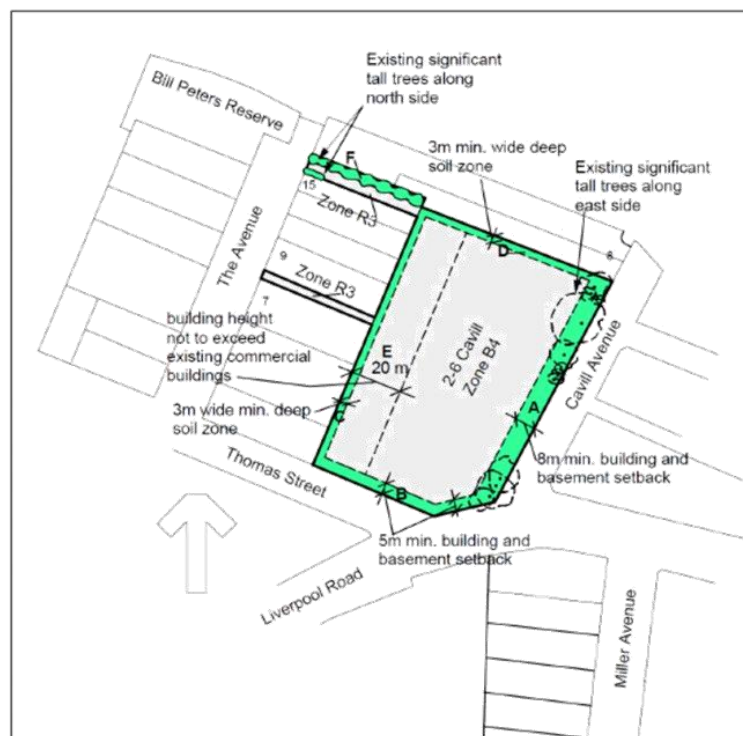


Figure 1 - Map 9 from Draft DCP as exhibited

Issue 4		Officer comments	
<p><i>The proposed design standard DS 12.11, is inconsistent with State Environmental Planning Policy 65 (Design of Residential Flat Buildings) and has not been contemplated for any other site in the area, or even those sites that have a far greater potential to impact amenity of properties fronting Miller Avenue. We further note that the redevelopment of the site under the current planning controls would result in non compliance with this design criteria, which sterilises a significant proportion of the site. It is requested that this standard be removed or generally reconsidered.</i></p> <p>Proposed DS 12.1 as exhibited states:</p>		<p>Residential properties in The Avenue will not be affected by overshadowing after 12 noon since they are to the west of the site.</p> <p>The earlier Design Concept scheme(now superseded) of Dec 2017, with up to 9 storeys, reported to Council in July 2017, showed there would be no winter overshadowing affectation to houses in Miller Avenue (except for 1 Miller Avenue which is a corner commercial premises), since they are evidently to the south west of the site. This spatial situation does not change, and so there will be no "sterilising of a significant proportion of the site".</p> <p>It is recommended that Clause 12. 11 be retained in order to provide certainty and address adjacent resident concerns, but better expressed and amended as underlined below.</p>	
DS 12.11	Major development shall ensure there is no new additional winter overshadowing of residential properties in The Avenue, and no winter overshadowing of residential properties in Miller Avenue.	DS 12.11	<p><u>Major development shall ensure</u></p> <p>(i) <u>there is no winter overshadowing of adjacent residential properties between 12 noon and 3pm in The Avenue in addition to that created by existing buildings</u></p> <p>(ii) <u>no overshadowing of residential properties in Miller Avenue in winter between 9 am and 3pm</u></p>

Issue 5		Officer comments	
<p>Proposed DS 12.5 needs to include vehicular access off Thomas Street.</p>		<p>Omission of reference to the existing Thomas Street entry and exit was an oversight. Council's engineers confirmed that the Thomas Street access must be maintained.</p> <p><u>It is recommended that reference be added to Thomas Street for entry and exit in clause DS 12.5.</u></p>	

Continued next page

Issue 6	Officer comments
<i>Significant Trees – provision DS12.1 should account for the event that individual trees cannot be reasonably retained. It is suggested that tree removal be offset by replacement planning a ratio of five to one , and that the provision specifically account for the removal of trees outside of the nominated setback zones</i>	DS 12.1 requires that the numerous significant trees throughout the site be retained and protected. There should not be any wording added to the clause that compromises this or encourages tree removal. These trees are well established and very tall (see Figures 2 and 3), many are located along the northern laneway part of the site and along Cavill Avenue, and provide a vital and significant contribution to the area and street tree canopy and habitat. Most of these trees are protected by the Ashfield LEP 2013 and the Tree Preservation in the Inner West DCP 2016.



Figure 2 - View of trees looking into at private laneway off The Avenue



Figure 3 - View looking west into internal laneway west at trees within site



Figure 4. Aerial view showing large trees along Cavill Avenue up to 22 m high, an existing 5-7 m landscaped setback along Thomas street, very tall trees in rear northern lane off The Avenue, and the garden setting of the existing site.

Issue 7		Officer Comments
The current wording of DS 12.2 which states:		Clause DS 12.2 has the objective of requiring a 20 metre setback for the upper levels of building created by the Planning Proposal. These upper levels would be above the existing 23 metres maximum height plane of the LEP as illustrated in Figure 5 below.
DS 12.2	Major new development shall ensure that buildings located on the westerly parts of the site adjacent properties off The Avenue shall not exceed the height of the existing commercial buildings, within area E indicated on Map 9 . This is in order to ensure there are no resulting additional visual and privacy and solar access impacts to those adjacent sites, or additional visual impacts to nearby affected properties.	<p>State Environmental Planning Policy 65 deals with the design of Residential Flat Buildings, provides written Design Principles and does not provide development standards or setbacks, and so there is no inconsistency with development standards. It instead references the Apartment Design Guide (ADG), see Figure 5 below for a technical design explanation. It is evident the ADG already has guidelines which affect /reduce the maximum building height that can be accommodated within a stated Maximum Building Height LEP standard. Clause 4.3(1) of the Ashfield LEP already has an objective requiring a "transitional height between different areas". It is also evident that it is Council's responsibility to determine the desired character of an area pursuant to the Context principle of SEPP 65 which includes matters of scale and setback, otherwise a DCP would be pointless. Noting the above, Draft clause DS 12.2 does not inhibit "design variation" and simply ensures that there is a satisfactory relationship with adjacent lower rise residential properties are achieved. This was identified by Council officers at several pre-lodgement meetings with the town planners in attendance.</p> <p>If more statutory certainty was required to address any technical statutory interpretations, an LEP clause could be introduced maintaining the existing 23 m maximum height control along the western part of the site for a distance of 20 metres. Such a restriction has a precedent in the Ashfield LEP 2013 at clause 4.3 B. It is instead proposed to address this in the Draft DCP.</p> <p>Given that Clause DS 12.2 in not intended to affect what can occur within the existing 23 m Maximum Building Height plane already established by the Ashfield LEP 2013 (see Figure 5) , it is recommended that clause DS 12.2 could be clarified and simplified as underlined below :</p>
DS 12.2	<p><u>Major new development shall ensure that buildings located on the north western parts of the site adjacent residential properties off The Avenue shall be as follows:</u></p> <p><u>Building storeys above the 23 metre height plane shall be setback from the north west boundary by a minimum distance of 20 metres.</u></p> <p><u>Building storeys below the 23 metres height limit shall comply with the minimum setbacks stipulated in the Apartment Design Guide for residential development</u></p>	

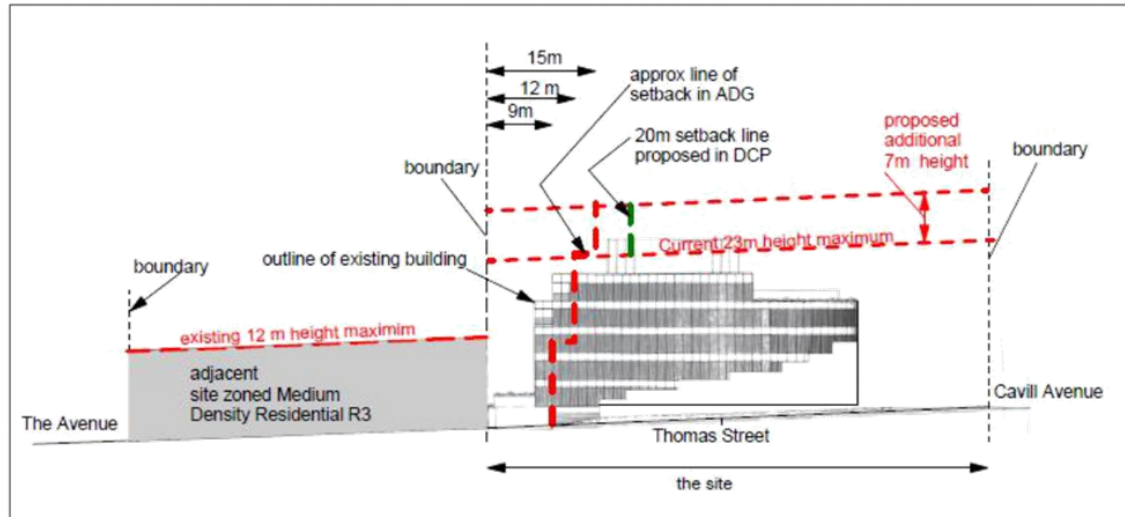


Figure 5. Explanatory - Comparative Building Height

SEPP 65 references the Apartment Design Guide, which provides guidelines for specific building setbacks to boundaries in situations proposals are adjacent sites in different Low Density Residential R2 zones. Such setbacks are a minimum of 9 metres for up to 4 storeys, then 12 metres for up to 8 storeys, and then 15 m for 9 storeys, as notated and shown in red. Pursuant to the SEPP 65 –Context Principle Council may state the “Desired Character”, proposed DS 12.2 requires a greater setback to ensure that additional visual impacts to The Avenue are minimised, as shown in green. This building scale is determined by a visually recessive 45 degree plane generated by the top edge of the existing 5 storey commercial buildings.

continued next page

Issue 8		Officer comments
<p>It is requested that PC 13 be amended to remove reference to Option 1 (as shown underlined below) as it cannot be achieved on the site and there is no apparent reason for the draft DCP to suggest the retention of the buildings. This provision does not give effect to the purpose of the Planning Proposal.</p> <p>PC 13 and DS 13.2 state:</p>		<p>It is evident that there are numerous land uses, building types permissible for a B4 Zone. It is the responsibility of a DCP to adequately cover these and not confine its controls to only one building type.</p> <p>PC 13 and DS 13.2 do not require retention of the existing buildings and do not burden the development options for the site. Which development option is pursued in the future is a matter for the site owner.</p> <p>There is potential for reuse and adaption of the existing buildings, with or without the two or more additional storeys created by the Planning Proposal. An example of this is found at 164-174 Liverpool Road Ashfield which has a large 6 storey commercial building converted to a residential flat building, with an additional 2 storeys added. This included substantial structural building alterations. The proposed DCP clause responsibly addresses this potentiality, and simply advises that if a conversion of an existing building is proposed that there should be ground level communal open space required, and with plentiful tree planting which will enhance and retain the garden setting of the site. Otherwise there is potential for the ground level areas to be given over to more buildings, with a loss of the garden setting of the site.</p> <p><u>It is recommended PC and DS should remain as is.</u></p>
<p>PC 13</p> <p>Under the Ashfield LEP 2013 there are several major development options for the site. Each of these must ensure that the positive characteristics of the site are maintained as identified in PC 12. In addition, each of these will need to address certain considerations for: activation of ground levels for surveillance and public safety, appropriate amounts of business and employment generating floorspace, and provision of communal open space areas and their locations. The major development options include:</p> <ul style="list-style-type: none"> • <u>Development Type 1- Retention or additions to the existing buildings, for land uses permissible in the B4 zone such as stand alone residential flat buildings or mixed use developments.</u> 	<p>DS 13.2</p> <p>Development Type 1 (existing buildings and additions) and Type 2 (new mixed use) shall ensure there is provision of communal open space that comply with the minimum areas stipulated in the Apartment Design Guide for the residential flat building component, including use of podium levels and roof top locations as required. Such locations shall have high amounts of tree canopy cover.</p>	

Issue 9		Officer Response
<p>Provision DS 13.4 makes reference to Chapter D Part 1- Ashfield Town Centre DCP – Clause DS 8.1 and incorrectly states that clause 8.1 requires a percentage of the site to be constructed for commercial/employment generating floorspace. The applicant has submitted an Strategic Economic Assessment that verifies that it is acceptable to have a much smaller amount of ground level floorspace.</p> <p>Draft Clause DS 13.4 states:</p>		<p>The meaning of Chapter D Part 1- Ashfield Town Centre DCP – existing Clause DS 8.1 has been misunderstood. That clause states:</p> <p><i>“Where mixed use development occurs the majority of the ground floor area of buildings should comprise business use, in order to promote employment and active street frontages. Residual areas for service functions such as driveway ramps, waste storage, plant rooms, shall be kept to a minimum, this can be done by demonstrating compliance with the Development Servicing requirements of this DCP.”</i></p> <p>The above existing clause was devised for smaller sites in the town centre, where it would be expected to have non residential uses at ground level, and which generate business activity, surveillance of the street, and are associated with rear ground level servicing areas (eg driveways, loading docks, waste collection etc).</p> <p>The proposed clause 13.4 (see left column) and its second paragraph is already included to achieve the outcome the submission requests and so should remain.</p>
DS 13.4	<p>Clause DS8.1 of the this part of the DCP (Ashfield Town Centre) requires a particular minimum provision of ground level commercial /business floor space expressed as percentage of site area, for provision of employment floor space and the general needs of the town centre. This control is devised for small site types.</p> <p>Given the large site type, these requirements may be varied for Development Type 1, Type 2, Type 3, provided an economic analysis is submitted that demonstrates there will not be any adverse impacts on businesses in the town centre should there be a lower provision of commercial or retail or business floor space to that stipulated in Clause DS 8.1</p>	

Issue 10	Officer Comments
<p>Clause 13.3 incorrectly states the requirement for communal open space under Objective 3D-1 of the Apartment Design Guide is 25% - 30 % of the site area, it should be 25 % of site area.</p>	<p>This was an oversight.</p> <p><u>It is recommended Clause 13.3 be amended to refer to 25 % of site area which is the standard set in the ADG.</u></p>

Item 6

Issue 11	Officer comments
<p>The reference to the underlined parts of dot point 3 of PC 13 should be removed.</p> <div data-bbox="308 409 742 790" style="border: 1px solid black; padding: 5px;"> <p>PC 13</p> <ul style="list-style-type: none"> • Development Type 3 - Demolition of existing buildings and having a predominantly residential flat buildings use, maximising the 9 storeys permissible on the site, and provision of ground level communal open space given the large site area and exclusion of Clause 4.3 (2A) of the Ashfield LEP 2013 which requires non habitable roof top uses for providing roof top communal open space and gardens, and various functional building elements. <u>This will likely not exceed the maximum 3.0:1 (proposed) FSR in the Ashfield LEP 2013.</u> </div>	<p>PC 13.3 was included to acknowledge there are several development types permissible in the B4 zone, since it would be irresponsible to have controls that only account for one development type possibility.</p> <p>The reference in dot point 3 was included to reflect the explicit rationale put forward in the now superseded Design Concept (put to Council in July 2017) for a predominantly residential flat development utilising an additional 2 to 3 storeys, with the purported benefit of there being provision of ground level open spaces that would make the site “permeable” with public open space in Cavill Avenue, and removal of the requirement to use the upper level for open space.</p> <p><u>It is nevertheless recommended that the parts underlined be removed.</u></p>

Issue 12	Officer comments		
<p>The part underlined in DS 12.4 should be removed as it is not a design guidance clause.</p> <div data-bbox="308 1052 742 1512" style="border: 1px solid black; padding: 5px;"> <table border="1"> <tr> <td style="width: 10%;">DS 12.4</td><td> Pubic verge/footpath areas shall be designed to enhance the western entry into the town centre taking into consideration the concepts in the Ashfield Town Centre Public Domain Plan 2014. This shall include consideration of new footpath pavements and street lighting, and having a wider footpath along Liverpool Road and Thomas street to better accommodate pedestrian movements. Council's Ashfield Street Strategy shall also be adhered to, including appropriate street tree species. <u>Pre-lodgement stage application consultation should occur with Council to coordinate this matter.</u> </td></tr> </table> </div>	DS 12.4	Pubic verge/footpath areas shall be designed to enhance the western entry into the town centre taking into consideration the concepts in the Ashfield Town Centre Public Domain Plan 2014. This shall include consideration of new footpath pavements and street lighting, and having a wider footpath along Liverpool Road and Thomas street to better accommodate pedestrian movements. Council's Ashfield Street Strategy shall also be adhered to, including appropriate street tree species. <u>Pre-lodgement stage application consultation should occur with Council to coordinate this matter.</u>	<p><u>It is recommended that the part underlined should be separated from the clause as it solely an explanatory note.</u></p>
DS 12.4	Pubic verge/footpath areas shall be designed to enhance the western entry into the town centre taking into consideration the concepts in the Ashfield Town Centre Public Domain Plan 2014. This shall include consideration of new footpath pavements and street lighting, and having a wider footpath along Liverpool Road and Thomas street to better accommodate pedestrian movements. Council's Ashfield Street Strategy shall also be adhered to, including appropriate street tree species. <u>Pre-lodgement stage application consultation should occur with Council to coordinate this matter.</u>		

Attachment 8

Issue 13		
Requests that the Explanatory Note in DS 12.7 in italics below be removed from any adopted DCP.		<u>The Explanatory note was included for public exhibition information purposes and will be removed from an adopted DCP amendment.</u>
DS 12.7	<p>Maximum number storeys shall be 9 levels for the part of the site zoned B4-Mixed Use, subject to compliance with clause DS 12.2 which require having varying building heights on the site to address particular issues and site conditions.</p> <p><i>Explanatory Note: 9 storeys under a maximum Building Height of 30 m (using the 7m bonus provision) achievable in the Ashfield LEP 2013 is technically determined on the basis that allowance must be made for: sloping natural ground levels and varying height planes across the site, a ground level storey including non-residential uses must have a high floor to ceiling height, the number of residential storeys, and a roof zone together with various functional installations.</i></p> <p><i>Any proposal for having a building on the site higher than 9 storeys will need to demonstrate that this meets the requirements of Clause 4.6 – Exceptions to Development Standards- of the Ashfield LEP 2013, and produces a better outcome relative to the performance criteria of this part of the DCP.</i></p>	

END

Item No: C0717 Item 11
Subject: 2-6 CAVILL AVENUE ASHFIELD - PLANNING PROPOSAL
File Ref: 17/4718/80212.17
Prepared By: Con Colot - Senior Strategic Planner & Projects
Authorised By: Simon Manoski - Group Manager Strategic Planning

SUMMARY

This site on the west side of the Ashfield Town Centre, presently contains two five storey office buildings, and comprises several allotments with different land use zones.

The proposal seeks to increase Maximum Floor Space Ratio from 2.0:1 to 3.0:1 to bring this in line with similar sites in other parts of the Ashfield Town Centre. It also seeks to apply a 7 metre height (2 storey) bonus to the site, the same as that applying to other comparable sites in the Ashfield Town Centre- this would be in addition to the existing 23 metre Maximum Building Height in the Ashfield LEP 2013.

Also sought are changes to land zonings to small sites fronting "The Avenue", and amendments to specific clauses in the Ashfield LEP 2013 discussed in detail in this report.

The Proposal has been put on preliminary "upfront" public exhibition in accordance with Council's policy - for the former Ashfield LGA, prior to a report being considered by Council.

This report recommends that Council support the Planning Proposal and seek Gateway determination to become the Relevant Planning Authority, and that a site specific Development Control Plan be produced to address the unique circumstances of this large site in the Ashfield Town Centre.

RECOMMENDATION

THAT Council:

1. **Support the Planning Proposal subject to amendments outlined in the report;**
2. **Forward the Planning Proposal to the Minister of Planning for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, and seek that Council use its delegated plan making functions to be the Relevant Planning Authority for the processing of the Planning Proposal;**
3. **Authorise the Interim General Manager to be Council's delegate and "the Authorisation" to be the Relevant Planning Authority for the processing of the Planning Proposal; and**
4. **Develop a site specific Draft Development Control Plan as outlined in the report once the Gateway approval is received and exhibit the Draft DCP concurrently with the Planning Proposal.**

1.0 Introduction

The Planning Proposal seeks to make various amendments to the Ashfield LEP 2013, including to Development Standards for Maximum Building Height and Maximum Floor Space Ratio, which are described in more detail in the Report in Part 5. The applicant is concerned

that there is a declining long term market for consolidated commercial tenants in Ashfield and is therefore seeking to redevelop the site. The proposal is seeking consent to amend the height and density of the proposal. Residential flat development is currently permissible with consent within the B4 Mixed Use Zone.

LRAC considered this report at its Meeting on 11 July 2017 and recommended:-

L0717 Item 3 2-6 Cavill Avenue Ashfield - Planning Proposal

Recommendation: Drury / Mansour

THAT:

1. support the Planning Proposal subject to amendments outlined in the report;
2. forward the Planning Proposal to the Minister of Planning for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, and seek that Council use its delegated plan making functions to be the Relevant Planning Authority for the processing of the Planning Proposal;
3. authorise the General Manager to be Council's delegate and "the Authorisation" to be the Relevant Planning Authority for the processing of the Planning Proposal; and
4. a site specific Draft Development Control Plan as outlined in the report be produced post-Gateway and exhibited concurrently with the Planning Proposal.
5. notes that there is a presumption against rezoning where the LEP is less than 5 years old unless it meets the strategic merit test;
6. express concern that this proposal will result in a significant reduction in employment in the Ashfield CBD.

CARRIED

Officers Comment

The Planning Proposal is seeking a change in height and density reflecting that which is available to adjoining sites within the remainder of the commercial/retail core area of Ashfield. The proponent is not seeking any change to the zoning or permissible uses for the site.

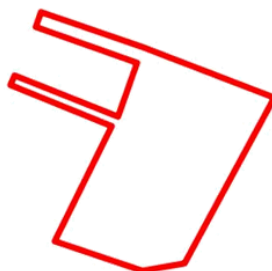
It is noted that the proposal may result in a reduction in employment in the Ashfield commercial core area however under the current Ashfield LEP, residential flat development is permissible on the site.

2.0 CONTEXT AND CURRENT USE OF SITE

The site currently contains two 5 storey office buildings built in the 1980s, with a large sized roof top plant room making the building approximately 24 metres high relative to Cavill Avenue (equivalent of 7 residential storeys). Most of the site is zoned B4 – Mixed Use (approx. 7,960 sqm) except for two small properties off The Avenue zone R2- Low Density Residential. The site contains tall trees (equivalent of 4 storeys) along Cavill Avenue which make a strong contribution to the quality of the area and are protected by Council's Tree Preservation Policy. Adjacent on the east side, is a residential street - The Avenue- zoned R2 Low Density Residential which is a mixture of 2 and 3 storey residential flat buildings and two houses. Adjacent to the north is a "slim" four storey residential flat building with ground level parking, and then the railway line. To the east is the Ashfield Town Centre, predominantly zoned B4 Mixed Use, with buildings permitted along Liverpool Road up to 8 storeys high, except for a front podium maximum 12 metre height and 12 metre depth ("street wall height"). To the south properties include B4 zoned land on Liverpool Road including a three storey Commercial building, and the Miller Street Conservation Area containing houses.

Nearby to the west along Liverpool Road land is zoned B4- Mixed Use with up to 6 storey buildings permissible, with a recently constructed 6 storey building at 371 Liverpool Road.





3.0 PRELIMINARY NOTIFICATION AND PUBLIC SUBMISSIONS

The Planning Proposal was notified between 31 January and 28 February 2017. This process is in place in order for Council to obtain community feedback, so that relevant issues may be addressed "upfront" in the process. There were 24 visitations to Council's "Have Your Say" website with 22 people having read the Planning Proposal. Three submissions were received:

Table 1

	Issues raised	Officer Response
Submission 1		
Does not support the Planning Proposal	Land use zoning for properties in The Avenue should remain R2, and the current maximum FSR of 0.7:1 and Maximum Building Height should remain at 8.5 m.	The commercial property contains two smaller allotments in the "The Avenue" which are currently used for vehicular access. This zoning issue is discussed below in Part 5 of the report and it is agreed that properties in The Avenue should have their Land Use zoning, Maximum FSR and Maximum Building Height remain as currently contained in the Ashfield LEP, since this characterizes the spatial environment of this area. Also, the R2 land use zoning already allows access to The Avenue from the main property off Cavill Avenue.
Submission 2		
Does not support Proposal	Ashfield is becoming overdeveloped, and increasing dwellings will adversely "increase traffic and business".	The additional FSR of 1:1 will generate approx. 90 dwellings (at 90 sqm), within a total of approx. 265 dwellings (90 sqm) at a total FSR of 3:1. Pursuant to Council's Ashfield Urban Planning Strategy 2010, the town centre is intended to accommodate 1,100 dwellings, and this site will contribute to this. Council's Traffic Engineer has raised no objection to the Proposal. The site has adequate existing vehicular access off Cavill Avenue and The Avenue.

Submission 3	Submission from Sydney Trains. All future developments will need to be in accordance with "Development Near Rail Corridors and Busy Roads- Interim Guidelines".	The Planning Proposal if progressed to formal exhibition will be referred to Sydney Trains for comment. Any future Development Application will be consider the document.
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4.0 COMPLIANCE WITH PLANNING PROPOSAL GUIDELINES AND DOCUMENT CONTENT

In order for Council to support the Planning Proposal, Council needs to be satisfied that there is adequate content and "justification" in a Planning Proposal document as required in "A Guide to preparing Planning Proposal Guidelines- 2016". The following provides an assessment of the adequacy of the content.

Part 1 Objectives and intended outcomes and explanation of provisions

	Guideline Requirements	Officer comments
2.1	Requires a concise statement setting out the objective or intended outcomes.	The statement given in the Planning Proposal is satisfactory.

Part 2- explanation of provisions

	Guideline Requirements	Officer Comments
2.2	Requires an explanation of the land use zones and development standards sought to be amended.	<p>The proposal seeks to</p> <ul style="list-style-type: none"> - increase Maximum Floor Space Ratio from 2.0:1 to 3.0 :1 on the B4 zoned site, and increase Max FSR from 0.7:1 to 3:1 on the R2 Low Density Residential land zonings - apply a 7 metre height bonus, above the existing 23 metre Maximum Building Height applying to the site zoned B4 -Mixed Use. - make changes to R2 Low Density Residential land zonings on two small sites fronting "The Avenue". <p>The Planning Proposal adequately identifies these matters, refer to Part 5 of the report below for an assessment of the above.</p>

Part 3 – Justification

	Guideline Requirements	Officer Comments
2.3	Requires adequate justification documentation to be provided for the	Design concept documentation has been submitted which provides floor plans and building envelopes for the proposed maximum Building

	specific land use and development standards proposed to the LEP.	Height and Maximum FSR. These depict a scenario where there are new residential flat buildings on the site. These development standards are assessed in Part 5 of this report. .
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2.3.1 Questions to consider when demonstrating the justification

	Guideline requirements	Officer Comments
Section A – Need for Planning Proposal		
Q1	Is the planning proposal part of any strategic study or report?	<p>The Proposal is site specific, and not part of any Strategic Study such as a local precinct study.</p> <p>However it is relevant that the site was considered as part of the reporting on the Draft Ashfield LEP 2012 exhibition in February 2013 to the former Ashfield Council, where an objection was lodged to the proposed Heritage listing of the site and Council agreed that the Heritage listing was not relevant and was removed. However the Maximum Building Height and Maximum FSR in the Draft LEP reflected at the time, the retention of the buildings and is lower than other B4 Mixed Use zonings elsewhere in the Ashfield Town Centre.</p> <p>It is also relevant that the Ashfield Urban Strategy 2010 nominates the Ashfield Town Centre as a key contributor to housing supply, and that the land use zoning already permits standalone residential flat buildings, and that this proposal has the potential to contribute to housing supply.</p>
Q2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The objectives/intended outcomes require amendments to the Land Use zonings and Development Standards and particular clauses of the Ashfield LEP 2013. Part 5 of the report assesses these.
Section B –relationship to strategic planning framework		
Q3 a	Does the proposal have strategic merit? Is it:	
	Consistent with the relevant District Plan within the Greater Sydney region.	<p>With regard to the Draft Central District Plan (dCDP), the Planning Proposal adequately addresses the following :</p> <p>The dCDP identifies the Ashfield Town Center as a “local centre”. One of the key objectives for a local centre is to provide for additional residential growth close to transport and services – which the Ashfield Town Centre provides.</p> <p>Another key objective is to consider the need to reinforce the suitability of a “local centre” for retail and commercial use. A</p>

	Guideline requirements	Officer Comments
		<p>Strategic Economic Assessment report (Attachment 2) is included with the Planning Proposal and explains that potential conversion of the site to a predominantly residential use will not have any local adverse economic impacts on the existing town centre, and that it is expected in the dCDP that major commercial use will relocate to District Centres (e.g. Burwood) and CBD locations, and that it is State Government policy to relocate major departments further west such as at Parramatta. This has been reviewed by Council's Economic Development Manager and found to be satisfactory –refer to Part 6.0 of this report.</p> <p>According to the "Strategic Economic Assessment" there is no certainty that the two existing 5 storey office buildings, which contain a single consolidated tenant will continue to have that tenant. This is due to government policy for relocating such tenants to other strategic locations to the west of Ashfield such as Parramatta. There should therefore be development standards that make the continued use or redevelopment of the site viable, so that the existing buildings are not left vacant long term or derelict, providing there is a satisfactory "fit" with the town centre and surrounds.</p> <p>Notwithstanding, the Ashfield LEP 2013 currently permits in the B4 zones in the Ashfield Town Centre standalone residential flat buildings, mixed use development, and stand-alone commercial development and the Ashfield LEP is consistent with the Draft Central District Plan. The Planning Proposal will not change this.</p>
	Consistent with a relevant local council strategy that has been endorsed by the Department	The Ashfield Urban Planning Strategy 2010 was approved by the Department of Planning and the land uses are consistent with that Strategy, and also reflect the current commercial use.
	There will be a presumption against a rezoning review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.	The Ashfield LEP was gazetted in Dec 2013, and is less than 5 years old. Noting that the Proposal is at the preliminary stage, subject to future exhibition and detailed assessment, it is considered that the Proposal adequately meets the Strategic Merit test providing the matters identified in this report in Part 5 (which assesses the Development Standards) are addressed, including applying a site specific DCP to ensure that future development will be compatible with surrounding development and the character of the town centre.
Q3b	Does the proposal have strategic merit with regard to the following :	

	Guideline requirements	Officer Comments
	The natural environment	There are several large trees along the Cavill Avenue front gardens and within the site which are protected via the Ashfield LEP 2013 and the Tree Protection Policy in the Inner West DCP 2016. This would be able to be highlighted in a future draft DCP- as discussed in Part 5.0 below.
	The existing uses, approved uses, and likely future uses of land in vicinity of the proposal.	This Proposal will permit a continuation of existing land uses and the existing office buildings, see Part 5 below for an assessment. There will be an affectation to existing land /property use at The Avenue in terms of the impacts of additional building height and this is illustrated in the explanatory Design Concept submitted with the Planning Proposal, and is assessed in Part 5 below. The Planning Proposal information is adequate for the purpose of Gateway Determination.
	The services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangement for infrastructure provision	The proposal is in a town centre, there are existing water and sewerage service, and roadways for vehicular access. There are nearby primary and high schools, and public transport including bus and rail. The Planning Proposal information is adequate for the purpose of Gateway Determination
Q4	Is the proposal consistent with a council's local strategy or other local strategic plan?	<p>The proposal is consistent with the Ashfield Urban Planning Strategy 2010, with the land uses being consistent with that Strategy, and also reflecting the current commercial use, except for the small parcels of land off The Avenue (see Part 5 below).</p> <p>Council's Affordable Housing Policy adopted in March 2017 and is a relevant consideration. Part 2.5.2 – "Major Planning Agreements" of the Policy requires a 15 percent contribution on any uplift. Based on the additional 1.0 :1 FSR, at 15 percent, this equates to approximately 1200 sqm of floor space (on the current B4 zone site), the equivalent of 18 apartments (being a mix of one and two be apartments), or the equivalent of 13 x 90 sq metre apartments.</p> <p>The current Ashfield LEP 2013, in Clause 4.3A (3), requires 25 percent of floor space generated by a 7 metre (2 level bonus) to be provided as "affordable rental housing", and this equates to approximately 18 apartments (mix of one and two bed apartments) using the Design Concept drawings. This also equates to 10 x 90 sqm apartments using the 25 percent additional floor space of approx. 1760 (out of 7050) sqm. The Planning Proposal agrees to have this Clause 4.3A(3), provision applied to the site and this meets the objectives of the Affordable Housing Policy.</p>
Q5	Is the planning proposal consistent with applicable State	The B4 zoning permits several land uses, including standalone residential flat buildings, mixed use developments, commercial developments, and the proposed development standards will be able to accommodate these.

	Guideline requirements	Officer Comments
	Environmental Planning Policy	<p>With regard to SEPP 65 a Design Concept has been submitted, which puts forward a predominantly residential development, and this has been reviewed by Council's Architectural Excellence Panel (Attachment 4). Refer to Part 5 of this report which explains the need to have a site specific Development Control Plan to address the unique location and beneficial characteristics of the site, to achieve a positive built form and open space outcome for the site, with this being reinforced by Council's Architectural Excellence Panel comments. The applicant's Design Concept should also be amended to reflect the Panel's comments and to demonstrate at future assessment stage that the Floor Space Ratio standards, for standalone residential flat buildings, are suitable for the site. This will also require amendments to parts of the Planning Proposal that make reference to the current Design Concept.</p> <p>For SEPP no 55 –Remediation of Land, there will be a Phase 1 Site Assessment provided post Gateway Determination.</p> <p>The Planning Proposal identifies the other applicable SEPPs, being SEPP (BASIX), SEPP (Complying Development), SEPP (State and Regional Development) 2011, Sydney REP Harbor Catchment, noting that these do not have an impact of consideration of the Planning Proposal.</p>
Q6	Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?	<p>The Planning Proposal at its Part 7.2.4 –Table 4, shows that it is consistent with the relevant Section 117 directions, being :</p> <p>"3- Housing, Infrastructure and Urban Development- Residential Zones" – and providing for future housing needs.</p> <p>"3.4 Integrating Land Use and Transport "- the site close to transport and services</p> <p>"6.0 Local Plan Making" – the LEP provisions will not compromise the efficient and appropriate assessment of development.</p> <p>"7- Metropolitan Planning" - the proposal is consistent with the NSW Government's – "A Plan for Growing Sydney" (2014) and its generalist directions, in particular "Principle 1 –Increasing housing choice around all centres through urban renewal in established areas,</p>
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	<p>Large significant trees on the site are protected by Councils Tree Protection Order. A future draft DCP will highlight this.</p>

	Guideline requirements proposal?	Officer Comments
Q8	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	There are no other substantial environmental effects that are known of and the Planning Proposal document adequately covers this matter.
Q9	How has the planning proposal adequately addressed any social and economic effects?	<p>The Planning Proposal adequately discusses this matter at its part 7.4, and in the Strategic Economic Assessment report (Attachment 2). Refer to Part 6 of this report, Council's Economic Development Manager agrees the Planning Proposal will not result in an adverse local economic impact, and that there are adequate regional employment areas within close vicinity and transport access of the Ashfield Town Centre.</p> <p>Under the Ashfield LEP 2103, the existing commercial building can presently seek approval for a residential use, such as has occurred at 164 Liverpool Road with conversion of a 6 storey office building. There is no inherent change in economic effects affecting the Ashfield LEP content which permits both standalone residential use and commercial use.</p>
Q10	Is there adequate public infrastructure for the planning proposal?	Yes.
Q11	What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?	The Public Authorities will be consulted post Gateway Determination and the Guidelines require that Proposal should recommend who they should be. This will be a matter for the Greater Sydney Commission, given the land is adjacent a regional road (Liverpool Road) and there will additional traffic generation, and that the site is nearby the railway line, public authorities should be: Sydney Trains, Roads and Maritime Services.
2.4 Mapping		
		Adequate maps have been provided but require amendment to conform to this reports recommendations for retaining Land Use Zones and development standards in The Avenue.
2.5 Community Consultation		
		It is considered that the Proposal should be formally exhibited for a minimum of 28 days in accordance with the Inner West DCP 2016 (former Ashfield Council area).
2.6 Project Timeline		
		The Gateway Determination will determine the maximum timeframe, and so it is premature to state actual milestones. The Planning Proposal provides the necessary timeline table.

5.0 ASSESSMENT OF SPECIFIC AMENDMENTS BEING SOUGHT TO ASHFIELD LEP 2013, FOR LAND USE, HEIGHT BONUS, MAXIMUM FSR, AND SPECIFIC CLAUSES.

5.1 Amendment to Land Use zoning Map- Ashfield LEP 2013.

There are several allotments in the one ownership and these properties are described on the map in **Figure 1** below within the red boundary.

Figure 1 – Extract Ashfield LEP 2013 – Land Use Map. Purple indicates B4 -Mixed Use zone, pink indicates R2 -Low Density Residential Zone



The application seeks that the properties within the red boundary in The Avenue be zoned B4 - Mixed Use to match the current use of the site and zoning off Cavill Avenue and Thomas Street.

Officer Comment.

It is considered that the properties off The Avenue should remain zoned R2- Low Density Residential to match the character of the street and present building typologies. "Roads" are permissible in an R2 Zoning and so these properties will be able to use this land for access to The Avenue if required.

5.2 Amendment to Maximum Building Height Map.

The current site's maximum Building Height is described on the extract of the Map in **Figure 2**. Properties to the east within the blue boundary on the map have the benefit of a 7 metre height bonus pursuant to Clause 4.3A(3) of the Ashfield LEP 2013 (which requires 25 percent of the floor space within the height bonus to be provided as Affordable Housing). Presently, other sites in the town centre which have had development consent for residential flat buildings have had this enforced through Development Approval conditions of consent requiring this to be applied on the land title via a "restriction as to user".

Figure 2 - Extract Ashfield LEP 2013 – Maximum Building Height Map. Code S signifies 23 metres, Code I signifies 8.5 metres, Code K signifies 10 metres. Blue boundary indicates where a 7 metre height bonus applies.



The application seeks to have all the properties within the red boundary contain a blue boundary (being properties fronting Cavill avenue and Thomas street) which gives a 7 metre height bonus pursuant to Clause 4.3A(3) of the Ashfield LEP 2013. This would generate approximately 18 affordable apartments (mix of one and two bedrooms). It would bring the total permissible building height to 30m, noting that existing buildings are approximately 24m high.

The additional floor space that is generated with an extra 7 metres in height, where it is above the maximum FSR permitted in the LEP maps, is required to be addressed via Clause 4.6 – Variations of the Ashfield LEP, and “assessed on merits”. This would include such things as scale impacts to adjacent properties.

Officer Comment and need for a draft DCP.

The “Area 1” blue boundary was not applied to the site in the Ashfield LEP 2013, as during the Draft LEP 2012 phase the site was proposed as Heritage item, and so it was thought the site would not be redeveloped and so the 23m height was sufficient for the site (the existing building is approximately 24 m high). Council agreed to remove the heritage listing after considering objection to this listing arguing that the heritage listing was not warranted, that the building was a modern one and not meeting any of the Heritage Manual listing for criterion.

For the property fronting Cavill Avenue and Thomas Street (currently zoned B4 Mixed Use) it is considered that the 7 metre height bonus can be supported, providing that a site specific Development Control Plan is applied to the site, and to address building scale impacts to adjacent properties. This should require a transition/lowering of maximum height and scale to the west of the site in order to be sympathetic to the residential properties, provide guidelines for general site layout and retention of trees along Cavill Avenue as required in Councils Tree Preservation Policy, adequate distribution of open space on the site and contribution to the public domain, activation of ground floor areas, and address the matters brought up in the Architectural Excellence Panel (refer to **Part 6** of the report). This draft DCP would provide guidance for assessment of the additional FSR (above the maximum 3:1 FSR), flowing from the 7 metre (2 storey) height bonus, which is required as part of a Clause 4.6 (Exceptions to development standards) to the Ashfield LEP 2013.

5.3 Amendment to Clause 4.3 (2A) in the Ashfield LEP that affects the use of the uppermost part of the building.

Clause 4.3 states as follows

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to achieve high quality built form for all buildings,
- (b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,
- (c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,
- (d) to maintain satisfactory solar access to existing buildings and public areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If a building is located on land in Zone B4 Mixed Use, any part of the building that is within 3 metres of the height limit set by subclause (2) must not include any area that forms part of the gross floor area of the building and must not be reasonably capable of modification to include such an area.

The purpose of this clause is to account for various evident roof top building components, such as plant rooms, roof top communal open space including any pergola structures since this cannot be usually provided at ground level in a town centre, enclosed structures used to access a roof top containing stairs and landings, "green roofs" as promoted in the "Urban Green Cover Guidelines"-Office of Environment and Heritage. Otherwise the town centre would be restricted to flat inaccessible roof tops with poor to bland urban design outcomes and 'absent' sustainable roof design. Sub Clause 2(A) also resulted from a previous Ashfield Council LEP working party resolution during formulation of the LEP.

The application states that it wishes to "adjust" Part (2A) of the above clause (in Italics), and proposes the following additional clause be added after (2A) as follows:

- (a) ***Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue , Ashfield in accordance with subclause 2, if Council has considered the relevant objectives.***

Implicitly the proposal argues that the justification for the above is that the site is in a different context to those of the rest of the town centre, since it is a large site, that any new buildings will have very large roof areas, and so it is reasonable to allow within that roof top area some building (floor space). It argues that reliance can be made on the Built Height Objectives of the LEP.

Officer Comment

It is considered that the applicants request is acceptable on the proviso that there is a site specific DCP which will provide guidance on roof top area design and sustainability matters explained above.

5.4 Amendment to clause 4.3B of the Ashfield LEP – ‘street wall height’.

Clause 4.3B states:

4.3B Ashfield town centre—maximum height for street frontages on certain land

- (1) The objective of this clause is to apply a maximum height for primary street frontages on certain land in Ashfield town centre.
- (2) This clause applies to land identified as “Area 1” on the Height of Buildings Map.
- (3) Despite clauses 4.3 (2) and 4.3A (3), the maximum height of that part of a building that has an entrance or lobby on the ground floor facing Liverpool Road, Norton or Hercules Streets or Markham Place, Ashfield (a **primary street frontage**) is 12 metres for a distance of 12 metres from the primary street frontage away from the road.

The intention of this clause is to require a lower human scale along the principal roads in the Ashfield Town Centre which typically have 10-11 metre high terrace buildings, and Council would be aware of buildings that have been already constructed that illustrate this urban design scale principle.

The applicants wish to add the following clause after Sub Clause (3):

(a) Notwithstanding this provision, development consent may be granted for development at 2-6 Cavill Avenue, Ashfield in accordance with subclause (2), if Council is satisfied that this achieves an appropriate design outcome having regard to surrounding development.

Officer Comment

Existing buildings on the site are already prominent 5 storeys office buildings - 24 metres high (equivalent of 7 residential storeys) near the junction with Liverpool Road, placed within a landscape setting along the frontage of the site. Nearby constructed dwellings at Liverpool Road to the west are 6 storeys.

The proposed clause is considered acceptable providing a site specific DCP is provided (as explained in **Part 5.2** above) which gives guidance on the built form and open space layout for the site along Liverpool Road, and responds to context of the site.

5.5 Amendment to Maximum FSR Map- increase the maximum FSR from 2:1 to 3:1.

Figure 3 Extract of Ashfield LEP 2013 FSR Map, T signifies 2.0:1. H Signifies 0.7:1, V signifies 3.0 :1.



It is requested that the maximum FSR for properties within the red boundary be made 3.0:1.

Officer Comment

As explained above in the report, due to the previous proposed Heritage listing in the draft Ashfield LEP the maximum FSR for the main property off Cavill Avenue was kept lower at 2:1, and later the LEP Heritage listing was removed in the gazetted Ashfield LEP 2013.

The now proposed FSR of 3:1 for the properties off Cavill Ave and Thomas Street, currently shown in pink shade in **Figure 3** will accord with the proposed maximum FSR elsewhere in the majority of the town centre (noting that the corresponding maximum Building Height of 23 metres).

It considered that the existing FSR of Code H- 0.75:1 for properties in The Avenue should remain to reflect the adjacent lower rise houses and flat buildings in that street, and this will reflect the maximum building height of 8.5 metres applied to the R2 Low Density Zone.

6.0 OTHER STAFF COMMENTS

Traffic Engineer

Council's Traffic Engineer have not raised any objection to this stage of the Proposal.

Economic Development Manager

Agrees with the conclusions of the Strategic Economic Assessment Report (**Attachment 2**) and that should the proposed higher development standards in the Ashfield LEP facilitate use of the site for mostly standalone residential flat buildings, that this will not have an adverse local economic impact to existing retail areas and service providers in the town centre, and that there will be good transport access to regional employment areas within close vicinity of

the Ashfield Town Centre which will compensate for loss of employment resulting from the commercial buildings being vacated.

Architectural Excellence Panel.

The panel have reviewed the "Design Report" (**Attachment 3**) submitted with the Planning Proposal and advised as follows:

It is the Panel's view that the best overall strategy is to:

- determine and retain significant trees on the site, along with commensurate setbacks to enable this retention and augment landscaping
- provide a predominantly residential development, sited within a strong landscape setting;
- structure the site around the Cavill Street/Liverpool Road/Thomas Street frontages, with new publicly accessible connections through the site, set out on the alignment of property links to The Avenue and along the north-western boundary, to generally result in a perimeter layout, with a functional-shaped central open space (generally as proposed);
- rather than a uniform, 8-9 storey envelope around the site perimeter, which creates an unrelenting, enclosed and self-shadowing outcome, allow for additional height (with no overall additional density) generally configured as smaller-footprint (maximum 500sqm/floor) buildings on the south-eastern side of the site (provided that solar access impacts can be mitigated);
- transition to lower scale buildings to the north-western side of the site to allow good solar access into the centre of the site, to provide visual relief and to better relate to the adjoining medium density residential scale;
- present a "landmark" building to the Liverpool Road frontage and to terminate the vista behind the retained and embellished landscape corner, while providing a clear break between building envelopes to open to the central landscaped courtyard beyond and reduce the apparent density; and
- Provide some retail activation onto a well-landscaped street corner addressing the Cavill Street/Liverpool/Road Thomas Street corner frontage.

The above can be used to inform a site specific draft Development Control Plan for the site. The applicant's Concept Design (**Attachment 3**) should also be amended to reflect the above, as this document is necessary pursuant to the Strategic Merit test of the Planning Proposal Guidelines to justify the proposed Development Standards.

FINANCIAL IMPLICATIONS

The Planning Proposal does not raise any financial implications for Council. The Planning proposal is intended to increase the level of flexibility in land uses at the site and is unlikely to require any upgrade works to Council infrastructure. Detailed assessment of new uses will be undertaken at the detail design stage associated with each new development application.

CONCLUSION

The Planning Proposal application is at pre-Gateway stage, and would be subject to future community consultation and detailed assessment should Council agree to be the Relevant Planning Authority and are granted delegation for this.

The Planning Proposal is considered acceptable for submission to the Department of Planning and Environment for Gateway Determination - subject to requiring amendments to its ancillary documents as identified in this report. The proposal is considered to have adequate Strategic merit, for the reasons stated in the report. This includes that it will provide development standards that equate with those found in the other parts of the Ashfield Town Centre, and be able to better respond to potential circumstance where the two existing five office buildings are vacated. The

additional Floor Space Ratio and Building Height will also generate affordable housing with approximately 18 apartments being able to be provided, pursuant to Clause 4.3 A (3) of the Ashfield LEP 2013, which reflects Council's Affordable Housing Policy,

Given the unique circumstances of a large site in the Ashfield Town Centre it is necessary to apply a site specific draft Development Control Plan to provide guidelines for future development on the site to ensure a positive impact for the Ashfield Town Centre. This will include the suitability of the 7 metre (2 storey) height bonus being sought for particular parts of the site and relationship to adjoining properties. The draft DCP should be included with a future exhibition of the Planning Proposal.

ATTACHMENTS

1. Planning Proposal and Letter
2. Strategic Economic Assessment
3. Concept Design Report
4. Architectural Excellence Panel Comments

Item No: C0718 Item 7**Subject:** **VICTORIA ROAD PRECINCT, MARRICKVILLE - DEVELOPMENT CONTROL PLAN AMENDMENT****Prepared By:** Strategic Planning Group**Authorised By:** David Birds - Group Manager Strategic Planning**SUMMARY**

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental Plan 2011 (MLEP 2011) on 1 December 2017. Council is now required to consider associated amendments to Part 9.47 *Victoria Road Precinct* Marrickville Development Control Plan 2011 (draft Victoria Road DCP), which was initially drafted by the proponent of the Victoria Road Planning Proposal, (Ethos Urban/Danias Holdings Pty Ltd), in order to support the amended LEP.

The draft Victoria Road DCP was publicly exhibited from 8 May 2018 to 5 June 2018 and 49 submissions were received. This report provides a review of the feedback from the public exhibition. The exhibition of the DCP raised several issues that have required amendments to be recommended to the DCP in order that it can be finalised. These issues are detailed in the report and include matters relating to road improvement works, transport connections, protection of heritage items, building design impacts and controls, drainage and flood risks.

A key matter highlighted in finalising the DCP has been the need to establish a clear and robust mechanism to secure the provision of infrastructure upgrades needed to support the development of the precinct, in particular drainage, traffic and transport improvements and open space requirements, before the DCP is finalised. This is because when the DCP has been approved development applications can then be approved for the area, and if a suitable mechanism is not in place to deliver the infrastructure upgrades Council could be liable for part of the cost associated with the provision of these unbudgeted works, which preliminary work indicates could cost in the region of \$50 million. The usual mechanism to ensure the provision of the upgrades through development contributions is the associated new Section 7.11 (formerly Section 94) Contributions Plan on which work is under way. It is anticipated it will take approximately six months to finalise the plan and it is recommended that the DCP is not finalised until the Section 7.11 Contributions Plan is approved.

At this stage, based on advice received internally, it is considered, given the requirements of Clause 6.17 of the LEP, that the approval of development applications must be deferred until the DCP is adopted. This is even so with the Rich Street precinct development application (DA) despite the proponent having offered to enter into a Voluntary Planning Agreement (VPA) which could have the effect of assisting with the provision of required infrastructure for the precinct. Council is seeking further legal advice on this matter to determine whether there may be a mechanism to facilitate approval of the Rich Street DA prior to the ultimate adoption of the DCP.

RECOMMENDATION**THAT:**

1. The draft amendment to Part 9.47 Victoria Road Precinct Development Control Plan be prepared in accordance with the recommendations listed in Tables 1 - 3 (Attachment 1) of this report and recommendations provided by the Department of Roads and Maritime Services (RMS) and Transport for New South Wales (TfNSW) (Attachment 8);
2. The final draft amendment to Part 9.47 Victoria Road Precinct Development

Control Plan be reported back to Council for consideration for approval in conjunction with the Section 7.11 Contributions Plan that is currently being prepared to support infrastructure delivery required for the precinct.

BACKGROUND

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental 2011 Plan (MLEP 2011) on 1 December 2017 (refer to **Attachment 3** for the gazettal determination letter). The Victoria Road Planning Proposal re-zoned areas of IN1 General Industrial land to R3- Medium Density, R4 – High Density, B4 – Mixed Use and B5 – Business Development zones. These zones enable a range of built forms including residential flat buildings, commercial retail/office premises and mixed residential/commercial uses, enabling a potential increase of 1,100 dwellings in the precinct.

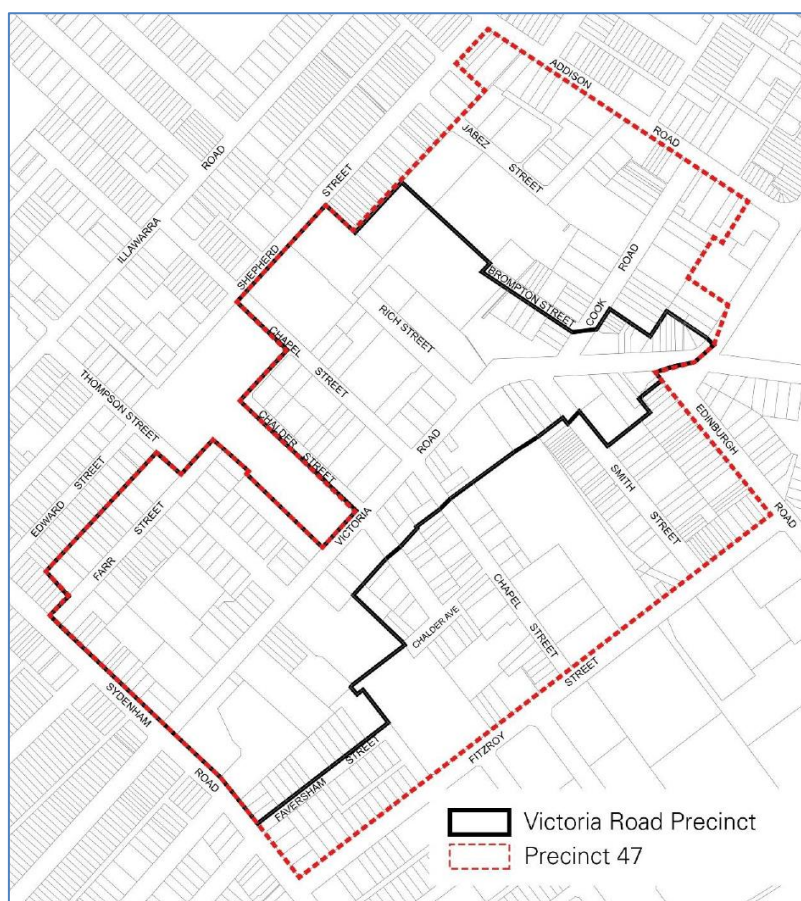


Image 1: Map indicating the area encompassed by the Victoria Road Precinct Planning Proposal (outlined in black) that forms part of Precinct 47 (identified in red dash) as defined under Marrickville Development Control Plan 2011.

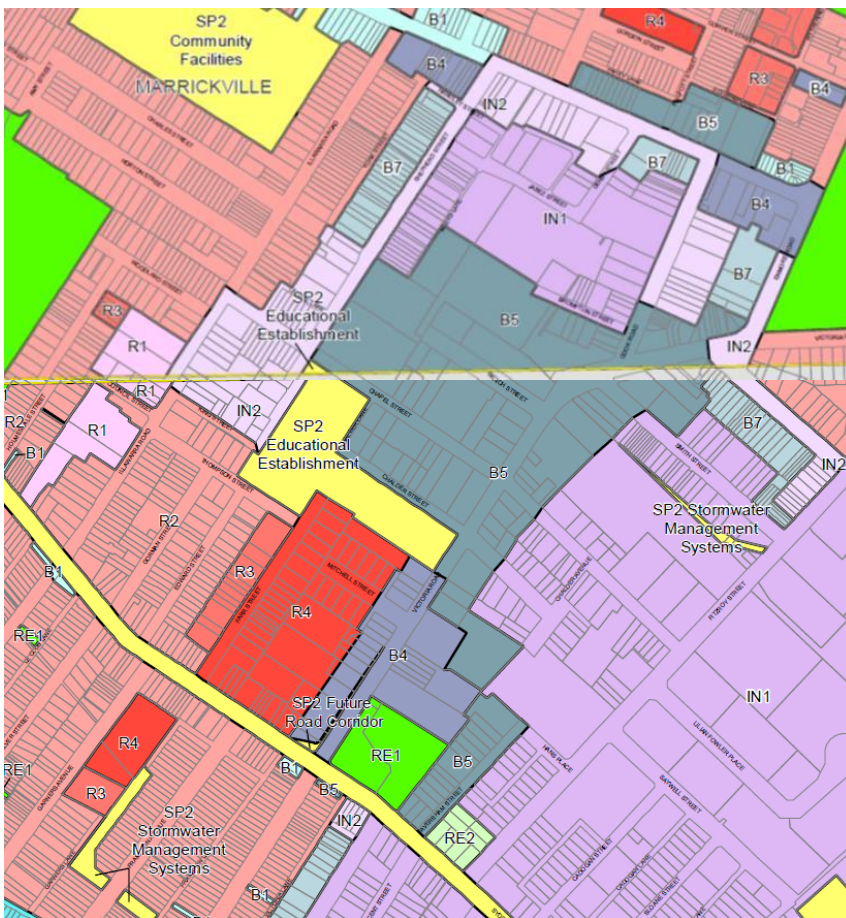
New Clause 6.17 was inserted into the MLEP which requires the preparation of a Development Control Plan (DCP) for the land prior to any development consent being granted addressing the following matters:

- “(a) the upgrading of road networks and intersections on the land and surrounding areas,*
- (b) transport connections on the land and within surrounding areas (including the layout of laneways, bicycle routes and other connections),*
- (c) the protection of items and areas of heritage significance,*

- (d) the management and mitigation of the impact of existing industrial development in the surrounding areas on the amenity of proposed residential development on the land,
- (e) the impacts of the development on the surrounding residential and industrial areas and the amenity of the neighbourhood,
- (f) the mitigation of aircraft noise (including through building design and the use of appropriate building materials),
- (g) the management of drainage and flood risks,
- (h) a network of active and passive recreation areas,
- (i) the protection of public open spaces (including from overshadowing).

Clause 6.18 was also inserted which requires satisfactory arrangements to be made with the State Government regarding public infrastructure, most specifically some widening at the intersection of Victoria and Sydenham Roads.

The current zoning map of the MLEP 2011 for the precinct is below.



Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
W2	Recreational Waterways

The current height of buildings map of the Marrickville LEP in the precinct is below.

Maximum Building Height (m)

J	9.5
L	11.0
N	14.0
P	17.0
Q	20.0
S	23.0
T1	26.0
T2	29.0
U	32

Maximum Building Height (RL m)

41-60



Council is now considering associated amendments to the Marrickville Development Control Plan 2011 (MDCP 2011) to meet the requirements of Clause 6.17 of the MLEP.

Council at its meeting on 24 April 2018 (C0418 Item 12) considered a report on exhibiting the draft Victoria Road DCP. A copy of that report is attached as **Attachment 4**.

In dealing with the matter Council resolved:

“THAT:

1. *The shadowing diagrams for Wicks Park within this report be included in the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 at Attachment 1;*
2. *Council resolves to publicly exhibit the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 (April 2018 version) at Attachment 1; and*
3. *The post exhibition report be reported back to Council no later than the first ordinary meeting in June.*

The draft Victoria Road DCP was publicly exhibited from 08 May 2018 to 05 June 2018. A total of 49 submissions were received in response to the exhibition. The Community Engagement Report can be found in **Attachment 2**. The public submissions have raised some substantive issues that warrant modifications to the draft Victoria Road DCP and these are identified and described in this report.

During the public exhibition period, Council consulted with key external agencies such as Sydney Airports Corporation Limited (SACL) and the Department of Roads and Maritime Services (RMS) and with key internal referral bodies such as the Architectural Excellence Panel (AEP), and Engineering and Heritage sections of Council to provide further input into the content and structure of the Victoria Road DCP.

KEY PLANNING ISSUES

As detailed in the background section of this report, the Victoria Road DCP seeks to address key considerations under Clause 6.17 of MLEP 2011 in order that it can be adopted by Council. An assessment of the outstanding issues of the Victoria Road DCP arising from the public exhibition and further analysis in relation to these key considerations is provided below.

“(a) the upgrading of road networks and intersections on the land and surrounding areas”

Intersection of Sydenham Road and Victoria Road

Clause 6.18 of MLEP 2011 requires the dedication of land and finances to support upgrades of state and regional roads. Sydenham Road is a classified (State) road that traverses through the precinct, and any required upgrades to this road are managed by the state agency, RMS.

During the assessment of the Victoria Road Planning Proposal, one of the key issues identified by Council’s traffic consultant was the need to upgrade the intersection of Victoria Road and Sydenham Road to mitigate the additional traffic generation resulting from the redevelopment associated with the planning proposal. The proponent was advised that a likely future upgrade of the Victoria Road/Sydenham Road intersection with additional turning lanes is required in accordance with the diagram below:

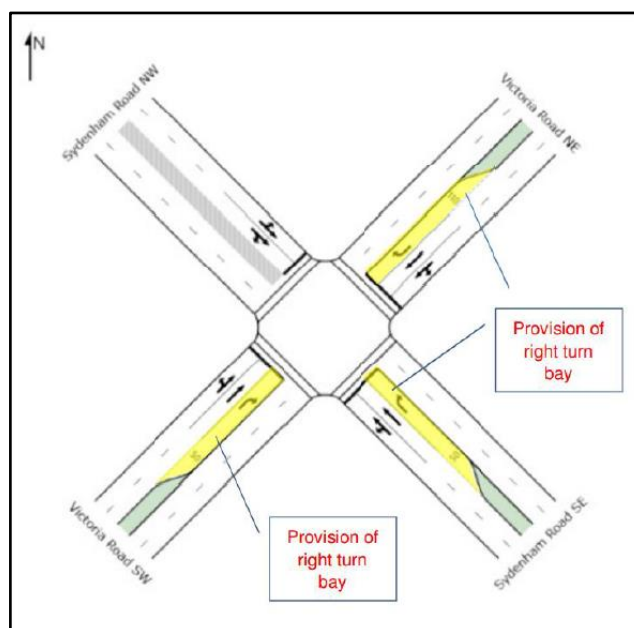


Figure 1: Required Upgrade on the intersection of Sydenham Road and Victoria Road

RMS has verbally advised Council that there is no objection to the DCP, subject to the recommended modifications raised in their referral being addressed (**Attachment 8**). The referral was received at the time of finalising this report and Council Officers will require time to review the RMS and TfNSW recommendations in conjunction with the recommendations made by Council’s engineers (**Attachment 1**) and undertake the appropriate amendments to the DCP as deemed appropriate before it is formally adopted.

Other Road Upgrades

Council’s Development Engineers have considered that land on certain streets within the precinct; particularly Brompton Street, Chalder Street and Chalder Lane, should be widened to improve traffic movements and ensure pedestrian safety and efficiency, particularly on the

roads (Chalder Street and Chalder Lane) adjacent to Marrickville Public School. The road/footpath widening may impact on items recommended for heritage listing, as discussed in section 1(c) of this report.

Officer Recommendations:

The recommendations made by RMS and TfNSW (**Attachment 8**) should be reviewed in conjunction with the Engineering recommendations in **Attachment 1**, and modifications to the DCP be undertaken as deemed appropriate, before the formal adoption of the DCP.

Other Road Upgrades

It is recommended that a further analysis is undertaken with Council Heritage Advisors and Engineers to resolve footpath/road widening on items for potential heritage listing and exploration of alternative solutions before formal adoption of the DCP.

“(b) transport connections on the land and within surrounding areas (including the layout of laneways, bicycle routes and other connections)”

Laneways

Laneways shown on the associated DCP are supported, however the DCP should limit the number of intersections along Victoria Road by consolidating access points and diverting vehicular access in new shared zones from Victoria Road to other laneways/existing streets to ameliorate impacts to traffic/pedestrian safety.

Additional pedestrian links and shared zones are recommended to improve pedestrian legibility, connectivity and safety throughout the precinct in accordance with Table 1(11), **Attachment 1**.

Bicycle Routes

The DCP identifies local on-road cycling routes through the precinct and indicates the intention to incorporate safe and legible cycle routes. The DCP lacks detail on the appropriate cycling infrastructure treatments and enhancements on the identified bicycle routes and does not detail the wider bicycle network in the areas just outside the precinct borders (such as Addison Road) to demonstrate the wider context of the cycling network in the Local Government Area (LGA).

Public Transport Connections

Transport for New South Wales (TfNSW) has raised concerns in their previous comments on the Victoria Road Planning Proposal about the impacts of additional traffic and access points on Victoria Road on the operational safety/efficiency bus routes and bus stops. At the date of finalising this report, comments from TfNSW had just been received (**Attachment 8**). Recommendations are made in the TfNSW referral (**Attachment 8**) which should be reviewed in conjunction with Engineering Comments in **Attachment 1** and any appropriate modifications be undertaken before formal adoption of the DCP.

Pedestrian Connections through Wicks Park

There is no pedestrian through-site link identified adjacent to the northern boundary of Wicks Park in the identified Wicks Park Sub-Precinct to link new development with the park.

Officer Recommendations:*Laneways*

Adopt the recommended action in Table 1(11), Attachment 1 requiring additional shared zones and alternate vehicle movements in new shared zones and laneways away from Victoria Road.

Bicycle Routes

The DCP should identify cycling infrastructure treatments and enhancements on the identified bicycle routes in accordance with Table 1(12), Attachment 1.

Public Transport Connections

Review recommendations made by RMS/TfNSW in their referral (**Attachment 8**) in conjunction with Council's Engineering comments (**Attachment 1**), and any appropriate modifications be undertaken to the DCP, before its formal adoption by Council.

Pedestrian Connections through Wicks Park

The DCP should provide for the construction of a 3m wide public footpath set back zone along the built edges of Wicks Park to ensure proper integration with the park.

“(c) the protection of items and areas of heritage significance”

There are no heritage conservation areas in the Victoria Road Precinct. However, there are two items of local heritage significance under MLEP 2011:

- 14 Rich Street – Industrial Façade (Item No. I117); and
- 65 Shepherds Street – Sims Metal Factory including interiors (Item No. I118).

Council's Heritage Advisor has undertaken a precinct-wide study to determine any additional items to be considered for heritage listing. The study can be viewed in **Attachment 5**. In summary, the following additional items are recommended for heritage listing:

- **Edward Bentley & Sons Twine Mill** complex (former) in Hans Place /Chalder Avenue. The whole complex not the facades should be listed including the brick facades and entrances to Faverhsam Street, Hans Place and Chalder Avenue, the sawtooth roofed sections.
- **Blyton Terrace**, 171-177 Victoria Road.
- **Semi-Detached housing** at 47-49 Chalder Street.
- **Metropolitan Knitting Mills** (former, now Kennards) 64 Chapel Street including the lane to the rear.
- **Suess Bakery** (former) 169 Victoria Road.
- **Stormwater Channel**, part of the Marrickville Swamp Drainage Scheme (as a S170 listing).
- **The Factory Theatre**, 105 Victoria Road, including the lane from Brompton Street.
- **Tin Sheds, Brompton Street** (formerly the Triangle Foundry & P P King Machinery Merchant) (11-13 Brompton Street).
- **Welby Terrace**, 2-22 Smith Street including interiors.
- **Wicks Park** (former Brick Pitt) including the substation, site of the wartime zig zag air raid trenches and landscaping.

Under the Environmental Planning and Assessment Act, 1979 (EP&A Act), the statutory protection of items of heritage significance is undertaken when formally listed in an LEP, not a

DCP. The process of heritage listing of the above sites under MLEP 2011 is a separate process to the review and adoption of this DCP and will be undertaken at a future stage.

A number of items for potential heritage listing are located in areas that are zoned 'SP2- Local Road' for road widening on Victoria Road or are located in areas to be identified for foot path/road widening by Council's Engineers and the DCP. The feasibility of such heritage listings on sites to be impacted by road widening/extensions, is required to be examined and alternative solutions explored with the heritage advisor and engineers before the DCP is formally adopted.

After undertaking the above review and finalising the list of potential items of heritage, the DCP should acknowledge the contributory value of these historical items and require further heritage studies when undertaking re-development as part of a Development Application with a view to encourage their retention/adaptive re-use as part of the redevelopment of those sites.

Officer Recommendation:

It is recommended that Council resolves the conflict between engineering requirements for road/footpath widening and potential items of heritage listing before the DCP is formally adopted. The final list of potential heritage items will be updated in the DCP on this basis (if required) upon the final recommendation for the Victoria Road DCP.

A control should be added to the heritage section of the DCP requiring a full heritage and fabric assessment of any re-development on items to be considered for heritage listing in accordance with the final listing, including any recommendations to mitigate impacts to potential heritage items. This process can acknowledge the contributory value of these historical items and require further heritage studies when undertaking re-development as part of a Development Application with a view to encourage their retention/adaptive re-use as part of the redevelopment of those sites. If necessary, consideration can also be given to actually exhibiting an amendment to the LEP concerning heritage items at the same time as the DCP is reported to Council.

“(d) the management and mitigation of the impact of existing industrial development in the surrounding areas on the amenity of proposed residential development on the land”

The mitigation of the impacts of existing industrial development on new residential development is addressed in the following two manners:

- The new residential and mixed-use zones in the precinct are buffered by less 'intrusive' zones in relation to industrial activity [B5 – Business Development, R2- Low Density Residential and SP2 – Educational Establishment zones under MLEP 2011 (see map below)] The residential zones are therefore less likely to be impacted by general industrial zones; and

Part 6.2 *Industrial/Residential Interface* of MDCP 2011 contains provisions to protect residential amenity adjacent to industrial land.

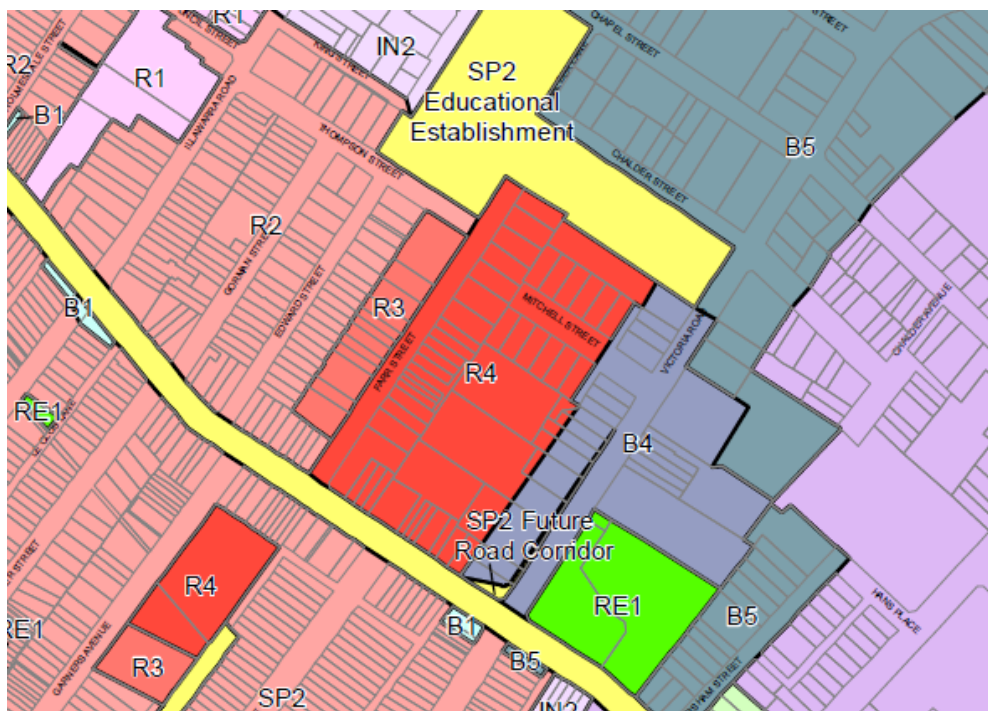


Figure 2: New residential/mixed-use R4. R3 and B4 zones are buffered by R2, B5 and SP2 zones, mitigating impacts from nearby heavier industrial (IN1 zones).

Officer Recommendation:

It is considered that Clause 6.17(d) of MLEP 2011 in relation to the management and mitigation of industrial development with the amenity of residential zones is satisfactorily addressed and no further modification to the draft Victoria Road DCP is recommended.

“(e) The impacts of the development on the surrounding residential and industrial areas and the amenity of the neighbourhood”

The DCP proposes tall residential/mixed-use building block structures (7 – 14 storeys) within close proximity to each other in the Timber Yards Sub-Precinct and Wicks Park Sub-Precinct. It is unclear whether the proposed tall block structures can conform to Apartment Design Guide (ADG) requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment in relation to building separation (18 – 24 metres for 5+ storeys) for solar access, outlook and privacy. It is also uncertain whether proposed building blocks can be of a building depth (12 metres to 18 metres) in accordance with the ADG to provide adequate natural ventilation and solar amenity in accordance with the ADG.

The application was referred to the Architectural Excellence Panel (AEP) who also raised the above issues. A full analysis of these issues can be viewed in Table 1(3 - 5), Attachment 1. While the applicant has provided indicative building block structures for the Timber Yards Precinct (see **Attachment 7**), the DCP should provide more certainty for design clarity around building blocks to ensure adequate ventilation and solar amenity within new development in the precinct.

Officer Recommendation:

It is recommended that the residential and mixed-use building blocks and separation distances between adjoining buildings should be dimensioned in the DCP in the R3, R4 and B4 zones in the precinct under MLEP 2011 to ensure building blocks conform to ADG requirements for building depth and separation in accordance with Table 1(3-5), Attachment 1.

The AEP also recommends increasing building separation between 2 x taller 14 storey building elements in the Timber Yards Sub-Precinct and provide a public park between these buildings to improve the open space provisions in the precinct (to be discussed in further detail later in this report). This solution is not supported for the reasons stated in Part 2(h) of this report.

“(f) the mitigation of aircraft noise (including through building design and the use of appropriate building materials)”

The Victoria Road DCP contains a comprehensive list of objectives, controls and design guidelines under Parts 9.47.11, 9.47.12 and Schedule 1 to mitigate aircraft noise. The DCP was referred to Sydney Airports Corporation Limited (SACL) which was satisfied with the noise attenuation measures provided in the DCP, subject to further information to be included in community notice boards about aircraft movements in the precinct [see Table 3(1), Schedule 1].

Officer Recommendation:

It is considered that Clause 6.17(f) of MLEP 2011 in relation to the mitigation of development from aircraft noise is satisfactorily addressed and no further modification to the draft Victoria Road DCP is recommended to address the above matter.

“(g) the management of drainage and flood risks”

The Victoria Road DCP was referred to Council’s Engineering section who stated that the DCP lacks clarity in detailing the required storm water infrastructure upgrades in the precinct. It is a concern that the proposal will increase flood risk in the LGA by intensification of development without provision of suitable flood mitigation measures to reduce flooding.

N.B: For a comprehensive analysis of the flooding issues, view Table 1(9), Attachment 1.

Officer Recommendation:

In order to adequately manage stormwater drainage and flood risk as required by Clause 6.17 3(g) of MLEP 2011 the following controls should be implemented included in the DCP:

- All Council or Sydney Water stormwater drainage systems shall be upgraded to a 1 in 20 year capacity.
- 1 in 100 year overland flow paths shall be provided over all Council or Sydney Water stormwater drainage systems.
- All existing blocked overland flow paths shall be opened.

A Section 7.11 Contributions Plan is being developed to further investigate required works and costing to develop an area-wide scheme to reduce potential flooding to acceptable levels for medium to high density residential development through a wider upgraded trunk drainage system for the locality. The plan shall provide more detailing regarding stormwater infrastructure. The risk associated with adopting the Victoria Road DCP prior to the establishment of a Section 7.11 Contributions Plan, is that Council may be unable to legally acquire private land (or require associated easements) or a suitable financial contribution to works required to provide associated stormwater infrastructure under a development application without giving rise to financial compensation which would potentially result in significant adverse resourcing and financial burdens to Council.

A full list of comments and recommendations in relation to storm water/flooding can be viewed in Table 1(9), Attachment 1.

“(h) a network of active and passive recreation areas”

The Victoria Road DCP proposes two publically accessible open spaces adjoining Farr Street in the Timber Yards Sub-Precinct and a ‘privately owned publically accessible’ park on Rich Street (referred to as ‘pocket parks’ in the DCP document). The application was referred to the AEP who made the following comments:

- Opportunity exists to increase building separation between two taller buildings (14 storeys) in the Timber Yards Sub-Precinct and provide a public open space between them to improve apartment amenity and public open space in the precinct [refer to Table 1(2), Schedule 1]; and
- Proposed Rich Street park would benefit from direct access and physical connection to the public street network, for example the park should have public street access along at least two sides of the park to ensure the park is perceived by people as a public place and not a ‘privatised’ or semi-public place.

The AEP recommendations will not be adopted for the reasons listed in Table 1(3)(6), **Attachment 1**. The reasons include the fact that a park in the Timber Yards precinct, to be bounded by a 14 storey building to the north (as per the AEP recommendation), is likely to be overshadowed for the majority of the daytime period.

The Rich Street Park is designed to be communal open space for the Rich Street Precinct, not as public open space, and re-locating it will result in design feasibility issues for future development. Council’s Trees and Parks section has stated their preference for the ‘pocket parks’ to be privately maintained and publically accessible. The ownership of land for the pocket parks will be resolved outside this DCP process.

Officer Recommendation:

It is recommended that all publically accessible open spaces should be dimensioned for clarity.

A comprehensive list of the comments and recommended solutions for the publically accessible open spaces can be viewed in Table 1(3)(6), **Attachment 1**.

“(i) the protection of public open spaces (including from overshadowing)”

The previous Council report (24 April 2018 – See **Attachment 4**) commented that the extent of shadowing of Wicks Park has been significantly reduced under the latest version of the MDCP amendment. Afternoon shadowing in winter has been almost eliminated, midday winter shadowing has been reduced, and morning winter shadowing is similar to initially proposed. This latest level of shadowing is considered much more acceptable than initially proposed.

Officer Recommendation:

To provide more certainty and clarity at the Development Application (DA) stage, it is recommended that the building blocks in the Wicks Park Sub-Precinct be dimensioned (including the building separation distances between them) to ensure that the buildings protect solar access to Wicks Park [see full solution in Table 1(4), **Attachment 1** for further detail].

OTHER PLANNING MATTERS FOR CONSIDERATION**a) Discrepancies between height and FSR**

The gazettal of the Victoria Road Planning Proposal under MLEP 2011 established height and Floor Space Ratio (FSR) maps for the precinct. It is noted that the relationship of height and FSR on sites has not been thoroughly tested as part of this process as a number of sites are

unlikely to achieve maximum heights under MLEP 2011 due to a lower FSR on the site. For example, a number of sites in the B5 Business Development zones have an FSR of 2:1 and a 23 metre (roughly 5 - 6 storeys) height limit, while other sites have a maximum height limit of 20 metres (roughly 5 storeys) with an FSR of 1:1. It is unlikely that development can achieve the maximum height limits with the maximum FSRs on some sites.

The draft Victoria Road DCP provides a Height of Building map (based on the Height of Building Map under MLEP 2011) with suggested building blocks. A number of building heights in the precinct will encourage a large exceedance in FSR development standards (some sites are roughly tested as 200%). It is imperative that a DCP document does not create scenarios that are contrary to the development standards under MLEP 2011. The DCP document should act as a 'guide' that communicates realistic building envelopes scenarios based on height and FSR. The DCP should not encourage exceedance in development standards.

Officer Recommendation:

It is recommended that the building blocks/height of buildings map in the draft Victoria Road DCP and Sections be revised to ensure suggested building heights are not exceeding the FSR development standards and provide a range rather than a fixed building height, e.g. '2 – 4 storeys' rather than '6 storeys'.

A control shall be included in Part 9.47.6.4 *Building Heights* of the DCP which states the following:

"Where a proposed development maximises the LEP floor space ratio for the site but does not achieve the maximum indicative building height set out in Figure 16, the LEP floor space ratio control shall prevail."

b) Site Amalgamation

Achieving height and FSR development standards

There are a number of narrow, smaller sites in the precinct where only maximum height and FSR development standards can be achieved through larger site amalgamations.

A DCP can address the above discrepancies by requiring site amalgamation. Site amalgamation requires smaller building blocks to be amalgamated for re-development, which can make it more achievable for height and FSRs to be reached with development by 'distributing' floor space across a larger site. It can provide building block and height scenarios that intend to achieve certain heights and FSRs and create an environment where it is viable for land owners to dedicate land for public infrastructure under a corresponding Section 7.11 Plan of the precinct. Adopting the DCP in its current form without a site amalgamation provision is likely to result in landowners, particularly with small parcels of land, being unfairly impacted by required land dedication for roads and footpaths without receiving any financial incentive to undertake such works. It is therefore important that a site amalgamation provision be undertaken to ensure land owners can fairly and equitably dedicate land for public infrastructure.

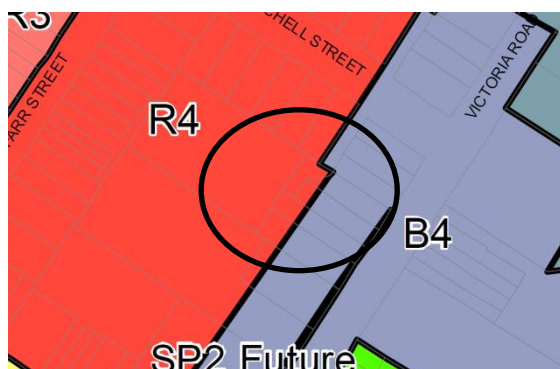
Amenity

The precinct contains a mixture of narrow, wide and deep lots. It makes it difficult to ensure sites can achieve good amenity (through building depth) and infrastructure (such as basement parking) without indicative site amalgamations.

Split zonings

The zoning map under MLEP 2011 identifies different zonings that do not follow the cadastral pattern of the site boundaries in the precinct. Split zonings on certain sites may be problematic in relation to design feasibility/efficiency for buildings. See picture below as an example of split

zonings between sites in the precinct (as circled in black). A site amalgamation provision can address this issue by directing development to be provided on land with the same zoning.



Isolated Sites

There is also a risk that smaller sites will be isolated during re-development given there is no site amalgamation provision to ameliorate this risk within the Marrickville LEP.

Officer Recommendation:

The following actions be undertaken:

- Create a site amalgamation map of the DCP specifying an indicative minimum lot size and frontage, providing a range that reflects different block structures in the sub-precincts. The site amalgamation map and Section 7.11 Contributions Plan should be created in conjunction with each other to ensure dedication of private land for public infrastructure can be legally and equitably achieved in the precinct without private land owners being unfairly burdened (financially) by land dedications during re-development;
- The site amalgamation section should include a control that allotments must not result in any adjoining sites being isolated to the extent that it is not possible for development to occur in accordance with the urban design vision for the Master Plan Area.

A full list of the comments and recommendations in relation to site amalgamation is provided in Table 1(1), **Attachment 1**.

c) Sydney Water Canal north of Rich Street

The canal corridor north of Rich Street should be activated as a pedestrian thoroughfare and incorporate Water Sensitive Urban Design (WSUD) Principles and public domain improvements.

Officer Recommendation:

Incorporate a separate DCP section providing WSUD objectives and controls for the canal corridor north of Rich Street as part of the movement network in the DCP to encourage its activation, subject to meeting any requirements by Sydney Water [refer to Table 1(7), Schedule 1].

d) Visual Privacy for Marrickville Public School

Concern was raised in public submissions about overlooking impacts to Victoria Road Public School from new development. While Part 2.7 of MDCP 2011 contains privacy objectives and controls for residential development, it does not address visual privacy of schools.

The setback map in the DCP (Figure 17, Page 29) recommends a 6 metre setback to the school from residential development on the Timber Yards Precinct. This setback should be increased to 9 metres to provide further visual privacy between the school and future residential development.

Officer Recommendation:

Add an objective and control in Part 9.47.9.2 *Building form and Design* of the DCP which requires developments to minimise overlooking onto Marrickville Public School [in accordance with Table 1(14), Schedule 1]. The setback map should be amended to increase the minimum required setback of 9 metres to the school from residential development in the Timber Yards Precinct (south of the school).

e) Waste

Council's Waste Resource Recovery Team has recommended the provision of a separate waste section in the DCP targeting the precinct to maximise resource separation and recovery in accordance with current best practice standards.

Officer Recommendation:

It is recommended that a separate section be added to the DCP and re-formatted in accordance with the DCP structure to incorporate the waste management objectives and controls in the precinct (See **Attachment 6**).

f) Minor/Administrative Matters and Errors

The Victoria Road DCP contains objectives and controls that can be further clarified, refined and modified to ensure consistency with Inner West Council's overall planning objectives controls, processes and development standards. The DCP also contains written and mapping errors and inconsistencies that require corrections. A full list of the minor/administrative matters can be viewed in Table 2, **Attachment 1**.

Officer Recommendation:

The minor/administrative matters and errors are resolved in accordance with the recommended actions listed in Table 2, **Attachment 1**.

PUBLIC CONSULTATION

The Victoria Road DCP was exhibited from 8 May 2018 to 5 June 2018. As part of that community engagement process, letters were sent to the individual property owners and occupiers of the affected land within the Victoria Road Precinct. Over 3,500 letters were sent out advising of the public exhibition of the proposed amendment. The draft Victoria Road DCP was exhibited on Council's Your Say Inner West Website, the portal to review the exhibition material and the Local Newspaper.

A total of 49 submissions were received in response to the community engagement. The outcome of the exhibition was:

- Supportive without amendment (16%)
- Supportive with amendments (37%)

- Not Supportive (45%)
- Out of scope of the DCP (2%)

A copy of the community engagement report can be found in **Attachment 2**, including an analysis of the public submissions and Council's response to these submissions. In essence, a number of public submissions raised concerns that warrant revisions to the DCP to address those concerns, while other parts of the DCP are considered satisfactory in relation to other objections and recommendations made by the public. A number of these issues have generally been reviewed earlier in this report.

Submissions were also received from agencies including RMS and TfNSW as referred to earlier in this report. A submission was also received from Sydney Airports Corporation Limited (SACL) stating that SACL is generally supportive of the DCP in relation to protection of airspace over the precinct and noise attenuation guidelines. SACL provided further information to be included in information packs for residential development in the precinct in accordance with Table 3(1) of **Attachment 1**.

SECTION 7.11 CONTRIBUTIONS PLAN (Formerly Section 94 Contributions Plan)

Clause 6.17 of MLEP 2011 requires the DCP to address, for the entire precinct, infrastructure in the form of road network upgrades, transport connections, drainage and recreation areas required to support the increased expected worker and resident population in the precinct. For critical infrastructure to be provided for the precinct, funding and land dedication (captured from re-development of land) mechanisms must be established.

The planning system in NSW does not permit Council to require land to be dedicated to Council unless there is a Section 7.11 Contributions Plan (formerly Section 94 Contribution Plans), pursuant to the Environmental EP&A Act, in place that identifies required funding and land dedications. While the draft Victoria Road DCP document identifies areas to be provided for potential publically accessible parks and footpath/road upgrades, the DCP cannot require land dedication as it is only considered a 'guideline' under Clause 3.43 of the EP&A Act.

The current Marrickville Section 94/94A Contributions Plan does not envisage this area being rezoned and developed for land uses other than industrial purposes. Whilst it allows for some contributions to be collected for development in the precinct these cannot be applied to the new works required as a result of the recent upzoning of the precinct and must be applied to the works already identified in that Plan.

Therefore if the draft Victoria Road DCP is approved prior to a new Section 7.11 Contributions Plan being in place there will be no mechanism for Council to secure the required funding and land dedications and Council would then have to provide this infrastructure at its own cost, as development applications could be approved without the necessary associated infrastructure delivery mechanism. Importantly, there would also be a strong risk that the land dedications required could not be achieved. These matters have not been budgeted for or otherwise allowed for and thus Council could be at risk of being required to provide services currently broadly estimated at in the potential order of \$50 million if a plan with suitable mechanisms is not in place.

Work is currently being carried out on a suitable Section 7.11 Contributions Plan addressing all the relevant works, and as part of this work various studies are required to be undertaken by Council. This work involves identifying in detail the critical infrastructure required for the precinct and the associated financial requirements and land dedications required for its delivery. Consequently it is recommended that the final draft DCP not be reported to Council for consideration for approval until the associated Section 7.11 Contributions Plan has been finalised for consideration for approval.

It is important that infrastructure works and required land dedications are clearly defined and established rather than this be done on an ad hoc basis so that each site is developed to efficiently and equitably manage infrastructure delivery in accordance with staging plans which identify the timing, cost and trigger points for the delivery of infrastructure upgrades.

Council would be aware that there is a current development application for the Rich Street area of the precinct under consideration. Given Clause 6.17 of the LEP, it is considered that the DA cannot be approved until the DCP is made.

Council staff have considered potential options to enable the determination of that, and other development applications, prior to the DCP/Section 7.11 Contributions Plan being finalised. External legal advice is being sought in this regard. Staff will also continue to work with the proponent for the Rich Street proposal to see if another solution can be found.

FINANCIAL IMPLICATIONS

As noted in this report, there would be a financial risk to Council if it approves the draft DCP before an associated Section 7.11 Contributions Plan is approved that includes suitable mechanisms to legally necessary financial contributions and land dedications for public infrastructure upgrades such as road widening, stormwater infrastructure and publically accessible open spaces. While it is not possible without a detailed infrastructure analysis to provide a detailed estimate of the potential monetary loss, the monetary loss could be in the order of approximately \$50 million based on an initial estimate of the infrastructure needs in the precinct.

CONCLUSION

The exhibition of the DCP raised several issues that have required amendments to be recommended to the DCP in order that it can be finalised. These issues are detailed in the report and include matters relating to road improvement works, transport connections, protection of heritage items, building design impacts and controls, drainage and flood risks.

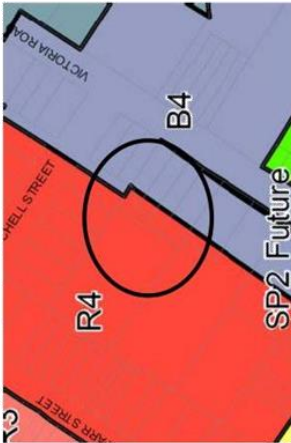
A key matter highlighted in finalising the DCP has been the need to establish a clear and robust mechanism to secure the provision of infrastructure upgrades needed to support the development of the precinct, in particular drainage, traffic and transport improvements and open space requirements, before the DCP is finalised. This is because when the DCP has been approved development applications can then be approved for the area, and if a suitable mechanism is not in place to deliver the infrastructure upgrades Council would be liable for the provision of these unbudgeted works, which preliminary work indicates could cost in the region of \$50 million. The usual mechanism to ensure the provision of the upgrades through development contributions is the associated new Section 7.11 (formerly Section 94) Contributions Plan on which work is under way. It is anticipated it will take approximately six months to finalise the plan and it is recommended that the DCP is not finalised until the Section 7.11 Contributions Plan is approved.

At this stage, based on advice received internally, it is considered, given the requirements of clause 6.17 of the LEP, that the approval of development applications must be deferred until the DCP is adopted. This is even so with the Rich Street precinct DA despite the proponent having offered to enter into a Voluntary Planning Agreement (VPA) which could have the effect of assisting with the provision of required infrastructure for the precinct. Council is seeking further external legal advice on this matter to determine whether there may be a mechanism to facilitate approval of the Rich Street DA prior to the ultimate adoption of the DCP. Staff will also continue to work with the Rich Street DA proponent in this regard.

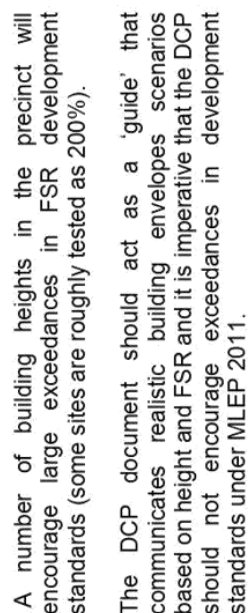
ATTACHMENTS

1. [↓](#) Victoria Road DCP Recommended Amendments
2. [↓](#) Victoria Road DCP Submissions Analysis
3. [↓](#) Determination Notice of LEP Amendment
4. [↓](#) Council Report Recommending Public Exhibition of draft Victoria Road DCP 24 April 2018
5. [↓](#) Heritage Study - Victoria Road Precinct (28 May 2018)
6. [↓](#) Waste Resource Recovery Objectives and Controls
7. [↓](#) Timbryards Building Separation
8. [↓](#) Referral from RMS and TfNSW

Table 1: Victoria Road Development Control Plan (DCP) – Recommended Major Amendments

Matter	Page/Figure Reference of the DCP	Comment	Recommended Action
1. New Site Amalgamation Section		<p><i>Amenity</i></p> <p>The precinct contains a mixture of narrow, wide and deep lots. It makes it difficult to ensure sites can achieve good amenity (through building depth) and infrastructure (such as basement parking).</p> <p><i>Split zonings</i></p> <p>The zoning map under MLEP 2011 identifies different zonings that do not follow the cadastral pattern of the site boundaries in the precinct. Split zonings on certain sites may be problematic in relation to design feasibility/efficiency for buildings. See picture below as an example of split zonings between sites in the precinct (as circled in black). A site amalgamation provision can address this issue by directing development to be provided on land with consistent zonings.</p> 	<p>The following actions be undertaken:</p> <ul style="list-style-type: none"> • Create a site amalgamation section of the DCP with the following objectives: <ul style="list-style-type: none"> - To encourage redevelopment and increased densities along certain streets within the precinct to support mixed uses comprising residential, light industrial and/or commercial uses of high quality and amenity. - To remove zoning anomalies within the same parcel of land to be redeveloped. - To enable the height and FSR controls for the precinct to be achieved through site amalgamation. • Create a site amalgamation map of the DCP which includes an overlay of indicative minimum lot sizes and frontages, e.g. 1,000sqm and frontage of 30 metres that ensures building blocks achieve good amenity and provide realistic scenarios so that FSR and height can be achieved where possible. The site amalgamation control should provide a range based on the different block structures in the sub-precincts. • The site amalgamation section should include a control that allotments must not result in any adjoining sites being isolated to the extent that it is not possible for development to occur in accordance with the urban design vision for the Master Plan Area.

	<p>Achieving height and FSR</p> <p>There are a number of narrow, smaller sites in the precinct where only maximum height and FSR development standards can be achieved through larger site amalgamations. Site amalgamation maps require smaller building blocks to be amalgamated for re-development, which can make it more achievable for height and FSRs to be reached with development by 'distributing' floor space across a larger site. It can provide building block and height scenarios that intend to achieve certain heights and FSRs and create incentive for land owners to dedicate land for public infrastructure.</p> <p>Isolated Sites</p> <p>Site Amalgamation maps also prevents smaller sites from being isolated from re-development.</p> <p>2. Discrepancies between height and FSR</p> <p>Figure 16 <i>Building Heights Map</i> (Page 26)</p> <p>Part 9.47.6.4 <i>Indicative Street Sections</i> (page 17)</p> <p>It is acknowledged that given the FSR and height controls are 'fixed' under MLEP 2011, some sites may not achieve the maximum heights and FSR.</p> <p>It is recommended that the building blocks/height of buildings map in the draft Victoria Road and Sections be revised to ensure suggested building heights are not exceeding the FSR development Standards and provide a range rather than a fixed building height, e.g. '2 – 4 storeys'.</p> <p>A control shall be included in Part 9.47.6.4 <i>Building Heights</i> of the DCP which states the following:</p> <p><i>"Where a proposed development maximises the LEP floor space ratio for the site but does not achieve the maximum indicative building height set out in Figure 16, the LEP floor space ratio control shall prevail."</i></p> <p>The draft Victoria Road DCP provides a Height of Building map (based on the Height of Building Map under MLEP 2011) with suggested building blocks (see image below).</p>
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<p>In this regard, the height of buildings map in the DCP should be amended to provide realistic height scenarios in accordance with corresponding FSR development standards on the sites.</p>	<p>The following actions be undertaken:</p> <ul style="list-style-type: none"> The building blocks, separation distance between them should be dimensioned to ensure adequate separation can be achieved for quality public open space and good internal amenity in accordance with ADG requirements. See an example from Part 9.40 of MDCP 2011 <i>Marrickville Town Centre (Commercial) Precinct</i> as a reference. The Timber Yards Sub-Precinct should be considered as a separate Master Plan Area and the site amalgamation section should include a site amalgamation map and recommend minimum block sizes consistent with the indicative Master Plan. <p><i>Example of Building Block Dimensions in metres provided within a DCP – Part 9.40 of MDCP 2011 Marrickville Town Centre (Commercial) and Part 9.25 of MDCP 2011 (St Peters Triangle):</i></p>
<p>3. Block Structures (defined by Mitchell Street, Farr Street, Victoria Road and Sydenham Road – Timber Yards Sub-Precinct)</p>	<p>11: Figure Indicative Masterplan (Page 11)</p> <p>16: Figure Building Heights Map (Page 26)</p> <p>It is unclear whether the proposed 14, 10 and 7 storey buildings have minimal building separation (approximately 10 - 18 metres), in accordance with the Apartment Design Guide (ADG), pursuant to State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65), which requires a minimal building separation of 18 to 24 metres between habitable rooms/balconies for buildings 5 storeys and above. The close proximity of the tall buildings may result in poor outlook and loss visual/acoustic privacy and solar access.</p> <p>The building blocks are not dimensioned which makes it difficult to determine whether developments can adequately achieve building depths to conform to ADG standards (12 – 18 metres glass line to glass line) to achieve good amenity in relation to solar access and cross-ventilation.</p> <p>The Architectural Excellence Panel (AEP) recommends deleting the 10 storey building in the middle of the block and increasing the 7 storey building (to the north) to 14 storeys to increase building separation between two taller building elements, giving necessary amenity and outlook to the buildings in the sub-precinct. There is opportunity to provide a public park between the 2 buildings and improve the outdoor public space provisions within the precinct.</p>

Item 7

Attachment 1



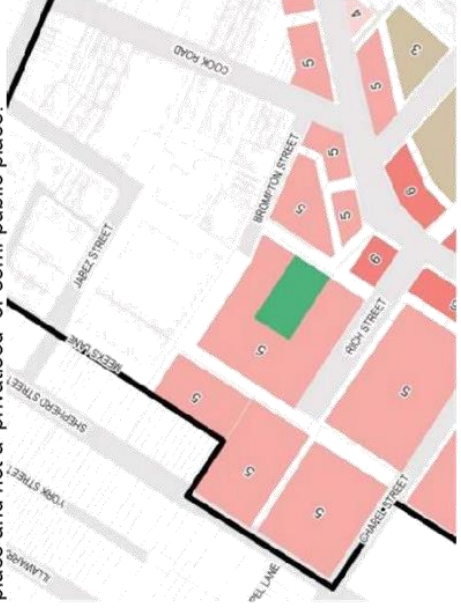
It is not recommended to adopt the AEP recommendation in relation to the central public open space for the following reasons:

- The 14 metre building to the north of a central public open space is more than likely to shadow the space for most of the entire day, particularly in winter (9am to 3pm);
- The scaled 14, 10, 7 metre building blocks provides a suitable transition in height/bulk and scale in the precinct rather than 2 x 14 storey buildings;
- The zoning is R4 – High Density Residential, it would be difficult to enforce the provision of a large park in light of the overarching zoning objectives and controls which encourages high density residential development.



<p>4. Block Structure (Wicks Park Sub-Precinct)</p>	<p>Figure 11: Concern is raised regarding the minimal building separation distance between the 2 x 9-storey building envelopes (see photo below) and whether there is adequate building separation distance to conform to the ADG requirements which recommend a 24 metre separation distance between habitable rooms and balconies of buildings 9 storeys and above.</p> <p>Figure 16: Building Heights Map (Page 26)</p> <p>The DCP also sets building blocks to minimise overshadowing onto Wicks Park as demonstrated in the previous Council report dated 24 April 2018 (Attachment 4). Dimensioned building blocks (and the space between them) will give further clarity of the required building blocks, dimensions and required separation distances between them to maintain a minimum of 3 hours solar access to Wicks Park between 9.00am and 3.00pm on 21 June.</p>	<p>The building envelopes and building separation distances should be dimensioned to ensure the development in the Wicks Yard Sub-Precinct achieves adequate building depths and separation distances to ensure good internal amenity in relation to privacy, solar access, perceived visual bulk and outlook in accordance with the ADG and maximise solar access to Wicks Park.</p> <p>The Wicks Park Sub-Precinct should be considered as a separate Master Plan Area and the site amalgamation section should be consistent with the indicative Master Plan.</p>
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		<p>The building blocks are not dimensioned to ensure good internal amenity and conformance to ADG requirements. Building envelope measurements are not provided for residential and mixed residential/commercial buildings other parts of the precinct (such as Victoria Road Sub-Precinct). It is unclear whether the building blocks proposed can provide building depths which achieve good amenity for solar access and cross ventilation.</p>	<p>Dimension building envelopes in metres for residential and mixed-use residential/commercial buildings in the precinct to limit the bulk of buildings (only in the R4, R3 and B4 zones).</p>
<p>5. Building Envelope Measurements (in General)</p>			
<p>6. Public Parks</p>	<p>Figure 15 Public Open Space Network (Page 24)</p>	<p>The DCP should commit to the location and dimensions (not just areas) of all new publically accessible open space to ensure clarity in respect of the design and location of new parks.</p>	<p>The following actions should be undertaken:</p> <ul style="list-style-type: none"> • Provide dimensions for the proposed publically accessible open spaces. <p>It is not recommended to re-locate the Rich Street Park in accordance with the AEP comments for the</p>

	<p><i>Rich Street Park (see photo below with green rectangle)</i></p> <p>The AEP recommends that the proposed Rich Street park would benefit from direct access and physical connection to the public street network - for example the park should have public street access along at least two sides of the park to ensure the park is perceived by people as a public place and not a 'privatised' or semi-public place.</p>  <p>following reasons:</p> <ul style="list-style-type: none"> • The space is not intended to be a public park, but rather communal open space for the proposed offices and creative light industries that would also be publically accessible; • The zoning provisions (B5- Business Development) does not directly require (by objectives) a public recreation space, but endorses a wide variety of business, warehouse and bulky goods uses; • As at the date of writing the report, the applicant has lodged a Development Application (DA201700558) for the Rich Street Precinct for creative light industries, office premises and food and drink premises. The AEP has not objected to the location of the communal open space in the centre of the precinct; • Inclusion of the publicly accessible open space within the DCP has originated because the owners of that land offered to provide such a space within their redevelopment proposal for their site; and • The relocation of the public park to Rich Street will potentially result in deeper floor plates for buildings, compromising internal amenity, particularly for commercial buildings. <p>Incorporate a separate DCP section providing a WSUD objectives and controls for the canal corridor north of Rich Street as part of the movement network in the DCP to encourage its activation, subject to meeting any requirements by Sydney Water. One of the controls should require the provision of interpretative signage of the history of the water channel.</p>
<p>7. Canal North of Rich Street</p>	<p>The canal corridor north of Rich Street should be activated as a pedestrian thoroughfare and incorporate Water Sensitive Urban Design (WSUD) Principles and public domain improvements.</p> <p>Aerial photo of a portion of Rich Street Canal:</p> <p>N/A</p>

	
<p>8. Pedestrian Link - Wicks Park</p>	<p>Figure 4 Indicative Master Plan (page 11)</p> <p>4 There is no pedestrian through-site link identified adjacent to the northern boundary of Wicks Park, in the identified Wicks Park sub-precinct (see photo below).</p> <p>Figure 5 Public Movement Network (page 14)</p> <p>The DCP should provide for the construction of a 3m wide public footpath set back zone along the built edges of Wicks Park to ensure proper integration with the park.</p>

9. Engineering: Storm water and Flooding



Based on recent work in the Marrickville Valley Flood Risk Management Plan (FRMSP) the majority of pipe networks in the industrial area, including the planning proposal area, have a capacity less than the 2 year ARI storm event. Victoria Rd and all areas east of this can be affected by water depths of 0.3 to 0.8m in a 100 year ARI storm event. It is a concern that the proposal will increase flood risk in the Local Government Area (LGA) by intensification of development without provision of suitable flood mitigation measures to reduce flooding.

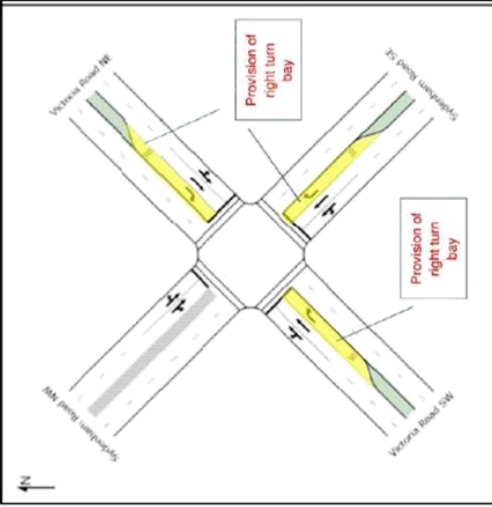
To reduce potential flooding to acceptable levels for medium to high density residential development, an

The Section 7.11 Contributions Plan details of necessary works to upgrade stormwater infrastructure in the area to manage flooding.

In order to adequately manage stormwater drainage and flood risk as required by Clause 6.17.3(g) of MLEP 2011 the following controls should be implemented included in the DCP:

- All Council or Sydney Water stormwater drainage systems must be upgraded to a 1 in 20 year capacity.
- 1 in 100 year overland flow paths shall be

<p>10. Engineering: Roads and Other Infrastructure</p>	<p>integrated area wide scheme needs to be constructed. This scheme should include new and upgraded trunk drainage to the Sydenham Detention Basin in Saywell Street. Preliminary cost estimates for this work are over \$2.5 million and will require works outside the proposed DCP area. Subsequent to this, additional works will need to be constructed to address flooding in specific streets within the Proposed DCP area including Victoria, Faversham Street, Hans Street, Brompton Street, Cook Road, Smith Street, Chapel Street and Chalder Street. Although no estimate of the cost of these works has been prepared it is likely this would be of a similar or greater cost to the trunk drainage in Saywell Street.</p> <p>The DCP lacks detail in relation to needed infrastructure upgrades in relation to traffic signals, road widening and power lines.</p> <p>Infrastructure works The DCP lacks clarity on the required intersection upgrade on the corner of Sydenham Road and Victoria Road to accommodate additional vehicular traffic in accordance with the diagram below:</p> <p>Infrastructure Works Infrastructure work details such as roundabouts and traffic lights will be included in a Section 7.11 Contributions Plan. Proposed traffic lights on Sydenham Road requires RMS approval.</p> <p>Road Upgrade Intersection of Sydenham Road and Victoria Road Await referral on RMS regarding the intersection upgrade on Sydenham Road and Victoria Road to understand required land dedications and its impact on the final block structure.</p> <p>Road Widening The 21 metre road widening would be a poor visual outcome for the precinct and encourages facilitation of additional car usage. It is in the opinion of Council's Planners that the majority of parking should be provided within building basements and not on the</p>
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	<p>street. For this reason, road widening to 21 metres of:</p> <ul style="list-style-type: none"> • Rich Street; • Smith Street; • Hans Place; • Faversham Street; • Farr Street; • Chalder Street (south of Victoria Road); and • Mitchell Street; <p>is not recommended.</p> <p>Other Roads to be widened</p> <p>It is recommended that a further analysis is undertaken with Council Engineer's and Heritage Advisors to resolve footpath/road widening on items for potential heritage listing and potential exploration of alternative solutions before formal adoption of the DCP.</p> <p>Power Lines</p> <p>The DCP should adopt a control requiring the 'undergrounding of power lines' in a separate 'other infrastructure' section; Brompton Street, Chalder Lane and Chalder Street.</p> <p>N.B road widening should be reviewed on sites that will be potentially adversely impact on identified buildings for heritage listing [see Table 1(12)].</p> <p>Note: RMS and TfNSW comments were received late in the assessment process and need to be reviewed in conjunction with Council's Engineering comments (Attachment 9). The recommended modifications should be undertaken as deemed appropriate by relevant</p>
	<p>Council's Engineers state that the following additional traffic works/measures must be included in the DCP:</p> <ul style="list-style-type: none"> • Traffic signals at intersection of Victoria Road and Chapel Street including road widening at intersection to allow for right turn slip lanes (ie opposing right turn bays) • Traffic Signals at intersection of Fitzroy and Sydneyham • Roundabout at intersection of Fitzroy and Chapel Street <p>Road widening</p> <p>Council's Engineers state that the following roads shall be widened to allow for 90 degree parking on one side with parallel parking the other side and minimum 3.5m (total 21m road reserve):</p>



	Council Officers before formal adoption of the DCP.
11. Engineering: Laneways/Shared Zones	<ul style="list-style-type: none"> Rich Street Smith Street Hans Place Faversham Street Farr Street Chalder Street (south of Victoria Road) Mitchell Street <p>Other roads to be widened:</p> <p>Council's Engineers state that the following other roads should be widened:</p> <ul style="list-style-type: none"> Brompton Street to be widened to allow for parking on both sides with 2 travel lanes (one in each direction); Chalder Lane to be widened to allow a parking lane and minimum 2.5m footpath to improve pedestrian access to the adjacent school; Chalder Street (west of Victoria Road) opposite the school shall be widened to allow for 3.5m footpath adjacent to the school, a 2.5m parking lane adjacent to the school and 2 travelling lanes (2m x3.7m). <p>Undergrounding of Power Lines</p> <p>The DCP should consider a requirement for power lines to be installed underground upon redevelopment.</p> <p>Council's Engineers provide the following comments:</p> <ul style="list-style-type: none"> Laneways shown on the master plan are supported however new vehicular access links onto Victoria Road are not supported. The DCP approach should be to limit the number of intersections along Victoria Road by consolidating access points <p>The following actions are required in relation to the laneways/shared zones:</p> <ul style="list-style-type: none"> Convert Mitchell Street into a shared zone; Divert vehicular access from shared zones away from Victoria Road onto proposed laneways; and

Movement Network (page 14)	<p>(where alternative access can be achieved). Pedestrian access links however are supported.</p> <ul style="list-style-type: none"> The following additional link are suggested to be proposed by Council's Engineers: <ul style="list-style-type: none"> Pedestrian link from Jabez Street to Brompton Street. The shared zones shown on Figure 5 are supported however vehicular access should not continue onto Victoria Road but be diverted to continue along the proposed laneways. Mitchell Street should also become a shared zone. In addition consideration should be given to converting Chalder Street (west of Victoria Road and Chalder Avenue) into shared zones. 	<ul style="list-style-type: none"> Amend any written references of the movement network in the DCP to reflect the recommended changes above. <p>It is not recommended to extend the pedestrian link from Jabez Street to Brompton Street given the area is outside the scope of the Master Plan Area and was not 'up-zoned' for re-development under the Victoria Road Precinct Planning Proposal. The pedestrian link will cut through an existing industrial building. There is no motive to dedicate private land in this area for a public thoroughfare given there is no incentive to re-develop the land as it remains IN1 – General Industrial.</p> <p>It is not recommended to convert Chalder Street (west of Victoria Road and Chalder Avenue) into a shared zone given it traverses an IN1 – General Industrial zone and is likely to compromise the functionality of the road.</p> <p>Note: RMS and TfNSW comments were received late in the assessment process and need to be reviewed in conjunction with Council's Engineering comments (Attachment 9). The recommended modifications should be undertaken as deemed appropriate by relevant Council Officers before formal adoption of the DCP.</p>
12. Cycling Infrastructure	<p>The DCP identifies local on-road cycling routes through the precinct via Jabez Street, Shepherd Street, Thompson Street, Farr Street, Chapel Street and Sydenham Road and indicates the intention to incorporate safe and legible cycle routes through the precinct.</p>	<p>The DCP should identify cycling infrastructure treatments and enhancements on the identified bicycle routes in the study area to be consistent with Council's Marrickville Bicycle Strategy and the NSW Bicycle Guidelines under the controls contained in Part 9.47.6.1.</p>

	<p>In a previous referral from Council's Cycle Planner for the Victoria Road Planning Proposal, it was commented that the DCP lacks detail on the appropriate cycling infrastructure treatments and enhancements to the identified bicycle routes. It was also commented that the Addison Road cycle route should be added to the DCP Movement Network Map to show the wider bicycle network context, and connectivity of bicycle routes in the study area to destinations further afield.</p> <p>The above matter is important to address Clause 6.17(3)(b) of MLEP 2011 which requires the DCP to identify transport connections, including the layout of bicycle routes.</p> <p>Council's Heritage Advisor has recommended certain sites to be heritage listed within the Victoria Road Precinct (refer to memo dated 28 May 2018):</p> <ul style="list-style-type: none"> • Edward Bentley & Sons Twine Mill complex (former) in Hans Place /Chalder Avenue. The whole complex not the facades should be listed including the brick facades and entrances to Faverhsam Street, Hans Place and Chalder Avenue, the sawtooth roofed sections, the (earlier?) building with a clerestory, the lane to the west and the passage to the north. The portion of the site that has been redeveloped is within the same lot but can be excluded from the curtilage of the heritage item. Map item No. 9 • Blyton Terrace, 171-177 Victoria Road. Map item No. 11 • Semi-Detached housing at 47-49 Chalder Street. Map item No. 14 • Metropolitan Knitting Mills (former, now Kennards) 64 Chapel Street including the lane to the rear. Map item No. 13 <p>The following actions be undertaken:</p> <ul style="list-style-type: none"> • To recognise the contributory value of the listed items to the historical setting of the precinct (to the left of this column), the DCP chapter should include a list of the sites and addresses to be 'potential heritage items' in accordance with the previous column. • A control should be included in the heritage component of the DCP requiring: <ol style="list-style-type: none"> a) that a heritage assessment is undertaken as part of any future DA to determine the significance of any identified building/items for potential heritage listing; b) the heritage assessment should identify the extent of the significant fabric within the building/item and provide advice on extent of fabric that is worthy of retention. <p>The Addison Road bicycle network shall be included in the Movement Network Map (Figure 5, page 14).</p>
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<ul style="list-style-type: none"> • Suess Bakery (former) 169 Victoria Road, Map item No. 12 • Stormwater Channel, part of the Marrickville Swamp Drainage Scheme (as a S170 listing) Map item No. 8 • The Factory Theatre, 105 Victoria Road, including the lane from Brompton Street, Map item No. 5 • Tin Sheds, Brompton Street (formerly the Triangle Foundry & P P King Machinery Merchant) (11-13 Brompton Street). Map item No. 4 • Welby Terrace, 2-22 Smith Street including interiors. Map item No. 7 • Wicks Park (former Brick Pitt) including the substation, site of the wartime zig zag air raid trenches and landscaping. Map item No. 10 <p>The names of the items should reflect their original use or name rather than the name of later occupiers such as Sims Metal.</p>	<p>c) Make recommendations to mitigate the impacts of any proposed development on that building/item, including restoration/retention of fabric.</p> <ul style="list-style-type: none"> • Heritage listing of the sites will form part of a future Planning Proposal process. • A number of items for potential heritage listing are located in areas that are zoned 'SP2-Local Road' (Blyton Terrace and Suess Bakery) for road widening on Victoria Road or are located in areas to be identified for foot path/road widening by Council's Engineers and the DCP (Semi-detached housing on Chalder Street and Metropolitan Knitting Mills). The feasibility of such heritage listings, particularly on sites to be impacted by road widening/extensions, is required to be reviewed and potential solutions explored before the final adoption of the DCP. • In the meantime, it is not appropriate to treat the items as 'heritage listed' in the DCP without going through the proper LEP process. This review should include a study of the potential conflicts listing heritage items on Victoria Road whilst being affected by the SP2 – Road Widening zone. However, as previously mentioned, the DCP can recognise their contributory value to the history of the precinct. • To reinforce the established historic character of the area for new occupants of the precinct and their visitors, historic focussed installations describing/displaying/interpreting the indigenous history of the locality; the unique industrial history of the area; and the
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	 <p>This matter needs to be explored as part of a future Planning Proposal, with due process to be undertaken under the EP&A Act. This process is outside the scope of the Victoria Road DCP.</p> <p>However, in the meantime, the heritage chapter of the DCP should recognise the potential for the above sites to contribute to the local historical setting of the precinct and provide a process which undertakes further detailed study for each item before considering its retention or demolition as part of a future DA.</p> <p>A number of sites identified for potential heritage listing are located on land zoned 'SP2 – Infrastructure' for road widening (Blyton Terrace, 171- 177 Victoria Road and Suessex Bakery, 169 Victoria Road). The feasibility of these heritage listings need to be further reviewed in light of road widening.</p>	<p>natural history of the area (associated with the introduction of the canal(s)) should be provided throughout the public open space network (as potentially informed by an interpretive study). An objective and control to such effect should be included in Part 9.47.15 <i>Heritage</i> of the DCP.</p>
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	<p>The Metropolitan Knitting Mills (64 Chapel Street) and terraces on 47 – 49 Chalder Street are on sites that are recommended for footpath/road widening by Council's Engineers. The design of these footpaths need further review in light of the potential heritage listings.</p>	
<p>14. Privacy for Marrickville Public School</p>	<p>Concern was raised in public submissions about overlooking impacts to Victoria Road Public School from new development. While Part 2.7 of MDGP 2011 contains privacy objectives and controls for residential development, it does not address visual privacy of schools.</p> <p>An objective and control in the 'Building form and design' section of the DCP (Part 9.47.9.2) should include an objective and control relating to minimizing visual overlooking from new development to Marrickville Public School.</p>	<p>Add an objective and control in Part 9.47.9.2 <i>Building form and Design</i> of the DCP which requires developments to minimise overlooking onto Marrickville Public School.</p> <p>The setback map (Figure 17, Page 29) should be amended to increase the setback to Marrickville Public School from 6m to 9m.</p>
<p>15. Waste</p>	<p>There should be a greater setback to Marrickville Public School from residential development in the Timber Yards Precinct.</p> <p>Council's Waste Resource Recovery Team have recommended a separate waste DCP section targeting the precinct to maximize resource separation and recovery in accordance with current best practice standards.</p>	<p>It is recommended that a separate section the DCP be added to incorporate the waste management objectives and controls in the precinct (Attachment 7).</p>

Table 2: Victoria Road Development Control Plan (DCP) – Recommended Minor/Administrative Amendments

Matter		Page/Figure Reference of the DCP	Comment	Recommended Action
1. Location of Community Facilities		Objective(1), Control (1) Part 9.47.14 (Page 33)	Childcare Facilities The DCP encourages community facilities including 'childcare'. The precinct is located in a heavily aircraft noise-affected location (ANEF contour 25+). The location of childcare facilities in land affected by an ANEF contour of 25 or above is prohibited in Control C10, Part 7.1.2 <i>Childcare Centres</i> of MDCP 2011 due to the associated adverse amenity impacts.	<p>The following actions should be undertaken:</p> <ul style="list-style-type: none"> Delete the wording, 'child care' from the Community Facilities objectives and controls contained in Part 9.47.14 (Page 33) and the Desired Future Character Objectives in Part 9.47.14 (Page 7).
		Part 9.47.3(13) <i>Desired Future Character</i> (Pages 6-7)	Figure 4 'Indicative Masterplan' (Page 11)	
2. Street Sections		Figure 13: Street Section 7 – Wicks Park Northern Interface (Page 21)	Figure 13 does not depict the full height of the building in the section drawing.	Depict the full height of the Wicks Park Building in the Section 7 drawing (page 21).
3. Heritage		Table 5 (Page 33)	<p>The DCP refers to 93-97 Chapel Street as a heritage listed item under MLEP 2011 (Industrial façade). However, this site is listed as 14 Rich Street in MLEP 2011.</p> <p>Table 5 states 'Existing and potential heritage items', however, all items on the list are gazetted heritage items under MLEP 2011.</p>	<p>Replace references of 93-97 Chapel Street with 14 Rich Street.</p> <p>Delete the word 'and potential' from 'Existing and potential heritage items' the Table 5 heading (Page 33).</p>
4. Aircraft Noise Controls		Control 1, Part 9.47.9.2 <i>Building Form and Design</i> (Page 27)	The following observations are made in relation to objectives and controls	Delete Control 1, Part 9.47.9.

Table 5: Existing and potential heritage items

Item	Significance
1. 93-97 Chapel Street (Industrial façade)	Item has historical and scientific significance and is a heritage item.
2. 93-97 Chapel Street (Industrial façade)	Item has historical and scientific significance and is a heritage item.

Note: There are no 'Heritage Conservation Areas' contained within the precinct.

<p>Objective 03 Part 9.47.12 (Page 32)</p> <p>for aircraft noise:</p> <ul style="list-style-type: none"> Control 1, Part 9.47.9.2 states, "A considered approach has been applied in the siting of buildings within the Timber Yards and Wicks Park sub-precincts in order to protect resident's acoustic amenity from noise and vibration impacts of airport operation within ANEF 25". <p>The DCP already contains design guidelines for aircraft noise in Schedule 1 and therefore, the above control should be deleted.</p> <ul style="list-style-type: none"> Objective 03 Part 9.47.12, "To ensure future residents are aware that residential properties within the Victoria Road Precinct are potentially subjected to impacts from aircraft flying overhead before they decide to purchase property." <p>The wording of the above objective would make Council responsible for 'buyer beware' provisions in relation to parties purchasing properties in aircraft noise-affected locations, which is outside the scope of Council responsibility. While Council shall provide details of noise affectations on properties when requested by Section</p>	<p>Re-word Objective 03, 9.47.12 to:</p> <p>"To maximise the provision of information to residents regarding aircraft noise".</p>
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	<p>10.7 certificates (formerly Section 149) under the EP&A Act, 1979, and other verbal/written advice, it is not Council's duty to ensure this information disclosure specifically during a sales process.</p> <p>Planning objectives should achieve good urban/environmental outcomes, without 'provisos'.</p> <p>This section creates a design excellence objective and associated control which requires applications within certain precincts to be referred to the AEP.</p> <p>Inner West Council has 'terms of reference' policy for applications to be referred to the AEP and this control therefore does not need to be replicated in this document.</p> <p>Design excellence objectives are already stated in the DCP (Part 9.47.9.2 <i>Building Design</i>) and other sections of Council's LEP and DCP such as Clause 1.2 of MLEP 2011 and Part 4 of MDCP 2011. SEPP 65 also covers design excellence provisions for apartments and mixed-use buildings.</p> <p>The design excellence section (part 9.47.10) of the DCP is therefore not needed.</p>
<p>5. Architectural Panel (AEP)</p>	<p>Excellence Part 9.47.10 (Page 31)</p> <p>Delete Part 9.47.10 from the DCP.</p>

6. Desired Future Character	<p>Part 9.47.3 <i>Desired Future Character</i> (Pages 6-7)</p> <p>The Desired Future Character objectives in this section should be enhanced to include architectural excellence objectives and protection and enhancement of residential amenity.</p> <p>The following objectives shall be added to the document:</p> <ul style="list-style-type: none"> • To integrate design excellence and sustainability across the precinct and within individual buildings and open spaces/public domain. • To ensure that higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments. • To ensure that the design of higher density development protects the residential amenity of adjoining and surrounding properties
7. Communal Open Space	<p>Table 7 Indoor Communal Open Space (Page 41)</p> <p>The DCP requires the provision of 'indoor communal open space' at a rate of 40sqm or 1sqm per apartment, whichever is larger, to offer community space that will be protected from aircraft noise. Communal Open Space is defined as uses such as a gymnasium, indoor pool and sound rooms. This is to improve the recreational amenity of residential apartments as outdoor spaces will be heavily impacted by aircraft noise.</p> <p>Replace any reference to 'communal open space' in the DCP (referring to indoor facilities such as pools and gymnasiums) with 'indoor communal facility'.</p> <p>The above idea is accepted in principle. However, the use of the word 'communal open space'</p>

	<p>contradicts the associated meaning in the ADG which is outdoor open space at ground level or elevated terrace/roof-top level of apartment and mixed-use buildings. The wording should be changed to 'indoor communal facility' to remove confusion between the related definitions in the Victoria Road DCP and ADG.</p>
<p>8. Precinct Boundaries</p>	<p>Figure 3 'Sub-precincts' (Page 8)</p> <p>The Victoria Road DCP subdivides the locality into different precincts to define their different intended characters.</p> <p>Re-align Sub-Precinct boundaries with the correct zonings and corresponding land boundaries</p> <p>There are a number of other sub-precincts that do not align with the correct/corresponding zone boundaries and should be re-aligned to be consistent with their zonings.</p> <p>For example, the DCP contains Sub-Precinct 1 <i>Victoria Road Corridor</i> and envisions an area with active commercial/retail uses at ground level given the site is predominantly zoned as B4 – Mixed-use and B5 – Business Development. The Sub-Precinct Map shows Sub-Precinct 1 <i>Victoria Road Corridor</i> includes a portion of the western section of Wicks Park and the eastern section of Marrickville Public School (see map and black circles below):</p>



Sub-Precinct Map – Victoria Road DCP

Sub-Precinct 1 should not include Wicks Park and instead, Wicks Park should be incorporated into Precinct 3: *Wicks Park Sub-Precinct* given that the park is to be retained and will not accommodate any retail/commercial uses as identified in the character description of Sub-Precinct 1 *Victoria Road Corridor*. Sub-Precinct 1 *Victoria Road* should exclude the public school



		given it is not a commercial use. There are other noted examples of these precinct inconsistencies observed by Council's Planner which should be addressed.	
9. Validity of Sub-Precinct 5 (Chalder Avenue Sub-Precinct)	Part 9.47.4 Sub-Precincts (Page 10)	<p>The objective of Sub-Precinct 5 <i>Chalder Avenue</i> is to encourage light industrial uses act as a 'buffer zone' between heavy industries to the south-east and the Victoria Road Commercial Precinct.</p> <p>This objective is unachievable as the precinct is predominantly zoned IN1-General Industrial, which permits heavy industries. It will not be feasible for Council to discourage heavy industries or enforce light industries in Sub Precinct 5 due to the overarching IN1 zoning objectives and permitted uses.</p>	<p>Incorporate Sub-Precinct 5 into Sub-Precinct 7.</p> <p>Remove the 'special transitional industrial uses' building blocks in the Figure 4 <i>Indicative Master Plan</i> (Page 11) that are located in IN1 – General Industrial Zones.</p>
10. Movement Network	Objective (2) Part 9.47.6 Movement Network (Page 12)	The DCP should ensure that new streets in the precinct are publically accessible and not privately owned and/or create barriers to public access	Add the word 'public streets' in Objective (2) and Control C1(c) Part 9.47.6.
11. Setback Map- Sydenham Road and Victoria Road Corridor	Figure 17 Ground and Upper Level Setbacks Map (Page 29)	<p>Corner of Sydenham Road and Victoria Road</p> <p>The setback map demonstrates a 'zero ground level setback' to the corner of Sydenham Road and Victoria</p>	<p>Amend the setback map of Sydenham Road and Victoria Road in accordance with the SP2 - zoning map under MLEP 2011.</p> <p>Delete 'or existing predominant setback' from the 2m setback</p>

	<p>Road. The setback map demonstrates that the building should follow the existing corner intersection of the site. However, this fails to take into account the future road widening and SP2-Future Road Corridor zoning under MLEP 2011 impacting this corner site.</p> <p><i>Victoria Road</i></p> <p>The western side of Victoria Road contains a strip zoned as SP2 – Infrastructure for road widening. The setback map should reflect this.</p> <p><i>2m setback legend</i></p> <p>The 2m setback legend states, '2m ground level setback or existing predominant setback'. The 'or existing predominant setback' wording should be deleted as the 2m setbacks are predominantly on sites that have been re-zoned to B5-Business Development and therefore have potential for re-development. Any new development should conform to a consistent setback pattern rather than conforming to existing building setbacks in the precinct.</p> <p>The Sub-Precinct description of Timber Yards describes an area being predominantly of '3 – 5 storey buildings'. However, there are no 5 storey buildings proposed in the precinct (Figure 16 Building Heights Map, Page 26) and buildings predominantly range from 3 to 7</p>
<p>12. Heights in Sub-Precinct Character <i>Timber Yards Precinct</i></p>	<p>Part 9.47.4 Sub-precincts (Page 9)</p> <p>Amend Sub-Precinct description of Timber Yards Sub-Precinct to, "Built form will transition in height, being predominantly 3-7 storeys along the periphery."</p>


13. Potential Connections	Future
	<div data-bbox="300 1081 379 1473"><p>Figure 4 Indicative Masterplan (Page 11)</p></div> <div data-bbox="256 658 515 1061"><p>stores.</p><p>The movement network map includes potential future connections in areas that were not 'up-zoned' for re-development and on land that remains industrial. These movement networks pass through existing industrial buildings (see photo below) and would therefore require their demolition.</p></div> <div data-bbox="539 658 699 1061"><p>Given that there is no incentive to dedicate industrial land for future vehicle/pedestrian connections in land that is not ear marked for re-development, the connections are not likely to be achieved.</p></div> <div data-bbox="699 658 1090 1061"></div> <div data-bbox="300 255 486 636"><p>Remove any line reference to 'Possible Future Connections' on land that remains IN1 – General Industrial under MLEP 2011 (i.e. pedestrian links that falls outside the Master Plan area that was 'up-zoned' for re-development).</p></div>

Table 3: External Agency Comments

Referral Bodies	Page/Figure Reference of the DCP	Comments	Recommended Action
1. Sydney Airports Corporation Limited (SACL)	Table 8, Design Solution 6 (Page 43)	<p>That the following information be included in Design Solution D.6 (Schedule 1.6) of the DCP:</p> <ul style="list-style-type: none"> A link to the most recent airport master plan published by Sydney Airport, which can be downloaded from www.sydneyairport.com.au, with specific reference to the chapter addressing aircraft noise-related issues. Existing numbers of aircraft movements (morning, daytime and evening) and existing periods of respite from aircraft movements (morning, daytime and evening), sourced from the most recent Sydney Airport Operational Statistics report published by Airservices Australia. This can be downloaded from www.airservicesaustralia.com. Forecast numbers of aircraft movements (morning, daytime and evening) and forecast periods of respite from aircraft movements (morning, daytime and evening), sourced from the most recent airport master plan published by Sydney Airport. This can be downloaded from www.sydneyairport.com.au. A copy of each of the following aircraft noise mapping charts, as published in the most recent airport master plan published by Sydney Airport: <ul style="list-style-type: none"> Australian Noise Exposure Forecast Frequency-based aircraft noise charts for the periods 6am to 11pm (N70) and 11pm to 6am (N60). <p>The above points will replace dots 4.5.6 and 8 in that table.</p>	Implement the flight schedule information in Table 8, DS6

Victoria Road Development Control Plan (DCP) Amendment – Report on Public Submissions



June 2018

Summary

The Victoria Road DCP exhibition was held from 08/05/18 – 05/06/18. During the public exhibition period 49 individual submissions were logged by Council.

Background

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental 2011 Plan (MLEP 2011) on 1 December 2017. Council is now required to consider associated amendments to the Marrickville Development Control Plan (MDCP) in order to support the amended DCP for the Victoria Road Precinct.

Council at its meeting on 24 April 2018 (C0418 Item 12) considered a report on exhibiting the draft Victoria Road DCP.

In dealing with the matter Council resolved:

“THAT Council:

- 1. The shadowing diagrams for Wicks Park within this report be included in the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 at Attachment 1;*
- 2. Council resolves to publicly exhibit the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 (April 2018 version) at Attachment 1; and*
- 3. The post exhibition report be reported back to Council no later than the first ordinary meeting in June.*

Purpose

The purpose of the engagement was to satisfy the statutory requirements for public exhibition of a DCP as determined by the NSW Department of Planning & Environment. The aim of the process was to identify stakeholders, inform them of the proposal and report their feedback.

Stakeholders

Stakeholders included:

- Property owners and occupiers within the precinct
- Occupiers within a certain radius from the precinct
- Business and community organisations within the precinct
- General community

Information provided

Information available to stakeholders included:

- Map of the precinct
- Statutory exhibition material in both hard copy and online versions
- DCP document
- Council report and resolution to publically exhibit DCP document (24 April 2018)
- FAQs

Promotion of engagement

The engagement was promoted through:

- A project page on Your Say Inner West - Council's online engagement hub

- A letter mailed to all property owners and occupiers within the precinct
- A letter mailed to all occupiers within a certain radius of the precinct
- Advertising in Inner West Courier

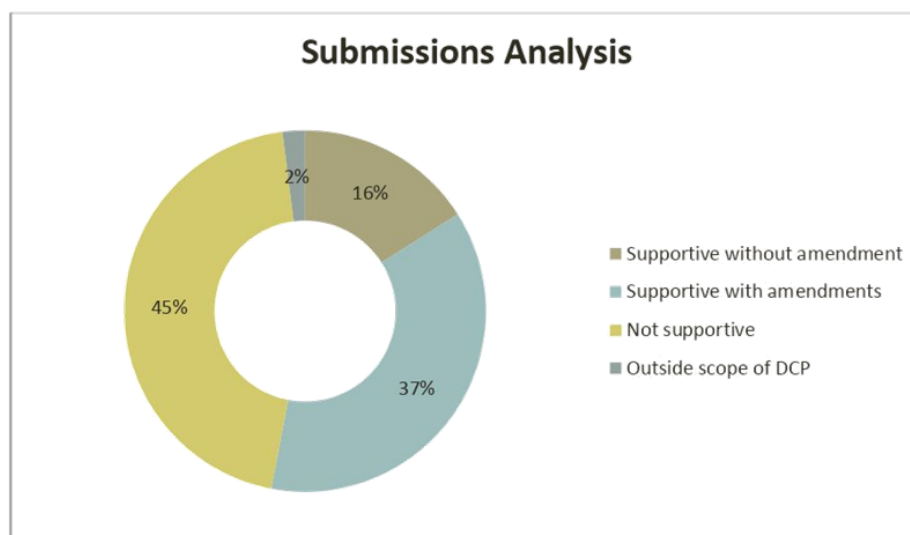
Submissions

During the public exhibition period of 08/05/18 – 05/06/18, 49 individual submissions were logged by Council. Submissions were received via an online submission form on the "Have Your Say Inner West website" and by email and directly posted to Council.

Submission Analysis

		Number of Submissions Logged	Percentage of Total Submissions Logged
Supportive amendment	without	8	16%
Supportive amendments	with	18	37%
Not Supportive		22	45%
Outside scope of DCP		1	2%

Note: some submissions relating to 'Supportive with Amendments' and 'Not Supportive' were outside the scope of the DCP but have been included in these categories rather than 'outside scope of the DCP' as some of these comments contained content that were still relevant to the DCP.



Issues raised in submissions

Submission Category	Issues Raised
Supportive without amendment	<p>The proposal will cater to a growing population</p> <p>Proposal will increase community safety</p> <p>Proposal will benefit the creative arts industry</p> <p>Proposal will improve the local economy</p> <p>Proposal will rejuvenate the precinct</p> <p>Proposal will encourage less noise in existing residential areas</p>
Supportive with amendments to	<p>Improve footpath infrastructure in the precinct</p> <p>Allow more flexibility for vehicular access off Sydenham Road</p> <p>Cycling infrastructure details (cross-sections should be provided on how this will be implemented)</p> <p>Greater public open space</p> <p>Decrease two-way shared streets from 10 metres to 7 metres</p>
Not Supportive	<p>DCP does not adequately address or mitigate adverse traffic and parking impacts on local streets</p> <p>DCP does not adequately mitigate overshadowing of neighbouring residences and Wicks Park</p> <p>DCP does not substantially address the privacy of neighbouring residents and Marrickville Public School</p> <p>DCP does not adequately address or detail required road infrastructure upgrades</p> <p>Proposed parks are not sufficient to cater for the growing population</p> <p>Proposal will create poor visual amenity in the precinct</p> <p>Proposal will destroy the character of the local area</p> <p>Foot path widening may burden my land</p> <p>Not enough community facilities to service the Proposal</p> <p>New roads could be privatised, restricting</p>

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	<p>accessibility to the Precinct</p> <p>DCP does not adequately protect buildings from aircraft noise</p> <p>Amenity of Wicks Park will be undermined</p> <p>DCP does not adequately protect heritage in the area</p> <p>Half my land will be undevelopable</p> <p>DCP provides inadequate setbacks along Victoria Road</p> <p>Proposal results in net loss of green space</p>
Submissions outside scope of a DCP (e.g. relating to LEP or future construction activities and other matters)	<p>LEP heights are excessive and will be out of character with the surrounding area</p> <p>The LEP height and FSRs are inconsistent and heights cannot be achieved on certain sites</p> <p>Proposal will put a strain on public transport</p> <p>Height and FSRs are too restrictive on land adjacent to Sydenham Road to enable re-development that is economically feasible and lowers land values in this strip</p> <p>Future construction activities will cause air and noise pollution and adversely impact local traffic</p> <p>Construction impacts need to be adequately managed</p> <p>State Infrastructure Contributions provisions have not been addressed</p> <p>The consultation process is unclear</p> <p>Parking restrictions need to protect resident car parking</p> <p>Local businesses and artists will be priced out of the area</p> <p>Proposal will overcrowd public schools</p> <p>Fitzroy Street Precinct should be re-zoned to B5 – Business Development or B4 – Mixed Use</p> <p>Increase zonings that allow residential uses in the precinct</p> <p>Decrease maximum building heights in the LEP</p> <p>Provide more car share and electric vehicle car infrastructure</p>

Attachment 2

	<p>Building heights are too high and will erode the character of the area</p> <p>There is an absence of funding mechanisms to secure infrastructure upgrades</p>
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Officer Response to Submissions

The submissions supported the Victoria Road DCP subject to the following amendments outlined in the table below:

Issue	Comment	Action based on submission
Improve footpath infrastructure in the precinct	<p>Public domain improvement provisions (such as lighting, seating and footpaths) are included in the DCP.</p> <p>Council's Development Engineer recommends increasing footpath widths in certain areas to accommodate more pedestrians.</p>	Amendment to the exhibited DCP is recommended in accordance with Table 1(11), Attachment 1.
Allow more flexibility for vehicular access off Sydenham Road	In assessing the Planning Proposal and draft DCP, Council's Engineers and RMS have objected to increasing vehicular access off Sydenham Road (being a classified road) to protect traffic efficiency and safety. Vehicle entryways to buildings should be provided through alternative access points.	No change to the exhibited DCP is recommended.
Provision of Cycling infrastructure details (cross-sections should be provided on how this will be implemented)	The DCP should provide detail on the appropriate cycling infrastructure treatments and enhancements on the identified bicycle routes to ensure enhanced improvements for cyclists in the area.	Amendment to the exhibited DCP is recommended in accordance with Table 1(12), Attachment 1.
Greater public open space should be provided.	The DCP proposes 2 x pocket parks and a publically accessible park on Rich Street.	No change to the exhibited DCP is recommended.
Decrease two-way shared lanes from 10 metres to 7 metres	<p>Two –way shared zones are located in precincts with taller residential buildings abutting them. The narrowing of the laneways are likely to bring these buildings closer together resulting in poor amenity for these apartments.</p> <p>This proposal was referred to</p>	No change to the exhibited DCP is recommended.

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	<p>Council's Development Engineer Co-ordinator who did not support the proposal. Wider road reserves in Shared Zones allow for:</p> <ul style="list-style-type: none"> • Legal parking without impact on vehicular and pedestrian traffic; • Allow for safer environment for pedestrian providing greater separation between vehicles (in particular heavy vehicles) and pedestrians; • Allow for better manoeuvrability for vehicles especially heavy vehicles; and • Allow for greater public domain enhancement with the inclusion of trees and landscaping. 	
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The submissions raised objections to the DCP which are discussed in the table below:

Issue	Comment	Action based on submission
DCP does not adequately address or mitigate adverse traffic and parking impacts on local streets	<p>Council's Engineers and RMS raised concerns regarding cumulative traffic and transport impacts on the surrounding local and regional road in their previous input into the Planning Proposal and an intersection upgrade is required by RMS on the corner of Sydenham and Victoria Road.</p> <p>Council's Engineers provided recommendations to improve traffic movement and parking within the precinct.</p> <p>A Developer Contributions Plan will address the above concern in relation to the provision of land for road widening and intersection upgrades (such as traffic lights).</p>	<p>Defer adoption of DCP until a Contributions Plan is developed.</p> <p>Resolution of the upgrade of Victoria Road and Sydenham Road is in progress between the proponent and RMS.</p>
DCP does not adequately mitigate overshadowing of neighbouring residences and Wicks Park	<p>The applicant submitted shadow diagrams demonstrating that based on the proposed building envelopes north of Wicks Park,</p>	<p>Amendment to the DCP is recommended in accordance with Attachment 1, Table 1(4)</p>

Attachment 2

	<p>Wicks Park will receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>A building envelope sketch with dimensions is recommended to provide clarity of the orientation and dimensions of the building blocks to protect solar access to Wicks Park.</p> <p>A control is also included in the DCP requiring any development to maintain at least 3 hours of solar access over 50% of the surface area of Wicks Park 9.00am to 3.00pm on 21 June (Control C5, Part 9.47.9.1)</p>	
DCP does not substantially address the privacy of neighbouring residents and the public school	<p>Part 2.7 of MDCP 2011 contains objectives and controls relating to privacy for residential development.</p> <p>There is currently no DCP provision relating to the protection of privacy for schools, which should be included in the Victoria Road DCP.</p>	Amendment to the DCP is recommended in accordance with Attachment 1, Table 1(14)
DCP does not adequately address or detail required road infrastructure upgrades.	This issue was raised with Council's Engineers regarding the DCP's lack of detail for requiring road widening and storm water upgrades.	Amendment to the exhibited DCP is recommended in accordance with Table 1(10), Attachment 1.
Proposed parks are not sufficient to cater for the growing population	The application proposes 2 pocket parks and publically accessible open space on Rich Street and the precinct contains Wicks Park. There is considered to be substantive public open space in the precinct.	No change to the exhibited DCP is recommended.
Proposal will create poor visual amenity in the precinct	<p>Design excellence objectives are stated in the DCP (Part 9.47.9.2 <i>Building Design</i>) and other sections of Council's LEP and DCP such as Clause 1.2 of MLEP 2011 and Part 4 of MDCP 2011. SEPP 65 also covers design excellence provisions for apartments and mixed-use buildings. All the above mechanisms will ensure high-quality architectural outcomes.</p> <p>The AEP reviewed the proposal</p>	Amendments to the exhibited DCP is recommended in accordance with Table 1 (3-8), Attachment 1.

	and provided recommendations to improve the urban/visual outcome of the precinct.	
Proposal will destroy the character of the local area	It is considered that the DCP supports the urban renewal of the precinct with guidelines to enhance the public domain.	No change to the exhibited DCP is recommended.
Foot path widening may burden my land	It is considered that the DCP improves pedestrian legibility throughout the Master Plan Area and provides wider footpaths to accommodate envisaged a population increase and the pedestrian footpath improvements are supported.	No change to the exhibited DCP is recommended.
Not enough community facilities to service the Proposal	Community facilities are permissible in the R3, R4, B4 and B5 zones applying to the precinct and there are substantial opportunities to accommodate these facilities.	No change to the exhibited DCP is recommended.
New roads could be privatised, restricting accessibility to the Precinct	<p>The roads are intended to be dedicated as public thoroughfares throughout the precinct.</p> <p>A recommendation is made in Table 2, Schedule 1 to amend the wordings to include the provision of public streets in the precinct.</p>	Amendment to the exhibited DCP is recommended in accordance with Table 2 (23), Attachment 1.
DCP does not adequately protect buildings from aircraft noise	The DCP has rigorous provisions to ensure residential development is protected from aircraft. The application was referred to Sydney Airports Corporation Limited (SACL) who were generally satisfied that the DCP addresses noise impacts on residents.	No change to the exhibited DCP is recommended.
Amenity of Wicks Park will be undermined	<p>The DCP illustrates building blocks and number of storeys adjacent to Wicks Park to ensure at least 3 hours of sunlight is received to 50% of the park on 21 June. A control to such effect is also included in the DCP.</p> <p>The report recommends that building blocks be dimensioned (including the space between them) to have more clarity of the suitable outlay of the buildings to protect residential amenity and ensure solar</p>	Amendments to the exhibited DCP are recommended in accordance with Table 1 (4), Attachment 1.

	amenity to Wicks Park is protected.	
DCP does not adequately protect heritage in the area	A heritage study was undertaken by Council and recommendations are made to heritage list certain buildings and sites in the precinct as a separate process under MLEP 2011. The DCP is recommended to include these buildings as 'contributory items' to the heritage setting of the precinct in the interim period until the formal process for heritage listing is undertaken through a Planning Proposal.	Amendments to the exhibited DCP are recommended in accordance with Table 1 (13), Attachment 1.
Half my land will be undevelopable	An objection was made regarding the site on the corner of Victoria and Sydenham Road and the required road widening by RMS to facilitate increased traffic movements. RMS is currently working to resolve the final design detail of this intersection. RMS is working with the proponent to resolve the design of the intersection.	No change to the exhibited DCP is recommended. Council recommends awaiting formal comments from RMS before the finalisation of the DCP.
DCP provides inadequate setbacks along Victoria Road	The DCP requires an additional dedication of private land (1.5 metres) on both sides Victoria Road for public footpath. It is considered that there are sufficient setbacks provided in the DCP on Victoria Road to accommodate pedestrians.	No change to the exhibited DCP is recommended.
Proposal results in net loss of green space	It is unclear how there is a net loss of green space in the precinct given its existing industrial character and the proposal to provide 3 extra parks in the precinct.	No change to the exhibited DCP is recommended.



New South Wales

Marrickville Local Environmental Plan 2011 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

The Greater Sydney Commission makes the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

MARCUS RAY

As delegate for the Greater Sydney Commission

Published LW 1 December 2017 (2017 No 683)

Marrickville Local Environmental Plan 2011 (Amendment No 14) [NSW]

Marrickville Local Environmental Plan 2011 (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Marrickville Local Environmental Plan 2011 (Amendment No 14)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to land shown coloured green and identified as “K” on the Key Sites Map.

4 Maps

The maps adopted by *Marrickville Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Greater Sydney Commission on the making of this Plan.

Marrickville Local Environmental Plan 2011 (Amendment No 14) [NSW]
Schedule 1 Amendment of Marrickville Local Environmental Plan 2011

Schedule 1 Amendment of Marrickville Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (c):

- (ca) clause 6.17 or 6.18.

[2] Part 6 Additional local provisions

Insert after clause 6.16:

6.17 Development on certain land at Victoria Road, Marrickville

- (1) The objective of this clause is to ensure that development on land at Victoria Road, Marrickville occurs in accordance with a development control plan to manage the transition from industrial land uses to residential and commercial land uses.
- (2) This clause applies to land shown coloured green and identified as “K” on the Key Sites Map.
- (3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the following matters has been prepared for the land:
 - (a) the upgrading of road networks and intersections on the land and surrounding areas,
 - (b) transport connections on the land and within surrounding areas (including the layout of laneways, bicycle routes and other connections),
 - (c) the protection of items and areas of heritage significance,
 - (d) the management and mitigation of the impact of existing industrial development in the surrounding areas on the amenity of proposed residential development on the land,
 - (e) the impacts of the development on the surrounding residential and industrial areas and the amenity of the neighbourhood,
 - (f) the mitigation of aircraft noise (including through building design and the use of appropriate building materials),
 - (g) the management of drainage and flood risks,
 - (h) a network of active and passive recreation areas,
 - (i) the protection of public open spaces (including from overshadowing).
- (4) Subclause (3) does not apply to development for any of the following purposes:
 - (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the development

Marrickville Local Environmental Plan 2011 (Amendment No 14) [NSW]
Schedule 1 Amendment of Marrickville Local Environmental Plan 2011

would be consistent with the objectives of the zone in which the land is situated.

6.18 Arrangements for designated State public infrastructure in relation to development on certain land at Victoria Road, Marrickville

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of certain land at Victoria Road, Marrickville for the purposes of residential accommodation, commercial premises and mixed use development in order to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) This clause applies to land shown coloured green and identified as “K” on the Key Sites Map.
- (3) Despite any other provision of this Plan, development consent must not be granted for development for the purposes of residential accommodation, commercial premises or mixed use development on the land to which this clause applies unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.
- (4) This clause does not apply to a development application to carry out development on land to which this clause applies if:
 - (a) all or any part of the land to which the application applies is a special contributions area (as defined by section 93C of the Act), or
 - (b) the development will not result in an increase in residential accommodation, commercial premises or mixed use development.
- (5) In this clause:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

 - (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) land required for regional open space,
 - (d) social infrastructure and facilities (such as schools, hospitals, emergency services and justice purposes).



Item No: C0418 Item 12

Subject: VICTORIA ROAD PRECINCT, MARRICKVILLE - DEVELOPMENT CONTROL PLAN AMENDMENT

Prepared By: David Milliken - Project Director Growth Management

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The Victoria Road Planning Proposal was approved by the gazettal of an amendment to the Marrickville Local Environmental Plan (MLEP) 2011 on 1 December 2017. Council is now required to consider associated amendments to the Marrickville Development Control Plan (MDCP) in order to support the amended LEP.

Since the gazettal of the MLEP amendment, Council officers have been working with the proponent to prepare draft amendments to the MDCP. The draft MDCP amendment (**Attachment 1**) is now recommended for public exhibition.

RECOMMENDATION

THAT:

1. The shadowing diagrams for Wicks Park within this report be included in the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 at Attachment 1.
2. Council resolves to publicly exhibit the draft Victoria Road Precinct (Precinct 47) amendment to the Marrickville Development Control Plan 2011 (April 2018 version) at Attachment 1.

BACKGROUND

On 1 May 2012, the former Marrickville Council resolved to advise the proponent that Council would consider revised planning controls for the Victoria Road precinct and invited the proponent to submit a planning proposal.

On 21 May 2014, the proponent submitted a preliminary planning proposal to the former Marrickville Council. On 2 September 2014, Council resolved to forward the preliminary planning proposal to the Department of Planning for Gateway Determination. In December 2014, the Department requested that the proposal be withdrawn in order to allow additional studies to be undertaken to inform a revised planning proposal.

On 7 August 2015, the proponent submitted a revised planning proposal to the former Marrickville Council. The key differences between the original (2014) preliminary planning proposal and the revised planning proposal were:

- a reduction in number of apartments proposed from approximately 3,100 to approximately 1,100;
- land use zones that permit residential uses were restricted to the area between 25-30 ANEF contour, which is in the southern part of the precinct only (previously, residential uses were proposed in areas above the 30 ANEF contour);
- minor amendments to street and block layouts;
- an employment strategy was included;

- acoustic studies and an aircraft noise strategy was included;
- an affordable housing contribution was proposed, which was 3% of 'developable residential floor area' and has since been amended to 5% of 'accountable gross floor area'; and
- specific LEP provisions for which amendment was sought were identified.

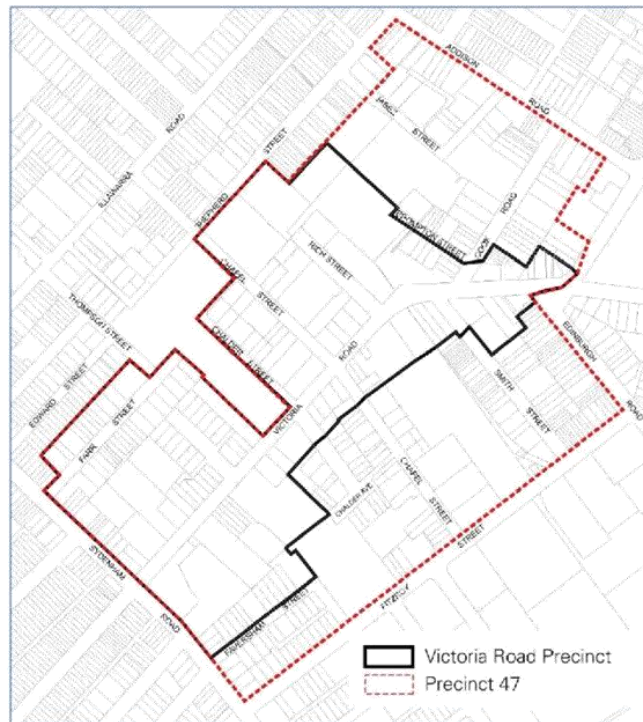


Image 1: Map indicating the area encompassed by the Victoria Road Precinct Planning Proposal (outlined in black) that forms part of Precinct 47 (identified in red dash) as defined under Marrickville Development Control Plan 2011.

The former Marrickville Council considered the revised planning proposal at its 3 November 2015 meeting, and resolved to submit the planning proposal in the form lodged by the proponent to the Department for Gateway Determination.

On 14 March 2016, the Department issued a Gateway Determination for the planning proposal subject to a number of conditions. The conditions on the Gateway Determination required the proponent to make a number of amendments to the planning proposal, and submit the updated planning proposal to the Department for review and approval prior to public exhibition.

The proponent submitted the updated planning proposal to the Department on 14 July 2016 and on 6 September 2016 the Department advised Council that "the Gateway conditions have been sufficiently satisfied and the proposal should proceed to public exhibition".

The planning proposal was publicly exhibited from 23 September 2016 to 23 November 2016 and in accordance with the Gateway Determination was referred to Transport for NSW (TfNSW), Roads and Maritime Services (RMS), Sydney Airport Corporation (SACL),



Department of Infrastructure and Regional Development, Department of Education and Training, Energy Australia, Telstra and Sydney Water.

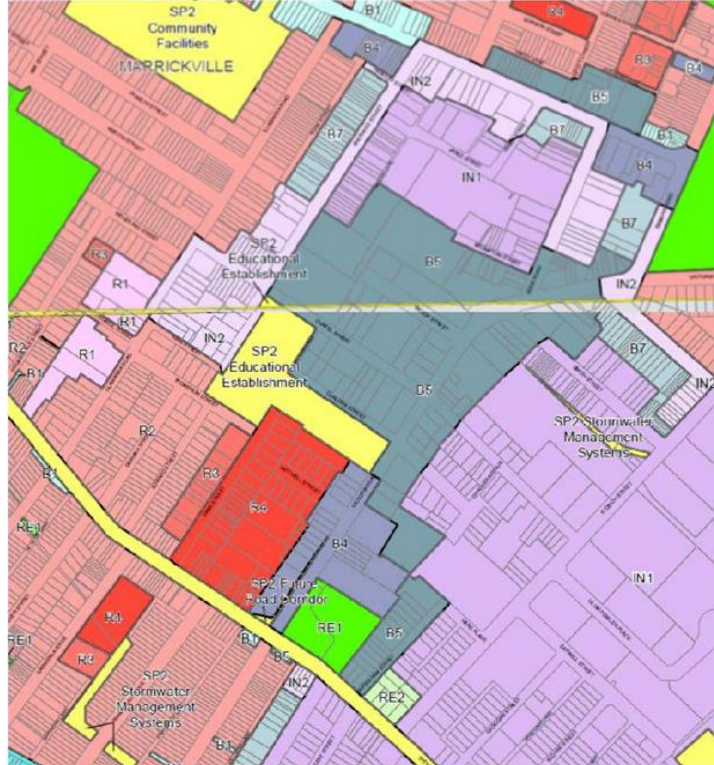
On 27 June 2017, Council considered the Planning Proposal post exhibition and resolved as follows:

"Council forwards the Victoria Road Planning Proposal to the Minister for Planning indicating its support for the Proposal subject to:

1. *resolution of matters the subject of an unresolved objection from the Roads and Maritime Service;*
2. *there is to be no change to the existing IN1 – General Industrial zoning on the south eastern side of Victoria Road. This land forms part of the core Sydenham / Marrickville Industrial Area and should be preserved in line with the recommendations of the Marrickville Employment Lands Study and subsequent Review. Council will further consider its position subject to review of the Sydenham to Bankstown Urban Renewal Corridor Strategy;*
3. *with the exception of the properties on the north western side of Farr Street to be zoned R3 – Medium Density Residential, no properties in the precinct are to be zoned residential; the Danias Timbers Site / Timber Yards Sub-precinct to be zoned B4 – Mixed Use (along Victoria Road and Sydenham Road) and B7 – Business Park (for the remainder of the sub-precinct) with an appropriate mix of employment and residential uses to be provided via site specific provision. The remainder of the precinct north-west of Victoria Road and north of Chalder Street to be zoned B5 – Business Development;*
4. *any intersection upgrade works necessitated by the planning proposal cannot require the acquisition of parts of Wicks Park or properties outside the area covered by the planning proposal;*
5. *the planning proposal must adequately deal with infrastructure planning, funding and delivery (including any required property acquisitions) in consultation with Council;*
6. *the planning proposal must reflect the urban design and built form recommendations provided by Rod Simpson and Council's Architectural Excellence Panel;*
7. *affordable housing being provided in accordance with the requirements of the Inner West Council Affordable Housing Policy;*
8. *the planning proposal cannot result in the loss of any existing areas of public open space and adequate new additional areas of public open space must be provided to service the new resident and worker population (e.g. an expansion and embellishment of Wicks Park);*
9. *the planning proposal must provide suitable mechanisms to deliver the new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor; and*
10. *the planning proposal must adequately deal with identified potential heritage."*

On 1 December 2017 the MLEP amendment was gazetted, refer to **Attachment 2** for the gazettal determination letter. New Clause 6.17 was inserted into the MLEP which requires the preparation of a Development Control Plan (DCP) for the land prior to any development consent being granted. Clause 6.18 was also inserted which requires satisfactory arrangements to be made with the State regarding public infrastructure, most specifically some widening at the intersection of Victoria and Sydenham Roads.

The current zoning map of the Marrickville LEP for the precinct is below.



Zone	
B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
W2	Recreational Waterways

The current height of buildings map of the Marrickville LEP in the precinct is below.

Maximum Building Height (m)

J	9.5
L	11.0
N	14.0
P	17.0
Q	20.0
S	23.0
T1	26.0
T2	29.0
U	32

Maximum Building Height (RL m)

	41-60
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DRAFT DEVELOPMENT CONTROL PLAN ASSESSMENT AND COMMENT

The proponent has provided a table with each of the latest proposed amendments and a comment on each at **Attachment 3**.

Since the gazettal of the LEP amendment, significant changes included the confirmation of the location and size of the Rich Street Public Open Space, further wording to ensure building heights are under the height limits required by the airport, and inclusion of road widening requirements (not impacting Wicks Park) at the intersection of Victoria and Sydenham Roads have been introduced to the draft MDCP amendment.

Officers requested the proponent to reconsider proposed pocket parks near Farr Street as they would reduce the ability for traffic to circulate in the immediate precinct. The proponent

considered this, provided further information on traffic circulation (**Attachment 4**), and has elected to retain the proposed pocket parks in the draft MDCP amendment.

Officers also requested further laneways, parallel to Victoria and Sydenham Roads, to be included to assist access and circulation. Again, the proponent provided further information on traffic circulation (**Attachment 4**) and elected not to add further laneways. This matter will be referred to Council's Road and Traffic team for further consideration during the exhibition period.

The applicant also removed 'potential heritage items' from the draft MDCP amendment to add to clarity of which items are heritage and must be considered. This matter will be referred to Council's Heritage Advice team during the exhibition period.

Another significant modification is a change to the proposed orientation and location of the building to the north of Wicks Park to reduce overshadowing of the park.

The three diagrams below show the extent of shadowing initially proposed for Wicks Park.



The three diagrams below show the latest proposed extent of shadowing of Wicks Park under the latest version of the MDCP amendment. Afternoon shadowing in winter has been almost eliminated, midday winter shadowing has been reduced, and morning winter shadowing is similar to initially proposed. This latest level of shadowing is considered much more acceptable than initially proposed.



The following table outlines issues that have been raised during the planning proposal process, and a comment on each.

Issue	Comment
Issues to be considered from Councils June 2017 support of the planning proposal	
Unresolved objection from Roads and Maritime Services	The RMS objection was resolved at the gazettal of the LEP, the proponent must come to satisfactory arrangements with the State. The proponent is currently in discussion with RMS on this matter.
No change to the IN1 zoning on south eastern side of Victoria Road	The LEP amendment has been made and the zonings are as per the gazetted MLEP.
With the exception of the properties on the north western side of Farr Street to be zoned R3, no properties in the precinct are zoned residential; The Danias Timbers Site / Timber Yards Sub-precinct is to be zoned B4 and B7 – with an appropriate mix of employment and residential uses to be provided via a site specific provision. The remainder of the precinct north-west of Victoria Road and north of Chalder Street are zoned B5.	
Any intersection upgrade works necessitated by the planning proposal cannot require the acquisition of parts of Wicks Park or properties outside the area covered by the planning proposal.	The road widening does not impact upon Wicks Park.
The planning proposal must adequately deal with infrastructure planning, funding and delivery (including any required property acquisitions) in consultation with Council.	The proponent is in the process of discussing the Developer Contribution (formerly s94) and a Voluntary Planning Agreement. It is anticipated this will be resolved during the exhibition period.
The planning proposal must reflect the urban design and built form recommendations provided by Rod Simpson and Council's Architectural Excellence Panel.	The planning proposal and MDCP amendment was refined based upon this feedback, however given the changes to the MDCP amendment it is considered prudent to refer the latest draft MDCP amendment to the Panel for comment during the exhibition period.
Affordable housing being provided in accordance with the requirements of the Inner West Council Affordable Housing Policy.	This is not normally a matter for a specific DCP and is expected to be addressed in a VPA.
The planning proposal cannot result in the loss of any existing areas of public open space and adequate new additional areas of public open space must be provided to service the new resident and worker population (e.g. an expansion and embellishment of Wicks Park).	The latest draft MDCP amendment shows the location and size of a park in the Rich Street area of at least 1,200m ² , two pocket parks of about 700m ² and no change to Wicks Park. This is considered acceptable.
The planning proposal must provide suitable mechanisms to deliver the new laneways and road connections required to service the rezoning and stated vision for the Victoria Road corridor.	The applicant has decided to not improve vehicle circulation by removing the pocket parks and adding laneways parallel to Victoria and Sydenham Roads. This will be referred to Council's Roads and Traffic team during the exhibition period.
The planning proposal must adequately deal	The proponent has removed 'potential'

with identified potential heritage.	heritage items from the DCP to aid clarity. This will be referred to Council's Heritage Advice team during the exhibition period.
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It is considered that the issues identified have been resolved to sufficient extent to enable formal exhibition of the draft MDCP amendment. Some referrals will be conducted during the exhibition period in order to have the final feedback considered by Council post-exhibition.

New Clause 6.17(3) of the Marrickville LEP requires the DCP to address nine matters. An assessment of the nine matters is included in the table below.

Requirement	Comment
The upgrading of road networks and intersections on the land and surrounding areas.	The draft DCP shows this. The proponent must also come to satisfactory arrangements with the State to upgrade the Sydenham/Victoria intersection in line with the requirements of the LEP.
Transport connections on the land and within surrounding areas (including the layout of laneways, bicycle routes and other connections).	The DCP shows good access and connectivity to main thoroughfares for vehicles, bicycles and pedestrians. The applicant has updated the DCP based on Council officer feedback. During the exhibition period a final referral to Council's Roads/Traffic branch will be undertaken to ensure they are fully satisfied with the DCP requirements.
The protection of items and areas of heritage significance.	This is included in the draft DCP. During the exhibition period a final referral to Council's Heritage Advice branch will be undertaken to ensure they are fully satisfied with the DCP requirements.
The management and mitigation of the impact of existing industrial development in the surrounding areas on the amenity of proposed residential development on the land.	The draft DCP addresses this through careful controls around built form and noise to ensure minimal impact on the industrial land uses from the residential development.
The impacts of the development on the surrounding residential and industrial areas and the amenity of the neighbourhood.	The draft DCP addresses this through careful controls around built form, movement network, public open space and noise to ensure minimal impact on the industrial land uses from the residential development.
The mitigation of aircraft noise (including through building design and the use of appropriate building materials).	The draft DCP addresses this through careful controls around built form and noise. Particular noise requirements have been developed for the precinct, and Sydney Airport has endorsed this requirements as acceptable.
The management of drainage and flood risks.	The draft DCP addresses this through careful controls around stormwater management. A major drain requires upgrade, the funding of which is being negotiated through developer contributions or a Voluntary Planning Agreement (VPA).
A network of active and passive recreation	The latest draft MDCP amendment shows the

areas.	location and size of a park in the Rich Street area of at least 1200m ² , two pocket parks of about 700m ² and no change to Wicks Park. This is considered acceptable.
The protection of public open spaces (including from overshadowing).	The extent of shadowing of Wicks Park has been significantly reduced under the latest version of the MDCP amendment. Afternoon shadowing in winter has been almost eliminated, midday winter shadowing has been reduced, and morning winter shadowing is similar to initially proposed. This latest level of shadowing is considered much more acceptable than initially proposed.

DEVELOPER CONTRIBUTION AND VOLUNTARY PLANNING AGREEMENT

The proponent is in the process of discussing the Developer Contribution (formerly s94), which may include works-in-kind, and a Voluntary Planning Agreement (VPA) for the proposal. It is anticipated this will be resolved during the exhibition period and before to the final DCP is adopted.

ROADS AND MARITIME SERVICES (RMS) SUBMISSION

It is noted that RMS did not support the planning proposal during the exhibition period for the LEP amendment. RMS was concerned that the cumulative impacts of the residential development had not been adequately assessed. The Department considered the position of RMS and decided to gazette the LEP amendment with a 'satisfactory arrangements' clause (6.18) and a road widening reserve along Victoria Road and at the intersection of Sydenham Road.

The proponent is working with the Department to satisfy this clause in terms of road design and construction prior to any development consent being granted. Council will be consulted during this process. The draft DCP has been refined to be consistent with the LEP zoning map and to ensure the satisfaction of this clause will not impact on the LEP itself. It is noted that the design for the intersection must not impact upon Wicks Park and must be kept within the road corridor zone.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

The draft MDCP amendment will be referred to the Traffic and Heritage branches of Council and the Architectural Excellent Panel for further advice during the exhibition period.

Sydney Airports Corporation Limited has been consulted on the latest draft of the DCP and is satisfied with its requirements. Specific care has been taken to ensure SACL is satisfied with the heights and locations of the buildings. All development applications over 15.24m in height are required to be referred to SACL under the Civil Aviation (Building) Regulations.

It is proposed to undertake a number of referrals during the exhibition period to ensure certain sections of Council are fully satisfied with the draft DCP. Internal referrals have previously been conducted and the majority of matters raised have been addressed. The final round of



referrals refer to the latest set of refinements to the DCP and are technical changes to certain elements of the DCP. It is not considered that these refinements are significant enough to delay exhibition, and any minor changes to the draft DCP recommended by Council departments can be considered at post-exhibition stage when a further report will be presented to Council for consideration.

PUBLIC CONSULTATION

The Planning Proposal was placed on exhibition from 23 September 2016 to 23 November 2016. 549 individual submissions were logged by Council. Submissions were received via an online submission form on the Your Say Inner West website, by email and directly posted to Council. The Engagement Report which provides a summary of the supportive and non-supportive comments received during the public consultation period is at **Attachment 6**.

It is noted that this exhibition was the formal exhibition of the LEP amendment. A draft DCP was prepared to support the LEP amendment and was exhibited as an appendix to the LEP. Council never resolved to exhibit that draft DCP, it only resolved to send the planning proposal to the Department for Gateway determination. The draft DCP was therefore never exhibited under the conditions of Council having resolved to exhibit it. The draft DCP has also evolved substantially since the exhibition of the LEP amendment, including many issues that were resolved by the gazettal of the LEP.

The Environmental Planning and Assessment Act 1979 requires draft DCPs to be exhibited for 28 days. The proponent contends that appropriate DCP exhibition has occurred and has provided a submission and legal advice to that end. This submission is at **Attachment 5**.

Council's Strategic Planning Staff and General Counsel disagree with the proponent and recommend that the draft DCP be placed on formal exhibition. It is important that the DCP be exhibited for the purposes of legality, transparency and public participation in the planning process (noting that an exhibition process that does not conform to the requirements of the Act could result in the DCP having being made unlawfully and, therefore, susceptible to legal challenge).

In the event that Council agrees with the proponent and does not require the latest draft MDCP amendment to be exhibited, it is considered that it would be premature to approve it as further referrals are required as detailed in this report, certain infrastructure requirements need resolution, developer contributions require resolution and the Voluntary Planning Agreement process requires finalisation. Staff propose to undertake these activities during the exhibition period in order to finalise the DCP in a timely manner.

CONCLUSION

The Victoria Road Planning Proposal has been gazetted and the associated DCP amendment is now needs to be progressed. The draft DCP has significantly changed since it was previously exhibited with the draft LEP and has evolved to a state where formal exhibition can now be undertaken. A small number of outstanding items require addressing by way of referrals, however these can be completed during the exhibition period.

It is therefore recommended that the draft DCP amendment for the Victoria Road Precinct, Marrickville be placed on formal public exhibition for 28 days. Following this, and the resolution of outstanding referral matters, a further report will be presented to Council to consider any submissions, and final feedback from the referral process. During this time, the developer contribution and VPA process will also be progressed.

**ATTACHMENTS**

1. Draft Victoria Road Development Control Plan
2. Determination notice of LEP amendment
3. Summary table of latest modifications to the DCP amendment
4. Further Information from Proponent on Traffic Circulation
5. Proponents letter and legal advice contending that exhibition is not required
6. Engagement report from exhibition of LEP amendment

MEMORANDUM

TO: Niall Macken

FROM: Dr Noni Boyd, Heritage Specialist

DATE: 28 May 2018

SUBJECT: Heritage Review – Draft Victoria Road Planning Proposal

FILE REF:

Introduction

A site inspection was held on Wednesday 16th May 2018 to look at the existing heritage items, the proposed heritage items and the area covered by the Draft Victoria Road Planning Proposal.

The subject area currently contains the following heritage items (Marrickville LEP 2011)

Industrial Façade, 14 Rich Street	I117
(Referred to as 93-97 Chapel Street in the heritage assessment and draft DCP	
Sims Metals including interior, 63-65 Sheppard Street	I118

In the vicinity is

Marrickville Public School, including interiors, 116 Chapel Street	I72
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These items were identified in the Marrickville Heritage Study and have been included as heritage items in the previous LEP as well as the current LEP.

Section 9.47.15 Heritage of the proposed draft amendments to the Marrickville DCP 2011 for the Victoria Road Precinct (Precinct 47) includes

Listed Items
Unlisted Heritage Items
Potential Items

There is no explanation for the difference between unlisted heritage items and potential items however this distinction has been taken from the recommendations in the accompanying heritage assessment prepared by Artefact Heritage in 2016.

Items listed by State Government Agencies on their Section 170 Register under the NSW Heritage Act have not been confirmed in the Artefact heritage assessment (2016). These potential items include the stormwater channel and the electricity substation. One of the recommendations of the initial Marrickville Heritage Study was that the individual components of the drainage scheme for the Marrickville Swamp be combined into one listing at a state level.

Heritage Assessment

As a general comment the significance assessment in the 2016 heritage report by Artefact that accompanies the Victoria Road Marrickville Planning Proposal does not demonstrate a detailed understanding of the industrial development of the precinct or the development of industrial building types in NSW. There has not been sufficient research undertaken to determine when each building was erected, who designed and commissioned it, the original purpose and building typology. The assessments have been made on scant information sourced from Council's existing heritage studies which covered the entire municipality and did not include detailed research for each individual site. Potential aspects of significance to Marrickville such as

- the development of local manufacturing industries such as brick works in the Chapel Street / Victoria Road area


- the development of an industrial precinct straddling the stormwater channel erected by the Public Works Department around 1900
- technological advances in factory design including the transition to the use of steel framing for saw tooth roofed factory buildings,
- impact of World War 1 and World War II on industry in the area
- the development of Australian patents and brands in the Marrickville industrial area





have not been identified or considered in relation to the surviving building stock within the precinct.

In the Heritage Assessment (Artefact July 2016) six buildings have been "reviewed and assessed as not reaching the threshold for local heritage significance" without the date of construction or original use of the building having been confirmed. In order to assess local and state heritage significance basic research questions need to have been answered regarding each item. The building typologies and the dates of construction have not been correctly identified and the buildings forms and materials are incorrectly described. The manufacturing firms who initially commissioned the factories and workshops, the architects and engineers who designed them and the technological advances in each factory have also not been determined. Changes in owner or use and major alterations and additions also need to be determined to properly assess significance.

The assessments provided rely on assumptions as to the building type which have proved to be in correct, for example the Kennard's building was built as a Knitting Mill but has been assessed as a warehouse. This complex was begun in 1914 and includes characteristic Federation Art & Crafts detailing which the heritage consultants were unable to identify as being an original feature. Likewise the Sims Metal Factory has been dated to the 1920s, but was part of a more substantial complex constructed in 1914.

The table below contains more detailed information regarding each building or complex and the building typology eg factory, foundry, knitting mill &c. This table builds on the brief overview of the currently listed and potential heritage items compiled by G. Hall in February 2017




ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Industrial façade	93-97 Chapel Street					
	[also identified as 14 Rich Street which is incorrect]	Retain listing	Agree, investigate	Part of the Continental C & G Rubber Company Factory erected in 1914 but not completed due to the war effort. Seized as the parent company was based in Hamburg. Subdivided into a series of factories in the 1920s	Retain the listing and revise to include all surviving Continental C & G factory elements including the perimeter walls to Chapel Street (refer also to 61-65 Shepherd Street). Update to reflect the significance of the seizure of the factory in 1914.	Factory




ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Sims Metal Factory & Interiors				 <small>3. New Pioneer Leather Belting Factory, Marrickville, erected 1921. The largest in the Southern Hemisphere; equipped with modern belt-making machinery and appliances.</small>		
	61 - 65 Shepherd Street	Retain listing	Probably remove	<p>Further investigation has revealed that this is an early and technologically advanced 'north light' roofed factory building designed by a prominent firm of architects Spain Cosh and Dods but not completed due to the outbreak of World War I</p> <p>Confirm the surviving housing in Shepherd Street is not part of the factory complex (Pair at No. 57-59), of which No. 57 is the most intact</p>	<p>Retain heritage listing & update the listing to include significance of the uncompleted Continental C & G Rubber factory including the interiors, sawtooth roof (steel 'north light' roof framing), the forecourt and the compound walling to Chapel Street. Investigate the surviving brick gable within the complex and the workers housing.</p> <p>Also clearly stipulate non-significant fabric eg modern cladding.</p>	Factory & workers housing
Former Ambulance Station						
	158 Edinburgh Rd	List	Agree	Designed and built by the Mayor of Marrickville H J Morton. . Most listed examples are out of Sydney. Current station still within the industrial area	List the former Ambulance Station as an item of local heritage significance	Ambulance Station

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Item 7

Attachment 5


ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Electricity Substation	200 Victoria Rd	List	Agree	<p>The LEP already includes a series of substations.</p> <p>The Heritage Study identified 21 substations and a further 2 railway stations and one on an industrial site.</p> <p>There should also be an Agency S170 register which has not been consulted.</p>	<p>List Wicks Park as a local heritage item, including the various structures within the park.</p> <p>Confirm Section 170 listing of the substation</p> <p>The item should be compared with the other listed substation within the Industrial area and only listed if it has technological or aesthetic significance that differs from the existing listed substations in the LGA.</p> <p>Other elements in the park are in place by 1943.</p>	Electricity Substation
						
						
Kennards Building	64 Chapel Street	Potential	Investigate	<p>Metropolitan Knitting and Hosiery Mill. First stage 1914, extended 1924. American food depot WWII</p> <p>Note the building was not erected as a warehouse.</p>	<p>List the former Metropolitan Knitting Mill as a local heritage item, including the lane to rear, the interiors and roof monitors.</p>	Knitting Mill



ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Industrial buildings (former Twine Factory)	23-33 Faversham Street in report [28 Faversham, 34-36 Fitzroy & 14-18 Chalder]					
		Potential	Investigate	Bentley & Sons Australian Twine Mills. In Fitzroy Street, Marrickville. Fire damaged in 1937. New modern factory erected after. Hans Place main address. Rebuilt after fire in 1937, architect not yet determined.	List Edward Bentley's Twine factory complex with elaborate street entrances from Faversham & Hans Place as well as Chalder Avenue to the north. Include the passageway between Chalder Ave & Fitzroy Streets	Factory
Industrial buildings	8-12 Rich Street [includes No. 14]	Potential	8, 10 No 12 Yes.	No 14 appears to be a later office building 	List 12 -14 Ogden's furniture factory (former), including the interwar office building, two sawtooth roofed workshops and the delivery area as a local heritage item Further site investigation needed to determine the exact division between Ogden's and the Continental C & G Rubber factory.	Factory
Mal Co (Malleable Castings)	Northern side of Rich Street	Not assessed	Not assessed	The Victoria Road end of the site has had a continuous use for over a century. Initially Mrs Arscott's Store (1880s). Richards Iron and Brass Foundry, corner of Victoria	Interpret the historical development of the site within the new development. Three historically significant phases of use	Paddock & shop then then Engineering Works/ Foundry




5




Item 7

Attachment 5

ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
				Road & Rich Street (by 1912). Taken over by Malleable Castings (relocated from elsewhere in Marrickville). c. 1960s Malco block remains survives on the corner.		
Air raid shelter [Zig Zag trench]	Wicks Park	Potential	Investigate, probably yes	Only 2 examples LEP listed – Lidcombe & Wollongong. Heritage Report assumes concrete structure without providing any documentary evidence.. 1943 aerial shows zig zag trench. Most parks had zig zag trenches – earthen sides, corrugated sheet roof, earth mounds. Refer Marrickville Remembers.	Not worth listing individually, list Wicks Park as an individual heritage item, including the substation. Similar zig zag trenches were built in all the parks and some factory grounds in the local area. Interpret the location within the park.	Air Raid Protection – Zig Zag Trenches
Terrace houses Originally Blyton Terrace						
	171-177 Victoria Road	No	Probably yes	Potentially an early terrace. Known as Blyton Terrace from 1886. Workers housing that predates the expansion of the industrial area. Shows the earlier character of the Marrickville village	List Blyton Terrace as a local heritage item. An example of the housing in the Marrickville village prior to the development of the industrial area. Inconclusive as to whether this block	Terrace / Workers Housing

ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
					predates as name and street numbers not given in earlier directories. Property & subdivision search may reveal more information.	
Hardwood Floors	169 Victoria Street	No	No	1910 Bakery built for Otto Karl Suess, a master baker.	List Suess' bakery as a local heritage item	Bakery
				Evidence of the character of the village of Marrickville.	Contributes to streetscape.	
Terrace houses	15-31 Farr Street	No		Demonstrates the initial village of Marrickville, prior to the development and expansion of the industrial area	Not worthy of listing as a local heritage item. Other examples better demonstrate the theme of Workers housing within the village of Marrickville	Terrace/Workers Houses
					47-49 Chalder Street should however be considered for listing as local heritage item.	
John Fisher printing	2 Smith Street	No	No	2 Smith Street is part of a terrace, No. 2-22 Victoria Street. Address in Heritage Report	Not worthy of listing as a local heritage item. Factory building not significant, but the series of industrial uses are.	Factory
Welby Terrace	2-22 Smith Street	Not assessed	Not assessed	Welby Terrace, by 1890	List Welby Terrace as a local heritage item.	Terrace/Workers Houses

ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
					Demonstrates the initial village of Marrickville, prior to the development and expansion of the industrial area and the construction of the stormwater drain	
Factory Theatre	105 Victoria Road	No	No	Workshop tendered 1924. Condiment manufacturer by 1933. Boot factory at rear by 1945.	List as a local heritage item, including lane to Brompton Street.	Factory
				Adjacent to the stormwater drain		
Tin sheds	11- 13 Brompton Street [confirm]	No	No	Probably date from 1920s, but altered due to fires &c. Form widely used in this industrial area, however these are the last surviving examples.	List the former Triangle Foundry and P R King's Store as local heritage items for their form and structure. Exclude modern element such as cladding.	Foundry / Warehouse
				These buildings have been recently reclad however the structures appear as a group of three in the 1943 aerial. These are incorrectly described in the Heritage Assessment as being an 'A' frame		

ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Housing Brompton Street	3 - 9 Brompton Street	Not assessed	Consider	The housing predates the factories. Brompton Cottage by 1904 (No 1) however this house has been demolished	Not worthy of listing as local heritage items	Housing
						
Storm Water Channel	Not assessed	n/a	Not assessed	<p>Channelled creek passing through the industrial area & draining the swampy land.</p> <p>Issue of cooling urban areas to be considered. Compare with Johnston's Creek – now a walkway.</p>	Sydney Water to be asked for an opinion, as the detention basin has already been listed on their S170 Register.	Infrastructure / Public Works
				 		

ITEM	ADDRESS	2016 HERITAGE REPORT (proponent)	G HALL ADVICE 2017	COMMENT	RECOMMENDATIONS	TPOLOGY
Plantings, Victoria Road				Mature palms. Palms also used at the General Motors Factory, Carrington Road.	Consider listing as street trees. Further investigation required.	Street Plantings
Potential Archaeological sites - Former industrial sites	Eastern side of Victoria Road, from the corner of Smith Street south			Exact sites still to be determined: Steam Brickworks James Steel & Co Rappenecker & Richards Engineering Works	Research the locations of the significant Marrickville industries and interpret their locations with the precinct.	Brickworks Foundry

Proposed Draft Amendments to the Marrickville DCP 2011

The scale of proposed new buildings within the Victoria Road precinct against the heritage items is of concern, as is the lack of research into the existing pattern of development which could have informed the new layout. The indicative Street Sections (9.47.6.4) have been prepared without any regard for the existing heritage items or the potential heritage items (9.47.15). The Indicative Masterplan (9.47.5) will also result in the loss of the fine grain such as lanes and passageways.

Note that the northern portion of the precinct has not been considered in detail, nor has the building stock fronting Sydenham Road.

Recommendations

The Marrickville industrial area is a significant industrial precinct which predates World War I and is one of the oldest surviving precincts containing industrial buildings that are still in use in Australia. Evidence of the pre-existing Marrickville village centered around Chapel Street also survives, in the form of terrace housing and semi-detached housing.

To retain the heritage significance of the precinct the following recommendations have been formulated:

1. That the two existing heritage items, Simms Metal, 61-65 Shepherd Street and the Industrial Façade at 93-97 Chapel Street be revised and combined into one listing for the former **Continental C & G Rubber Factory**. Map item No. 1. A separate listing should be prepared for 12-14 Rich Street, the former **Ogden's Furniture Factory**. Map item No. 2
2. That the following buildings or complexes be individually listed as heritage items.

Edward Bentley & Sons Twine Mill complex (former) in Hans Place /Chalder Avenue. The whole complex not the facades should be listed including the brick facades and entrances to Faverham Street, Hans Place and Chalder Avenue, the sawtooth roofed sections, the (earlier?) building with a clerestory, the lane to the west and the passage to the north. The portion of the site that has been redeveloped is within the same lot but can be excluded from the curtilage of the heritage item. Map item No. 9

Blyton Terrace, 171-177 Victoria Street. Map item No. 11

Semi-Detached housing at 47-49 Chalder Street. Map item No. 14

Metropolitan Knitting Mills (former, now Kennards) 64 Chapel Street including the lane to the rear. Map item No. 13

Suess Bakery (former) 169 Victoria Road, Map item No. 12

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Stormwater Channel, part of the Marrickville Swamp Drainage Scheme (as a S170 listing)
Map item No. 8

The Factory Theatre, 105 Victoria Road, including the lane from Brompton Street,
Map item No. 5

Tin Sheds, Brompton Street (formerly the **Triangle Foundry & P P King Machinery Merchant**)
(11-13 Brompton Street). Map item No. 4

Welby Terrace, 2-22 Smith Street including interiors. Map item No. 7

Wicks Park (former Brick Pitt) including the substation, site of the wartime zig zag air raid
trenches and landscaping. Map item No. 10

The names of the items should reflect their original use or name rather than the name of later occupiers such as Sims Metal.



3. The following items not to be individually listed:

Air Raid Shelter in Wicks Parks (refer to Wicks Park above)

Semi-detached housing at 3-5 & 7-9 Brompton Street

Housing at 15-31 & 22-24 Farr Street

2 Smith Street - John Fisher Printers

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4. That a comparative analysis of the Sub Stations already listed in the LGA be undertaken and that the Agency responsible for this heritage asset be consulted to determine whether 200 Victoria Road is worth listing as a local heritage item on their Section 170 Register.
5. That Sydney Water should be consulted regarding the significance of the stormwater drainage scheme for Marrickville, as currently only the detention basin and a pumping station are listed. The stormwater channel should be included on their Section 170 Register (under the NSW Heritage Act) rather than in Council's LEP heritage schedule.

The retention of the stormwater channel as an Urban Stream should be considered, as has occurred at Johnston's Creek and the development of a walkway from Meeks Lane to Fitzroy Street.
6. The significance of the mature plantings to Victoria Road need to be determined. Similar planting was utilized at General Motors in Carrington Road. Consideration should be given to utilizing the school grounds after hours as parkland.
7. Further study of the development of the industrial area between Shepherd Street and Fitzroy Street should be undertaken to locate the sites of the former brick pits and other historically significant industry such as Rappeneker and Richards Engineering Works (later the Marrickville Engineering Works). The historical development of the area, including the early industrial development of the precinct should be interpreted as part of the redevelopment. To date there has been not assessment of potential archaeological sites, including the brick pits and the past patterns of use of the Gumboramorra Swamp by Aboriginal people. The route of Victoria Road may well reflect the location of the long vanished swamp.

Dr Noni Boyd
Heritage Specialist
28 May 2018

PART 1 - ADDITIONAL REQUIREMENTS to standard DCP

Looking at Australian best practice case studies such as Barangaroo (Lendlease) which has a specific target of 80% diversion of operational waste from landfill (residential and commercial). Aim is to generate zero waste: <http://www.barangaroo.com/see-and-do/the-stories/c40-cities/>

Resource Recovery

Key Objective: Waste management on site to **maximise source separation and resource recovery** and meet the NSW target of 75% diversion from landfill by 2021 and to achieve zero waste by 2036 in line with the Inner West Strategic Plans.

This target must be included in sale or lease agreements for this precinct for residential and commercial units and managed and monitored by the building/site managers

Targets could be achieved by addressing food organics for processing on site, and maximising reuse and recycling.

Building design must show the flow of waste within the building from the point of generation as waste and how it is managed (from a user as a resident or commercial operator, to the contracted cleaner, and finally to the collection point.)

RESIDENTIAL WASTE

Source separation and precinct management of food organics (Residential and commercial)

- E.g. Onsite composting via small scale composting system (such as Anaerobic digestion system, dehydrator, composting) to avoid food waste entering the waste stream.
- Or source separation, collection and processing of food organics.

Space and accessibility to garbage, recycling and reuse opportunities

- Adequate space for garbage, recycling and garden bins within the building.
- Access to garbage and recycling on each residential level.
- Separate residential and commercial waste, recycling and bulky goods storage and presentation areas (not accessible to one another).

Household bulky waste, hazardous and recoverable items.

- Bulky waste storage area and Onsite reuse room/space to encourage sharing/collaborative consumption and alignment to reuse organisations and take-back or product stewardship schemes with sufficient space and access to allow for separated recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes etc.
- Dedicated space for e-waste, cartridge printers, light bulbs etc. and management of these by the building including use of any available drop offs like chemicals, e-waste, product stewardship schemes etc.

Education & information

- Waste presentation & Education - Building managers/caretakers or nominated staff to ensure appropriate management of waste to maximise resource recovery and contact residents in relation to resource recovery education and recycling.
- Collaborate with IWC and participate in behaviour change programs for apartment buildings to maximise resource recovery from the precinct.

COMMERCIAL WASTE

- Separate recyclables or, as a minimum, provide source separation of paper and cardboard and organise commercial bulk polystyrene recycling - e.g. Rich St sub-precinct is mainly food and office businesses
- Minimum area for bulky waste storage for reusable packaging including but not limited to crates and pallets.

- Commercial cooking oil/fats collection and recycling to be organised for the site. Much of the development will consist of food businesses.
- Office areas to have paper and cardboard recycling infrastructure, recycling and source separation of food organics as minimum. Tenants/owners of businesses to organise product stewardship of all possible streams including but not limited to computer take-back/e-waste and furniture recycling/take-back when fitting out office spaces (plan for disassembly and reuse,
- To submit a Litter management plan for the precinct open spaces and surrounding streets.
- Onsite collection of waste and recycling - no waste presented to streets or laneways inside or outside of precinct.
- Any retailers with shopping trolleys must have a trolley management system (wheel locks or coin operated) and process for retrieving escaped trolleys from public places.

Collection (Residential and commercial):

- For precincts consider mechanisms that deliver all waste and recyclables to one (or minimal) collection point within the site to minimise the need for truck access and movement of trucks through the site. Consider innovative waste collection systems.
- All collection from within property boundary (drive in at street level within 10m of kerbside with no gradient or layby) – bins not on street (as per DCP). Where collection requires driving into a basement all swept paths must be shown, gradients, heights and load rating suitable for Large Heavy Rigid collection vehicles.
- Ensure suitable load rating and adequate width of any roadways, laybys and collection points where collection vehicles will drive to access collection points.
- Collection vehicles must always travel in a forward facing direction, slope **as per DCP**
- Design for 660L bins (with suitable access) where possible to minimise the number of bin lifts (and therefore time and noise on the site).
- Manage, store and present waste and recycling within the property boundary and within an area that has acoustic treatment to minimise noise of collection.

COMMUNAL SPACES

- The precinct is likely to produce large quantities of containers that are eligible for refund as part of CDS – new precincts to have a Return and Earn take-back point for the community to access the 10c refund on each eligible container (e.g. reverse vending machine in a public place)
- Litter bins – source separation of streams aligned to residential and commercial managed by the precinct e.g. garbage, recycling and food organics

Part 2 - Additional amendments to standard DCP:

1. Waste Management

The guidelines in this section are to be interpreted in conjunction with Section 2.21 *Generic Provisions for Site Facilities and Waste Management* in the Marrickville DCP 2011. The guidelines contain minimum requirements for waste management in new development and change of use applications.

The purpose of this Section is to ensure that all developments and change of use developments in the Victoria Road Precinct have a safe and efficient waste storage and handling capability that enables the separation of different waste streams, facilitates reuse and promotes recycling at the local level.

The key objective of this Section is to set standards for waste onsite waste management that **maximises source separation and resource recovery** to meet NSW Waste avoidance and

Resource Recovery (WARR) Strategy targets of 75% diversion from landfill by 2021 and achieve zero waste by 2036. Revised WARR targets must be included in sale or lease agreements for this precinct for residential and non-residential units.

1.1. Objectives

- Minimise the disposal of Construction and Demolition Waste in landfills and encourage reuse and recycling.
- Minimise the amount of waste disposal in landfills during the operation of residential and non-residential developments and maximise resource recovery.
- Ensure that waste collection operations are carried out with minimal disruption to traffic, pedestrians and amenity in a healthy and efficient manner. Waste and recycling is to be managed, stored and presented for collection within the property boundary.
- Facilitate reuse, recycling and energy recovery at the local level whenever possible.

2. Recycling and Waste Management Plans

A recycling and waste management plan (RWMP) is to be submitted with the Development Application and it consists in two distinct parts:

- Part 1 describes the recycling and disposal methods of materials to be generated during the demolition and construction phase the development.
- Part 2 describes the waste management practices associated with the collection and minimisation of waste during occupation.

2.1. Construction and Demolition Waste

All wastes generated to follow the waste hierarchy – avoid ad reuse as much as possible, recycled what can't be reused, then recovery and landfill disposal a last resort.
Safe treatment of hazardous materials and treatment/disposal via licensed facilities.
Waste Management Plan to detail types and amounts of wastes generated, sent for processing and names and locations of licensed facilities used.

2.2. Operational Recycling and Waste Management Plan

This plan is to provide detailed information on the ongoing operation of waste management during the occupation of developments. The plan must include the following:

- Plans and drawings of the proposed development showing:
 - o Location and space for waste management systems, including recycling systems and storage areas for bulky and problem waste.
 - o Nominated collection points for the ongoing servicing of the development. Collection points should be minimised and collection is to occur within the property boundary (drive in at street level within 10 m of kerbside with no gradient or layby). Where collection point is in the basement all swept paths must be shown in the plans. No collection or bins are meant to occur on the street.
 - o Proposed path of access for occupants, users and collection vehicles of waste generated in the development.
 - o Sufficient space to store 660L bins with good access and space for manoeuvrability
- Collection vehicles must always travel in a forward facing direction, slope as per normal DCP
- Ongoing waste management, storage and collection of the development, including details of waste storage areas and access points/procedure for transferring bins between storage and

collection points. Details must also include the responsibility for cleaning of bins and maintenance of the waste storage areas, including signage.

- Outline responsibility for communicating with occupants and users of the development about waste and recycling with the objective to maximise resource recovery.
- Include waste storage areas to enable source separation of bulky waste, e-waste and other streams, such as textiles.
- Include sufficient space in kitchens of residential and non-residential developments to enable the separation of food organic waste stream for separate collection or local processing through composting or other methods.

3. Residential Flat Developments

- Space is to be provided for the storage of at least two (2) days' volume of separate general waste, recyclables and food organic materials inside each dwelling.
- Provide adequate space for garbage, recycling and garden organic bins within the building. The bin storage area is to be located close to the waste collection point for the building.
- Provide separate onsite storage area for bulky waste with the objective to encourage sharing/collaborative consumption and alignment to reuse organisations with sufficient space to allow for the separation and recovery of other types of waste including textiles.
- Dedicated space for problem wastes including e-waste, cartridge printers, light bulbs and other hazardous waste with the objective to facilitate the management of these by the building including use of any available drop offs like chemicals, e-waste, product stewardship schemes.
- Provide space for managing food organic waste through onsite composting and worm farming available to all occupants in a communal area. Other types of organic treatment such as anaerobic digestion and dehydrators to minimise food waste entering the waste stream may be also used.
- Chute systems are to be used in buildings of four (4) or more storeys. A chute room is required on each floor of a building that has a chute system. A dual chute system (one for garbage and one for recycling) is to be constructed for buildings with more than nine storeys to provide recycling on each residential level.
- When a single chute system for garbage is used, it is necessary to provide space for recycling bins within the chute rooms on each residential level. The chute room is to be sufficiently large to store two 240L recycling bins per six (6) units serviced by each chute.
- Waste presentation & Education - Building managers/caretakers or nominated staff to ensure appropriate management of waste to maximise resource recovery and contact residents in relation to resource recovery education and recycling.
- Collaborate with IWC and participate in behaviour change programs for apartment buildings to maximise resource recovery from the precinct.

4. Mixed Use Developments

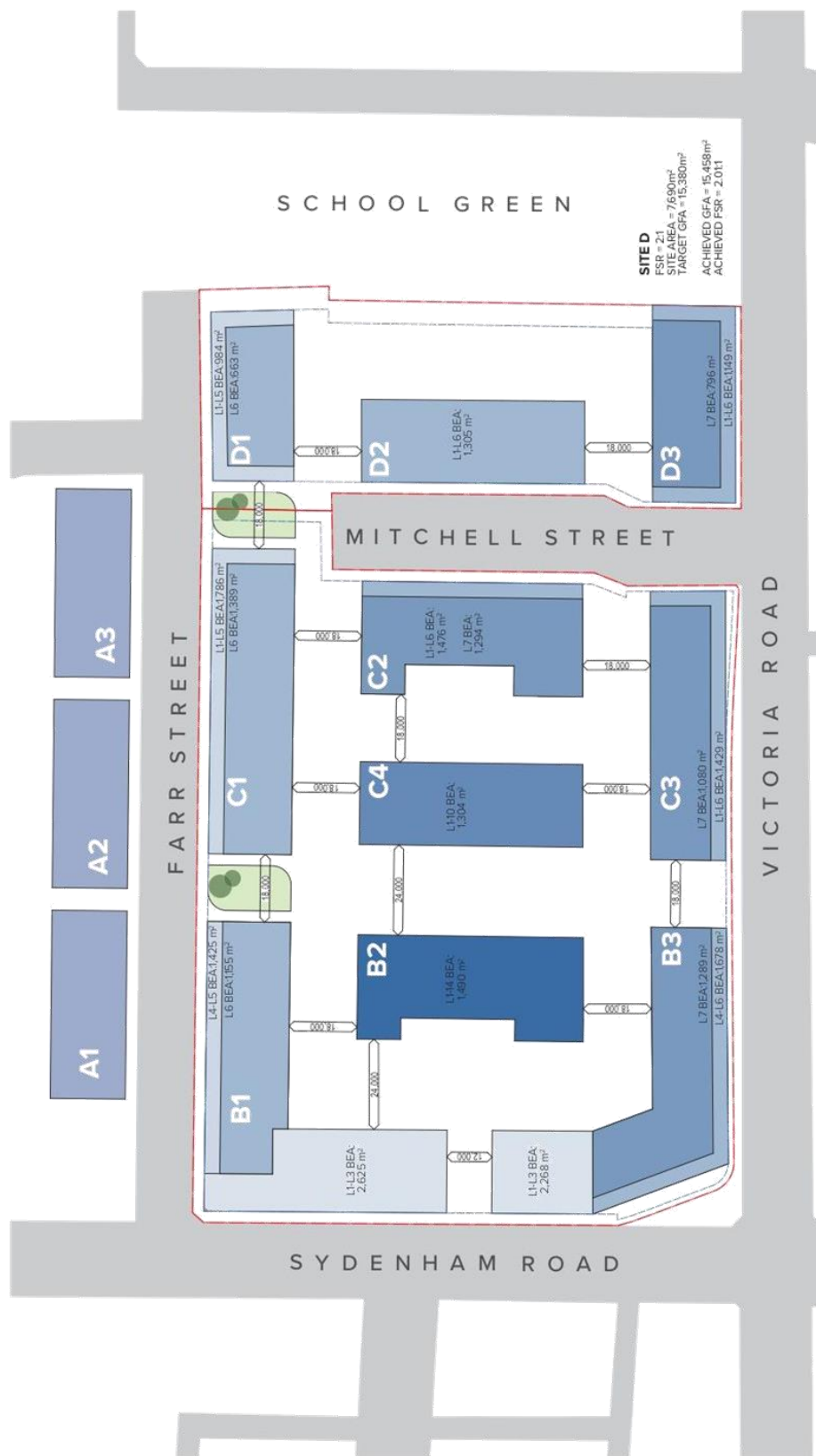
- The waste handling, storage and collection systems for residential and non-residential properties are to be completely separated, self-contained and not accessible to one another (with separate keys and locking systems).
- The Recycling and Waste Management Plan is required to outline the separate management systems and collection points for both the residential and non-residential waste streams.
- Demonstrate that noise and odour from the non-residential waste and recycling streams does not impact on other occupants of the mixed development.

5. Non-residential Developments

- Space is to be provided for the storage of at least two (2) days' volume of separate general waste and recyclables on each floor of the building.
- Provide storage facilities for separating recyclables, such as paper and cardboard from containers (including beverage containers eligible for a refund as part of the Container Deposit Scheme). Storage of paper and cardboard is to be in a dry area.
- Provide storage facilities for food organic waste to maximise the diversion of organic materials being disposed of in landfills. Storage for organic materials may be linked to a system for processing organics onsite, through composting for example. If the organic waste is not processed on site, the food organic storage is required to allow for future organic collection services.
- Provide space for bulky waste, packaging take-back and problem waste storage (separate to storage of goods), such as pallets and crates or e-waste and print cartridges for example. Appropriate space is at a minimum:
 - 2m² for developments under 100m²
 - 4m² for developments between 100m² and 2,000m²
 - An additional 4m² is required for each retail, accommodation, entertainment or other development over 2,000m² and for every 20,000m² of office space.
- Separation of liquid wastes, such as fats and oils in accordance with the requirements of State government authorities and agencies.
- Kitchens, office tearooms and other food preparation areas are to be designed with sufficient space for the separate storage of source separated materials including general waste, recycling and food organic waste.
- Litter management in open spaces within the development area and surrounding streets if litter leaves the site (e.g. coffee cups from a coffee shop on the site or packaging from fast-food).
- Onsite collection of waste and recycling.

6. Waste Management in Public Spaces

- The precinct is likely to produce large quantities of containers that are eligible for refund as part of the container deposit scheme "Return and Earn" — precincts have dedicated areas to accept (providing the refund) and store eligible containers e.g. a Reverse Vending Machine or over-the-counter collection point.
- Litter bins – garbage, recycling and food within the precinct to be managed by the site as commercial waste (non-residential).



Option 02_ADG and Height Compliant
Feasibility Study
Project No. 17999
1000043
Base - 14/2/78
TURNER



Transport
Roads & Maritime
Services

13 July 2018

Roads and Maritime Reference: SYD16/01340/07 (A23100647)

The General Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049

Attention: Albert Madrigal

Dear Sir/Madam,

**PUBLIC EXHIBITION OF AMENDMENTS TO THE MARRICKVILLE DEVELOPMENT CONTROL PLAN
(MDCP) DCP FOR VICTORIA ROAD PRECINCT, MARRICKVILLE**

Reference is made to Council's correspondence dated 17 May 2018, regarding the abovementioned Development Control Plan (DCP) which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime appreciates the opportunity to provide comment on the DCP. Please be advised this submission is a joint Roads and Maritime and Transport for NSW response.

Roads and Maritime has reviewed the submitted documentation and raises no objection in-principle to the proposed DCP subject to the matters detailed at **Attachment A** being addressed prior to the finalisation of the DCP.

Thank you for the opportunity to provide advice on the subject DCP. Should you have any questions or further enquiries in relation to this matter, Tricia Zapanta would be pleased to take your call on 8849 2473 or e: development.sydney@rms.nsw.gov.au.

Yours sincerely

Greg Flynn)
**Senior Manager Strategic Land Use
Sydney Planning, Sydney Division**

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

Attachment A: Detailed Comments
Intersection upgrade works:

1. On page 12, **9.47.6.1 General** Control 1 b), wording should be amended to align with the following:

"b. Future upgrades to roads and key intersections on the surrounding network, including (but not necessarily limited to) the intersection of Victoria Road and Sydenham Road, which is to be designed and delivered in consultation with the State Government and the Inner West Council."

At this stage, it cannot be confirmed that the intersection of Victoria Road / Sydenham Road is the only intersection upgrade required. The cumulative impact traffic study has not yet been completed/endorsed in order to confirm the extent of upgrades required on the regional road network.

2. Intersection treatments for the local streets that connect to Victoria Road should be identified and outlined in the draft DCP to understand the turning opportunities associated with the movement network. In many cases, right turn bans may need to be implemented to minimise potential queuing / blocking along Victoria Road, supported by left in / left out only access provision for side streets (preferably enforced by raised concrete median). Potential queuing may be exacerbated if existing on-street parking controls are maintained.
3. The draft DCP indicates a future movement network that shows a four-way intersection on Victoria Road at the Rich Street / new local road intersection, which may require an intersection treatment (eg right turn restrictions) to address safety and traffic efficiency issues resulting from the increased traffic movement demand to / from the surrounding road network to future development and sub-precincts.

Road Layout and Access Controls:

4. The proposed shared zone road located within the Timber Yards precinct is in close proximity to the Sydenham Road / Victoria Road intersection (appears to be less than 100m from the intersection). Access to / from this road would need to be restricted to left in / left out to ensure the efficient operation of the Sydenham Road / Victoria Road intersection and to limit potential queuing southbound on Victoria Road. There should be consideration to aligning the shared zone road south of Victoria Road in the Chalder Avenue precinct with Mitchell Street and removal of the shared zone road that runs from Victoria Road to Farr Street.
5. It is noted that a possible future local road connection is proposed south of Victoria Road which will connect to the Rich Street / Victoria Road intersection. Given the proposed land uses in the Rich Street precinct - commercial, light industrial, cafes, showrooms and Rich Street Park which proposes outdoor spaces to accommodate future events (outdoor cinema, markets and community festivals) there is likely to be increased demand by general traffic / trucks and pedestrians accessing the precinct. This intersection may require a treatment/upgrade in order to meet increased vehicular and pedestrian demand associated with the future uses.

Parking Controls:

6. It is recommended that appropriate maximum parking controls are identified in the DCP to reduce dependence on private vehicle transport and encourage the use of public and active transport modes. It is noted that the precinct is labelled as "Parking Area 2" under Section 2.10 Parking of the MDCP 2011.

Consideration should be given to whether it would be more appropriate to identify the precinct as "Parking Area 1". These parking restraints should be reflected in the DCP to guide future DAs.

7. Parking associated with the future development should be contained within the development site and should not rely on the regional road network to accommodate on-street parking and loading/servicing. Controls should be provided in the draft DCP that restrict on-street parking on Sydenham Road and Victoria Road given the proposed land use changes and future redevelopment that includes basement parking which should in-turn restrict the need to maintain existing on-street parking. On street parking limits the number of trafficable lanes on Victoria Road to the existing one lane each way rather than potential two trafficable lanes each way for general traffic, buses, trucks and cyclists.

Shared Zones:

8. Roads and Maritime is responsible for the setting and signposting of safe and appropriate speed limits in accordance with the NSW Speed Zoning Guidelines. Any proposed shared zones would need approval of Roads and Maritime and would need to be in accordance with Roads and Maritime's technical directions and design requirements.

Roads and Maritime requires the following criteria to be met for a 10 km/h shared zone in accordance with TDT2014/003 *Design and Implementation of shared zones including provisions for parking*:

Site classification:

- To classify as a Category 1 shared zone, the road related area must provide clearly different coloured and textured surface treatments from the surrounding roads, and does not have any kerbs. This is a requirement for 'Greenfield' locations.
- To classify as Category 2 shared zone the road must provide adequate entry / exit treatments and traffic calming. For a Category 2 shared zones to be considered it is to have narrow or no footpaths, where pedestrians are forced to use the road. Category 2 requires approval to retain kerbs, and must maintain traffic flow where there is provision for parking. Justification is required if the proposed shared zone kerb and gutter is retained.

Site information:

- Mid block 7 day traffic volume and traffic speed data analysis including photos of count location/s (for Category 2)
- The design must clearly highlight to drivers that the priority is for pedestrians

Design principles:

The design principles for shared zones are to be defined to ensure the proposed scheme incorporates the necessary features to provide an appropriately safe environment. The proposed scheme must clearly define the:

- Street space / kerb and gutter / delineation
- Entrance / exit points
- Traffic signs
- Pavement surface
- Traffic calming features / treatments
- Forward visibility
- Vehicle mix and accessibility requirements
- Car parking

- Bicycles
- Mobility and vision impaired requirements
- Lighting and drainage

Restriction of direct vehicular access to / from Victoria Road:

9. 9.47.6.1 Movement network – General

Control 4 should be amended. Roads and Maritime will not permit direct vehicular access to / from development via Sydenham Road and Victoria Road. Access to the road network should be provided via rear lanes or local roads.

The anticipated increase in pedestrian movements along Sydenham Road and Victoria Road and function as movement corridors would be in direct conflict with controls that allow multiple vehicular access points. Laneways and/or local roads should be considered to service all developments along Sydenham Road and Victoria Road.

Service lanes:

10. It is noted that rear service lanes are provided for all developments fronting Sydenham Road and Victoria Road. This is supported by Roads and Maritime as this would restrict direct vehicular access to/from Sydenham Road and Victoria Road and maintain the movement function of these corridors.

Street tree planting:

11. Street tree planting (references throughout):

Street trees should not obstruct safe intersection sight distance at intersections, driver sightlines to traffic control signals, regulatory signage, or to any critical road infrastructure.

Street tree plantings should not be placed within the kerbside clear zone, in accordance with Austroads requirements, unless they are frangible.

Item No: C0718 Item 8

Subject: LOCAL TRAFFIC COMMITTEE MEETING HELD ON 3 JULY 2018

Prepared By: John Stephens - Traffic and Transport Services Manager

Authorised By: Wal Petschler - Group Manager Footpaths, Roads, Traffic and Stormwater

SUMMARY

The minutes of the Local Traffic Committee Meeting held on 3 July 2018 are presented for Council consideration.

RECOMMENDATION

THAT the Minutes of the Local Traffic Committee Meeting held on 3 July 2018 be received and the recommendations be adopted.

ITEMS BY WARD

Ward	Item	Page Number
Leichhardt	LTC0718 Item 4 Emma Street and Hill Street, Leichhardt - Proposed Intersection Treatment (Leichhardt Ward / Balmain Electorate / Leichhardt LAC)	Page 5
Leichhardt	LTC0718 Item 5 Proposed Temporary Road Closure to Hold Bay Run Event on Sunday, 5 August 2018. (Leichhardt Ward/Balmain Electorate/Leichhardt LAC)	Page 6
Leichhardt	LTC0718 Item 24 Ash Lane, Cove Street, Northcote Street and Wolseley Street, Haberfield-Resident Parking Scheme. (Leichhardt Ward/Summer Hill Electorate/Ashfield LAC)	Page 31
Leichhardt	LTC0718 Item 25 Walker Avenue, Allum Street, Alt Street, Denman Avenue, Bland Street and Yasmar Avenue, Haberfield - Resident Parking Scheme. (Leichhardt Ward/Summer Hill Electorate/Ashfield LAC)	Page 31
Ashfield	LTC0718 Item 7 Marrickville Road, Marrickville – Temporary full Road Closures for Dulwich Hill Village Fair on Sunday 16 SEPTEMBER 2018 (ASHFIELD WARD/SUMMER HILL ELECTORATE/MARRICKVILLE LAC)	Page 9
Ashfield	LTC0718 Item 11 Lackey Street and Smith Street, Summer Hill - Temporary Road Closures For the Annual 'Summer Hill Neighbourhood Festa' on Sunday 7 October 2018. (Ashfield Ward/Summer Hill Electorate/Ashfield LAC)	Page 18
Ashfield	LTC0718 Item 18 Watson Avenue, Croydon Park - Request for One Hour (1P) Parking Restriction	Page 25

Item 8

Ashfield	LTC0718 Item 19 Nowranie Lane, Summer Hill - Proposed 'No Parking' Restrictions (ASHFIELD WARD/ SUMMER HILL ELECTORATE/ ASHFIELD LAC)	Page 25
Ashfield	LTC0718 Item 23 Grosvenor Crescent, Summer Hill - Placement of 'No Stopping' Restrictions, Summer Hill. (Ashfield Ward/Summer Hill Electorate/Ashfield LAC)	Page 30
Ashfield	LTC0718 Item 27 Australian Air Force Cadets Annual Street Procession through Ashfield on Sunday 5 August 2018	Page 33
Ashfield	LTC0718 Item 30 Frederick Street, Ashfield - Pedestrian Crossing Upgrade	Page 34
Ashfield	LTC0718 Item 31 Proposed Woolworths site in Ashfield	Page 34
Balmain	LTC0718 Item 1 Palmer Street and Donnelly Street, Balmain - Installation of Dividing (barrier) Lines (Balmain Ward / Balmain Electorate / Leichhardt LAC)	Page 2
Balmain	LTC0718 Item 2 Beattie Street and Mullens Street, Balmain - Proposed Raised Pedestrian (Zebra) Crossing	Page 3
Balmain	LTC0718 Item 3 Smith Street at Mansfield Street, Rozelle - Proposed Garden Beds (Balmain Ward / Balmain Electorate / Leichhardt LAC)	Page 4
Balmain	LTC0718 Item 6 Smith Street, Annandale - Proposed Temporary Road Closure for 2018 Footprints ECO Festival on Sunday 26 August 2018 (Balmain Ward/Balmain Electorate/Leichhardt Ward LAC)	Page 8
Balmain	LTC0718 Item 12 Chapman Lane (rear of Nos. 127 to 133 Annandale Street), Annandale - Proposed Extension of "No Parking" zone (Balmain Ward/Balmain Electorate/Leichhardt LAC)	Page 20
Balmain	LTC0718 Item 13 Nelson Lane (Opp. Nos. 195 to 207A Nelson Street), Annandale - Extension of 'No Parking' zone (Balmain Ward/Balmain Electorate/Leichhardt LAC)	Page 21
Balmain	LTC0718 Item 20 Maida Street, Lilyfield - Proposed 'Motor Bike Only' Zone (Balmain Ward/ Balmain Electorate/ Leichhardt LAC)	Page 26
Stanmore	LTC0718 Item 9 Pearl Lane, Newtown – Proposed Statutory 'No Stopping' Restrictions South of Holmwood Street (Stanmore Ward/ Newtown Electorate / Marrickville LAC)	Page 14
Stanmore	LTC0718 Item 15 Marian Lane, Enmore - Proposed 'No Parking' Restrictions (Stanmore Ward/Newtown Electorate/Inner West LAC)	Page 23
Stanmore	LTC0718 Item 16 Hopetoun Lane, Camperdown - Proposed 'No Parking' Restrictions (Stanmore Ward/Newtown Electorate/Inner West LAC)	Page 23

Stanmore	LTC0718 Item 17 McGill Street, Lewisham - Proposed 'No Stopping' Restrictions (Stanmore Ward/Summer Hill Electorate/Inner West LAC)	Page 24
Marrickville	LTC0718 Item 8 Marrickville Road, Marrickville – Temporary Full Road Closures For Marrickville Festival On Sunday 21 October 2018 (MARRICKVILLE WARD/SUMMER HILL ELECTORATE/MARRICKVILLE LAC)	Page 11
Marrickville	LTC0718 Item 10 Applebee Street, St Peters - Temporary Road Closure to Carry Out Sewer Works. (Marrickville Ward/ Heffron Electorate/Newtown LAC)	Page 15
Marrickville	LTC0718 Item 14 Silver Lane - Proposed 'No Parking' Restrictions (Marrickville Ward/Electorate/Inner West LAC)	Page 22
Marrickville	LTC0718 Item 26 Holbeach Avenue, Tempe – Temporary Full Road Closures for MS Sydney to the Gong Bike Ride on Sunday 4 November 2018 (Marrickville Ward/Heffron Electorate/Newtown LAC)	Page 32
Marrickville	LTC0718 Item 29 Proposed Bunnings Warehouse in Tempe	Page 34
All Wards	LTC0718 Item 21 Minor Traffic Facilities (All Wards / All Electorates / All LACs)	Page 27
All Wards	LTC0718 Item 22 Railway Avenue, Stanmore; Darley Road, Leichhardt , Lilyfield Road, Lilyfield and Frederick Street, Ashfield - 'No Parking 7am-7pm – Motor Vehicles under 4.5t GVM Excepted' (All Ward / All Electorates / All LACs)	Page 28
All Wards	LTC0718 Item 28 Sydney Buses representation	Page 34
All Wards	LTC0718 Item 32 Recording of voting in LTC minutes	Page 35
All Wards	LTC0718 Item 33 NSW Police LTC membership and voting	Page 35
All Wards	LTC0718 Item 34 File format of LTC agenda	Page 35

BACKGROUND

Meeting of the Inner West Council Local Traffic Committee was held on 3 July 2018 at Petersham. The minutes of the July meeting are shown at **ATTACHMENT 1**.

FINANCIAL IMPLICATIONS

Projects proposed for implementation in 2018/19 are funded within existing budget allocations.

PUBLIC CONSULTATION

Specific projects have undergone public consultation as indicated in the respective reports to the Traffic Committee. Members of the public attended the meeting to address the Committee on specific items.

ATTACHMENTS

- [1.↓](#) Minutes of the Local Traffic Committee meeting held on 3 July 2018

**Minutes of Local Traffic Committee Meeting
Held at Council Chambers, Petersham Service Centre on 3 July 2018**

Meeting commenced at 10.07am

ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON

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

Clr Julie Passas	Chair, Deputy Mayor – Ashfield Ward (Chair)
Mr Bill Holliday	Representative for Jamie Parker MP, Member for Balmain
Mr Chris Woods	Representative for Ron Hoenig MP, Member for Heffron
Ms Sarina Foulstone	Representative for Jo Haylen MP, Member for Summer Hill
Sgt John Micallef	NSW Police – Burwood and Campsie
A/Sgt Charles Buttrose	NSW Police – Glebe
Mr Daryl Ninham	Roads and Maritime Services

COUNCILLORS AND OFFICERS IN ATTENDANCE

Sgt Trudy Crowther	Burwood Police
SC Germaine Grant	Burwood Police
SC Sam Tohme	NSW Police – Burwood and Campsie
Mr Colin Jones	Inner West Bicycle Coalition
Clr Marghanita Da Cruz	Leichhardt Ward
Mr John Stephens	IWC's Traffic and Transport Services Manager
Mr George Tsaprounis	IWC's Coordinator Traffic and Parking Services (South)
Mr Manod Wickramasinghe	IWC's Coordinator Traffic and Parking Services (North)
Ms Felicia Lau	IWC's Engineer – Traffic and Parking Services
Mr Boris Muha	IWC's Engineer – Traffic and Parking Services
Mr David Yu	IWC's Engineer – Traffic and Parking Services
Ms Jenny Adams	IWC's Engineer – Traffic and Parking Services
Ms Mary Bailey	IWC's Parking Planner
Ms Christina Ip	IWC's Business Administration Officer

VISITORS

Mr Garth Roche	Item 2
Mr Tim Johansson	Item 3
Ms Beverley Prunster	Item 12
Mr Russell Steel	Item 13
Ms Judith Martin	Item 13
Mr Bill Woodhead	Item 22
Mr Dorian Zerial	Item 22
Mr Victor Storm	Item 25

APOLOGIES:

Ms Jenny Leong MP	Member for Newtown
Ms Cathy Peters	Representative for Jenny Leong MP, Member for Newtown
Mr Wal Petschler	IWC's Group Manager, Roads, Traffic and Stormwater

DISCLOSURES OF INTERESTS:

Nil.

CONFIRMATION OF MINUTES

The minutes of the Local Traffic Committee Meeting held on Tuesday, 5 June 2018 were confirmed and are awaiting adoption at Council's Extra-Ordinary meeting to be held on Tuesday, 3 July 2018.

LTC0718 Item 1 Palmer Street and Donnelly Street, Balmain - Installation of Dividing (barrier) Lines (Balmain Ward / Balmain Electorate / Leichhardt LAC)**SUMMARY**

Concerns have been raised from several motorists regarding vehicles travelling on the wrong side of the street when approaching the intersection of Donnelly/Palmer/Booth Streets, and traveling eastbound from Palmer Street into Donnelly Street and westbound from Donnelly Street into Palmer Street.

Officer's Recommendation

THAT:

- 1. 5m BB dividing (barrier) lines, including raised reflective pavement markers (RRPM) be provided on Palmer Street, west of Booth Street; and**
- 2. 10m BB dividing (barrier) lines, including raised reflective pavement markers (RRPM) be provided on Donnelly Street, east of Booth Street.**

DISCUSSION

The RMS representative questioned the need for the 'Give Way' signage and road markings on Donnelly Street with a priority through Booth Street. Council Officers advised that the 'Give Way' has been there for some time and was installed due to sight distance issues and speeding through the intersection. The RMS representative stated that RMS supports the proposal; however, it was suggested that the 'Give Way' could potentially be removed and the proposed barrier lines on Donnelly Street could continue around the corner and meet with the proposed barrier lines on Palmer Street. Council Officers indicated that they would consider this suggestion in discussion with RMS.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

- 1. 5m BB dividing (barrier) lines, including raised reflective pavement markers (RRPM) be provided on Palmer Street, west of Booth Street; and**
- 2. 10m BB dividing (barrier) lines, including raised reflective pavement markers (RRPM) be provided on Donnelly Street, east of Booth Street.**

For motion: Unanimous

LTC0718 Item 2 Beattie Street and Mullens Street, Balmain - Proposed Raised Pedestrian (Zebra) Crossing**SUMMARY**

Council has received concerns from a number of residents regarding pedestrian safety when crossing Mullens Street, near the intersection Beattie Street, Balmain. A public meeting was held with concerned residents on 11th April 2018 to discuss the matter with a Mayoral Minute considered at 24th April 2018 Council meeting.

Officer's Recommendation**THAT:**

- 1. A proposed raised pedestrian (zebra) crossing in Mullens Street, Balmain (south of Beattie Street) be supported in principle and a detailed design be prepared, and affected residents be consulted; and**
- 2. A further report, including the detailed design be brought back to the Traffic Committee for consideration.**

DISCUSSION

Public speaker: Mr Garth Roche, resident of Mullens Street, attended at 10.11am

Mr Roche made the following comments:

- He is supportive of the proposed crossing; however, he questioned the relocation of the bus stop and the subsequent loss of 3 parking spaces from the front of his property.
- His property and neighbouring properties on Mullens Street are reliant on the 3 existing parking spaces proposed for removal as these properties do not have off-street parking.
- Parking is constrained in the area as the section of Mullens Street between Beattie Street and Roseberry Street is unrestricted and parking spaces are often utilised by commuters who catch the bus to work. This section of Mullens Street should be considered for a Residential Parking Scheme if the proposal to relocate the bus stop and remove 3 parking spaces is approved.
- Residents have received notification of a proposal for a dedicated car share parking space on Mullens Street. If this proposal for car sharing is supported, it would impact further on the parking situation in the street.

(Mr Roche left at 10.21am)

Council Officers tabled results of speed counts taken in Mullens Street that were requested by RMS, and further information on public consultation undertaken for the proposed changes in the street (Attachment 1).

The representative for the Member for Balmain stated that the pedestrian crossing is proposed to be installed some distance from the pedestrian desire line at the roundabout. Council Officers advised that the hotel on the corner of Beattie Street and Mullens Street has a number of support columns that would obstruct pedestrian sightlines if a pedestrian crossing was to be installed at the roundabout.

Clr Da Cruz raised concerns with the lack of pedestrian refuges at the roundabout. The representative for the Member for Balmain stated that he would support a pedestrian refuge on the splitter island. Council Officers advised that refuge islands at the roundabout have been investigated in the past and it was found that there is insufficient space for a refuge due

to the narrow width of Mullens Street and the need to meet minimum bus lane widths to accommodate bus routes that operate in the street.

Clr Da Cruz requested an additional recommendation be included for the consideration of a Residential Parking Scheme in response to Mr Roche's concerns.

The Committee members agreed with the Officer's recommendation with the addition of a recommendation to consider a Residential Parking Scheme for Mullens Street.

COMMITTEE RECOMMENDATION

THAT:

1. **A proposed raised pedestrian (zebra) crossing in Mullens Street, Balmain (south of Beattie Street) be supported in principle and a detailed design be prepared, and affected residents be consulted;**
 -
2. **A Residential Parking Scheme in Mullens Street, Balmain (between Beattie Street and Roseberry Street) be investigated; and**
 -
3. **A further report, including the detailed design be brought back to the Traffic Committee for consideration.**

For motion: Unanimous

LTC0718 Item 3 Smith Street at Mansfield Street, Rozelle - Proposed Garden Beds (Balmain Ward / Balmain Electorate / Leichhardt LAC)

SUMMARY

Council has received concerns regarding vehicles causing building damage to No. 31 Mansfield Street, Rozelle whilst manoeuvring near the corner of Mansfield Street and Smith Street. This has raised concerns for both the structural integrity of the building and pedestrian safety.

Officer's Recommendation

THAT:

1. **The proposed garden beds at the intersection of Smith Street and Mansfield Street, Rozelle be supported, as detailed in Attachment 1;**
2. **That this project be listed for consideration in a forward works program; and**
3. **Prior to construction of any physical device, an interim treatment of a painted island and road flaps are provided in lieu of the garden beds.**

DISCUSSION

Public speaker: Mr Tim Johansson, owner of 31 Mansfield Street, attended at 10.26am.

Mr Johansson stated that he supports the recommendation and commented that:

- In the two years he has resided in No. 31 Mansfield Street, the property has been struck numerous times by light industrial vehicles that stop or park at the 'No

Stopping' zone on the corner of the street.

- The road cambers at the corner and drivers of industrial vehicles often do not realise this when navigating the corner and cause damage to the balcony support columns, the floor of the balcony, guttering and downpipes.
- There are significant repair costs associated with restoring the property to the original heritage condition when it is damaged.
- The balcony is used as an extension of the property's living area which is on the first floor of the property and he has concerns for the safety of his family if vehicles can potentially continue to cause structural damage to the balcony.
- He is also concerned for the safety of pedestrians who walk along the public footpath under the balcony.

(Mr Johansson left at 10.33am)

Clr Da Cruz noted that there are two drains at the corner of Mansfield Street and Smith Street and requested that water sensitive design be built into the proposed garden beds to ensure the garden beds retain water. Council Officers will pass this request to Council's Design team for consideration.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. **The proposed garden beds (incorporating consideration of water sensitive design) at the intersection of Smith Street and Mansfield Street, Rozelle be supported;**
2. **That this project be listed for consideration in a forward works program; and**
3. **Prior to construction of any physical device, an interim treatment of a painted island and road flaps are provided in lieu of the garden beds.**

For motion: Unanimous

LTC0718 Item 4 Emma Street and Hill Street, Leichhardt - Proposed Intersection Treatment (Leichhardt Ward / Balmain Electorate / Leichhardt LAC)

SUMMARY

Council has received concerns regarding vehicles causing building damage to No. 42 Emma Street, Leichhardt whilst manoeuvring near the corner of Emma Street and Hill Street, Leichhardt. This has raised concerns for both the structural integrity of the building and pedestrian safety.

Officer's Recommendation

THAT:

1. **The proposed garden bed/kerb extension at the intersection of Emma Street and Hill Street, Leichhardt be supported, as detailed in Attachment 1;**

2. That this project be listed for consideration in a forward works program; and
3. Prior to construction of any physical device, an interim treatment of a painted island and road flaps are provided in lieu of the garden bed/kerb extension.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION**THAT:**

1. The proposed garden bed/kerb extension at the intersection of Emma Street and Hill Street, Leichhardt be supported;
2. That this project be listed for consideration in a forward works program; and
3. Prior to construction of any physical device, an interim treatment of a painted island and road flaps are provided in lieu of the garden bed/kerb extension.

For motion: Unanimous

LTC0718 Item 5 Proposed Temporary Road Closure to Hold Bay Run Event on Sunday, 5 August 2018. (Leichhardt Ward/Balmain Electorate/Leichardt LAC)

SUMMARY

The Bay Run Committee has requested approval by the Local Traffic Committee and Council to conduct the annual Bay Run event (its sixteenth year) on Sunday, 5 August 2018.

The Bay Run follows the shore line of Iron Cove and is approximately 7km in length. The shared path on the Iron Cove Bridge will form part of the Bay Run.

This event will be held between 6.00am to 11.00am on 5 August 2018. The race participation includes approximately:

- 1600 runners
- 150 walkers
- 100 runners with dogs
- 600 children (2km)

Officer's Recommendation**THAT:**

1. The proposed temporary closure of Maliyawul Street, Lilyfield, north of Le Montage Function Centre on Sunday, 5th August 2018 between 6.00am to 11.00am be supported, subject to the TMP and TCP being approved by RMS;
2. The applicant be advised to contact the Office of Environment and Heritage

(OEH) to seek approval for the proposed temporary closure of Waterfront Drive, between Central Avenue and Military Drive for the event (within Callan Park, Lilyfield);

3. The applicant be requested to implement the RMS approved Traffic Management Plan (TMP) and Traffic Control Plan (TCP) related to the temporary closure of Maliyawul Street and Waterfront Drive, Lilyfield at its own cost;
4. The applicant be requested to arrange a letter box drop to nearby properties, Le Montage, Leichhardt Park and Aquatic Centre, Leichhardt Rowing Club and Balmain Soccer Club (Callan Park) two weeks prior to the event;
5. The event organiser be requested to produce a current Public Liability Insurance Policy with Inner West Council being included as an Interested Party; and
6. Council's Parks Engagement Officer be advised of the Committee's recommendation.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. The proposed temporary closure of Maliyawul Street, Lilyfield, north of Le Montage Function Centre on Sunday, 5th August 2018 between 6.00am to 11.00am be supported, subject to the TMP and TCP being approved by RMS;
2. The applicant be advised to contact the Office of Environment and Heritage (OEH) to seek approval for the proposed temporary closure of Waterfront Drive, between Central Avenue and Military Drive for the event (within Callan Park, Lilyfield);
3. The applicant be requested to implement the RMS approved Traffic Management Plan (TMP) and Traffic Control Plan (TCP) related to the temporary closure of Maliyawul Street and Waterfront Drive, Lilyfield at its own cost;
4. The applicant be requested to arrange a letter box drop to nearby properties, Le Montage, Leichhardt Park and Aquatic Centre, Leichhardt Rowing Club and Balmain Soccer Club (Callan Park) two weeks prior to the event;
5. The event organiser be requested to produce a current Public Liability Insurance Policy with Inner West Council being included as an Interested Party; and
6. Council's Parks Engagement Officer be advised of the Committee's recommendation.

For motion: Unanimous

LTC0718 Item 6 Smith Street, Annandale - Proposed Temporary Road Closure for 2018 Footprints ECO Festival on Sunday 26 August 2018 (Balmain Ward/Balmain Electorate/Leichhardt Ward LAC)**SUMMARY**

The Footprints Eco Festival is an event run by Inner West Council with a focus on environmental sustainability of the local community. The event will focus on delivering information to participants on a variety of environmental topics via talks, workshops and information, and market stalls.

The event will be held at Whites Creek Valley Park in Annandale on Sunday, 26 August 2018 between 11:00am and 3:00pm. As part of the event, a TMP and TCP has been submitted for proposed temporary road closures to the road network frontage of the park, between Wisdom Street and Piper Street from 4:00am to 6:00pm on Sunday, 26 August 2018.

Officer's Recommendation**THAT:**

1. The TMP and TCP (Attachment 1) for the temporary road closures from 4:00am to 6:00pm on Sunday, 26 August 2018 be supported. The road sections to be closed are:
 - Smith Street, between Piper Street and Gillies Street;
 - Gillies Street, west of Young Street;
 - Gillies Lane, between Gillies Street and Wisdom Street;
 - Wisdom Street, west of Gillies Lane;
2. All residents and businesses in and around the affected areas will be notified in advance (at least two weeks prior to the event) of the temporary internal road closures;
3. A four (4) metre unencumbered passage be available for emergency vehicles through all the closed section of internal roads at all times;
4. All advertising of the event encourage the use of Public Transport;
5. Those additional public transport services, if necessary, be organised in coordination with the STA;
6. All reasonable directions of Police be obeyed if such directions are given;
7. All barricades and signage provision are to be in accordance with Australian Standard AS1742.3-1996: Traffic Control Devices for Works on Roads;
8. All traffic controllers must hold RMS certification;
9. The local area Fire & Rescue NSW station be notified of the event details;
10. Council's Manager Resource Recovery Services must be notified of the clean-up arrangements; and
11. 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 Protection of Environment Operations Act, 1997.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. The TMP and TCP for the temporary road closures from 4:00am to 6:00pm on Sunday, 26 August 2018 be supported. The road sections to be closed are:
 - Smith Street, between Piper Street and Gillies Street;
 - Gillies Street, west of Young Street;
 - Gillies Lane, between Gillies Street and Wisdom Street;
 - Wisdom Street, west of Gillies Lane;
2. All residents and businesses in and around the affected areas will be notified in advance (at least two weeks prior to the event) of the temporary internal road closures;
3. A four (4) metre unencumbered passage be available for emergency vehicles through all the closed section of internal roads at all times;
4. All advertising of the event encourage the use of Public Transport;
5. Those additional public transport services, if necessary, be organised in coordination with the STA;
6. All reasonable directions of Police be obeyed if such directions are given;
7. All barricades and signage provision are to be in accordance with Australian Standard AS1742.3-1996: Traffic Control Devices for Works on Roads;
8. All traffic controllers must hold RMS certification;
9. The local area Fire & Rescue NSW station be notified of the event details;
10. Council's Manager Resource Recovery Services must be notified of the clean-up arrangements; and
11. 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 Protection of Environment Operations Act, 1997.

For motion: Unanimous

LTC0718 Item 7 Marrickville Road, Marrickville – Temporary full Road Closures for Dulwich Hill Village Fair on Sunday 16 SEPTEMBER 2018 (ASHFIELD WARD/SUMMER HILL ELECTORATE/MARRICKVILLE LAC)

SUMMARY

'Dulwich Hill Village Fair' is an annual event and this year it will be held on Sunday 16 September 2018. As per previous years the event will necessitate the temporary full road closure of Marrickville Road (between New Canterbury Road and Durham Street), Seaview Street (between Marrickville Road and property no. 24 Seaview Street), Caves Lane, the Seaview Street car park (car park adjacent to Caves Lane), the Loftus Street car park and

Durham Lane, Dulwich Hill (between Durham Street and Loftus Street car park).

Officer's Recommendation

THAT the proposed temporary full road closure of Marrickville Road (between New Canterbury Road and Durham Street), Seaview Street (between Marrickville Road and property No. 24 Seaview Street), Caves Lane, the Seaview Street car park (car park adjacent to Caves Lane), the Loftus Street car park and Durham Lane, Dulwich Hill (between Durham Street and Loftus Street car park), on Sunday 16 September 2018 between 3:00am and 8:00pm, for the holding of the annual 'Dulwich Hill Village Fair' (Class 2 event under the RMS Special Events Guide), be APPROVED subject to the following conditions:

- a. The temporary road closures be advertised in the local newspaper providing 28 days' notice for submissions;**
- b. A Traffic Management Plan (TMP) be submitted to the Roads and Maritime Services for consideration and approval; and a Road Occupancy License application be submitted to the Transport Management Centre.**
- c. Notice of the proposed event be forwarded to the N.S.W. Police, State Transit Authority, Marrickville Local Area Commander, the NSW Fire Brigades and the NSW Ambulance Services;**
- d. Advance notification signs for the event be strategically installed at least two (2) weeks prior to the event;**
- e. 'No Parking – Special Event' signs be affixed over all existing parking restriction signage within the area of the festival, on the afternoon of the day prior to the event - i.e. by Saturday 15 September 2018;**
- f. A 4-metre wide emergency vehicle access must be maintained through the 'closed' road area during the course of the festival;**
- g. All affected residents and businesses in the closed road area be notified in writing through a letter box drop of surrounding properties at least two (2) weeks prior to event; and**
- h. 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 (and carry appropriate certificates), 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.**

DISCUSSION

The RMS representative noted that the report for this item does not include alternate routes from New Canterbury Road to divert traffic and bus routes around the closure of Marrickville Road, and does not include details about prior notification of alternate routes for traffic. The representative advised that these details can be submitted through the TMP for RMS consideration. Council Officers will relay this advice to the applicant.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

Item 8

THAT the proposed temporary full road closure of Marrickville Road (between New Canterbury Road and Durham Street), Seaview Street (between Marrickville Road and property No. 24 Seaview Street), Caves Lane, the Seaview Street car park (car park adjacent to Caves Lane), the Loftus Street car park and Durham Lane, Dulwich Hill (between Durham Street and Loftus Street car park), on Sunday 16 September 2018 between 3:00am and 8:00pm, for the holding of the annual 'Dulwich Hill Village Fair' (Class 2 event under the RMS Special Events Guide), be APPROVED subject to the following conditions:

- a. The temporary road closures be advertised in the local newspaper providing 28 days' notice for submissions;
- b. A Traffic Management Plan (TMP) be submitted to the Roads and Maritime Services for consideration and approval; and a Road Occupancy License application be submitted to the Transport Management Centre; including an alternate route be shown in the TMP for traffic and bikes.
- c. Notice of the proposed event be forwarded to the N.S.W. Police, State Transit Authority, Marrickville Local Area Commander, the NSW Fire Brigades and the NSW Ambulance Services;
- d. Advance notification signs for the event be strategically installed at least two (2) weeks prior to the event;
- e. 'No Parking – Special Event' signs be affixed over all existing parking restriction signage within the area of the festival, on the afternoon of the day prior to the event - i.e. by Saturday 15 September 2018;
- f. A 4-metre wide emergency vehicle access must be maintained through the 'closed' road area during the course of the festival;
- g. All affected residents and businesses in the closed road area be notified in writing through a letter box drop of surrounding properties at least two (2) weeks prior to event; and
- h. 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 (and carry appropriate certificates), 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.

For motion: Unanimous

LTC0718 Item 8 Marrickville Road, Marrickville – Temporary Full Road Closures For Marrickville Festival On Sunday 21 October 2018 (MARRICKVILLE WARD/SUMMER HILL ELECTORATE/MARRICKVILLE LAC)

SUMMARY

'Marrickville Festival' is an annual event and this year it will be held on Sunday 21 October 2018. As per previous years the event will necessitate the temporary full road closure of Marrickville Road (between Petersham Road and Victoria Road), Illawarra Road (between Sydenham Road and Petersham Road), Alex Travellion Plaza and the Calvert Street car park in Marrickville. Short sections of Silver Street, Garners Avenue, Gladstone Street and

Frampton Avenue where these streets intersect Marrickville Road will also be closed.

Officer's Recommendation

THAT:

1. The proposed temporary full road closure of Marrickville Road (between Petersham Road and Victoria Road), Illawarra Road (between Sydenham Road and Petersham Road), Alex Trevallion Plaza, the Calvert Street car park and short sections of Silver Street, Garners Avenue, Gladstone Street, Calvert Street and Frampton Avenue where these streets intersect Marrickville Road, Marrickville, from 11:00pm on Saturday 20 October 2018 to 12:00am on Monday 22 October 2018, for the holding of the annual 'Marrickville Festival' (Class 2 event under the RMS Special Events Guide), be APPROVED subject to the following conditions:
 - a. The temporary road closures be advertised in the local newspaper providing 28 days' notice for submissions;
 - b. A Traffic Management Plan (TMP) be submitted to the Roads and Maritime Services for consideration and approval; and a Road Occupancy License application be submitted to the Transport Management Centre;
 - c. Notice of the proposed event be forwarded to the N.S.W. Police, State Transit Authority, Marrickville Local Area Commander, the NSW Fire Brigades and the NSW Ambulance Services;
 - d. Advance notification signs for the event be strategically installed at least two (2) weeks prior to the event;
 - e. 'No Parking – Special Event' signs be affixed over all existing parking restriction signage within the area of the festival, on the afternoon of the day prior to the event - Saturday 20 October 2018;
 - f. 'No Parking – Special Event' signs be affixed both sides of Petersham Road, Marrickville (between Illawarra Road and Marrickville Road) on the afternoon of the day prior to the event - Saturday 20 October 2018;
 - g. Traffic Controllers be located on Petersham Road to assist with the movement of the buses;
 - h. A 4-metre wide emergency vehicle access must be maintained through the 'closed' road area during the course of the festival;
 - i. All affected residents and businesses in the closed road area be notified in writing through a letter box drop of surrounding properties at least two (2) weeks prior to event;
 - j. 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 (and carry appropriate certificates), 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; and
2. The existing Alcohol-Free Zone in the vicinity of Marrickville Road be suspended on Sunday 21 October 2018 for the purpose of holding this year's 'Marrickville Festival'.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. The proposed temporary full road closure of Marrickville Road (between Petersham Road and Victoria Road), Illawarra Road (between Sydenham Road and Petersham Road), Alex Trevallion Plaza, the Calvert Street car park and short sections of Silver Street, Garners Avenue, Gladstone Street, Calvert Street and Frampton Avenue where these streets intersect Marrickville Road, Marrickville, from 11:00pm on Saturday 20 October 2018 to 12:00am on Monday 22 October 2018, for the holding of the annual 'Marrickville Festival' (Class 2 event under the RMS Special Events Guide), be APPROVED subject to the following conditions:
 - a. The temporary road closures be advertised in the local newspaper providing 28 days' notice for submissions;
 - b. A Traffic Management Plan (TMP) be submitted to the Roads and Maritime Services for consideration and approval; and a Road Occupancy License application be submitted to the Transport Management Centre;
 - c. Notice of the proposed event be forwarded to the N.S.W. Police, State Transit Authority, Marrickville Local Area Commander, the NSW Fire Brigades and the NSW Ambulance Services;
 - d. Advance notification signs for the event be strategically installed at least two (2) weeks prior to the event;
 - e. 'No Parking – Special Event' signs be affixed over all existing parking restriction signage within the area of the festival, on the afternoon of the day prior to the event - Saturday 20 October 2018;
 - f. 'No Parking – Special Event' signs be affixed both sides of Petersham Road, Marrickville (between Illawarra Road and Marrickville Road) on the afternoon of the day prior to the event - Saturday 20 October 2018;
 - g. Traffic Controllers be located on Petersham Road to assist with the movement of the buses;
 - h. A 4-metre wide emergency vehicle access must be maintained through the 'closed' road area during the course of the festival;
 - i. All affected residents and businesses in the closed road area be notified in writing through a letter box drop of surrounding properties at least two (2) weeks prior to event;
 - j. 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 (and carry appropriate certificates), 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; and

2. The existing Alcohol-Free Zone in the vicinity of Marrickville Road be suspended on Sunday 21 October 2018 for the purpose of holding this year's 'Marrickville Festival'.

For motion: Unanimous

LTC0718 Item 9 Pearl Lane, Newtown – Proposed Statutory 'No Stopping' Restrictions South of Holmwood Street (Stanmore Ward/ Newtown Electorate / Marrickville LAC)

SUMMARY

A resident of Pearl Street, Newtown has raised concerns regarding vehicles being parked opposite to their garage in Pearl Lane, restricting access to their off-street parking facility. It should also be noted that the area opposite the garage access is also located with the statutory 10m 'No Stopping' zone from an intersection.

It is recommended that the installation of 'No Stopping' restrictions on the eastern side of Pearl Lane for the statutory distance of 10 metres south of its junction with Holmwood Street be approved, to improve vehicular access into off-street parking spaces.

Officer's Recommendation

THAT:

1. The installation of 'No Stopping' restrictions on the eastern side of Pearl Lane for the statutory distance of 10 metres south of its junction with Holmwood Street, Newtown, be APPROVED, to improve vehicular access into off-street parking spaces; and
2. The applicant be advised in terms of this report.

DISCUSSION

The representative for the Member for Heffron advised that this item is within the Newtown Electorate, not the Heffron Electorate as stated in the agenda.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. The installation of 'No Stopping' restrictions on the eastern side of Pearl Lane for the statutory distance of 10 metres south of its junction with Holmwood Street, Newtown, be APPROVED, to improve vehicular access into off-street parking spaces; and
2. The applicant be advised in terms of this report.

For motion: Unanimous

LTC0718 Item 10 Applebee Street, St Peters - Temporary Road Closure to Carry Out Sewer Works. (Marrickville Ward/ Heffron Electorate/Newtown LAC)**SUMMARY**

An application has been received from GJ Building and Contracting for the temporary full road closure of Applebee Street (between Lackey Street and Hutchinson Street) St Peters periodically between (9:00pm to 5:00am) from Hutchinson Street to Short Street and/or (7:00am to 5:30pm) from Short Street to Lackey Street for a period of two weeks from 30/7/2018 till 16/8/2018 with a further two weeks of contingency from 17/8/2018 till 31/8/2018 in order to carryout sewer works on Applebee Street, St Peters. It is recommended that the proposed temporary road closure be approved, subject to the conditions outlined in this report.

Officer's Recommendation

THAT the proposed temporary full road closure of Applebee Street (between Lackey Street and Hutchinson Street) St Peters periodically between (9:00pm to 5:00am) from Hutchinson Street to Short Street and/or (7:00am to 5:30pm) from Short Street to Lackey Street for a period of two weeks from 30/7/2018 till 16/8/2018 with a further two weeks of contingency from 17/8/2018 till 31/8/2018 in order to carryout sewer works on Applebee Street, St Peters, subject to the following conditions:

- a) A fee of \$1,540.60 for the temporary full road closure is payable by the applicant in accordance with Council's Fees and Charges;
- b) The temporary full road closure be advertised in the local newspaper providing 28 days' notice for submissions, in accordance with the Roads Act;
- c) A Traffic Management Plan (TMP) be submitted by the applicant to the Roads and Maritime Services for consideration and approval;
- d) 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;
- e) A Road Occupancy License be obtained by the applicant from the Roads and Maritime Services' Transport Management Centre;
- f) Notice of the proposed closure be forwarded by the applicant to the NSW Police, the NSW Fire Brigades and the NSW Ambulance Services;
- g) 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;
- h) 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;
- i) 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;
- j) 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;
- k) 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;

- l) 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;
- m) 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;
- n) 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;
- o) All work is to be carried out in accordance with Work Cover requirements; and
- p) The costs to repair damages, as a result of these works, to Council's footway and roadway areas will be borne by the applicant.

DISCUSSION

The representative for the Member for Heffron submitted the following statement:

"The Member for Heffron recognises the importance of the sewer work on Applebee Street, St Peters but is concerned about the impact of the work on a local community already seriously impacted by the WestConnex project work around the St Peters Triangle.

The proposed works centred on Applebee has the potential to extend for up to 4 weeks from 30 July with closures and controlled access 9-5pm.

He is requesting that every effort be made to minimise the disruption to the local business and residential communities who coexist in the triangle and rely on that access to both live and work.

Notification of residences and local businesses should be a high priority and requests that Council make every effort to respond quickly to complaints and ensure that all guidelines are followed in the implementation of the work."

The Committee members agreed to amend the recommendation to state that all affected residents and businesses be notified in writing of the proposed temporary road closure at least 28 days in advance of the closure (part h of the recommendation).

ADDENDUM

Following the meeting, Council officers received a number of concerns raised by residents relating largely to the proposal for the road closure of Applebee Street, between Lackey Street and Hutchinson Street, between the hours of 9.00pm and 5.00am; in particular relating to the noise that would be generated throughout the night and the impact on the nearby residential properties. It was considered that the road closure could reasonably be limited to a 6.00pm commencement through to 11.00pm, with works being ceased by 10.00pm.

This would likely extend the duration of this element of the works; however, there is considered to be sufficient contingency within the 4 week period being sought by the applicant.

Subsequently, the proposed amended hours of operation was emailed to the Committee members and was supported by both the Police and RMS representatives via email.

COMMITTEE RECOMMENDATION

THAT the proposed temporary full road closure of Applebee Street (between Lackey Street and Hutchinson Street) St Peters periodically between (6:00pm to 11:00pm) from Hutchinson Street to Short Street and/or (7:00am to 5:30pm) from short Street to Lackey Street for a period of two weeks from 30/7/2018 till 16/8/2018 with a further two weeks of contingency from 17/8/2018 till 31/8/2018 in order to carryout sewer works on Applebee Street, St Peters, subject to the following conditions:

- a) A fee of \$1,540.60 for the temporary full road closure is payable by the applicant in accordance with Council's Fees and Charges;
- b) The temporary full road closure be advertised in the local newspaper providing 28 days' notice for submissions, in accordance with the Roads Act;
- c) A Traffic Management Plan (TMP) be submitted by the applicant to the Roads and Maritime Services for consideration and approval;
- d) 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;
- e) A Road Occupancy License be obtained by the applicant from the Roads and Maritime Services' Transport Management Centre;
- f) Notice of the proposed closure be forwarded by the applicant to the NSW Police, the NSW Fire Brigades and the NSW Ambulance Services;
- g) 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;
- h) All affected residents and businesses shall be notified in writing, by the applicant, of the proposed temporary road closure at least 28 days in advance of the closure with the applicant making reasonable provision for residents;
- i) 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;
- j) 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;
- k) 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;
- l) 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;
- m) 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;
- n) 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;
 - o) All work is to be carried out in accordance with Work Cover requirements; and
 - p) The costs to repair damages, as a result of these works, to Council's footway and roadway areas will be borne by the applicant.

For motion: Unanimous

LTC0718 Item 11 Lackey Street and Smith Street, Summer Hill - Temporary Road Closures For the Annual 'Summer Hill Neighbourhood Festa' on Sunday 7 October 2018. (Ashfield Ward/Summer Hill Electorate/Ashfield LAC)

SUMMARY

In accordance to a Section S68 Development Application 10.2018.93, Council seeks the support of the Committee for the temporary road closures of Lackey Street and Smith Street, Summer Hill for the annual 'Summer Hill Neighbourhood Feast' festival on Sunday 7 October 2018, as recommended below.

Officer's Recommendation

THAT the road closure application for the 'Summer Hill Neighborhood Feast' on the Sunday 7 October 2018 be supported, subject to the following conditions:

- a) The road closure be restricted to occur from 6.00am and 6.00pm in Lackey Street (between Carlton Crescent and Smith Street), and Smith Street (between Hardie Avenue and Nowrairie Street);
- b) Hardie Avenue, between Smith Street and Lackey Street be closed at Lackey Street, to allow access only to the Summer Hill carpark;
- c) A Traffic Management Plan (TMP) is submitted to and approved by RMS and an application for a Roads Occupancy License be forwarded to and approved by the Transport Management Centre;
- d) Notice of the proposed event is forwarded to the emergency services, i.e. NSW Police, Fire and Rescue NSW and NSW Ambulance Services;
- e) A 4 metre wide emergency service access must be maintained through the closed road areas during the course of the event;
- f) Council through its 'Events Management' will notify/consult with all affected residents and/or businesses in the area, and conduct a letter-box/leaflet drop notifying the local community of the road closure event at least two (2) weeks prior to the event;
- g) The temporary road closure be advertised in the local newspaper providing 28 days' notice for submissions, in accordance with the Roads Act;
- h) Advance notification signs for the event are strategically installed at least one (1) week prior to the event; and

- i) Adequate Vehicular traffic control shall be provided for the protection and convenience of pedestrians and motorists including appropriate signage and flagging. Workers shall be specifically designated for this role (and carry appropriate certificates), 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.

DISCUSSION

Clr Passas stated that business owners in Lackey Street have commented that the proposed conclusion of the road closure at 6.00pm is too late and would impact businesses that operate in the evenings. The business owners wish to have the road closures conclude by 5.00pm.

Council Officers will forward the business owners' request to the Event Manager to see if the road could be re-opened earlier.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the road closure application for the 'Summer Hill Neighborhood Feast' on the Sunday 7 October 2018 be supported, subject to the following conditions:

- a) The road closure be restricted to occur from 6.00am and 6.00pm in Lackey Street (between Carlton Crescent and Smith Street), and Smith Street (between Hardie Avenue and Nowrairie Street);
- b) Hardie Avenue, between Smith Street and Lackey Street be closed at Lackey Street, to allow access only to the Summer Hill carpark;
- c) A Traffic Management Plan (TMP) is submitted to and approved by RMS and an application for a Roads Occupancy License be forwarded to and approved by the Transport Management Centre;
- d) Notice of the proposed event is forwarded to the emergency services, i.e. NSW Police, Fire and Rescue NSW and NSW Ambulance Services;
- e) A 4 metre wide emergency service access must be maintained through the closed road areas during the course of the event;
- f) Council through its 'Events Management' will notify/consult with all affected residents and/or businesses in the area, and conduct a letter-box/leaflet drop notifying the local community of the road closure event at least two (2) weeks prior to the event;
- g) The temporary road closure be advertised in the local newspaper providing 28 days' notice for submissions, in accordance with the Roads Act;
- h) Advance notification signs for the event are strategically installed at least one (1) week prior to the event; and
- i) Adequate Vehicular traffic control shall be provided for the protection and convenience of pedestrians and motorists including appropriate signage and

flagging. Workers shall be specifically designated for this role (and carry appropriate certificates), 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.

For motion: Unanimous

LTC0718 Item 12 Chapman Lane (rear of Nos. 127 to 133 Annandale Street), Annandale - Proposed Extension of "No Parking" zone (Balmain Ward/Balmain Electorate/Leichhardt LAC)

SUMMARY

Council has received concerns regarding parking obstructing access to off-street parking in Chapman Lane (rear of Nos.127 to 133 Annandale Street), Annandale

Officer's Recommendation

THAT:

- 1. A 7.2m 'No Parking' zone be installed on the eastern side of Chapman Lane (opposite the rear of No.127 Annandale Street); and**
- 2. A 10.8m 'No Parking' zone be installed on the eastern side of Chapman Lane (opposite the rear of No.133 Annandale Street).**

DISCUSSION

Public speakers: Ms Beverley Prunster, resident of Johnston Street, attended at 10.28am

Ms Prunster objected to the proposed 'No Parking' zone on the eastern side of Chapman Lane that would remove the parking space adjacent to her garage that faces the lane and made the following comments:

- The section of Chapman Lane directly outside her garage does not obstruct any entrances to garages on the opposite side of the lane.
- Has owned her property since 1993 and has not received any complaints about using the parking space adjacent to her garage.
- Photos of Chapman Lane were tabled which showed a vehicle parked across the driveway of 133 Annandale Street and blocking access to her garage on the opposite side of Chapman Lane.
- If the parking is removed from Chapman Lane, tradespeople will not be able to legally park to access properties from the lane and residents will not be able to park in the lane to wash their cars.
- Her mother has a mobility parking permit and when parking is not available in Johnston Street, she is currently allowed to park in the lane.
- There is less parking in Annandale Street and Johnston Street than there used to be.

Annandale Lodge on Johnston Street converted their on-site parking to units and residents of those units occupy parking spaces in Johnston Street, Annandale Street and Chapman Lane.

- Requested that the parking space adjacent to the garage of 110 Johnston Street be retained or the residents of the property to be permitted to park in the proposed 'No Parking' zone if it is approved.

(Ms Prunster left at 10.33am)

The representative for the Member for Balmain, Cllr Da Cruz and Cllr Passas requested that Council Officers reconsider part 2 of the recommendation and retain and linemark a parking space if possible. Council Officers indicated that they will further investigate whether the parking space can be retained. However, it was advised that initial investigations found that there is only space to park a small vehicle and that larger vehicles parking in the space would impact on swept paths for residents accessing garages on the opposite side of Chapman Lane.

Cllr Da Cruz raised concerns with an ongoing issue with the availability of mobility parking spaces and resident parking in Johnston Street. As Johnston Street is a State road under the jurisdiction of RMS, Cllr Da Cruz was advised to discuss the matter with RMS.

COMMITTEE RECOMMENDATION

THAT:

1. A 7.2m 'No Parking' zone be installed on the eastern side of Chapman Lane (opposite the rear of No.127 Annandale Street); and
2. A 10.8m 'No Parking' zone be deferred for further consideration on the eastern side of Chapman Lane (opposite the rear of No.133 Annandale Street).

For motion: Unanimous

LTC0718 Item 13 Nelson Lane (Opp. Nos. 195 to 207A Nelson Street), Annandale - Extension of 'No Parking' zone (Balmain Ward/Balmain Electorate/Leichhardt LAC)

SUMMARY

Council has received concerns regarding obstructed driveway access in Nelson Lane opposite the rear boundaries of Nos.195 to 207 Nelson Street, Annandale.

Officer's Recommendation

THAT the existing 'No Parking' zone on the eastern side of Nelson Lane, Annandale be extended northwards to include the 48m unrestricted parking area opposite the rear boundaries of Nos. 195 to 207A Nelson Street, Annandale.

DISCUSSION

Public speakers: Mr Russell Steel and Ms Judith Martin, residents of Nelson Street, attended at 10.35am

Mr Steel objected to the proposed 'No Parking' zone and stated that:

- He has three cars and he and his staff have difficulty finding parking in Nelson Street as the parking is often occupied by workers from the Harold Park development and commuters using public transport to travel to work. The proposal would making parking even more difficult.
- He has been trying to have a Resident Parking Scheme introduced in Nelson Street to ease parking for residents for years.
- If there was an RPS in Nelson Street, he still would not support the recommendation for a 'No Parking' zone in Nelson Lane.

Ms Martin stated she has a neutral position to the proposal in the lane but has a number of issues and stated that Council's response to the issues have been ad hoc. Ms Martin made the following comments:

- In response to complaints from residents who cannot access their garages because of parked vehicles obstructing access, Council's response has been to signpost 'No Parking' outside of the property. This removes parking from residents such as herself who do not have off-street parking which is not made up through the implementation of an RPS as residents who have off-street parking usually do not support an RPS in the street.
- The road on Nelson Lane is in poor condition and motorists often speed through the lane which is heavily used by cyclists and pedestrians. Council has plans to resheet Nelson Lane this year and she requested Council review and address all the issues in the street during reconstruction instead of installing ad hoc parking restrictions.

Council Officers advised that the former Leichhardt Council had investigated implementing an RPS in the street numerous times and parking occupancy studies have been taken in the area, including Nelson Street. However, there was not enough support from residents for a Resident Parking Scheme.

(Mr Steel and Ms Martin left at 10.51am)

Clr Da Cruz stated that Council should retain as much parking as possible in the lane. Council Officers advised that retaining parking has been considered; however, an onsite investigation showed that vehicles parked in the area proposed for the 'No Parking' zone do obstruct access to driveways in Nelson Lane.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the existing 'No Parking' zone on the eastern side of Nelson Lane, Annandale be extended northwards to include the 48m unrestricted parking area opposite the rear boundaries of Nos. 195 to 207A Nelson Street, Annandale.

For motion: Unanimous

LTC0718 Item 14 Silver Lane - Proposed 'No Parking' Restrictions (Marrickville Ward/Electorate/Inner West LAC)**SUMMARY**

Following representations from the community, it is proposed to install 'No Parking' in Silver Lane, Marrickville to ensure access to off street parking and vehicular thoroughfare. Public consultation has been carried out regarding the proposal.

Officer's Recommendation

THAT conversion of unrestricted parking to 'No Parking' in Silver Lane, Marrickville (eastern side) between existing 'No Stopping' at Marrickville Lane and existing 'No Parking' at the rear of property No.31 Gladstone Street be approved to allow for access to an off-street parking space.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT conversion of unrestricted parking to 'No Parking' in Silver Lane, Marrickville (eastern side) between existing 'No Stopping' at Marrickville Lane and existing 'No Parking' at the rear of property No.31 Gladstone Street be approved to allow for access to an off-street parking space.

For motion: Unanimous

LTC0718 Item 15 Marian Lane, Enmore - Proposed 'No Parking' Restrictions (Stanmore Ward/Newtown Electorate/Inner West LAC)**SUMMARY**

Following representation from a resident, Council is proposing to restrict parking in a section of Marian Lane, Enmore. All affected properties had been notified of the proposal and no objections have been received. Given the narrowness of the laneway and the difficulty experienced by the resident in accessing off street parking, it is recommended to proceed with the implementation of a section of 'No Parking' restriction in the laneway.

Officer's Recommendation

THAT the conversion of unrestricted parking to a 5m section of 'No Parking' restriction in Marian Lane at the rear of property No. 69 Marian Street (opposite the rear of No. 52 Metropolitan Road, Enmore) be supported to improve access into the property.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the conversion of unrestricted parking to a 5m section of 'No Parking' restriction in Marian Lane at the rear of property No. 69 Marian Street (opposite the

rear of No. 52 Metropolitan Road, Enmore) be supported to improve access into the property.

For motion: Unanimous

**LTC0718 Item 16 Hopetoun Lane, Camperdown - Proposed 'No Parking' Restrictions
(Stanmore Ward/Newtown Electorate/Inner West LAC)**

SUMMARY

Following representation from a resident, Council is proposing to extend a section of 'No Parking' in Hopetoun Lane to allow for access to a property that is currently being obstructed by vehicles parking across the gate. There have been no objections received to the proposal through the consultation process.

Officer's Recommendation

THAT conversion of unrestricted parking to 'No Parking' in Hopetoun Lane between existing 'No Parking' at rear of property no. 49 Hopetoun Street to rear of property no. 45 Hopetoun Street be APPROVED to improve access into the property on the opposite side of the laneway.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT conversion of unrestricted parking to 'No Parking' in Hopetoun Lane between existing 'No Parking' at rear of property no. 49 Hopetoun Street to rear of property no. 45 Hopetoun Street be APPROVED to improve access into the property on the opposite side of the laneway.

For motion: Unanimous

**LTC0718 Item 17 McGill Street, Lewisham - Proposed 'No Stopping' Restrictions
(Stanmore Ward/Summer Hill Electorate/Inner West LAC)**

SUMMARY

Following community representations Council is proposing to implement a number of restrictions in McGill Street, Lewisham in order to improve safety and access in McGill Street.

Officer's Recommendation

THAT 10m statutory 'No Stopping' restriction in McGill Street at Old Canterbury Road (western side); and 10m statutory 'No Stopping' restriction in McGill Street at Hudson Street (both sides) be approved to improve safety and access to McGill Street, Lewisham.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT 10m statutory 'No Stopping' restriction in McGill Street at Old Canterbury Road (western side); and 10m statutory 'No Stopping' restriction in McGill Street at Hudson Street (both sides) be approved to improve safety and access to McGill Street, Lewisham.

For motion: Unanimous

LTC0718 Item 18 Watson Avenue, Croydon Park - Request for One Hour (1P) Parking Restriction

SUMMARY

Council is proposing to introduce a one hour parking limit on the western side of Watson Avenue, Croydon Park to the existing parking spaces in front of the shops at 2-4 Georges River Road, Croydon Park.

The following proposal addresses the need to have an appropriate turnover of parking for customers in order to assist the existing businesses in this section of Watson Avenue.

Officer's Recommendation

THAT:

- 1. The installation of '1P, 8.30am-6.00pm M-F., 8.30am-12.30pm Sat.' in Watson Street, Croydon Park adjacent 2-4 Georges River Road be approved to facilitate a turn over parking for adjacent businesses; and**
- 2. The installation of statutory 'No Stopping' sign on the north-western side of Watson Avenue, 10m south of Georges River Road, Croydon Park, be approved;**

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

- 1. The installation of '1P, 8.30am-6.00pm M-F., 8.30am-12.30pm Sat.' in Watson Street, Croydon Park adjacent 2-4 Georges River Road be approved to facilitate a turn over parking for adjacent businesses; and**
- 2. The installation of statutory 'No Stopping' sign on the north-western side of Watson Avenue, 10m south of Georges River Road, Croydon Park, be approved;**

For motion: Unanimous

**LTC0718 Item 19 Nowranie Lane, Summer Hill - Proposed 'No Parking' Restrictions
(ASHFIELD WARD/ SUMMER HILL ELECTORATE/ ASHFIELD LAC)****SUMMARY**

Following community representations and site investigations it is proposed to introduce a section of 'No Parking' restrictions in Nowranie Lane, Summer Hill. Given the support for the proposal, it is recommended to proceed with the 'No Parking' restrictions in order to improve sight lines for turning motorists and increase safety by prohibiting motorists from parking within the specified zone in Nowranie Lane.

Officer's Recommendation

THAT the installation of full-time 'No Parking' restrictions (33 meters in length) on the western side of Nowranie Lane, between the rear of property no. 2A Nowranie Street (southern boundary), Summer Hill and the rear of property no. 10 Nowranie Street (northern boundary) Summer Hill, be APPROVED, in order to allow for vehicular access on the lane.

DISCUSSION

Clr Da Cruz asked about the scope of the consultation and was advised that affected residents in Smith Street, Carrington Street and Nowranie Street (from No.2 – No.12) were sent consultation letters.

Clr Da Cruz advised that she received a complaint from a resident within the consultation area who stated that they did not receive a consultation letter. The resident objects to the proposed 'No Parking' zone due to the removal of a parking space. Council Officers advised that a vehicle parked in the space proposed to be converted into 'No Parking' obstructs access to the garage of No.5 Carrington Street. It was also advised that there is a Resident Parking Scheme in Nowranie Street and any residents affected by the proposed loss of parking in Nowranie Lane can apply for a parking permit.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of full-time 'No Parking' restrictions (33 metres in length) on the western side of Nowranie Lane, between the rear of property No. 2A Nowranie Street (southern boundary), Summer Hill and the rear of property No. 10 Nowranie Street (northern boundary) Summer Hill, be APPROVED, in order to allow for vehicular access on the lane.

For motion: Unanimous

LTC0718 Item 20 Maida Street, Lilyfield - Proposed 'Motor Bike Only' Zone (Balmain Ward/ Balmain Electorate/ Leichhardt LAC)**SUMMARY**

Council has received concerns regarding blocked vehicular access to the driveway of No. 32 and No. 34 Maida Street, Lilyfield because of vehicles over-hanging the driveways, when

parking against the short section of kerb between the driveways.

Officer's Recommendation

THAT 3m of 'Motor Bike Only' parking be installed on the eastern side of Maida Street between the driveways of Nos. 32 and 34 Maida Street, Lilyfield.

DISCUSSION

Clr Da Cruz asked whether there are road markings that could be installed to indicate that the parking space is specifically for motorbikes to prevent cars using the space. Council Officers advised that motorbike parking is typically only signposted; however, the proposed motorbike parking space can be monitored after implementation to ensure the space is not used by cars.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT 3m of 'Motor Bike Only' parking be installed on the eastern side of Maida Street between the driveways of Nos. 32 and 34 Maida Street, Lilyfield.

For motion: Unanimous

LTC0718 Item 21 Minor Traffic Facilities (All Wards / All Electorates / All LACs)

SUMMARY

This report considers minor traffic facility applications received by Inner West Council, and includes 'Disabled Parking' and 'Works Zone' requests.

Officer's Recommendation

THAT:

- 1. A 20m 'Works Zone 7.00am - 5.30pm Mon-Sat' be installed in front of Nos. 20-22 George Street, Marrickville for 6 months;**
- 2. A 9m 'Works Zone 7.00am – 5.00pm Mon-Fri, 7.00am – 1.00pm Sat' be installed in front of No. 14 Reserve Street, Annandale;**
- 3. A 9m 'Works Zone 7.00am - 5.30pm Mon-Sat' be installed in front of No. 41 Fisher Street, Petersham for 6 months;**
- 4. A 5.5m 'Disabled Parking' zone is installed in Macquarie Terrace in front of No.8A Macquarie Terrace, Balmain;**
- 5. A 5.5 m 'Disabled Parking' zone is installed in Joseph Street on the side boundary of No.25 May Street, Lilyfield;**
- 6. A 6m 'Disabled Parking' zone be installed in front of property No. 1 Sloane Street, Newtown; and**
- 7. A 6m 'Disabled Parking' zone be installed in front of No. 25 Dock Road, Birchgrove (including provision of a kerb ramp).**

DISCUSSION

The representative for the Member for Summer Hill stated that the proposed 'Works Zone' in George Street, Marrickville will be across the road from an aged care facility and asked that Council ensure that access to the facility is not impacted by the 'Works Zone'. Council Officers advised that the proposed 'Works Zone' will not affect access to the aged care facility.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION**THAT:**

1. A 20m 'Works Zone 7.00am - 5.30pm Mon-Sat' be installed in front of Nos. 20-22 George Street, Marrickville for 6 months;
2. A 9m 'Works Zone 7.00am – 5.00pm Mon-Fri, 7.00am – 1.00pm Sat' be installed in front of No. 14 Reserve Street, Annandale;
3. A 9m 'Works Zone 7.00am - 5.30pm Mon-Sat' be installed in front of No. 41 Fisher Street, Petersham for 6 months;
4. A 5.5m 'Disabled Parking' zone is installed in Macquarie Terrace in front of No.8A Macquarie Terrace, Balmain;
5. A 5.5 m 'Disabled Parking' zone is installed in Joseph Street on the side boundary of No.25 May Street, Lilyfield;
6. A 6m 'Disabled Parking' zone be installed in front of property No. 1 Sloane Street, Newtown; and
7. A 6m 'Disabled Parking' zone be installed in front of No. 25 Dock Road, Birchgrove (including provision of a kerb ramp).

For motion: Unanimous

LTC0718 Item 22 Railway Avenue, Stanmore; Darley Road, Leichhardt , Lilyfield Road, Lilyfield and Frederick Street, Ashfield - 'No Parking 7am-7pm – Motor Vehicles under 4.5t GVM Excepted' (All Ward / All Electorates / All LACs)

SUMMARY

Council at its meeting held on 8 May 2018 considered an item on the regulation and enforcement of long term trailer parking. Council subsequently resolved to develop a signage strategy aimed at implementing 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions in certain problematic locations.

Officer's Recommendation**THAT:**

1. 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions

be installed (replacing unrestricted parking spaces only) on the southern side of Railway Avenue between Liberty Street and approx. 50m west of Surrey Street, Stanmore;

2. 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions be installed (replacing unrestricted parking spaces only) on the southern side of Lilyfield Road between Denison Street and the Unnamed Laneway running parallel between Justin Street and Lamb Street, Lilyfield, subject to the outcome of the Lilyfield Road Separated Cycleway investigation;
3. A request for the implementation of 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions on the northern/western side of Darley Road, Leichhardt between Allen Street and Hubert Street (replacing unrestricted parking spaces only) be forwarded to RMS for approval; and
4. It be noted that trailer parking on Frederick Street, Ashfield has ceased following enforcement of advertising trailers and no action is currently proposed.

DISCUSSION

Public speakers: Mr Bill Woodhead and Mr Dorian Zerial attended at 10.35am

Mr Zerial expressed his support for the recommendation and stated that:

- He would like Council to ensure that when the proposed 'No Parking' zone is installed in Railway Avenue, that the owner of the trailers do not move their trailers into Rosevear Street.
- Parking is already difficult in Rosevear Street with trailers often parked in the street and residents from Salisbury Road, Durham Street and Douglas Street also parking their vehicles in the street.
- He would like Council to investigate long term trailer parking in Rosevear Street.

Mr Woodhead supports the proposed parking restrictions for Railway Avenue. He stated that the current proliferation of trailer parking would be incompatible with a bicycle lane that is proposed for Railway Avenue as the trailers would protrude into the bicycle lane and pose a safety issue for cyclists.

Clr Passas advised that Council is investigating options to resolve issues around long term trailer parking and that there is a Council Motion to source appropriate land where residents can pay a small fee to park boats and trailers long term with 24 hour access.

(Mr Woodhead and Mr Zerial left at 11.02am)

Council Officers advised that parking in the streets surrounding the proposed 'No Parking' zones can be reviewed six months after implementation to identify any overflow issues. Officers also advised that they had received support from five properties and objection from one property (by phone). The objection stated the railway line was the best place to park the trailers and this parking may relocate into residential areas.

The representative for the Inner West Bicycle Coalition stated that it is appropriate to undertake works to install parking restrictions on Lilyfield Road to address the current trailer parking issues rather than waiting for the outcome of the Lilyfield Road Separated Cycleway investigation. Council Officers advised that they will discuss this issue with the

representative.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions be installed (replacing unrestricted parking spaces only) on the southern side of Railway Avenue between Liberty Street and approx. 50m west of Surrey Street, Stanmore;
2. 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions be installed (replacing unrestricted parking spaces only) on the southern side of Lilyfield Road between Denison Street and the Unnamed Laneway running parallel between Justin Street and Lamb Street, Lilyfield, subject to the outcome of the Lilyfield Road Separated Cycleway investigation;
3. A request for the implementation of 'No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted' restrictions on the northern/western side of Darley Road, Leichhardt between Allen Street and Hubert Street (replacing unrestricted parking spaces only) be forwarded to RMS for approval; and
4. It be noted that trailer parking on Frederick Street, Ashfield has ceased following enforcement of advertising trailers and no action is currently proposed.
5. Parking in the surrounding streets be reviewed for any overflow trailer parking six months after the 'No Parking' signage is installed and be reported back to the Committee.

For motion: Unanimous

LTC0718 Item 23 Grosvenor Crescent, Summer Hill - Placement of 'No Stopping' Restrictions, Summer Hill. (Ashfield Ward/Summer Hill Electorate/Ashfield LAC)

SUMMARY

Council Officers seek endorsement of 'No Stopping' restrictions installed on traffic safety grounds along the inside curve section of Grosvenor Crescent, Summer Hill from Carlton Crescent to west of the railway overbridge, Summer Hill.

Officer's Recommendation

THAT the installation of 'No Stopping' along the inside curve of Grosvenor Crescent, Summer Hill, from Carlton Crescent and past the railway overpass to (opposite) the western end of Cadigal Reserve, be endorsed.

DISCUSSION

Committee members asked whether there was an option to delineate the parking lane in Grosvenor Crescent by linemarking the lane. Council Officers indicated that it is not safe to park on the inside curve of Grosvenor Crescent which necessitates prohibiting parking along

this section.

Committee members also asked about installing yellow lines along the gutter to indicate 'No Stopping' as an alternative to signposting. Council Officers advised that due to the dangerous nature of the curve, signposting the 'No Stopping' zone is more appropriate than marking the corner with yellow lines.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 'No Stopping' along the inside curve of Grosvenor Crescent, Summer Hill, from Carlton Crescent and past the railway overpass to (opposite) the western end of Cadigal Reserve, be endorsed.

For motion: Unanimous

LTC0718 Item 24 Ash Lane, Cove Street, Northcote Street and Wolseley Street, Haberfield-Resident Parking Scheme. (Leichhardt Ward/Summer Hill Electorate/Ashfield LAC)

SUMMARY

In response to correspondence from a number of residents of Haberfield regarding parking in streets near the WestConnex construction site in Haberfield, Council has investigated the introduction of H1 Resident Parking Scheme (RPS) restrictions '2P 8.00am-6.00pm Mon-Fri., 8.00am-1.00pm Sat' in streets bounded and located north of Wattle Street, east of Parramatta Road and west of Ramsay Street, namely:

- Ash Lane, between Wolseley Street and Northcote Street;
- Cove Street, between Dobroyd Parade and Wolseley Street;
- Wolseley Street, between Parramatta Road and Ramsay Street; and
- Northcote Street, between Parramatta Road and Ramsay Street.

This report provides the result of the resident parking scheme investigation in Ash Lane, Cove Street, Wolseley Street and Northcote Street, with the recommendation as shown below.

Officer's Recommendation

THAT the proposed Resident Parking Scheme in Ash Lane, Cove Street, Northcote Street and Wolseley Street, Haberfield not be supported at the present time due to less than 50% support received from the consulted residents.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the proposed Resident Parking Scheme in Ash Lane, Cove Street, Northcote Street and Wolseley Street, Haberfield not be supported at the present time due to less than 50% support received from the consulted residents.

For motion: Unanimous

LTC0718 Item 25 Walker Avenue, Allum Street, Alt Street, Denman Avenue, Bland Street and Yasmar Avenue, Haberfield - Resident Parking Scheme. (Leichhardt Ward/Summer Hill Electorate/Ashfield LAC)**Item 8****SUMMARY**

In response to correspondence from a number of residents of Haberfield regarding parking in streets near the WestConnex construction site in Haberfield, Council has investigated the introduction of H2 Resident Parking Scheme (RPS) restrictions limited '2P 8.00am-6.00pm Mon-Fri; 8.00am-1.00pm Sat' in streets bounded and located south of Wattle Street, east of Parramatta Road, west of Ramsay Street, and north of Yasmar Street (Yasmar Street inclusive). These streets are namely:

- Allum Street, between Walker Avenue and Alt Street;
- Alt Street, between Parramatta Road and Ramsay Street;
- Bland Street, Between Parramatta Road and Ramsay Street;
- Denman Avenue, between Alt Street and Yasmar Avenue;
- Walker Avenue, between Parramatta Road and Ramsay Street;and
- Yasmar Avenue, between Denman Avenue and House No.16 Yasmar Avenue.

This report provides the result of the resident parking scheme investigation in Allum Street, Alt Street, Bland Street, Denman Avenue, Walker Avenue and Yasmar Avenue, with the recommendation as shown below.

Officer's Recommendation

THAT the proposed Resident Parking Scheme in Allum Street, Alt Street, Bland Street, Denman Avenue, Walker Avenue and Yasmar Avenue, Haberfield not be supported at the present time due to less than 50% support received from the consulted residents.

DISCUSSION

Public speaker: Mr Victor Storm, resident of Bland Street, attended at 11.03am

Mr Storm stated that he supported the recommendation to not implement a Resident Parking Scheme in Bland Street and made the following comments:

- A Resident Parking Scheme would not address the parking issues which are caused by WestConnex workers utilising parking in the local streets.
- The Scheme that was proposed during consultation would have only impeded amenity for residents.
- Parking issues caused by the temporary parking of WestConnex workers should be managed with the project proponents and it was requested that Council support residents on this.

(Mr Storm left at 11.05am)

The Committee members agreed with the Officer's recommendation.

Attachment 1

COMMITTEE RECOMMENDATION

THAT the proposed Resident Parking Scheme in Allum Street, Alt Street, Bland Street, Denman Avenue, Walker Avenue and Yasmar Avenue, Haberfield not be supported at the present time due to less than 50% support received from the consulted residents.

For motion: Unanimous

LTC0718 Item 26 Holbeach Avenue, Tempe – Temporary Full Road Closures for MS Sydney to the Gong Bike Ride on Sunday 4 November 2018 (Marrickville Ward/Heffron Electorate/Newtown LAC)

SUMMARY

Council has received an application (S68201800006) under Section 68 of the Local Government Act 1993 to use Holbeach Avenue and Tempe Recreation Reserve to hold the annual 'MS Sydney to the Gong Bike Ride' supported by Multiple Sclerosis (MS) Australia on Sunday 4 November 2018. This event will necessitate the temporary full road closure of Holbeach Avenue, Tempe and southbound lane closures on Princes Highway from the car park entrance of IKEA to Cooks River.

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.

Officer's Recommendation

THAT the report be received and noted.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the report be received and noted.

For motion: Unanimous

GENERAL BUSINESS

LTC0718 Item 27 Australian Air Force Cadets Annual Street Procession through Ashfield on Sunday 5 August 2018

An application has been made by Flight Lieutenant Les Nastevski of the Australian Air Force Cadets requesting the permission for a street procession to be held on Sunday 5 August 2018. The Australian Air Force Cadets, formerly the Air Training Corps, have over the last 60 years conducted its Annual Church parade on the first Sunday in August.

Previously, Council supported the Procession conducted over the past number of years and similar conditions are recommended below:

Officer's Recommendation

THAT:

The Street Procession to be held on Sunday 5 August 2018 be supported, subject to the following conditions:

- 1. The applicant make formal application to the NSW Police Service for its approval, and that the procession be conducted under the control of the NSW Police;**
- 2. The applicant arrange the appropriate and necessary notification to affected residents and shopkeepers in the area advising of the Procession; and**
- 3. Sydney Buses be requested to arrange to either hold back or divert bus services in the area.**

DISCUSSION

The NSW Police representative for Burwood and Campsie LAC stated that they are aware of the event and have issued operational orders for it to be under police control.

FINANCIAL IMPLICATIONS

Nil.

COMMITTEE RECOMMENDATION

THAT:

The Street Procession to be held on Sunday 5 August 2018 be supported, subject to the following conditions:

- 1. The applicant make formal application to the NSW Police Service for its approval, and that the procession be conducted under the control of the NSW Police;**
- 2. The applicant arrange the appropriate and necessary notification to affected residents and shopkeepers in the area advising of the Procession; and**
- 3. Sydney Buses be requested to arrange to either hold back or divert bus services in the area.**

For motion: Unanimous

LTC0718 Item 28 Sydney Buses representation

The representative for the Member for Summer Hill enquired about LTC representation for Sydney Buses that was first raised in the May LTC meeting. Council Officers have asked the former representatives, who are now with Transit Systems, to provide contact details of the new representative. Council Officers have not received a response yet and will follow up on the matter.

LTC0718 Item 29 Proposed Bunnings Warehouse in Tempe

Clr Passas asked if there was an update for the proposed Bunnings Warehouse site in Tempe. Clr Passas stated that she received a call from a resident who is concerned that the proposed slip lane from Princes Highway will direct more traffic into residential streets. Council Officers and the RMS representative stated that they will follow up and advise the Committee on the status of the proposal.

LTC0718 Item 30 Frederick Street, Ashfield - Pedestrian Crossing Upgrade

The RMS representative advised that the bus shelter relocation, signposting, kerb ramps, median, blisters and linemarking for the Frederick Street pedestrian crossing upgrade have been completed. The only outstanding works is the permanent lighting. Temporary lighting is currently operating until permanent lighting is installed.

LTC0718 Item 31 Proposed Woolworths site in Ashfield

The representative for the Inner West Bicycle Coalition asked whether the proposed Woolworths site on the corner of Bland Street and Parramatta Road, Ashfield is proceeding and whether the proposal will be presented again to the LTC for consideration. It was advised that if the project were to proceed and Council was asked to undertake analysis on impacts to traffic in the area, the proposal would be presented to LTC for consideration.

LTC0718 Item 32 Recording of voting in LTC minutes

Clr Passas requested that the LTC minutes clearly record which Committee members support or object to a proposal and any subsequent discussion.

LTC0718 Item 33 NSW Police LTC membership and voting

Clr Da Cruz asked how the restructure of the NSW Police LAC boundaries affects Committee membership and voting. Council Officers will follow up with the NSW Police representatives and will provide updated information on this issue in the agenda.

LTC0718 Item 34 File format of LTC agenda

Council Officers advised that they have raised the issue of providing the LTC agenda in vector PDF format with Council's Governance section. The Governance section is working with IT to upgrade software and it is expected that the agenda for the next LTC meeting can be provided in vector PDF.

Meeting closed at 12.35pm.

ATTACHMENT 1

SPEED COUNT

A traffic tube counter was installed in Mullens Street, Balmain (south of Beattie Street) on 18 June 2018 for 7 days. The speed results from the count are summarised below:

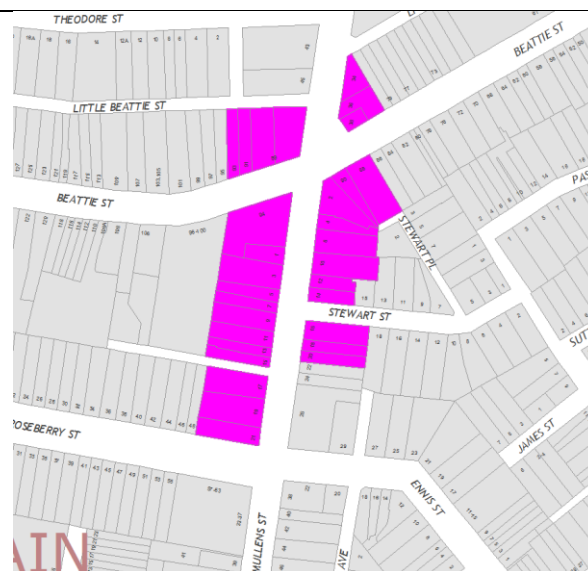
- Average speeds of vehicles was 26.4km/h and 33.2km/h in the northbound and southbound directions respectively.
- 85th percentile speeds of vehicles were 32.6km/h and 38.3km/h in the northbound and southbound directions respectively.

These speeds are below the existing 40km/h speed limit in Mullens Street. The installation of a zebra crossing is therefore suitable in this low speed environment and as indicated in the report to this meeting.

PUBLIC CONSULTATION

A letter outlining the proposed raised pedestrian (zebra) crossing was mailed out to the affected properties (29 properties) in Mullens Street, Beattie Street and Montague Street, Balmain.

No responses were received.



Item No: C0718 Item 9

Subject: WESTCONNEX AIR QUALITY & NOISE CONCERNS

Prepared By: Kendall Banfield - Manager WestConnex Unit

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

At its 22 May 2018 meeting, Council made several resolutions resulting from its consideration of a report entitled *WestConnex Air & Noise Quality Concerns*, including seeking urgent advice from staff regarding any expertise and/or further analysis on air quality, noise and/or health impacts that may be required to be engaged/commissioned by Council, in order to effectively advocate on behalf of the Inner West community. The advice was required before Council considers employing an officer with suitable expertise in air quality and/or environmental health for an initial period of at least 12 months, and commissioning a comprehensive and independent report prepared by experts on present and predicted health impacts of WestConnex on Inner West residents.

This report addresses that resolution and associated resolutions made at the meeting.

RECOMMENDATION

THAT Council receives and considers the advice in this report.

BACKGROUND

At its 22 May 2018 meeting, Council considered a report entitled *WestConnex Air & Noise Quality Concerns* and made several resolutions including the following in relation to seeking advice regarding any expertise and/or further analysis on air quality, noise and/or health impacts that may be required to be engaged/commissioned in order to effectively advocate on behalf of the Inner West community:

(5) Defer the below points while Council seeks urgent advice from staff regarding any expertise and/or further analysis on air quality, noise and/or health impacts that may be required to be engaged / commissioned by Council, in order to effectively advocate on behalf of the Inner West community. This advice should include information on any forums or other bodies at which specialised expertise may be required (e.g. Air Quality Community Consultation Committee), what form this expertise and/or advice might take; identify funding required to engage/commission this advice, and the potential funding source. This should be reported urgently back to Council for consideration before the end of June.

(Points read: Employs an officer with suitable expertise in air quality and/or environmental health for an initial period of at least 12 months to:

- *Represent Council on the Air Quality Community Consultation Committee (AQCCC) for all stages of WestConnex;*
- *Monitor and analyse readings provided by existing air quality monitors;*
- *Notify the Chair of the AQCCC and the relevant authorities of any exceedances and ensure that appropriate regulatory action is pursued;*
- *Follow up on resident complaints regarding air quality and environmental health issues;*
- *Assist on other non-WestConnex air quality issues as appropriate; and*
- *Report to Council on a monthly basis.*
- *And Commissions a comprehensive and independent report prepared by experts on present and predicted health impacts of WestConnex on Inner West residents.)*

While the resolution requires a report back to Council before the end of June 2018, this report has been deferred to the first Council meeting in July 2018 due to the large number of agenda items for the June 2018 Council meetings.

Council also made several related resolutions concerning noise and air quality matters at the meeting and these are referred to later in this report.

ADVICE ON AIR QUALITY, NOISE AND HEALTH IMPACTS THAT MAY BE REQUIRED BY COUNCIL

As was noted in the 22 May 2018 report to Council, the Council has no formal compliance role with WestConnex so any noise or air quality monitoring material obtained by Council could only be used as part of its advocacy efforts, not as part of the formal compliance monitoring process. Hence there is no guarantee that Council actions would lead to improved noise or air quality mitigation for residents, although they could inform advocacy in seeking NSW Government action. This is particularly as all three stages of the project have now been approved and there is little scope to alter conditions of approval.

As was discussed in the report to the 22 May 2018 meeting, air, noise and health impact assessment has not traditionally been part of Council's core business. Such assessment in relation to major infrastructure projects is the responsibility of the State agencies the Environment Protection Authority (EPA) and NSW Health. As a result Council has no staff with expertise relevant to this task.

As was also discussed in the 22 May 2018 report, ongoing air and noise monitoring of a major infrastructure project like WestConnex is considerably more complex and costly than Council's occasional project-specific monitoring of neighbourhood noise in response to complaints. Whilst Council has a limited ability to monitor neighbourhood noise, typically in response to complaints received from residents, it does not have the staff expertise or technical equipment to monitor ongoing construction noise from major infrastructure projects such as WestConnex.

To date Council staff have relied on utilising their general planning and technical skills to analyse issues and advise Council on air, noise and health impact issues, occasionally supported by expert advice commissioned from consultants, depending on the task. An example is the seeking of specialist air quality advice to support the Council submission on the WestConnex Stage 3 Environmental Impact Statement (EIS). Council staff also engage with expert EPA and NSW Health and Department of Planning and Environment (DP&E) compliance staff in these processes.

If Council was to determine to regularly directly obtain independent technical expert air, noise and health impact advice there are several potential Council advocacy matters that the advice could be used to support and these are considered below:

Potential Matters for Expert Advice Input

A Western Harbour Tunnel

It is anticipated that the Western Harbour Tunnel (WHT) Concept Design could be released to the public this month. The subsequent Environmental Impact Statement (EIS) is expected to be publicly exhibited later in 2018. The Council submission would be based on existing information available to staff. Expert advice on air, noise and health issues could well prove helpful in supporting Council advocacy on this matter.

B WestConnex Parliamentary Inquiry

Council will be considering a submission to the recently-announced WestConnex Parliamentary Inquiry. The submission is likely to be based on existing information available to staff and will raise issues related to air, noise and health impacts even though these matters

have not been explicitly included in the inquiry's terms of reference. Supporting independent expert advice on air, noise and health issues could be included in Council's submission.

C WestConnex Air Quality Community Consultative Committee

Council staff attend the WestConnex Air Quality Community Consultative Committee (AQCCC) which deals with operational air quality issues, but not construction air quality issues. Council staff utilise their own broad technical expertise when advocating for the community at these meetings including considering analysis provided by the EPA and NSW Health. Council has no formal or legal regulatory role at the meetings. If Council had access to independent specialist expertise on air, noise and health impact assessment this could be utilised to carry out more detailed analysis of complex material and issues examined at these meetings.

D WestConnex Community Forums

There are two WestConnex community forums that update the community on a range of issues, including air/noise issues for both construction and operation. These are Council's WestConnex Community Liaison Forum (WCLF) and the Roads & Maritime Services' (RMS's) WestConnex Community Reference Group (WCRG). Council staff draw on their own broad technical expertise at these meetings which are also attended by staff from the EPA, DP&E and NSW Health (the latter by invitation) to provide information and advice on WestConnex air, noise, health and compliance issues. If Council had access to independent specialist expertise on air, noise and health impact assessment, this could also be made available to the meetings. Such expertise could also be made available to meeting(s) of WestConnex councils and Environmental Health Working Group, as proposed under Council's 22 May 2018 resolution as referred to in Section 3 of this report.

E Construction Environmental Management Plans

Council is currently being consulted in the development of the Construction Environmental Management Plan (CEMP) for WestConnex Stage 3. At the time of writing, the Stage 3(a) (mainline tunnels) contractor had submitted a number of draft Stage 3(a) CEMP sub-plans to Council for comment, including three sub-plans relevant to this report – the *Construction Noise & Vibration Management Sub-Plan*, the *Construction Noise & Vibration Monitoring Program* and the *Construction Air Quality Management Sub-Plan*. Council staff are currently reviewing these plans and will be making a written submission. Council staff have previously carried out this role in commenting on CEMPs for Stages 1 and 2 of WestConnex. If independent expert advice was available, it could be used in this work, although this has not previously been commissioned to support similar work on Stages 1 and 2.

Reporting Advice

If Council had access to independent specialist expertise on air, noise and health impact assessment this advice could be drawn on in reports to Councillors and Council staff. These could generally be in the form of briefing notes, but direct briefings to Councillors and/or reports to Council meetings could be prepared if required.

Funding

Should Council seek access to independent specialist air, noise and health expertise it would need to allocate funding to employ staff with relevant qualifications and skills and/or appropriately qualified/skilled consultants would need to be commissioned. There is currently no allocation for the engagement of this expertise in the 2018/19 budget.

The range of technical expertise that would need to be covered indicates that it would be difficult to identify one person with sufficient depth of expertise in air, noise and health quality disciplines to operate at the same level as the technical teams established in the EPA and NSW Health who currently provide this advice. If Council determines to directly employ this specialist expertise it may be more appropriate to secure an expert who can provide initial advice on the range of issues and also identify further technical advice that may be required to support the initial advice, and potential consultants who can provide that advice.

If it was determined appropriate to directly employ an expert, it is estimated that one person might be required for approximately two days per week over the 2018/19 financial year. On the basis of a full-time salary of around \$140,000 and \$20,000 on-costs, the part-time cost of this appointment would be around \$64,000. The most relevant qualifications and skills for this position would be environmental science, but the position may also be suitable for applicants with other related qualifications and skills. However if the aim of the position is to challenge expert analysis carried out by EPA and NSW Health an additional budgetary provision is likely to be needed to seek further specialist advice which is likely to be charged at a rate of \$200 or more per hour.

If the option of directly engaging a suitable consultant is determined, it is estimated that on the basis of a two-day week and charge-out rate of \$200/hour, the cost over 12 months would be around \$130,000.

However as Council staff currently carry out the role of initial appraisal of tasks for which specialist expertise is required and then advising on consultants that may need to be engaged, it would seem that this activity can effectively be addressed utilising current staff resources. It therefore seems that if independent advice is to be regularly sought a more efficient manner of engaging specialist expert advice would be to make a budgetary allocation that can be drawn on to support Council advocacy on a case-by-case basis as matters arise.

The analysis above of matters which specialist expert advice could support is likely to be likely to be arising in the immediate future are the Western Harbour Tunnel and the WestConnex Parliamentary Inquiry. If it is considered that advice is needed on these issues a consultant budget allocation of \$60,000 is likely to be required. Council may also wish to consider making a budget allocation to be drawn on for supporting expert advice for analysis of matters arising at the aforementioned Forums at which staff currently utilise their own skills and those available from EPA and NSW Health.

It should also be noted that as a result of another resolution arising from the 22 May 2018 decision Council staff are working to establish an Environmental Health Working Group to include available experts who can help advise Council on the key impacts of WestConnex and other projects. When established this Group can also be drawn on to advise Council on the matters identified in this report.

In the meantime, Council staff will also continue to pursue opportunities for partnerships and grant funding of supporting air, noise and health studies. This work currently includes:

- Council staff recently attending a seminar organised by Centre for Air Pollution, Energy & Health Research (CAR). CAR was established in 2016 as multi-disciplinary research centre involving universities (including the University of Sydney) and other stakeholders focusing on the impacts of air pollution and new forms of energy on human health. At the seminar, Council staff and community representatives in attendance raised air quality issues related to WestConnex.
- Council staff are also discussing similar potential opportunities with the University of Wollongong's Clean Air and Urban Landscapes Hub (CAUL) - a consortium funded under the Australian Government's National Environmental Science Program that takes a comprehensive view of the sustainability and liveability of urban environments.
- An epidemiologist from the Public Health Unit, Sydney Local Health District attending the 5 July 2018 WCLF meeting and giving a presentation on the role of NSW Health in relation to WestConnex and the health impacts of air particulates.
- Council staff discussing with representatives from the Haberfield Parents & Citizens (P&C) the potential for Council to lodge a Federal Government Smart Cities Program grant application to fund a community air quality monitoring project for Haberfield. In this case it was concluded that the best course of action was for Council to participate in an existing air/noise quality monitoring project that already has Smart Cities Funding. Council staff have begun discussions with one of the project partners City of Sydney Council about the

potential for Inner West Council's participation in this project. Other partners include Lake Macquarie Council and University of Technology Sydney (UTS).

RELATED MATTERS RAISED IN THE 22 MAY 2018 COUNCIL RESOLUTIONS

Other matters identified in the resolution made by Council on noise and air quality issues at the 22 May 2018 meeting are identified below with updates on associated actions arising from them.

That Council:

(1) Urgently writes to the EPA demanding an immediate audit of air quality and noise impacts from current construction along the WestConnex route. This audit should be reported to Inner West Council as soon as possible, and to relevant community and expert consultative forums, including the Air Quality Community Consultation Committee;

This letter has been sent. When a response is received and if/when an audit is completed, a report on the matter will be supplied to Councillors.

(2) Convenes a meeting of Councils along the WestConnex route to formulate a regional response to air quality issues, including support for a joint study into air quality to be conducted before and after WestConnex opens;

Letters to relevant councils have been sent, inviting relevant staff to contact Council so that a meeting can be arranged. At the time of writing, several councils had responded to the letters, all supporting a meeting. A meeting is being arranged and a report updating on the matter will be supplied to Councillors after the meeting has been held.

(3) Writes to the State MPs for Balmain, Heffron, Newtown, Summer Hill and Strathfield, and the Federal MPs for Barton, Grayndler, Reid and Sydney, to:

(a) Raise the ongoing impacts that WestConnex construction is having on Inner West and other nearby communities, particularly in regards to air quality and noise;

(b) Request that they take any actions available to them to alleviate the air quality and noise impacts of WestConnex on their constituents.

The letters have been sent. Councillors will be advised on responses that are received.

(4) Establishes an Environmental Health Working Group consisting of representatives from Council, local State and Federal MPs, community groups, experts, and others to ensure that Council and elected decision-makers are informed on the key impacts of WestConnex and other projects on our communities, and to inform responses to environmental health issues;

Letters have been sent to relevant parties seeking a response to this resolution, with a view to forming an Environmental Health Working Group. No formal responses had been received when this report was finalised but Councillors will be advised on responses in due course. Council staff have recently discussed this resolution with staff from the Public Health Unit, Sydney Local Health District (part of NSW Health). Council staff have indicated to the NSW Health staff that they would be invited to join the group.

(6) Writes to the Premier and relevant Ministers to:

(a) Outline the actions Council is taking on behalf of the community in regards to air quality, noise and environmental health impacts of WestConnex;

(b) Reiterate that Council is taking these actions because of the lack of confidence and trust residents in the Inner West have in the Sydney Motorway Corporation and relevant government agencies to protect them from the severe air quality and noise impacts caused by the WestConnex projects; and

(c) Formally request state funding to cover Council costs, given that responsibility for these actions should sit with the State government and its relevant agencies and contractors.

These letters have been sent. Councillors will be advised on responses that are received.

(7) Identifies any necessary funding sources in the next quarterly budget review; and

There is no current budget allocation available. If it is decided to secure specialist advice on air quality, noise and/or health impact issues on specific matters an allocation will need to be made.

(8) The health assessment report as outlined in the report be scoped out in detail with an outline of how it will be undertaken and what resources and expert consulting will be needed.

In the report to the 22 May 2018 Council meeting on this matter, it was explained that if a health impact study was to be commissioned, the scope would need to address:

- an assessment of the full range of health impacts, including air quality, noise and vibration impacts;
- an assessment of impacts at both construction and operational stages;
- an assessment of impacts experienced to date from Stages 1 and 2 as well as impacts likely to be experienced from Stage 3; and
- recommendations for improving health outcomes from WestConnex.

In the 22 May Council report it was estimated that a report on the full range of health impacts from all stages of WestConnex would cost of the order of \$150,000 and would take about six months to commission and complete. Costs could be reduced if the scope of the study was reduced – for example, if the study focussed only on air or noise impacts, or focussed only on construction impacts.

On the basis of health issues raised by Council in submissions, at WestConnex Forums and in discussions with NSW Health and EPA representatives, the following points have been drafted to guide the development of a health study brief.

The study to examine the full range of health issues and impacts, including:

- construction air quality impacts – predominantly dust from construction sites and construction truck vehicle diesel emissions;
- operational air quality impacts (predicted) – surface impacts, i.e. areas where WestConnex has increased surface traffic and hence vehicle emissions, and predicted ventilation stack impacts, i.e. areas affected by emissions from stacks;
- cumulative air quality impacts, where WestConnex emissions are added to emissions from a range of other sources across the Sydney metropolitan area, e.g. general vehicle emissions and bushfires;
- the range of actual health impacts encountered to date from construction air emissions from WestConnex Stages 1 & 2, including the incidence of asthma in school children near construction sites;
- health impacts from construction air quality impacts likely to be encountered from Stage 3, based on actual impacts from Stages 1 & 2;
- construction noise/vibration impacts – predominantly noise/vibration from a range of WestConnex tunnelling, surface activities on construction sites and construction trucks on route to/from sites;
- operational noise/vibration impacts (predicted) – predominantly noise/vibration from increased levels of traffic resulting from WestConnex on residential streets, but also including noise/vibration from motorway operation facilities such as fans within ventilation stacks;
- cumulative noise/vibration impacts, where WestConnex-related noise is added to noise/vibration from a range of other sources, such as project-related utility relocations, construction of other public/private projects and general traffic and aircraft noise;

- the range of actual health impacts encountered to date from construction noise/vibration from WestConnex Stages 1 & 2, with a focus on the health effects of sleep deprivation caused by out-of-hours construction noise; and
- health impacts from construction noise/vibration impacts likely to be encountered from Stage 3, based on actual impacts from Stages 1 & 2.

The study should include an analysis of available relevant data, include input from health practitioners and include recommendations for improving health outcomes from WestConnex. The study could be undertaken by a single specialist health consultant or small health consultancy team. Council is aware that there are only a small number of these consultants locally, so it may be necessary for Council to extend the area of its recruitment to the national level.

As was noted in the 22 May 2018 Council report, Council has no formal health impact compliance role with WestConnex. As all three stages of the project have been approved and there is little scope to alter conditions of approval, any health impact assessment could only be used as part of advocacy efforts, and not as part of the formal compliance monitoring

FINANCIAL IMPLICATIONS

There is no current budget allocation available for specialist expert advice on air quality, noise and/or health impact issues. If it is determined to secure advice on specific matters an allocation will need to be made.

OTHER STAFF COMMENTS

Issues raised in this report have been discussed with staff from Council's Environment & Sustainability section.

PUBLIC CONSULTATION

Not applicable.

ATTACHMENTS

Nil.

Item No: C0718 Item 10

Subject: VOLUNTARY PLANNING AGREEMENT - 101-103 LILYFIELD ROAD,
LILYFIELD

Prepared By: Bojan Sodic - Strategic Investments Manager

Authorised By: Brooke Martin - Group Manager Properties, Major Building Projects and
Facilities

SUMMARY

This report provides the outcomes of the Voluntary Planning Agreement (VPA) community consultation. The VPA is for 101-103 Lilyfield Road, Lilyfield planning proposal. It is recommended that Council enter into the VPA provided in ATTACHMENT 1

RECOMMENDATION

THAT Council enter into the Voluntary Planning Agreement for 101-103 Lilyfield Road, Lilyfield provided in ATTACHMENT 1.

BACKGROUND

The planning proposal for 101-103 Lilyfield Road Lilyfield was approved at its meeting on 25 July 2017 subject to the following conditions;

- Complete the drafting of a voluntary planning agreement in consultation with the Proponent and exhibit the Agreement in accordance with the Environmental Planning & Assessment Act 1979;
- Include a height of building control that states the maximum height of the development is 5 storeys or RL 35.73 to the top of the lift overruns.

The Developer has agreed to make a monetary payment of \$250,000 for the purpose of Affordable Housing in the Council area. The money is to be paid prior to the issue of a construction certificate.

The Developer has proposed the agreement and General Counsel has reviewed and approved the agreement.

FINANCIAL IMPLICATIONS

The proponent will enter into Voluntary Planning Agreement (VPA) with Council to provide a monetary payment of \$250,000 for affordable housing in the council area. The agreement does not exclude the Developer from paying Development Contributions as per Section 7.11 and 7.12 of the Act.

Public Consultation

The Voluntary Planning Agreement documentation was exhibited for 28 days from 8th May 2018 to 5th June 2018. During this period, the material was made available on Council's Your Say website and in the Leichhardt and Petersham Customer Service Centre.

The public exhibition was advertised in the Inner West Courier on 8th and 15th May 2018.

Submission Overview

During the exhibition period, Council's Your Say Inner West website received the following response:

- No. of visitors who viewed the page - 161
- No. of visitors who clicked the page to download documents - 38
- No. of visitors who engaged and made an online submission - 5

The public exhibition process generated five (5) submissions in all with the following mix of opinion on the proposal:

- 2 objected to the Voluntary Planning Agreement ;
- 2 submissions supported the Voluntary Planning Agreement;
- 1 submissions supported the Voluntary Planning Agreement in principle and suggested changes to the proposed scheme;

Public Authority Submissions

No public authority consultation was required by the Gateway Determination.

Local resident / Inner West Your Say submissions

Three of the five submissions from local residents expressed support for the Voluntary Planning Agreement.

The other one local resident didn't support the Planning Proposal but didn't have a comments on the Voluntary Planning Agreement

Issue – Allocation of Funds
<p>One submission stated:</p> <p>The voluntary planning agreement does not identify the number of underground car parking places to be provided by the developer on the development site. This is more important information than the \$250,000 low cost housing.</p> <p>How will the low cost housing contribution be used?</p> <p>Can the ratepayers be assured that the money goes into a trust fund and not into Council working funds.</p>
RESPONSE
<p>The voluntary planning agreement doesn't deal with parking issues within the development – this is a planning issues.</p> <p>The monetary contribution of \$250,000 will be reserved for affordable housing as per the agreement.</p> <p>No change to the exhibited document is recommended.</p>

ISSUE – Increase in FSR and Height
<p>One submissions stated</p> <p>FSR increase and height increase is not supported as this will set a precedent for high buildings along Lilyfield Road which is predominately a 2 storey scale. Also increased density will increase pressure on traffic and street parking in the local area _ This municipality is already suffering badly from the whole Westconnex saga and environmental vandalism coursed by this current liberal government and the silent labour party.</p>
RESPONSE
<p>The Voluntary Planning Agreement does not deal with planning approval issues.</p> <p>No change to the exhibited document is recommended.</p>

ISSUE – Parking

One submission supported the agreement with the following comments:

The plans look reasonable other than only one car spot is allocated per 3 bedroom apartment. What is the council's view of the increased load on the off street parking taking into account the town house development next to 107-109 Lilyfield Road. I would have thought 2 spaces per unit would be more appropriate.

RESPONSE

The Voluntary Planning Agreement does not deal with planning approval issues.

No change to the exhibited document is recommended.

Post Exhibition Amendments

Consideration has been given to the public and proponent's submissions. It is recommended that no changes be made to the Voluntary Planning Agreement

Conclusion

The Public Exhibition of the Voluntary Planning Agreement for 101-103 Lilyfield Road, Lilyfield was undertaken in accordance with the *Environmental Planning and Assessment Act* and Council's Community Engagement framework.

This report has assessed the submissions and recommends that no change be made to the Voluntary Planning Agreement. It is recommended that this Voluntary Planning Agreement in ATTACHMENT 1 be endorsed by Council.

ATTACHMENTS

1. [↓](#) 101 - 103 Lilyfield Road Lilyfield - VPA

**EXPLANATORY NOTE PURSUANT TO REGULATION 25E OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

101-103 Lilyfield Road, Lilyfield

Planning proposal: 101-103 Lilyfield Road, Lilyfield

1. Parties

The parties to the Planning Agreement are Inner West Council of 2 Fisher Street, Petersham (Council) and JRNN Pty Limited (ACN 169 950 510) (Developer) and Joe Soglimbene and Connie Soglimbene (Land Owners).

2. Description of Subject Land

The land to which the Planning Agreement applies is located at 101-103 Lilyfield Road, Lilyfield which is legal described as Lot 1 in Deposited Plan 432612. The land is located in the Local Government area of Inner West Council.

**3. Description of Proposed Change to Environmental Planning Instrument /
Development Application**

The proposed change to the Environmental Planning Instrument will permit the additional uses of 'restaurant and café' and 'takeaway food and drink premises' as additional permitted uses (with development consent) and will limit the maximum size of such uses to 50sqm. Further, the maximum floor space ratio will be increased from 0.5:1 to 1:1 to allow for the development of the site for a mixed use building including residential flats.

4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The Planning Agreement provides that the Developer will provide a contribution of \$250,000 to Council to be applied toward provision of affordable housing in the Council's area on the terms provided in the Planning Agreement.

The contribution is to be paid prior to the issue of a Construction Certificate for any Development which takes advantage of the increased permissible gross floor area permitted by the Planning Proposal.

5. Assessment of the Merits of the Draft Planning Agreement

The Planning Agreement promotes the public interest by making provision for the Developer to make contributions towards provision of affordable housing.

By requiring the Developer, who will benefit from the development, to make contributions towards local public facilities, the orderly and economic use and development of land is promoted by the Planning Agreement.

The Planning Agreement assists the Council to provide the community with better access to affordable housing within the area.

6. How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979

By providing contributions toward the provision of affordable housing, the Planning Agreement promotes the following objects of the Act:

- To promote the orderly and economic use and development of land
- To promote the delivery and maintenance of affordable housing

The contribution made under the Planning Agreement assists the Council to provide appropriate affordable housing where required.

The Planning Agreement promotes the Public Interest by facilitating access to housing in an affordable manner in the local government area.

The Planning Agreement does not involve any capital works.

The Planning Agreement facilitates the construction of additional affordable housing in order to promote the effective delivery and maintenance of affordable housing. The public will benefit by having better access to affordable housing in the locality.

7. Interpretation of Planning Agreement

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

Planning agreement dated

Parties

Inner West Council ABN 19 488 017 987
of Administrative Centre, 2 Fisher Street, Petersham NSW 2049
(Council)

JRNN Pty Limited ACN 169 950 510
of Suite 3430 Darling Street, Balmain NSW 2041
(Developer)

Joe Sogli mbene and Connie Sogli mbene
of 53 Kingsford Street, Haberfield NSW 2045
(Land Owners)

Introduction

- A. The Land Owners are the registered proprietors of the Land.
- B. The Developer is the developer of the Land.
- C. Council is the local authority constituted under the *Local Government Act* 1993 in respect of the Land, and is a consent authority constituted under the Act.
- D. On or about 8 December 2016, the Developer requested that Council prepare a Planning Proposal in relation to the Land.
- E. The Developer requested that the Council submit the Planning Proposal to the Minister for the making of the LEP.
- F. The Developer wishes to carry out the Development if the Planning Proposal is effected and the LEP is made.
- G. The Developer has agreed to make Development Contributions in connection with the making of the LEP and the carrying out of the Development in accordance with this Agreement.

It is agreed**1 Definitions and interpretation****1.1 Definitions**

In this Agreement:

- (1) **Act** means the *Environmental Planning and Assessment Act* 1979 (NSW);
- (2) ;
- (3) **Agreement** means this document, including any schedule or annexure to it, signed by the parties;
- (4) **Building** means one or more mixed use or residential flat buildings to be constructed on the Land;
- (5) **Business Day** means a day that is not a Saturday, Sunday or any other day which is a public holiday or a bank holiday in the place where an act is to be performed or a payment is to be made;
- (6) **Construction Certificate** means a construction certificate within the meaning of section 109C(1)(b) of the Act to the effect that work completed in accordance with specified plans and specifications will comply with the requirements for the Development;

- (7) **Compliance Certificate** means a compliance certificate within the meaning of section 109C(1)(a)(i) of the Act to the effect that work has been completed as specified in the certificate and complies with the plans and specifications for the Development;
- (8) **Confidential Information** means any information and all other knowledge at any time disclosed (whether in writing or orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:
 - a. is by its nature confidential;
 - b. is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);
 - c. any party knows or ought to know is confidential; or
 - d. is information which may reasonably be considered to be of a confidential nature;
- (9) **Council's Discretion** means:
 - a. the Council's power to make any law; or
 - b. the Council's exercise of any statutory power or discretion;
- (10) **Development** means any development of the Land that is consistent the LEP or any other applicable environmental planning instrument or which has a gross floor area that takes advantage of the amendments to the LEP proposed in the Planning Proposal and includes demolition of the existing structures on the Land of the development, the remediation of the Land for development and the preparation of the Land for development;
- (11) **Development Application** has the same meaning as in the Act;
- (12) **Development Consent** has the same meaning as in the Act;
- (13) **Development Contribution** means a monetary contribution, the dedication of land free of costs or the provision of a material public benefit;
- (14) **Development Contribution Amount** means the amount of the Development Contribution to be made by the Developer under this Agreement, calculated in accordance with Item 2 in Schedule 1;
- (15) **Governmental Agency** means any government and any governmental body whether:
 - a. legislative, judicial or administrative;
 - b. a department, commission, authority, tribunal, agency or entity;
 - c. commonwealth, state, territorial or local;
 but does not include a governmental body in respect of any service or trading functions as distinguished from regulatory or fiscal functions;
- (16) **GST** has the same meaning as in the GST Law;
- (17) **GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;
- (18) **Land** means the land described in Item 1 in Schedule 1;
- (19) **Legislation** means the Act and the *Local Government Act 1993* (NSW);
- (20) **LEP** means an amendment of the *Leichhardt Local Environmental Plan 2013* in accordance with the Planning Proposal which makes development including residential development of the Land having a floor space ratio of not less than 1:1 (as defined in *Leichhardt Local Environmental Plan 2013*) permissible with consent.
- (21) **LPI NSW** means Land and Property Information, a division of the Department of Finance and Services, or such agency as carries out the same functions;
- (22) **Party** means a party to this agreement, including their successors and assigns;
- (23) **Planning Proposal** means Planning Proposal PP_2016_IWEST_002_00 (as referenced by the Department of Planning), being the planning proposal prepared by Council at the request of the Developer, as may be amended from time to time, but providing inter alia for inclusion of 'restaurant or café' and 'takeaway food and drink premises' as additional permitted uses (with consent) and to limit the maximum size of such uses to 50sqm, and for an increase of the maximum floor space ratio from 0.5:1 to 1:1 to allow for the redevelopment of the site for a mixed use building including residential flats;
- (24) **Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

1.2 Interpretation

- (1) In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- a. headings are inserted for convenience only and do not affect the interpretation of this Agreement;
 - b. if the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next Business Day;
 - c. a reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
 - d. a reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
 - e. a reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced;
 - f. a reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
 - g. an expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or Governmental Agency;
 - h. where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
 - i. a word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular;
 - j. a reference to any gender denotes the other genders;
 - k. references to the word 'include' or 'including' are to be construed without limitation;
 - l. a thing includes the whole and each part of it separately;
 - m. a reference to a Party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
 - n. A reference to an Item is to an item in Schedule 1;
 - o. words or expressions used in clause 29, which have a particular meaning in the **GST law** (as defined in the GST Act, and also including any applicable legislative determinations and Australian Taxation Office public rulings) have the same meaning, unless the context otherwise requires.
- (2) A provision of this Agreement must not be construed to the disadvantage of a Party merely because that party was responsible for the preparation of the Agreement or the inclusion of the provision in the Agreement.

2 Planning agreement under the Act

- 2.1 The Parties agree that this Agreement is a planning agreement pursuant to section 93F of the Act and governed by Subdivision 2 of Division 6 of Part 4 of the Act.

3 Application of this Agreement

- 3.1 This Agreement applies to the Land and to the Development.
- 3.2 This Agreement constitutes a planning agreement within the meaning of section 7.4 of the Act.

4 Operation of this Agreement

- 4.1 This Agreement takes effect upon the date that it is signed by all Parties.

5 Confidentiality

- 5.1 The terms of this Agreement are not confidential. This Agreement may be exhibited by either party.
- 5.2 Except as stated in this Agreement, Council must not and must not permit any of its officers, employees, agents, contractors or related companies to use or to disclose any Confidential Information to any person without the prior written consent of the Developer.
- 5.3 If requested by a party, the other party must:

- a. not issue, publish or authorise any media release, advertisement or publicity concerning this Agreement or its subject matter without obtaining the prior written consent of the other party; and
- b. ensure that its officers, employees, agents, contractors and related companies do the same.

5.4 This clause 5 does not apply to any information which:

- a. is generally available to the public (other than as a result of the wrongful disclosure by the Council); or
- b. is required or authorised to be disclosed by any law.

6 Intentionally Deleted.

7 Application of Development Contributions

- 7.1 The Developer is to make the Development Contribution by paying to Council the Development Contribution Amount in accordance with Schedule 1 of, and the other terms of, this Agreement, and otherwise to the satisfaction of the Council.
- 7.2 The Parties agree that the making of the Development Contribution is in addition to any requirements which might otherwise be imposed as a condition of Development Consent.

8 Application of s94 and s94A of the Act to the Development

- 8.1 This Agreement does not exclude the application of sections 7.11 and 7.12 of the Act to the Development the subject of Development Applications lodged by the Developer.
- 8.2 Development Contributions under this Agreement are not to be taken into account in determining amounts payable under s.7.11 and 7.12 of the Act.

9 Registration of this Agreement

- 9.1 The Developer is to register this Agreement on the title to the Land prior to the date of gazettal of the Planning Proposal. The Council and the Land Owners shall do all things necessary to permit the Developer to comply with this clause.
- 9.2 Should the Developer fail to comply with clause 9.1, the Land Owners shall make the Certificates of Title for the Land available to Council so that Council may register this Agreement. The Land Owners shall do all things necessary to permit Council to register the Agreement and grant Council an irrevocable power of attorney for Council to comply with this clause.
- 9.3 Should the Land Owners seek to transfer the Land before the Agreement is registered., the Land Owners agree to procure from any transferee, in a form acceptable to Council, an agreement from the transferee to abide by the terms of this Agreement.
- 9.4 The Council is to promptly agree to a request by the Developer or Land Owners for the lodging of a Request for the registration of this Agreement to be removed from the title of the Land once the Developer has made all of the Development Contributions required of it under this Agreement or should the Agreement be otherwise terminated.
- 9.5 The Land Owners and the Developer are not to object to the Council lodging and maintaining a caveat over the Land until such time as this Agreement is terminated or otherwise ends.

10 Dispute resolution

- 10.1 If a dispute arises in connection with this Agreement, a Party to the dispute must give to the other party or Parties to the dispute notice specifying the dispute and requiring its resolution under this clause 13 (**Notice of Dispute**).
- 10.2 A person from each Party with sufficient authority to resolve the subject matter of a Notice of Dispute must confer within 7 days after the Notice of Dispute is given to try to resolve the dispute.
- 10.3 If the dispute is not resolved within 7 days after the Notice of Dispute is given to the other party or Parties (**First Period**), either Party may by written notice to the other party require the dispute to be submitted to expert determination.
- 10.4 The provisions of the Institute of Arbitrators & Mediators Australia Expert Determination Rules as published by The Institute of Arbitrators and Mediators Australia (to be found on its website www.iama.org.au) apply to the expert determination, except to the extent that there are inconsistent provisions in this Agreement.
- 10.5 Despite anything in this clause 13, a party at any time may commence court proceedings in relation to any dispute or claim arising under or in connection with this Agreement where that party seeks urgent interlocutory relief.
- 10.6 Despite the reference of a dispute to expert determination under this clause 13, the Parties must continue to perform their obligations under this Agreement. In the award, the expert may make any appropriate adjustment for the performance of obligations under this Agreement since the Notice of Dispute was given.
- 10.7 Subject to clause 13.5, a party must not commence or maintain a court action or proceeding upon a dispute in connection with this Agreement until the dispute has been referred to an expert and determined under this clause 13.
- 10.8 This clause 13 continues in force even where the Agreement has been fully performed, terminated or rescinded or where the parties or any of them have been discharged from the obligation to further perform the Agreement for any reason.
- 10.9 This clause 13 applies even where the Agreement is otherwise void or voidable.
- 10.10 The Parties must:
 - (1) keep confidential any information or documents disclosed under this clause; and
 - (2) only use any information or documents disclosed under this clause to attempt to resolve the dispute.

11 Enforcement

- 14.1 The Land Owners and Developer acknowledge that any Development Consent may include a condition that the Construction Certificate must not issue until payment of the Developer Contribution under this Agreement as specified in Schedule 1.
- 14.2 Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 14.3 For the avoidance of doubt, nothing in this Agreement prevents:
 - a) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,

- b) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

12 Notices

- 12.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (1) delivered or posted to that Party at its address set out below; or
(2) emailed to that Party at its email address set out below.

(a) Council

Attention: The General Manager
Address: Administrative Centre, 2 Fisher Street, Petersham NSW 2049
Email: council@innerwest.nsw.gov.au

(b) Developer

Attention: Remolo Nigro
Address: Suite 3, 430 Darling Street, Balmain NSW 2041
Email: remolo6@bigpond.com

(c) Land Owners

Attention: Mr Joe Soglimbene and Mrs Connie Soglimbene
53 Kingsford Street, Haberfield NSW 2045

- 12.2 If a Party gives the other Party 3 Business Days' notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.
- 12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (1) if it is sent by post, 2 Business Days after it is posted;
(2) if sent by facsimile or email before 5pm on a Business Day at the place of receipt, on the day and at the time it is sent (as recorded on the sender's equipment) and otherwise at 9am on the next Business Day at the place of receipt; or
(3) if otherwise delivered before 5pm on a Business Day at the place of delivery, upon delivery, and otherwise on the next Business Day at the place of delivery.
- 12.4 Despite clause 12.3:
- (1) a facsimile is not treated as given or received unless at the end of the transmission the sender's facsimile machine issues a report confirming the transmission of the number of pages in the Notice;
(2) an email message is not treated as given or received if within 2 hours after the time sent the sender receives an automated message that the email has not been delivered; and
(3) a facsimile or email message is not treated as given or received if it is not received in full and in legible form and the addressee notifies the sender of that fact within 2 hours after the transmission ends or by 11am on the Business Day on which it would otherwise be treated as given and received, whichever is later.
- 12.5 Any Notice by a party may be given and may be signed by its solicitor.

13 Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14 Land Owners

- 17.1 Council is not a party to the agreement between the Land Owners and the Developer for the development of the Land.
- 17.2 The Land Owners agree and covenant with Council that if the Developer fails to comply with any of its obligations under this Agreement for any reason (whether or not arising from a breach or termination of the development agreement between the Land Owners and the Developer), the Land Owners will perform those Obligations including but not limited to payment of the monetary Development Contribution specified in Schedule 1 prior to the issue of a Construction Certificate for the Development.

15 Assignment and dealings

- 15.1 The Developer may assign or otherwise deal with this Agreement with the prior written consent of every other party (Consenting Party), which consent must not be unreasonably withheld.
- 15.2 A Consenting Party is required to give its consent under clause 18.1 if:
 - (1) the Developer gives the Consenting Party at least 10 Business Days' notice of the proposed assignment;
 - (2) the proposed assignee executes a deed with the parties under which:
 - (a) the proposed assignee agrees to perform all of the obligations of the Developer under this Agreement which have not already been performed by the Developer;
 - (b) the proposed assignee is bound by this Agreement as if the proposed assignee were named in this Agreement in place of the Developer; and
 - (c) the Developer is released from its obligations under this Agreement;
 - (3) the Developer pays all expenses (including legal costs on a solicitor and own client or full indemnity basis, whichever is greater) incurred by the Consenting Party in investigating the proposed assignee or in connection with the proposed assignment.
- 18.3 On receipt on the deed referred to in clause 18.2(2) the Council must execute the deed so that the Developer is released from its obligations under this Agreement.
- 18.4 The Land Owners must not sell or transfer the Land or any part of the Land or any interest in the Land prior to registration of this Agreement on the title to the Land as required by clause 9, except with the Council's prior consent which will not be unreasonably withheld if the proposed purchaser or transferee executes a deed in the form required by Council under which the proposed purchaser or transferee undertake to comply with the Land Owners' obligations under this Agreement.

16 Costs

- 16.1 The Developer must pay its own costs and outlays connected with the negotiation, preparation and execution of this Agreement.
- 16.2 The Developer will pay Council's reasonable costs, other costs and outlays incurred to an amount not exceeding \$20,000.00 connected with the negotiation, preparation and execution of this Agreement including monitoring and enforcing the Agreement. For avoidance of doubt, the costs and outlays payable by the Developer to Council do not extend to the costs (if any) Council is required to expend in enforcing this Agreement and the Developer will not contribute to those costs.

- 16.3 Council must pay all stamp duty (including all fines and penalties except those arising from the default of the Developer) on this document and any document executed under it.

17 Entire agreement

- 17.1 Subject to clause 20.2, this Agreement:

- (1) is the entire agreement and understanding between the Parties on everything connected with the subject matter of this Agreement; and
(2) supersedes any prior agreement or understanding on anything connected with that subject matter.

- 17.2 The explanatory note prepared in relation to this Agreement under clause 25E(1) of the *Environmental Planning and Assessment Regulation 2000* (NSW) must not be used to assist in construing this Agreement.

18 Further acts

- 18.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 Governing law and jurisdiction

- 19.1 This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 Joint and individual liability and benefits

- 20.1 Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 No fetter

- 24.1 Nothing in this Agreement will be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing will be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22 Representations and warranties

- 25.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 Severability

- 23.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
23.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 Modification

- 24.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 Waiver

- 25.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 25.2 A waiver by a Party is only effective if it is in writing.
- 25.3 A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 Goods and services tax

- 26.1 The parties believe that there is no GST liability in respect of the grant of the Development Consent by Council or the payment or provision of the Development Contribution because the Development Consent is a non-monetary contribution and:
- (a) it is not consideration for the grant of the Development Consent by Council in accordance with section 82-10(1) of the GST Act; and
- (b) the grant of the Development is not consideration for the supply of the nonmonetary Development Contribution under section 82-5 of the GST Act.
- 26.2 Despite clause 29.1, to the extent that the Commissioner of Taxation, a court or tribunal determines that any supply made under or in connection with this Agreement is a taxable supply, the GST exclusive consideration otherwise to be paid or provided for that taxable supply is increased by the amount of any GST payable in respect of that taxable supply and that amount must be paid at the same time and in the same manner as the GST exclusive consideration is otherwise to be paid or provided. A party's right to payment under this clause is subject to a valid tax invoice being delivered to the recipient of the taxable supply.

Schedule 1
Item 1 Land

The land contained in certificate of title: 1/432612 and known as 101 – 103 Lilyfield Road, Lilyfield NSW.

Item 2 Development Contribution

Nature	Public Purpose	Extent and Manner	Timing
Monetary Contribution	Affordable housing in the Council's area	<p>Monetary payment of \$250,000.00 x Current CPI - Base CPI / Base CPI</p> <p>Where: Current CPI means the Consumer Price Index number for the quarter ending immediately before the date of payment of the monetary Development Contribution Amount; Base CPI means the Consumer Price Index number for the quarter ending immediately before 31 August 2017; and Consumer Price Index means the Consumer Price Index - All Groups for Sydney published by the Australian Bureau of Statistics or the index officially substituted for it.</p> <p>Payment is to be by unendorsed bank cheque which is honoured on presentation or by electronic funds transfer of cleared funds to Council's bank account, and is only made when cleared funds are held by Council in its account.</p>	The amount is to be paid prior to the issue of a Construction Certificate for the Development

Executed as an agreement.

Signed for and on behalf of **Inner West Council** by its authorised representative in the presence of:

Signature of witness

Signature of authorised representative

Name of witness

(BLOCK LETTERS)

Name of authorised representative

(BLOCK LETTERS)

Address of witness

DRAFT

Item No: C0718 Item 11

Subject: VOLUNTARY PLANNING AGREEMENT - PETERSHAM RSL

Prepared By: Bojan Sodic - Strategic Investments Manager

Authorised By: Brooke Martin - Group Manager Properties, Major Building Projects and Facilities

SUMMARY

This report provides the outcomes of the Voluntary Planning Agreement (VPA) community consultation. The VPA is for Petersham RSL sites 1, 2 and 3 planning proposal for a residential development including the new RSL club. It is recommended that council enter into the VPA provided in ATTACHMENT 1

RECOMMENDATION

THAT Council enter into the Voluntary Planning Agreement for Petersham RSL sites 1, 2 and 3 provided in ATTACHMENT 1

BACKGROUND

The planning proposal for the Petersham RSL development which incorporates 3 sites (3-7 Regent St, 13-17 Regent Street and 287-309 Trafalgar Street & 16-20 Fisher Street) was approved by Council on the 10th April.

The Developer has agreed to enter into an agreement to provide public benefits if the planning proposal and development application is approved. The Agreement requires the Developer to transfer 24 car parking spaces within a stratum lot on ground level of Site 1 to Council in fee simple as a freehold stratum lot prior to the issue of an occupation certificate for Site 1.

The Developer is also required to pay a monetary contribution to Council in the amount of \$3,500,000.00 prior to the issue of any occupation certificate for the last stage of the Proposed Development.

The Developer is required to transfer 6 affordable housing units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1 to Council within 28 days of the registration of the strata plan for Site 1.

The Developer must register the Planning Agreement on the title of the Land in accordance with section 7.6 of the Act.

The objective of the Planning Agreement is to facilitate the delivery of contributions by the Developer towards the provision of infrastructure, facilities and services which will be required in connection with the development of the Land.

The Planning Agreement does not exclude the operation of Section 7.11 and 7.12 of the Act in relation to any development application for the Proposed Development.

The Developer has proposed the agreement and General Counsel has reviewed and approved the agreement.

FINANCIAL IMPLICATIONS

The proponent will enter into Voluntary Planning Agreement (VPA) with Council to provide a monetary payment of \$3.5M, 24 car spaces and 6 affordable units. The agreement does not exclude the Developer from paying Development Contributions as per Section 7.11 and 7.12 of the Act.

PUBLIC CONSULTATION

The Voluntary Planning Agreement documentation was exhibited for 28 days from 8th May 2018 to 5th June 2018. During this period, the material was made available on Council's Your Say website and in the Leichhardt and Petersham Customer Service Centre.

The public exhibition was advertised in the Inner West Courier on 8th May and 15th May 2018.

Submission Overview

During the exhibition period, Council's Your Say Inner West website received the following response:

- No. of visitors who viewed the page - 223
- No. of visitors who clicked the page to download documents - 29
- No. of visitors who engaged and made an online submission - 15

The public exhibition process generated fifteen (15) submissions in all with the following mix of opinion on the proposal:

- 5 objected to the Voluntary Planning Agreement ;
- 3 submissions supported the Voluntary Planning Agreement;
- 7 submissions supported the Voluntary Planning Agreement in principle and suggested changes to the proposed scheme;

Public Authority Submissions

No public authority consultation was required by the Gateway Determination.

Local resident / Inner West Your Say submissions

Ten of the fifteen submissions from local residents expressed support for the Voluntary Planning Agreement.

The other one local resident didn't support the Planning Proposal but didn't have a comments on the Voluntary Planning Agreement.

Issue – Scale of the development
One submission didn't support the VPA and stated Planning for such large scale buildings needs to be reviewed and controlled by council impartially - this agreement means its not impartial. It also just seems to mean the developer can build a bigger structure but the council lets it pass because they have been paid
RESPONSE
The VPA doesn't approve the scale of the development and doesn't influence the approval processes for the Planning Proposal. The VPA seek additional contribution for the additional density of the development over the current zoning.
No change to the exhibited document is recommended.

ISSUE – Number of Units and Building Height

One submission didn't support the VPA and stated

There should not be an increase in the number of apartments/building heights as the infrastructure is not able to cope with it - the streets are not designed for such large amounts of traffic and being near a train station there is high pedestrian traffic and minimal safeguards. The development should be modest and in keeping with the character of the area and respect the neighbours and the community.

RESPONSE

The Voluntary Planning Agreement does not deal with the planning issues. The planning proposal was approved and a DA will be reviewed prior to approval. The council will however be provided with a monetary contribution of \$3.5 million which will be spent on upgrading the local infrastructure and local community facilities

No change to the exhibited document is recommended.

ISSUE – The elements of the VPA

One submissions agreed with the VPA but stated the below:

1. Six (6) "affordable" housing units in a complex of over 360 apartments are way too few - not even 2% of the approximate total. There is a high rate of housing rental and purchasing stress in the inner west. Many workers who support the CBD and inner west in their roles (nurses, teachers, administrators, shop workers etc) cannot afford to live in their area of work. The proponent will make a fortune out of this development and must be compelled to provide at least a further 10 (ten) "affordable" units to enable a more equitable spread of occupiers from across our communities. In an era of shrinking public housing availability, it is not equitable for wealthy developers to offer such a small number of affordable places.
2. The proposed contribution of \$3,500,000 by the proponent sounds impressive but how has this sum been arrived at? This development will have a massive impact on amenity not only in the immediate area but around Petersham itself. Where will newcomers and current residents go for open space? The proponent should be compelled to provide defined new open space of a reasonable size to accommodate the influx of new residents. Rather than offering this sum, why cannot the proponent be compelled to offer a parcel of land (Site 2) as part of the VPA?
3. 24 public car parking spaces: are these available for members of the public? Are they meant to take into account overflow of Council employees who may have to travel long distances to reach their workplace?

RESPONSE

The total value of the VPA is 50% of the uplift in land value due to the planning proposal. The allocation of open space is determined as part of the planning proposes and the VPA has provided an additional contribution of \$3.5 million to upgrade the surrounding area. The 24 car spaces are for the use of the general public and will not be allocated to Council staff.

No change to the exhibited document is recommended.

ISSUE – Density of the Development

One submissions supported the VPA but stated

The number of stores in the 16-20 Fisher St proposal is far too many. 11 storeys will tower over everything - even the Water Tower on Chester Street - 5 storeys is high enough. The other two developments at 3-7 Regent St and 17 Regent St should be restricted to 5 storeys

maximum. There are no high rises in this area and it is not in keeping with the local traditional area. On top of that schools are already full and the trains packed to capacity at peak hours. Yes we need to develop the rail corridor but only at a pace that existing services can sustain. Residents on the Terminus St side of the railway will now have a high rise landscape ruining the heritage look of the area.

RESPONSE

The Voluntary Planning Agreement does not deal with the planning issues. The planning proposal was approved and the DA will be assessed independently.

No change to the exhibited document is recommended.

Post Exhibition Amendments

Consideration has been given to the public and proponent's submissions. It is recommended that no changes be made to the Voluntary Planning Agreement

Conclusion

The Public Exhibition of the Voluntary Planning Agreement for the Petersham RSL site was undertaken in accordance with the *Environmental Planning and Assessment Act* and Council's Community Engagement framework.

This report has assessed the submissions and recommends that no change be made to the Voluntary Planning Agreement. It is recommended that this Voluntary Planning Agreement be in ATTACHMENT 1 be endorsed by Council.

ATTACHMENTS

1. [↓](#) Petersham RSL - VPA

Draft 17 July 2017

HWL
EBSWORTH
LAWYERS

Planning Agreement

Inner West Council

and

Deicorp Projects Petersham Pty Ltd

Ref JEH:599490

Doc ID 555407053/v1

Level 14, Australia Square, 264-278 George Street, Sydney
NSW 2000 Australia
GPO Box 5408, Sydney NSW 2001 Australia
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Telephone +61 2 9334 8555
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Item 11

Attachment 1

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Planning Agreement

Date

Parties

Inner West Council

ABN 52 659 768 527 of Administrative Centre, 2 Fisher Street,
Petersham, New South Wales

(Council)

Deicorp Projects Petersham Pty Ltd

ACN 602 239 789 of Suite 3.01, Level 3, 161 Redfern Street, Redfern
New South Wales

(Developer)

Recitals

- A. The Developer has entered into a development agreement to develop the Land with Petersham RSL Club Limited.
 - B. The Developer intends to lodge with Council a Development Application seeking approval to carry out the Development on the Land.
 - C. The Developer has made a Planning Proposal in relation to the Land.
 - D. The Developer has offered to enter into this Planning Agreement with the Council to make the Developer Contributions to Council to provide the Public Benefits if the Planning Proposal and the Development Application are approved.
 - E. The Developer and the Council agree to enter into this agreement.
-

The parties agree, in consideration of, among other things, the mutual promises contained in this agreement as follows:

1. Planning Agreement under the Act

The parties agree that this Agreement is a Planning Agreement governed by subdivision 2 of Division 7.1 of Part 7 of the Act.

2. Application of Section 94 and 94A of the Act to the Development

The parties agree that this agreement does not exclude the operation of Section 7.11 and 7.12 of the Act in relation to the Development Application.

3. Scope and application of this Agreement

3.1 This Agreement applies to:

- (a) The Land;
- (b) the Planning Proposal; and
- (c) the Development

4. Operation of this Agreement

4.1 Clause 10 takes effect on execution of this Agreement.

4.2 The parties agree that the balance of the terms of this Agreement are effective and binding on the parties if the amendment to the LEP proposed by the Planning Proposal is made, resulting in the LEP being amended to permit additional height and floor space for the Land, the exclusion of any public car parking and car parking provided in connection with a registered club on the land be excluded from gross floor area, and the use of a registered club on Site 3.

4.3 The parties agree that the Developer is not bound by this Agreement to provide the Developer Contributions unless:

- (a) Development Consent is granted to the Development Application; and
- (b) The Development is physically commenced as provided in section 4.53 of the Act.

5. Definitions and interpretation clauses

5.1 Definitions

In this agreement:

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (as amended) and includes any regulations made under that Act.
Affordable Housing	has the same meaning as in the Act.
Affordable Housing Units	means six affordable housing units referred to in Item 8 of Schedule 1.
Approved Development	means the development the subject of the Development Consent
Car Parking Spaces	means 24 car parking spaces in a stratum lot as identified in Item 5 of Schedule 1.
Council's Representative	means the person specified in Item 2 of Schedule 1 who is duly authorised to give approval under this Agreement.
Dealing	means selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.
Developer	means the entity described in Item 1 of Schedule 1.
Development	means the proposal of the general nature set out in Item 4 of Schedule 1 to be completed by the Developer in accordance with the Development Consent.
Development Application	means a development application that seeks development consent for a development that is generally in accordance with the Development and includes all plans, reports models, photomontages, material boards (as amended or supplemented) submitted to the consent authority before the determination of that Application.

Development Consent	means the approval granted by the Planning Panel or other consent authority to the Development Application for the Development and includes all modifications made to that consent.
Developer's Contribution	means the sum of the Monetary Contribution and the Car Parking spaces and the provision of the Affordable Housing Units, or other Public Benefits identified in this Agreement as set out in Schedule 2.
GST	has the same meaning as in the GST Law.
GST Law	has the meaning given to that term in <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition or administration of the GST.
Land	means the land identified in Item 3 of Schedule 1, comprising the land the subject of the Development Application.
Monetary Contribution	means an unendorsed bank cheque for the amount set out in Item 6 of Schedule 1.
Occupation Certificate	has the same meaning as in the Act.
Party	means a party to this agreement, and includes their successors and assigns.
Planning Panel	means the Planning Panel constituted pursuant to section 2.12 of the Act.
Planning Proposal	means the planning proposal relating to the Land described in Item 7 of Schedule 1, Council reference number DA 201600286/63328.
Public Benefits	means the public benefits identified in Item 9 of Schedule 1.
Site 1	means Lot 1 DP 629058 known as 3-7 Regent Street, Petersham as shown on Annexure B to this Agreement.

- Site 2** means Lot 1 DP 830175 known as 13-17 Regent Street, Petersham as shown on Annexure B to this Agreement.
- Site 3** means Lot 1 DP 1208130 known as 297-309 Trafalgar Street Petersham, Lot 10 DP 1004198 known as 287 Trafalgar Street, Petersham and Lots A, B, C DP 440676, known as 16-20 Fisher St, Petersham as shown on Annexure B to this Agreement.

5.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (d) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (e) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (f) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular.
- (g) References to the word 'include' or 'including' are to be construed without limitation.
- (h) Reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (i) Any schedules and attachments form part of this Agreement.
- (j) A word defined in the Act has the same meaning in this Agreement.

6. Transfer of Car Parking spaces

- 6.1 The Developer agrees to transfer the Car Parking spaces to the Council in fee simple as a freehold stratum lot at no cost to Council.

- 6.2 The Developer shall transfer the Car Parking spaces to the Council prior to the issue of any Occupation Certificate for that part of the Approved Development carried out on Site 1.
- 6.3 The Developer must do all things reasonably necessary to complete the transfer of the Transferred Land to the Council and to effect registration of any instrument of transfer at Land and Property Information.
- 6.4 The Council must use the Car parking Spaces as public car parking.

7. Payment of Monetary Contribution

- 7.1 The Developer shall pay the Monetary Contribution to the Council prior to the issue of any Occupation Certificate for the final stage of the Approved Development.

8. Transfer of Affordable Housing Units

- 8.1 The Developer must transfer the Affordable Housing Units within 28 days of the registration of the strata plan for the Approved Development on Site 1 by doing the following:
 - (a) give the Council notice in writing of the registration of the strata plan for the relevant building;
 - (b) give the Council an opportunity to inspect the Affordable Housing Units to ensure compliance with clause 8.6 below;
 - (c) the notice referred to in clause 8.1(a) shall require completion of the transfer of the Affordable Housing Units within 14 days after the date that Council has been provided an opportunity to inspection pursuant to clause 8.1(b); and
 - (d) do all things reasonably necessary to complete the transfer of the Affordable Housing Units to the Council within 14 days after the date that Council has been provided an opportunity to inspection pursuant to clause 8.1(b).
- 8.2 The Council must accept the transfer of the Affordable Housing Units by completing the transfer of the Affordable Housing Units within the time required by clause 8.1(c) by agreeing to such documentation that is necessary to transfer the Affordable Housing Units to Council.
- 8.3 The Council will be responsible for any stamp duty and other costs (including without limitation its legal costs and any adjustments for rates and taxes) in connection with the transfer of the Affordable Housing Units.
- 8.4 The Council agrees that:
 - (a) it will use the Affordable Housing Units for the purpose of Affordable Housing for a period of 10 years from the date of transfer; and

- (b) if the Affordable Housing Units are sold after the expiration of the period referred to in 8.4(a) any funds derived from any such sale must be used for the purposes of Affordable Housing.
- 8.5 The Council agrees that the Affordable Housing Units do not include any allocation of car parking.
- 8.6 The Affordable Housing Units must meet the following criteria:
 - (a) the Affordable Housing Units are to be spread throughout the residential strata building on Site 1 with the intention that the units will be on different floors ;
 - (b) the finishes and fittings within the Affordable Housing Units are to be of a standard equivalent to the standard of other units within Stage 1;
 - (c) without limiting clause 8.6(b), the Affordable Housing Units are to be built to a proper and workmanlike standard; and
 - (d) at least 60% of the Affordable Housing Units will meet the requirements of the Apartment Design Guide, particularly with respect to solar access, private open space and cross ventilation.
- 8.7 The Developer must consult with Council prior to, in good faith, determining the final location of the Affordable Housing Units pursuant to clause 8.6.
- 8.8 The Council agrees that the provision of the Affordable Housing Units pursuant to this Agreement satisfies the objectives of any Environmental Planning Instruments that apply to the Land and Development Control Plan requiring the provision of Affordable Housing on the Land and that Council must not require any further provision of Affordable Housing or any contribution for Affordable Housing beyond what is provided pursuant to this deed.

9. Registration of this Agreement

9.1 Registration of Agreement

The Developer must promptly:

- (a) obtain any necessary consents to the registration of this Agreement on the title to the Land;
- (b) lodge the Agreement for registration with Land & Property Information;
- (c) promptly comply with any Requisitions that may be raised with regard to registration of the Agreement from Land & Property Information;
- (d) produce to the Council within 35 days of execution of this Agreement details of lodgement of the Agreement with Land & Property Information; and

- (e) following registration of the Agreement, notify the Council of registration, enclosing a title search of the Land confirming the registration.

9.2 Release by Council

The Council agrees to provide the Developer with a release and discharge of this Agreement from any part of the Land with respect to which the Developer has complied with its obligations under this deed (**Release Land**) subject to clause 9.3.

9.3 Progressive release by Council

The Council:

- (a) acknowledges that:
 - (i) the Development is likely to be constructed in stages;
 - (ii) certain components of the Development Contributions are not required to be provided until after the Occupation Certificate for the final stage of the Development;
 - (iii) prior to providing those components of the Development Contributions to Council, a number of dwellings will have been constructed and occupation certificates will have been issued for those dwellings; and
 - (iv) the Developer may enter into contracts for the sale of the dwellings before those components of the Development Contribution have been provided to Council; and
- (b) must, within 28 days of the Developer submitting the relevant documents to Council, sign such documentation as the Developer may require to remove this deed from the Register for that part of the Land which comprises constructed dwellings to enable the Developer to complete the sale of those dwellings, provided always that the Developer has then complied with its obligations under this deed.

9.4 Removal of Agreement

After the Monetary Contribution has been paid, the Car Parking Spaces transferred to Council and the Affordable housing Units transferred to Council, the Council will promptly execute any form and supply such other information and do any thing as reasonably required by the Owner or the Developer to enable the removal of the Agreement from the title to the Land.

10. Enforcement

This Agreement may be enforced by either party in any Court of competent jurisdiction.

11. Assignment and Dealings

- 11.1 Neither the Developer nor any subsequent Owner of the Land shall sell, transfer, assign or novate or similarly deal with (Dealing) their right, title or interest in the Land (or any part thereof) or any of their rights or obligations under this Agreement, or allow any interest in them to arise or be varied unless the Developer and/or Owner of the Land:
- (a) gives Council no less than twenty-eight (28) days notice in writing of the proposed Dealing; and
 - (b) procures that the transferee, assignee or novatee executes and delivers to Council prior to any such Dealing taking effect an agreement in favour of Council in form and substance acceptable to Council, acting reasonably, whereby the transferee, assignee or novatee becomes contractually bound with Council to perform all of the Developer's and/or Owner's obligations and have the benefit all of the Developer's and/or Owner's rights under this Agreement.
- 11.2 Neither the Developer nor any subsequent Owner of the Land shall mortgage or charge or create any estate or interest in the Land unless the Developer and/or Owner of the Land obtains the written consent of any person being the mortgagee or chargee or having that estate or interest to the registration of this Agreement under the Real Property Act 1900.

12. Dispute Resolution

12.1 Reference to dispute

If a dispute arises between the parties in relation to this Agreement, then either party may seek to resolve in accordance with this clause 12.

12.2 Notice of dispute

- (a) The party wishing to commence dispute resolution processes must notify the other of:
 - (i) the nature, or subject matter, of the dispute, including a summary of any efforts made to resolve latter than by way of this clause 12;
 - (ii) the intent to involve this clause 12;
 - (iii) (if practicable) the outcomes which the notifying party wishes to achieve; and
 - (iv) any material impact which the dispute has upon the completion of the Developer's Works, the Developer's Contribution or the transfer of land in accordance with clause 8 (and in particular the completion of the remainder of the Development).

- (b) The contents of a notice issued under the clause 12.2 are deemed to be confidential. The party issuing the notice may (but is not obliged) to assert legal professional privilege in respect of the contents.

12.3 Principals of parties to meet

The principals of the parties (and in the case of the Council, the principal may include the person acting in the role of General Manager as defined in the Local Government Act, or such person as is nominated by that officer in writing) must promptly (and in any event within 14 days of written notice) meet in good faith to attempt to resolve the notified dispute. The parties may, without limitation:

- (a) resolve the dispute during the course of that meeting;
- (b) agree that further material, expert opinion, or consideration is needed to effectively resolve the dispute (in which event the parties will in good faith agree to a timetable for resolution); and
- (c) agree that the parties are unlikely to resolve the dispute and in good faith agree to a form of alternative dispute resolution (including expert determination, arbitration, or mediation) which is appropriate for the resolution of the relevant dispute.

12.4 Neither party may constrain

If:

- (a) at least one meeting has been held in accordance with clause 12.3;
- (b) the parties have been unable to reach an outcome identified in clause 12.2(a)(i) to 12.2(a)(iii); and
- (c) either of the parties (acting in good faith) forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 12.3,

then that party may, by 14 day's notice to the other, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause 12 does not of itself amount to a breach of the Agreement.

13. Notices

13.1 Service of Notice

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out in Item 10 of Schedule 1;
or
- (b) faxed to that Party at its fax number set out in Item 10 of Schedule 1.

13.2 Change of address

If a Party gives the other Party 10 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

13.3 Time of service of Notice

Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered, when it is left at the relevant address;
- (b) if it is sent by post, two business days after it is posted; and
- (c) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

13.4 Service after hours, on weekends and holidays

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5:00 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14. Approvals and consent

Except as otherwise set out in this Agreement, a party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15. Variation of Agreement

The parties may agree to vary the terms of this Agreement. Any such variation shall be evidenced by a written variation and must comply with the provisions of Section 7.5 of the *Environmental Planning and Assessment Act 1979*.

16. Costs

16.1 Legal and administrative costs

Each party must pay their own legal and administrative costs and expenses in relation to:

- (a) the negotiation, preparation and execution of this Agreement;
- (b) the giving effect to this Agreement; and
- (c) any enforcement of the rights under this Agreement.

16.2 Stamp duty

The Developer is liable for and must pay all stamp duty (including any fine or penalty except where it arises from default by any other party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.

17. Entire Agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18. Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19. Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the jurisdiction of the courts of that state.

20. Joint and several liability

Any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually.

21. No fetter

Nothing in this Agreement will be construed as limiting or fettering in any way the exercise by Council of any statutory discretion or duty.

22. Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and that entry into this Agreement will not result in the breach of any law.

23. Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the remainder of this Agreement is not affected.

23.1 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

23.2 Waiver

A waiver by either Party is only effective if it is given in writing, and that waiver will only relate to the particular obligation or breach (as the case may be) identified in that communication.

24. GST

24.1 In this clause terms used have the meaning given to them by the GST Law as defined in Section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999* (GST Act).

24.2 If a party to this Agreement (the "Supplier") makes a supply under or in connection with this Agreement and is liable by law to pay GST on that supply, then the consideration otherwise payable by the recipient of the supply will be increased by an amount equal to the GST paid or payable by the Supplier.

24.3 If this Agreement requires a party to pay for, or reimburse any expense, loss or outgoing (reimbursable expense) suffered or incurred by another party, the amount required to be paid, or reimbursed by the first party is the amount of the reimbursable expense net of any input tax credit or reduced input tax credit to which the other party is entitled in respect of the reimbursable expense.

- 24.4 If a party to this Agreement has the benefit of an indemnity for a cost, expense, loss or outgoing (indemnified cost) under this Agreement, the indemnity is for the indemnified cost net of any input tax credit or reduced input tax credit to which that party is entitled in respect of the indemnified cost.
- 24.5 Each party agrees to do all things, including providing tax invoices and other documentation that may be necessary or desirable to enable or assist the other party to claim any input tax credit, set-off, rebate or refund in relation to any amount of GST paid or payable in respect of any supply under this Agreement.
- 24.6 Subject to the operation of this clause, and unless otherwise expressly stated amounts in this Agreement are GST exclusive.

Schedule 1 Reference Schedule

Item 1	Developer's Details	Name:	Deicorp Projects Petersham Pty Ltd
		ACN:	602 239 789
		Address:	Suite 3.01, Level 3
			161 Redfern Street Redfern NSW
Item 2	Council's Representative	General Manager	
Item 3	Land	Site 1	Lot 1 DP 629058
		Site 2	Lot 1 DP 830175
		Site 3	Lot 1 DP 1208130
			Lot 10 DP 1004198
			Lot A,B,C DP 44676
Item 4	Development Application	Site 1: 3-7 Regent St -Existing Petersham RSL premises.	
		Existing club will be demolished. Proposed development will consist of approx. 3 levels of basement car parking and part 5, 7 and 8 level residential building and associated landscaping.	
		Site 2: 13-17 Regent St -Existing club carpark.	
		Proposed development will consist of approx. 3 level of residential car parking and part 6 to 7 level residential building and associated landscaping.	

Site 3: 287-309 Trafalgar St, Existing club carpark, 3 disused commercial properties and 16-20 Fisher St 3 terraces

Proposed development will consist of demolition of existing 3 buildings and construction of approx. 4 level basement car parking which will cater for both Club and residential use. Club loading dock and servicing area off Fozzard Lane Construction of a new 3,000 sqm club for Petersham RSL and construction of 8 to 10 levels of residential building and associated landscaping.

Item 5 Car Parking Spaces

24 Car Parking Spaces within a stratum lot on ground floor of the proposed building on Site 1 as generally indicated on the plan in Annexure A.

Item 6 Monetary Contribution

\$3,500,000.00

Item 7 Planning Proposal

Amendment of the Marrickville Local Environment Plan 2011 as follows:

- Amendment of Item 14 in Schedule 1 - Additional Permitted Uses in MLEP 2011 to read as follows:

"14. Use of certain land at 3-7 Regent Street and 287-309 Trafalgar Street, Petersham

1. This clause applies to land at 3-7 Regent Street and 287-309 Trafalgar Street, Petersham, being Lot 1, DP 629058; Lot 10, DP 1004198, Lot 1 DP 1208130.
2. Development for the purpose of a registered club is permitted with consent.
3. A car park accommodating up to 150 parking spaces associated with a registered club on this land is to be excluded from gross floor area."

- Variation of development standards that apply to the Land as follows:

Building Height

The existing building height standards contained on the Height of Building Map accompanying MLEP 2011 applying to development on the sites and the proposed standards are amended as follows:

Site	Lot/DP	Existing Height Standard	Proposed Height Standard
Site 1	Lot 1, DP 629058	S - 23.0m	T2 - 29.0m
Site 2	Lot 1, DP 830175	P - 17.0m	Q - 20m
Site 3	Lot 1, DP1208130	S - 23.0m	V - 35.0m T2 - 29.0m Q - 20.0m
	Lot 10, DP 1004198	S - 23.0m	
	Lots A, B, & C, DP 440676	S - 23.0m	
		T1 - 26.0m	
		Q - 20.0m	

Floor Space Ratio

Site	Lot/DP	Existing FSR Standard	Proposed FSR Standard
Site 1	Lot 1, DP 629058	U4 - 2.80:1	U2 - 2.8.:1
Site 2	Lot 1, DP 830175	S5 - 1.80:a	T3 - 2.1:l
Site 3	Lot 1, DP1208130	U1 - 2.50:1	V4 - 3.4:1
	Lot 10, DP 1004198	T5 - 2.30:1	
	Lots A, B, & C, DP 440676	T4 - 2.20:1	
		T4 - 2.20:1	
		T5 - 2.30:1	
		T5 - 2.30:1	

Item 8 Affordable Housing Units 6 x units located on Site 1, comprising 3 x 2 bedroom units and 3 x 1 bedroom units (no car spaces).

Item 9 Public Benefits Payment of the Monetary Contribution

Transfer of the Car Parking Spaces

Provision of the Affordable Housing Units.

Item 10 Notices

Council

Name: Inner West Council

Address: Administrative Centre

2 Fisher Street
PETERSHAM NSW 2049

Attention: #[Insert]#

Telephone:#[Insert]#

Facsimile: #[Insert]#

Email: #[Insert]#

Developer

Name: Deicorp Projects Petersham Pty Limited

Address: Suite 3.01, Level 3, 161 Redfern Street, Redfern NSW

Attention: Fouad Deiri, Managing Director

Telephone:02 8665 4100

Facsimile: 02 8665 4111

Email: FD@deicorp.com.au

Schedule 2 Developer's Contributions Summary

Description of Developer's Contribution	
1.	Transfer of 24 car parking spaces within a stratum lot on ground level of Site 1.
2.	Payment of the Monetary Contribution in the amount of \$3,500,000.00.
3.	Transfer of 6 Affordable Housing Units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1.

Signing page

Executed as an agreement

Executed by Inner West Council in
accordance with section 127(1) of the
Corporations Act 2001 (Cth) by:

Signature of Director_____
Signature of Director/Company Secretary_____
Full name (print)_____
Full name (print)

**Executed by Deicorp Projects Petersham
Pty Ltd ACN 602 262411** in accordance
with section 127(1) of the *Corporations Act
2001* (Cth) by:

Signature of Director_____
Signature of Director/Company Secretary_____
Full name (print)_____
Full name (print)

Annexure A 24 Car Spaces

Item 1.1



CANDELPAS
ASSOCIATES
+
WENDY LEWIN

SK 1103 GROUND FLOOR PLAN

JOB NO: 5796
SHEET: A3
SCALE: 1:400
PROJECT: 3-2 REGENT ST PETERSHAM
CLIENT: DECORP PROJECTS (PETERSHAM) PTY LTD
DATE: 05 OCT 2016

P R E L I M I N A R Y

This preliminary drawing is for information only and is not to be used for construction. It is subject to change without notice. The client acknowledges that this drawing is preliminary and that the final design may vary. The client also acknowledges that this drawing is not a contract and that the final contract will be the one signed by the client and the architect.

Planning Agreement

Page 21

Doc ID 555407053/V1

Annexure B Development Sites Plan

Insert



Explanatory Note

Inner West Council ABN 52 659 768 527
and
Deicorp Projects Petersham Pty Ltd ACN 602 239 789

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* (**Act**).

Parties to the Planning Agreement

The parties to the Planning Agreement are Inner West Council ABN 52 659 768 527 (**Council**) and Deicorp Projects Petersham Pty Ltd ACN 602 239 789 (**Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 1 in DP 629058 (**Site 1**);
- Lot 1 in DP 830175 (**Site 2**); and
- Lot 1 in DP 1208130, Lot 10 in DP 1004198, Lots A, B, and C in DP 44676 (**Site 3**).

known as 3-7 Regent Street, 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham.

(**Land**)

Description of Proposed Development

The Planning Agreement relates to the proposed development of the Land, which seeks amendment of the *Marrickville Local Environmental Plan 2011* (**LEP**) and development of the Land for the purpose of residential flat buildings and a Registered Club (**Proposed Development**).

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

In connection with the Proposed Development, the parties have agreed to enter into the Planning Agreement.

The Planning Agreement requires the Developer to transfer 24 car parking spaces within a stratum lot on ground level of Site 1 to Council in fee simple as a freehold stratum lot prior to the issue of an occupation certificate for Site 1.

The Developer is also required to pay a monetary contribution to Council in the amount of \$3,500,000.00 prior to the issue of any occupation certificate for the last stage of the Proposed Development.

The Developer is required to transfer 6 affordable housing units (3 x 2 bedroom units and 3 x 1 bedroom units with no car spaces) located on Site 1 to Council within 28 days of the registration of the strata plan for Site 1.

The Developer must register the Planning Agreement on the title of the Land in accordance with section 7.6 of the Act.

The objective of the Planning Agreement is to facilitate the delivery of contributions by the Developer towards the provision of infrastructure, facilities and services which will be required in connection with the development of the Land.

The Planning Agreement does not exclude the operation of Section 7.11 and 7.12 of the Act in relation to any development application for the Proposed Development.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purpose of the Planning Agreement

The planning purpose served by the Planning Agreement is the provision of affordable housing and infrastructure and the orderly and economic development of land.

Both the Developer and the Council believe that the Planning Agreement provides a reasonable means of achieving those public purposes, in accordance with section 7.4(2) of the Act.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by requiring the Developer to make an appropriate contribution towards the provision of infrastructure, facilities and services to satisfy the needs that arise from the Proposed Development of the Land.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by:

- (a) promoting the delivery of affordable housing;
- (b) promoting the orderly and economic use and development of land; and

- (c) requiring the developer to contribute to infrastructure, facilities and services required to meet the demand generated by the Proposed Development.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement provides that:

- (d) the monetary contributions to be provided to Council prior to the issue of any occupation certificate for the last stage of the Proposed Development; and
- (e) the car parking spaces to be transferred prior to the issue of an occupation certificate for Site 1.

Item No: C0718 Item 12

Subject: SYDNEY METRO - SYDENHAM TO BANKSTOWN UPGRADE- COUNCIL
SUBMISSION ON PREFERRED INFRASTRUCTURE REPORT

Prepared By: Ken Welsh - Transport Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report sets out a draft submission in response to the released of the Sydney Metro Sydenham to Bankstown Upgrade Preferred Infrastructure Report by the Department of Planning and Environment (DPE) on 20 June 2018.

RECOMMENDATION

THAT Council adopt the submission points contained in this report and forward them to the Department of Planning and Environment as a formal submission on the Sydney Metro Sydenham to Bankstown Upgrade Preferred Infrastructure Report.

BACKGROUND

In December 2015 the NSW State Government declared the Sydney Metro City and Southwest project (Figure 1) to be critical state significant infrastructure under the Environmental Planning and Assessment Act 1979 (NSW).

Subsequently, the Chatswood to Sydney component was granted planning approval in January 2017.

The Sydney Metro City and Southwest Environmental Impact Statement (EIS) was exhibited between 13 September and 8 November 2017. During this time 563 submissions were made including a detailed submission by Inner West Council.

Council's submission included general support for improvements to Sydney's public transport network and specific support for the project's proposed Greenway Southwest (active transport corridor), as well as providing a series of detailed statements regarding the following categories of issue:

- traffic, transport and access (including construction traffic);
- noise and vibration;
- heritage considerations;
- socio – economic impacts;
- property, landscape and hydrology;
- air quality and sustainability;
- waste management, hazard risk and safety;
- cumulative impacts of construction in the vicinity.

Subsequently, Sydney Metro has sought to address concerns raised in the various submissions and on 20 June 2018 released a *Response to Submissions and Preferred Infrastructure Report* (PIR). This PIR is on exhibition until 18 July 2018.

Council resolved at its meeting on 26 June 2018 to request that the exhibition period be extended by four weeks until 15 August 2018. This request has been refused. However the Department of Planning and Environment (DPE) has advised that Council has until 27 July 2018 to provide an endorsed submission. A copy of the draft submission (included in this

report) has been forwarded to the DPE noting that Council may choose to amend or add to the final version of the submission.



Figure 1 – Sydney Metro Services

Project Overview and Strategic Context

Sydney Metro was identified in Sydney's Rail Future, an integral component of the NSW Long Term Transport Master Plan, as part of a plan to significantly improve Sydney's rail network, positioning the city for its future population. In 2018, the Future Transport Strategy 2056 (Future Transport 2056) was released as an update to the NSW Long Term Transport Master Plan and Sydney's Rail Future. The Sydney Metro was identified, and elaborated on, as a committed initiative in Future Transport 2056.

The Sydney Metro will be a new rail network providing 66 kilometres of metro rail line and 31 metro stations. Two stages of the metro are currently being developed:

- Stage 1 - Sydney Metro – Sydney Metro Northwest (between Rouse Hill and Chatswood); and
- Stage 2 - Sydney Metro City & Southwest (between Chatswood and Bankstown). This comprises:
 - Stage 2a - between Chatswood and Sydenham; and
 - Stage 2b – between Sydenham and Bankstown.

It is anticipated that Sydney Metro Northwest will open in late 2019/early 2020.

The Sydenham to Bankstown section is, effectively, an upgrading of the existing T3 heavy rail line to metro standard. The total Sydney Metro City & Southwest is currently anticipated to open in 2024.

Sydney Metro West, an additional component, if approved, would run between Sydney CBD and Parramatta via the Bays Precinct and Olympic Park. This metro line is still in its preliminary planning stage.

In general, Sydney Metro will operate as a “turn-up-and-go” service with a 2 minute each way peak frequency and a 10-12 minute off-peak frequency with a target capacity in the order of 40,000 customers per (peak) hour.

In combination with signaling and other rail infrastructure upgrades, Sydney Metro will raise rail network capacity for services entering the Sydney CBD from approximately 120 trains/hour (today) to some 200 trains/hour (after the 2024 opening of Stage 2b).

The Sydenham to Bankstown Upgrade project involves enhancement of 10 existing stations west of Sydenham (Marrickville to Bankstown inclusive), and improvements to the 13 kilometre section of the Sydney Trains T3 Bankstown Line, between Sydenham Station and Bankstown Station.

Key Differences between the Current and Previous Projects

The key differences between the original project (outlined in the EIS) and that now proposed (in the PIR) are summarised below. Overall the project has adopted the principle of minimising impact on heritage items (e.g. station buildings and platforms), optimising use of space within the corridor, minimising disruption to existing rail services (possession periods for the line) and minimising land acquisitions (a commitment is given that no properties will be permanently acquired as part of the preferred project).

Specifically the differences include:

Marrickville Station

- the existing heritage listed platforms will be re-levelled rather than straightened and extended (it should be noted that curved platform geometry has the potential to impact on accessibility as the gap between platform and carriage is likely to vary. Further, this variation may be different at each station meaning that even if accessible areas are marked on the platform the aligned carriage may vary from station to station);
- existing heritage station buildings, on Platforms 1 and 2 will be retained and repurposed without the need for a new station building to be constructed on Platform 1;
- there is no longer reference to additional new retail space on the Station Street side of Marrickville Station;
- existing bus stops, kiss and ride, accessibility parking, bike storage, and cycle routes are to be retained, however there is no reference to the creation of a new shared zone on Station Street;
- no mention is made of the previously proposed signalisation of Warburton Road/Illawarra Road/Schwebel Street;
- no mention is made of the proposed removal of the signalised crossing of Illawarra Road outside the station, nor its replacement immediately north of Arthur Street.

Dulwich Hill Station

- the existing station entrance will be retained and upgraded;
- potential for the future extension of a new elevated concourse to Ewart Street will be safeguarded, however no commitment is made to providing an additional entrance from Ewart Lane;
- platforms will be re-levelled rather than rebuilt (as noted earlier, it should be noted that a curved platform geometry has the potential to impact on accessibility as the gap between platform and carriage is likely to vary. Further, this variation may be different at each station meaning that even if accessible areas are marked on the platform the aligned carriage may vary from station to station);
- existing heritage listed station buildings will be retained and repurposed and existing retail within the building office will be retained;
- existing pathways surrounding the station will be upgraded;
- new taxi and kiss and ride facilities will be provided;

- existing accessible parking spaces will be retained and an additional space provided;
- existing bike parking will be retained and additional parking provided.

Active Transport

- the project described in the PIR will no longer provide an active transport facility within the rail corridor. TfNSW proposes working with the Department of Planning and Environment and local councils to determine how an active transport facility can be provided outside rail corridor;
- the absence of spare space within the corridor is likely to preclude any opportunities for additional public domain improvements.

Vegetation and Biodiversity

- the majority of vegetation within the rail corridor will be removed, with the exception of *Turpentine-Grey Ironbark open forest*, *Broadleaved Ironbark-Grey Box* and *Downey Wattle*. This would mean that approximately 16.3 ha of vegetation may need to be removed, however this is subject to more detailed assessment during the final design stage of the project;
- the total number of trees to be impacted in the vicinity of stations has been reduced significantly (893 to 503).

Construction

- construction of the project is now anticipated to start in 2018/2019, rather than during 2018;
- on-station construction impacts will be reduced significantly by retaining and repurposing existing heritage buildings rather than constructing new station buildings;
- earthworks in the form of realigned embankments and cuttings have been reduced significantly;
- revised construction programming is likely to result in significantly reduced periods of shutdown of the existing rail line; however, this may result in additional nighttime construction activity. Additionally, depending upon the extent of refurbishment required some stations may be closed for several months (details of the actual construction program are yet to be provided);
 - McNeilly Park and the Livingston Road Bridge will no longer be required as worksites because the associated drainage works are no longer being undertaken;
 - haulage routes associated with construction of the project are now unlikely to include:
 - Marrickville Road east of Victoria Road;
 - Jersey Street;
 - Warren Road between Illawarra Road and Carrington Street.

However, the revised haulage route will now extend along the Illawarra Road south of Warren Road, to Homer Street and Bexley Road south of Marrickville Station.

General

- several additional turn-backs, crossovers and rail junction improvements will be included in the new project;
- various bridge works including upgrades, anti-throw screens, protection barriers and grade separation will be carried out as part of the project;
- additional works will be carried out to ensure that stormwater is sufficiently conveyed within and across the corridor into the surrounding stormwater drainage system;
- fewer Sydney Trains buildings will be removed than previously proposed.

Draft Submission on Preferred Infrastructure Report

Council's draft submission on the Sydney Metro City and Southwest, Sydenham to Bankstown Upgrade follows:

Inner West Council is a strong supporter of public and active transport for the Sydney Region and welcomes the State Government's proposal to enhance the T3 heavy rail line between Sydenham and Bankstown, as part of the broader Sydney Metro Project. Additionally, Council supports Sydney Metro's proposal to recognise the heritage significance of many of the station buildings along the route and appreciates the extent to which Sydney Metro has endeavoured to modify the project to address many of the issues raised during the EIS exhibition. However, concern is expressed that some of the proposed changes may result in new issues/impacts.

As outlined in Council's submission on the Environmental Impact Statement (EIS), while Council recognises that the upgrading of the T3 line to a metro standard will increase frequency and connectivity, preference should have been given to the provision of a new service and alignment which would cater for areas currently deficient in public transport accessibility.

In accepting that the alignment as proposed in the EIS and Preferred Infrastructure Report (PIR) is no longer negotiable Council wishes to ensure that the greatest benefits are obtained for the community, with nil or minimum negative impacts. Further, in some cases proposed actions to counter concerns raised have the potential to create new issues or increase the magnitude of other issues (e.g. reduction of the duration of heavy rail possession period – lengthy periods of closure of the T3 line – may result in a need for additional night works, which may affect local residents).

Consequently, the following concerns are raised regarding the PIR, and Sydney Metro is asked to address these prior to proceeding with detailed design of the project:

- **Active Transport**
 - removal of the proposed Greenway Southwest (active transport facility within the rail corridor) represents a significant reduction in the future active transport capability of the project and the Sydney Region as a whole. It is considered that the separated cycleway provided by Greenway Southwest would be a significant active transport link within the regional network and increase safe usable connectivity between the metro and Sydney's active transport network. Consequently, it is requested that Sydney Metro reconsider the provision of the Greenway Southwest as a critical piece of regional active transport infrastructure. Should the Greenway Southwest be removed from the project Council requests that the State Government funds a viable alternative separated active transport facility to satisfy the same future demand as the Greenway Southwest and that this facility should be developed in close consultation with relevant Councils, the local community, TfNSW and RMS.
- **Open Space**
 - loss of various areas of open space along the corridor significantly reduces opportunities for place making, public domain and public art enhancement. Council requests that the project design be reconsidered to provide opportunities for such improvements.
- **Station Design and Accessibility**
 - while Council supports the recognition of the heritage significance of each station concern is expressed that the retention of the existing curved platforms has the potential to impact on system-wide accessibility, as the gap between platform and carriage is likely to vary significantly.

The size of the gap may make some locations, along a platform, inaccessible. Additionally, the specific location of inaccessible gaps may vary from station to station, meaning that even if accessible zones are marked on platforms the specific carriage aligned with this zone may vary from station to station.

Such circumstances would then require, at the very least, detailed advanced information for disabled travelers to ensure that they board a carriage suitable for both their origin and destination station's accessibility alignment. It is considered that the potential for error could be high unless this issue is addressed in detail.

Consequently, Council requests on-going discussions with Sydney Metro to examine opportunities to both straighten the platforms and maintain their heritage integrity. This might be achieved by providing a new paving style (between the straightened edge and the current alignment), in conjunction with interpretive signage and a boundary line which clearly identifies the original platform alignment, thus providing a new, more accessible, straight edge to the platform and clearly identifying the historic alignment.

- Council requests that proposed treatments around both Marrickville and Dulwich Hill Stations should be revisited, in consultation with Council, to ensure that the design outcomes provide a safe and friendly environment cognisant of the heritage value of the stations and the needs of the adjacent community. In particular concern is expressed over the loss of the previously proposed shared zone in Station Street, Marrickville and the need to ensure high quality pedestrian and cycle access to all stations;
- it is considered that the previously proposed entrance to Dulwich Hill Station from Ewart Lane would provide significantly enhanced access for residents to the south-west of the station, alleviating the need to climb the hill to the current station entrance. Consequently, Council requests that this entrance be included in the project;
- Council requests that specific reference be made to its Draft Dulwich Hill Station Master Plan, which has been endorsed by Council and received 92% community support during its public exhibition.

- **Biodiversity**

- clarification is sought regarding the degree of protection afforded to existing areas of Turpentine-Grey Ironbark open forest, Broadleaved Ironbark-Grey Box and Downey Wattle. Further, Council has concern over any loss of native vegetation and expresses the view that in many instances remotely located biodiversity offset areas are inappropriate.

- **Construction Impacts**

- Council requests that the draft construction traffic management plan be prepared in close consultation with Council and community prior to being exhibited;
- concern is expressed that reducing disruption to rail services (reduced periods of rail line possession) has the potential to require an increased number of night-time construction hours. It should be noted that there are several sensitive residential areas near the corridor which would be detrimentally affected by any night-time operations. Consequently it is requested that:
 - no night-time, noise producing activities be carried out after 10 PM;
 - should such activities be deemed essential, residents should be consulted well in advance of the activity and all measures possible be implemented to minimise any inconvenience to residents;
- while the PIR project description suggests that it will require reduced periods of line possession (closure of the T3 line) reference is still made to the need for a "Final Possession" period of three to six months, once the stations have been upgraded. Concern is expressed that this lengthy period of possession will impact on public transport patronage, potentially diverting people to private car use (possibly in the long term). Consequently, it is requested that opportunities to reduce this possession period should be further examined and, should prolonged periods prove essential, a

- detailed public transport response should be provided and clearly communicated to the travelling public;
- there does not appear to be detail on potential disruption to traffic flows, bus movements and active transport accessibility created by construction activity. Council seeks extensive consultation on measures to minimise any such inconvenience associated with construction activity;
 - while it is recognised that the proposed extension of the haulage route along the Illawarra Road will negate the need for sections of Marrickville Road, Jersey Street and Warren Road to be used, it is essential that a detailed analysis be carried out on the likely impacts of the extended route, particularly on adjacent residents, businesses, public and active transport;
 - with numerous major projects in the Inner West construction noise has proven to be a major disruption to the quality of life of local residents. Council's recent experience indicates that the proposed 30 decibel (above background noise) threshold for significant amelioration is too high and does not adequately reflect impacts relating to projects with long construction periods (which may have slightly lower levels of noise for much longer periods). Consequently, Council requests that an expert advisory group be established (including Sydney Metro, DPE, TfNSW, Sydney South West Area Health Service, as well as Council and community representatives) to develop protocols and responses suitable to the project's long term construction period and extended noise/vibration impacts;
 - as lack of coordination between utility service providers regarding upgrades associated with major infrastructure projects (such as Sydney Metro) has the potential to result in unnecessarily lengthy construction/reconstruction activity impacting on residents, it is requested that (similarly to the M4-M5 link project) Sydney Metro provide a:
 - Utilities Management Strategy;
 - Utilities Works Manager.
 - a single point of community contact must be established, in the form of a community liaison coordinator, to ensure the concerns of local residents and business are dealt with in transparent, efficient and timely manner.
- Relationship to Sydenham to Bankstown Urban Renewal Corridor (SBURC)
 - it is requested that a higher level of coordination be clearly visible between the metro project and the SBURC. It is considered essential that both of these projects interface with each other and with adjacent land uses, in order to ensure that the vitality of the adjacent area be maintained (including catering for local businesses, public domain works and creative industries/activities);
 - concern is expressed that the level of integration between the metro and SBURC is insufficient as the metro project appears to be progressing well in advance of the SBURC and no information on the renewal corridor has been publicly available since the exhibition of the draft strategy at the end of 2017;
 - it is considered that the cumulative impacts associated with the simultaneous development of the metro and the SBURC (particularly in relation to construction traffic) have not been adequately addressed. Consequently, it is proposed that, in addition to the metro's proposed Construction Traffic Management Plan, a corridor-wide construction strategy should be developed (in consultation with Council, DPE, Greater Sydney Commission, RMS and TfNSW).
 - Coordination of Activities
 - Council requests that a formalised group be established to continue discussions as the project progresses into detailed design and that this working group should address issues including:
 - construction traffic management;
 - maintaining accessible, reliable active and public transport both during construction and subsequent to opening of the Metro;
 - mitigation of construction impacts, particularly on local residents and businesses;

- opportunities to enhance active transport links, to, through and adjacent to the project;
- potential for future place making and public domain initiatives;
- hydrology, flooding and drainage;
- environmental sustainability and biodiversity.

PUBLIC CONSULTATION

The project's Environmental Impact Statement (EIS) was exhibited between 13 September and 8 November 2017. During this time 563 submissions were received including a detailed submission by Inner West Council.

Issues raised, by the community and various organisations, in response to the EIS included:

- project need and justification;
- consideration of alternatives to the project;
- traffic, transport and access (including construction traffic, heavy rail line possession periods and integration of Sydney Metro with the overall regional transport network);
- proposed active transport corridor and integration with the adjacent active transport network;
- noise and vibration;
- heritage considerations;
- station design;
- impact on open space;
- integration with existing and likely future strategic land use proposals;
- socio – economic impacts;
- property, landscape and hydrology;
- air quality and sustainability;
- waste management, hazards, risks and safety;
- concern over the cumulative impacts of construction in the vicinity.

In response to points raised in these submissions the original project was modified to the project now described in the PIR.

OTHER STAFF COMMENTS

Staff from the Environment & Sustainability Group and the Recreation & Aquatics Group have been consulted in the preparation of this report.

FINANCIAL IMPLICATIONS

Nil.

CONCLUSION

The Sydney Metro project represents a significant improvement to Sydney's public transport network and is likely to result in a shift toward sustainable travel, from private car dependency. This is in keeping with Council's strategic transport planning framework, however, it is also essential that the likely impacts of the project, most particularly construction impacts, be managed and mitigated to minimise the effect on local residents, businesses and the travelling public.

Further, it is recognized that Sydney Metro has varied the original project in response to community, and agency feedback.

The draft submission included above has been designed specifically to assist in reducing project impacts on the community and should be forwarded to the DPE.

ATTACHMENTS

Nil.

Item No: C0718 Item 13

Subject: DRAFT HEADS OF AGREEMENT WITH WCX M4 PT PTY LTD FOR
COMMUNITY FACILITIES IN HABERFIELD

Prepared By: Erla Ronan - Group Manager Community Services and Culture

Authorised By: John Warburton - Deputy General Manager Community and Engagement

SUMMARY

Sydney Motorway Corporation (SMC) has reserved \$2.5m to meet their approval conditions for WestConnex M4 East in delivering community facilities in Haberfield and requested a proposal from Inner West Council for a suitable project. Council resolved (C0418 Item 3) to accept the funds and to consult the community.

This report analyses existing community facilities in Haberfield and service gaps, identifies needs and opportunities for community facilities, reports the outcomes of community consultation, proposes projects aligned with community priorities, and seeks adoption of a draft Heads of Agreement with WestConnex M4 to proceed with the design and development and delivery of enhanced Council owned community facilities in Haberfield.

RECOMMENDATION

THAT Council:

- 1. Note the community engagement undertaken to explore suitable projects for \$2.5m funding from Sydney Motorways Corporation for community projects in Haberfield.**
- 2. Approve the \$2.5m funding be allocated to the following priorities identified in the community engagement**
 - a. Significantly upgrading the Haberfield Centre comprising community rooms, library and garden**
 - b. Refurbishing the Mervyn Fletcher Hall including landscaping upgrade**
- 3. Note that these projects align with the requirements of WestConnex M4 East identified in the enclosed Draft Heads of Agreement and**
 - a. approve these projects proceeding; and**
 - b. approve signing of the Heads of Agreement.**
- 4. Approve that Council staff proceed with the concept design (initial proposals), design development, cost plan, DA submission and construction for an expanded upgrade of the Haberfield Centre and Mervyn Fletcher Hall in accordance with the Heads of Agreement**

BACKGROUND

- 1. Sydney Motorway Corporation Proposal regarding Community Facilities in Haberfield.**

Correspondence received from Sydney Motorways Corporation (SMC) (Attachment 1) advised that the Conditions of Consent for WestConnex M4 East (WCX) required compensation of the affected Haberfield community. SMC's initial proposal for community facilities in Walker Avenue did not meet with local community support and SMC requested that Council prepare a

proposal for delivering community facilities in Haberfield that would meet the needs of community members. SMC would invest \$2.5 million towards an appropriate project.

Council considered the correspondence and a report proposing upgrading Council's Haberfield Centre, and resolved (C0418 Item 3) *THAT Council:*

1. *Accept the \$2.5 million and consult the community to establish suitable community projects;*
2. *Does not sign the MOU with SMC for these funds for community facilities without bringing a report back to Council.*

SMC confirmed with Council Officers that

- *A community facility is envisaged as a building where a range of activities takes place such as meetings, programs, events, exhibitions and other activities normally associated with a community centre.*

In preparing this report, the following stages have been undertaken.

Context

- Defined scope of study
- Examined the role and importance of community facilities
- Identified alignment of community facilities provision with strategic direction.

Needs Assessment:

- Analysed current population and future trends
- Examined existing studies, strategies and plans to identify needs in relation to community facilities

Current Provision

- Mapped Council facilities within the scope of study
- Conducted site inspections of Council facilities with Property project management staff to identify issues and opportunities
- Reviewed renewal works programmed at the facilities
- Reviewed current utilization of facilities
- Conducted interviews with 15 local services and providers to seek feedback on the provision and use of facilities, levels of service, and identify service provision and gaps.
- Conducted written surveys online and in hard copy with community members, program providers and facility hirers to understand current participation in community activities, and priorities for the future
- Consulted with key Council staff

Project proposal

- Analysed information and identified key issues and gaps in service provision.
- Propose community project
- Confirm partnership process with WCX

1.1. Context

The scope for this study is projects that would satisfy the objectives of West Connex M4 East to deliver community facilities in Haberfield as outlined above.

Community facilities enable social support and facilitate social integration by connecting people to each other and connecting people to place. People who are connected to others, participate in community life, develop a strong social identity, and have better health and wellbeing outcomes (Haslam et al 2018, Routledge), are more resilient, and are better able to adapt to change.

Inner West Council's community facilities range from small meeting rooms for 6 people, to heritage town halls, and **are key resources** used by Council and the community to achieve the Council's vision and the strategic directions of the Community Strategic Plan

- for unique, liveable, networked neighbourhoods
- creative communities and a strong economy
- caring, happy, healthy communities
- progressive local leadership

Council has a responsibility for ensuring that its community facilities are

- effective in meeting current and future community needs and expectations;
- well maintained and well utilised; and
- are being developed and managed sustainably.

2. NEEDS ASSESSMENT

2.1 Haberfield Population

The Haberfield population is 6,800. Analysis of the 2016 Census reveals that Haberfield has a higher older population profile than IWC and Greater Sydney. At the other end of the spectrum, Haberfield has a significant number of school aged children.

- 9.7 % of the population comprises primary schoolers, compared to an Inner West Council average of 7.1%
- 8.6% of the population comprise 12-17 year olds compared to an Inner West Council average of 4.6%

Significantly the young workforce aged 25-34 in Haberfield comprises just 8.6% compared to an Inner west average of 20.3%.

This pattern is reflected in housing tenure indicating that older and established households dominate the suburb. Analysis of the housing tenure of the population of Haberfield in 2016 compared to Inner West Council area shows that there was a larger proportion of households who owned their dwelling; a larger proportion purchasing their dwelling; and a smaller proportion who were renters. Overall, 48.2% of the population owned their dwelling; 28.4% were purchasing, and 17.3% were renting, compared with 23.1%, 26.5% and 40.9% respectively for Inner West Council area.

The population growth in Haberfield from 2018 to 2036 is projected to grow at just 3.62% by 2036, at a much lower rate than Inner West Council lga average rate of 17 % growth. 6.9% of Haberfield residents need assistance in day to day life due to a disability, (higher than Inner West data of 4.9%) and 15.7% of residents provide unpaid assistance to a person with a disability, long term illness or old age.

The stand out cultural characteristic of the Haberfield population is the significant number of Italian residents, with Italian ancestry and those speaking Italian at home being significantly higher than for the Inner West Council area.

Further detail regarding the Haberfield resident population is available online
<https://profile.id.com.au/inner-west/highlights-2016?WebID=200#.WqcDyysDuXA.email>

The significant proportion of children, young people and older people in Haberfield suggests that this community will continue to require well designed, managed and maintained multi-purpose facilities. Provision of enhanced community venues in Haberfield will enable Council and community groups to provide a diversity of health and wellbeing activities that are reflective of the needs of these significant population groups. Any investment in community resources should occur with the benefit of genuine consultation with potential users, in particular the significant demographic groups in Haberfield including children, young people, older people and the Italian community.

2.2 Existing studies and plans identifying needs and priorities for community facilities in the Inner West

- Inner West Council Recreation Needs Study identified that community facilities play a significant role in supporting health and wellbeing and that there is a need for new indoor community facilities including spaces for dance, exercise and other activities; medium sized spaces for 20 to 50 people, and spaces for yoga and pilates.
- Inner West Council Inclusion Access Plan determined that Council
 - Improve information availability about the accessibility of parks, community facilities and social, recreational and educational services and programs.
 - Improve inclusion and access to Council's educational, recreational and social services and programs for people with a disability.
 - Work with service providers to increase access and inclusion for people with a disability.
- Inner West Council resolved to investigate expanding artist spaces in the IWC area (resolution C1017, Item 11).
- Previous Councils strategic planning documents embedded integration of arts and culture into Council's urban planning and infrastructure developments and improvements.

2.3 Impact on Town Centre of Community Facilities.

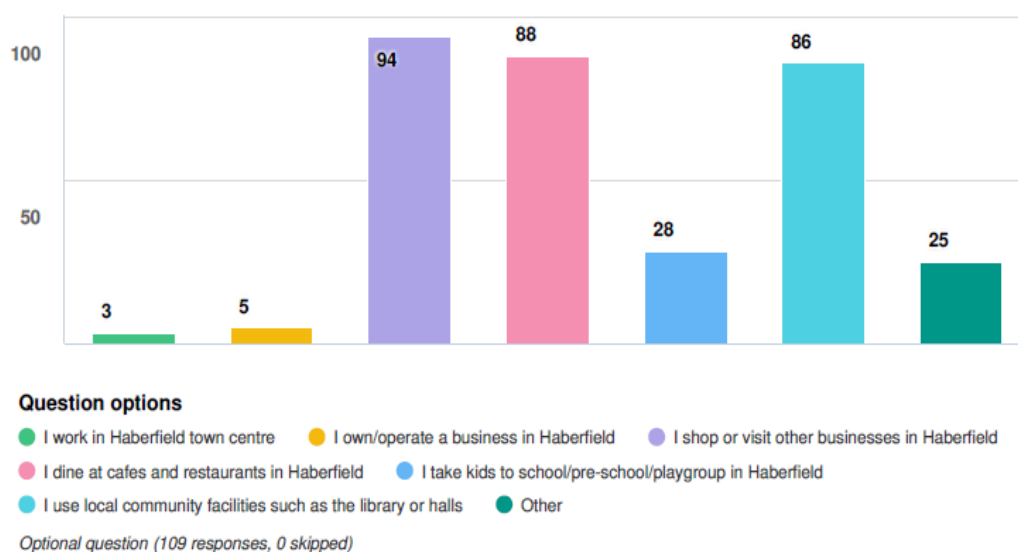
Haberfield residents access diverse retail, professional services, cafes and restaurants in the Town Centre. Previous Councils' economic development strategies prioritised activating Council facilities to increase footfall to the high streets and expenditure in local businesses. The table below provides evidence that the Haberfield Town Centre is used by residents to meet a range a needs. There is a strong correlation between

- Shopping/visit a business
- Dining at a café/restaurant
- Using a local community facility such as the library or meeting rooms/halls.

It is therefore anticipated that improving the amenity of Haberfield facilities will enable greater activation, draw more people to visit and participate in centre activities, and at the same time will have a positive flow-on effect to local business.

Figure 3. 1 Activities undertaken when visiting Haberfield Town Centre.

When you visit Haberfield town centre, what do you do? Tick all that apply



3. CURRENT PROVISION OF COMMUNITY FACILITIES IN HABERFIELD

3.1 Council facilities

The Haberfield Centre on Dalhousie St is in close proximity to local shops, cafes, and businesses. This significant Haberfield building was originally constructed in 1912 as the Haberfield School of Arts in the suburb's first decade. The original part of the building still houses the large Queensland maple Haberfield Roll of Honour, erected in 1918 to remember those lost from the area during World War1. Haberfield Centre comprises

- Haberfield Library** a small library serving the local community.
- Michael Maher Room** and the adjacent small kitchen are available for hire. Eight groups currently utilise the Michael Maher Room on a regular basis for a range of purposes including musical rehearsals, senior Italian social groups, table tennis, a dementia advisory service and political party branch meetings. (Regular users are listed in Attachment 2).
 - The room attracts minimal fee revenue as the majority of users meet criteria for fee support.
 - The carpeted flooring is not best suited for playing table-tennis which is one of the most valued activities.
 - Providers of children's play groups prefer direct access to garden space and are interested in design changes
- Graham Yarroll Room** is upstairs on Level 1 and utilized by Council's Spark Youth Theatre as a dedicated development and rehearsal space for artists. This program involves providing free rehearsal space for artists in exchange for workshops and programs for Spark.
 - The room has no air-conditioning and is particularly cold in winter, and airless and hot in the summer.

¹ Ann O'Connell, Ashfield and District Historical Society Inc, *Haberfield Roll of Honour*

- ii. It is not accessible other than via the stairway and Council has received funding to install a lift
- d. The Haberfield Association **historical collection in a smaller room** dedicated for that purpose on Level 1.
- e. The **garden** accessible through the Centre during Library open hours is not accessible from Dalhousie St. This area is informally used by library visitors and includes some raised garden beds.
 - i. The area is referred to as the Haberfield Community Garden, however does not function as a true community garden as there is currently no local community involvement in its management or maintenance.
 - ii. Council has had an arrangement with an NGO (NEAMI, support organisation for people with complex needs) which allows this group to use the garden once/week. However, the garden is currently not well maintained and consequently the space is not as inviting or well used as it could be.

Mervyn Fletcher Hall, also on Dalhousie Street, is immediately across the road from the Haberfield Centre. This centre is relatively well used despite the fact that it requires significant refurbishment. This centre comprises:

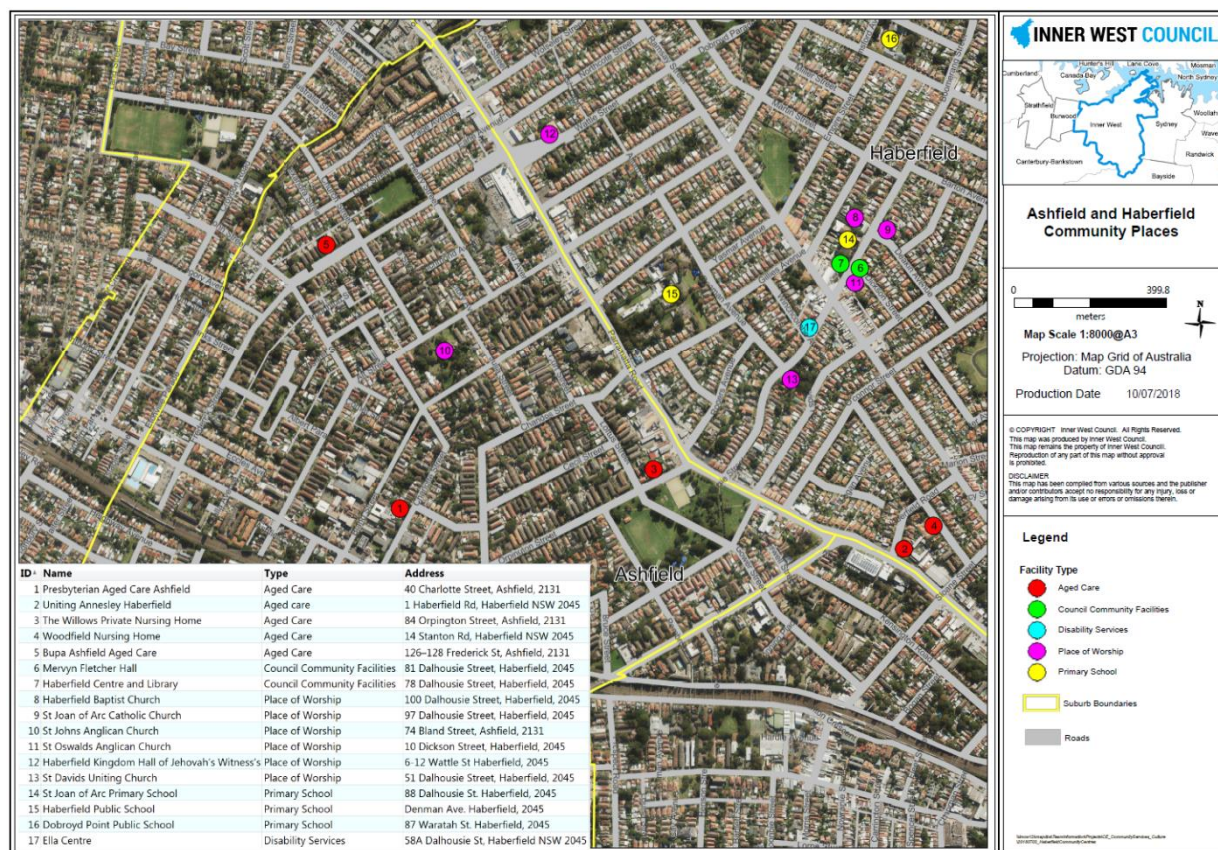
- f. **A community hall** at the rear of the property, well used by 12 community groups for a range of activities including bingo, social support activities, dancing, musical rehearsals, singing, church service, bingo, playgroup and yoga. Some of these activities are targeted at specific cultural groups including three senior Italian groups, a Japanese playgroup and two Chinese dancing groups. (Refer Attachment 2)
 - i. The facility is accessed by steel-framed glass-panelled doors subject to glass breakage, and Council has planned to undertake some minor renewal works in the Centre.
 - ii. The roof, front entrance, bathrooms and flooring require attention and the facility has no air-conditioning.
 - iii. There is no visibility to the public or information displayed regarding opportunities to participate in the programs and activities conducted in the venue.
- g. **A community office facing Dalhousie Street** is leased to Ella Centre providing support for people with disabilities
- h. **Boarded up public toilets**, are permanently closed due to vandalism and poor location and detract from the overall site amenity.
- i. **A garden space** comprising trees and lawn facing the street front.

3.2 Non-Council Community Services in vicinity of Haberfield Town Centre

Council's Social and Cultural Planning Unit undertook key stakeholder interviews with 15 local services and program providers to seek feedback on the provision and use of facilities, levels of service, gaps and opportunities.

Principal service providers are mapped in Figure 3.2 below. Three places of worship in the immediate vicinity cater for the needs of congregations and a small number of programs in their church halls. 3 local primary schools have Out of School Hours Care services. Slightly further afield, Residential Aged Care Facilities provide centre-specific facilities.

Figure 3.2 . Map of Community Services and Facilities in Haberfield



These facilities are principally dedicated to the needs of the organisation's patrons/congregations/funded service participants. The age groups served in these Haberfield facilities concentrate on the primary aged and older demographic. The faith-based organisations identified a trend towards smaller congregations.

Stakeholder consultation identified service gaps / programming opportunities exist in the following age-groups

- pre-school, (0-5 year),
- high-school aged demographic, (12-17); and
- young adult - working aged residents. (18-34)

Of particular note is the gap for pre-schoolers and the 12-17 age group given their higher population numbers. Noteworthy also is that Haberfield has a relatively high proportion of 55 - 74 aged residents, some of whom are already connected to Council facilities.

Service gaps and opportunities were explored further in the community engagement phase for determining suitable projects.

4. PUBLIC CONSULTATION

In conjunction with key stakeholder consultation to identify existing services provided locally, and service gaps, Council's Community Engagement Team developed a Communications and Engagement Plan to consult with community members.

4.1 Notification of Engagement

The engagement was notified and promoted through:

- Yoursay page survey opened 22 May 2018
- Media Release Tuesday, 22 May 2018
- Inner West Courier feature project 29 May 2018

- Inner West Council - What's on enewsletter 22 May 2018
- Enews (twice)
- Inner West Council Facebook 23 May 2018
- Promotion by Haberfield Library staff
- Promotion through Community and Cultural Services networks
- Distribution flyer (6990 copies) through Haberfield and adjacent areas in Ashfield 22/ 23 May 2018

4.2 Engagement Methods

Council asked local residents: What do love about Haberfield, how do you use the current facilities and what improvements you would like to see? The engagement methods comprised a Survey, meetings and phone calls with key stakeholders, schools/community groups meetings with Community and Cultural Services staff and Project Engineers, on site meetings, and online responses. The Survey and Flyer in both English and Italian were available at Council's Haberfield library and at Council community facilities, and Italian-speaking staff were present for user meetings.

4.3 Online Survey

The online survey was launched on Yoursay 22 May 2018 for 4 weeks closing 24 June 2018. There were 438 visits to the project page and 69 surveys completed. Hard copies were in both English and Italian were available at all Council Libraries

4.4 Engagement meetings

Onsite information sessions were held in the foyer of the Haberfield Centre and Library. The Capital Projects Manager was onsite to answer questions regarding the Haberfield Centre and Mervyn Fletcher Hall. Two engagement officers, and an Italian speaking staff member from the library were onsite to assist. Information flyers and hard copies of surveys were available in both Italian and English. Sessions were run at a variety of times and on a variety of days to reach a broad of a spectrum of users. Individual stakeholder meetings included SES Haberfield, Haberfield Association, Ella Centre as tenants of Mervyn Fletcher Hall, and phone discussions with nearby organisations including St Oswald's and St David's Church who provided some information about their own services.

5. **COMMUNITY FEEDBACK ON SUITABLE PROJECTS FOR \$2.5M.**

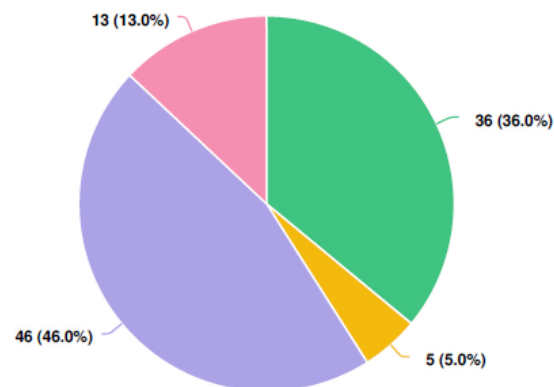
5.1 Upgrading Community Facilities.

When asked where Council should allocate the \$2.5m funding from Sydney Motorways Corporation to deliver maximum community benefit, 87% of survey responses **supported upgrades to either/both Haberfield Centre including Library and Mervyn Fletcher Hall:**

- 46% in support of upgrading both Haberfield Centre and Mervyn Fletcher Hall and
- 36% support upgrading Haberfield Centre only.

Figure 5.1 Priorities for allocating funding to Council community facilities

Council is deciding how to allocate the \$2.5m from Sydney Motorways Corporation to deliver maximum community benefit, where...



Question options

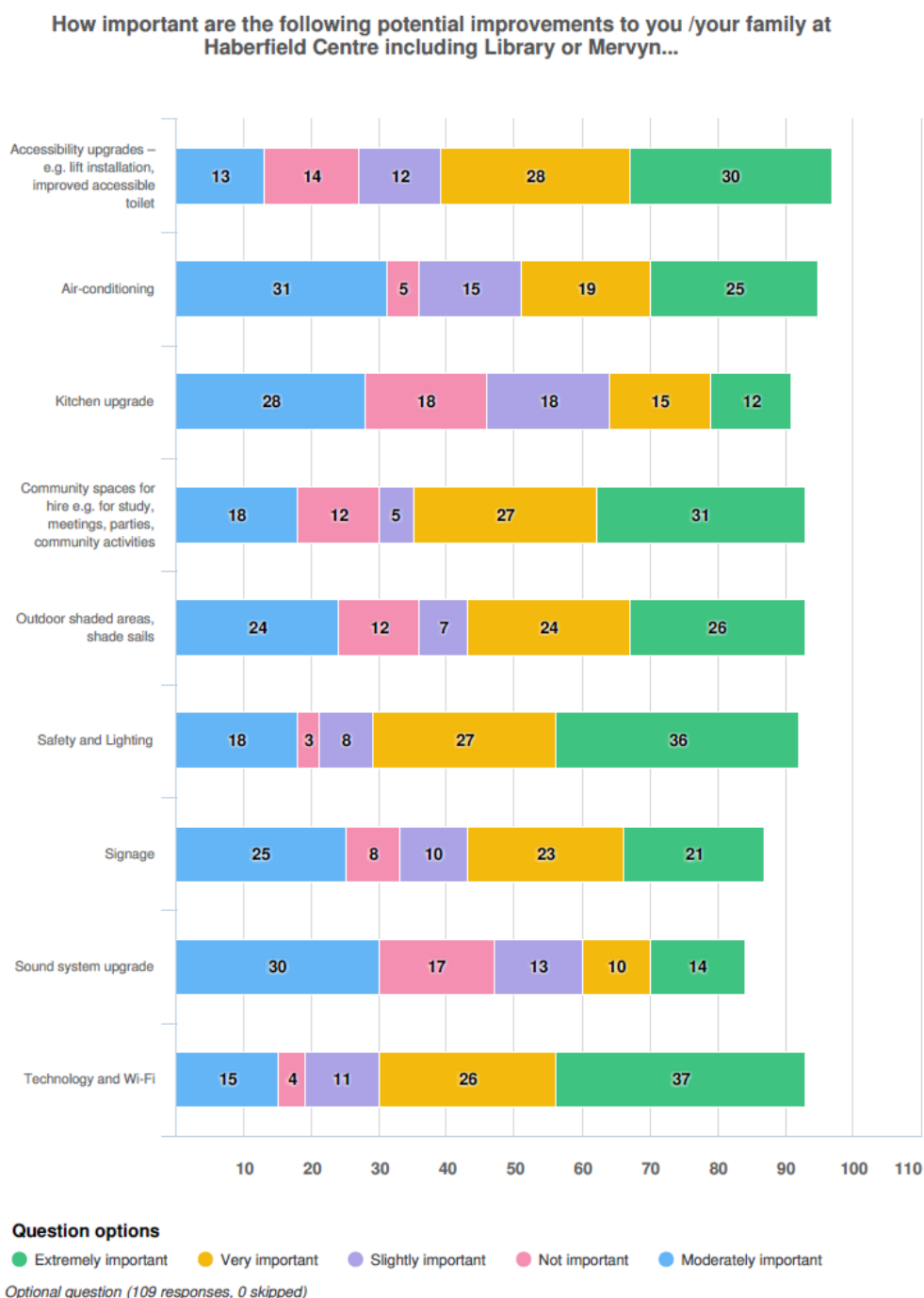
- Upgrade Haberfield Centre including Library
- Upgrade Mervyn Fletcher Hall
- Upgrade both Haberfield Centre, including Library and Mervyn Fletcher Hall
- Upgrade other facility

Optional question (100 responses, 9 skipped)

5.2 Potential improvements

When asked to rank importance of potential improvements to Haberfield Centre and Mervyn Fletcher, the top five improvements were

- Technology and Wifi
- Safety and Lighting
- Accessibility Upgrades eg lift installation, accessible toilet
- Community spaces for hire eg for study, meetings, parties, activities
- Outdoor shaded areas

Figure 5.2 Improvement to Haberfield Centre and Mervyn Fletcher Hall

Figure 5.3 Desired activities and improvements

Activities and improvements	Officer comment
<p>Survey respondents and key stakeholders identified the classes or activities they would attend if accessible at Council venues.</p> <ul style="list-style-type: none"> Non-religious play groups / several a week School holiday programs Children's activities and family support Parenting discussions Adult learning facility, lectures and discussions that would bring different people to Haberfield 	<p>Proposed uses should guide the concept development phase for enhancements to Haberfield Centre and Mervyn Fletcher Hall should Council proceed with upgrading these two facilities for broader</p>

Item 13

<ul style="list-style-type: none"> • Meditation, mindfulness, yoga, pilates • Music, string quartet, violin lessons, band rehearsal • Art classes, craft classes, creative art classes referencing origins as Mechanics School of Arts • Lifeskills, gardening classes, knitting, cooking classes • Social inclusion programs for people with dementia, carers, older people. 	<p>community benefit, eg,</p> <ul style="list-style-type: none"> • Connectivity between meeting rooms and garden space for playgroups / Lifeskills gardening / • Acoustic treatments for music rehearsal and performance • Connections between the two facilities to facilitate adult learning symposiums
<p>Haberfield Association identified the need for upgrades to both centres and visual referencing of Haberfield Garden Suburb. These upgrades are important symbolically, and in a practical sense to revitalize the heart of Haberfield and be a gathering point again for the community impacted adversely by WestConnex. The Association submitted:</p> <ul style="list-style-type: none"> • Haberfield Centre requires an urgent upgrade to the toilets, a complete upgrade to the meeting rooms, with installation of an advance technology system allowing easy connection of laptops with an easy use of projection screens, and energy-efficient heating/cooling systems throughout the Centre. • Mervyn Fletcher Hall requires upgrades to make it more attractive and multifunctional including kitchen upgrade and toilet upgrade. • Consideration of design elements at Haberfield Centre to enable expansion of music rehearsal and performance (music rehearsal space for musicians/ string quartets) 	<p>These proposed uses would require alterations to existing facilities beyond the planned renewal works, and should guide the concept development phase should Council proceed with upgrading these two facilities</p>
<p>. Ella Centre, operate their own facility on Dalhousie Street, lease office space at Mervyn Fletcher Hall and identified much needed internal refurbishment to their leased office space and improved accessible toilet facilities in the Hall for when they conduct programs.</p>	<p>Requires upgrade to Mervyn Fletcher beyond the planned renewal works and should guide concept development</p>
<p>Haberfield SES has their own secure premises, located with Haberfield Centre and Library on Dalhousie Street. A large cohort of volunteers is attached to the service. Access to meeting rooms for training was identified.</p>	<p>Noted.</p>
<p>St Oswald's Church identified the need to diversify their faith-based congregations, (as did other faith groups) and identified the need for minor capital works on their own site.</p>	<p>Noted. Sydney Motorways Corporation proposal is for upgrading a Council facility and staff will provide St Oswald's with information on other potential funding sources.</p>

6. ANALYSIS AND RECOMMENDATION.**6.1 Benefits analysis**

87% of survey responses supported applying the \$2.5m funding to upgrading Haberfield Centre and /or refurbishing Mervyn Fletcher Hall.

The community benefits of this investment identified in the needs analysis and community feedback include:

- **Activation of public places:** facilitating activation of Council venues and other public places through a range of means including events, programs and affordable venue hire encourages groups to provide activities in Council's halls and meeting places.
- **Activation and reinvigorating the village:** Apart from benefits of increased activation by a more diverse community, the revitalised facilities will improve the interface with the streetscape and garden, thereby enhancing the Haberfield village and potentially benefitting local businesses.
- **Business support:** there is a high correlation between using a local community facility such as the library or meeting rooms/halls; dining at a café/restaurant, and shopping/visit a business and increasing the numbers of people, and the diversity of population sectors served, is predicted to have a direct benefit to high street businesses.
- **Heritage:** Given the recent demolition of Federation homes and consequent damage to the suburb's heritage, it would be appropriate to invest in Haberfield Centre as a significant local building and reinvigorate both facilities, and consult with key stakeholders to reference Haberfield's history.
- **Improved design facilitates more diverse uses, and higher participation rates** with a correlated increased expenditure at local cafes, restaurants and shops.
- **Smart technology** enabling enhanced facilities proving more attractive to community members and users
- **Improving community wellbeing** through community, recreational, and cultural opportunities.
- **Multiple uses:** The proximity of these two facilities, central location and Haberfield Centre's combined function of library and community centre means the investment can be shared by a range of user groups and individuals and benefit the residents affected by WestConnex as well as the wider community.
- **Potential seminar and colloquium precinct** with upgraded, accessible facilities and capability to conduct parallel program streams across adjacent venues.
- **Managing demand:** Improvements at the Haberfield Centre and the Mervyn Fletcher Hall will enable Council to address unmet needs for example gaps in pre-school services (playgroups with access to garden space), high-school aged residents, (music rehearsal, good technology) and young adult - working aged residents (for example wellness programs, life skills programs, music and arts, yoga and pilates).
- **Inclusion Action Plan (IAP):** the accessibility improvements will contribute towards the implementation of the IAP and meet Council's statutory obligations, and additional investment will provide a superior design outcome

6.2 How would additional investment enhance existing works?

There are number significant challenges currently constraining the ability of the existing Haberfield Centre and Mervyn Fletcher Hall to function as well-used and vibrant community facilities. These include:

- Buildings have poor street presence and it is unclear that they are community facilities available for hire, available for program activation, and operated as a Council community facility.
- The buildings are not seen as welcoming spaces for the general community;
- Mervyn Fletcher garden spaces are not seen as welcoming to the community; and the Haberfield Centre has no access to the garden other than when the Centre Library is open.
- Design improvements would be required to optimise the amenity provided by the planned installation of a lift at Haberfield Centre

Figure 6.1 Considerations of Options

Option	Budget	Pros	Cons
1. Proceed as per current project scope for renewal works at Mervyn Fletcher and lift installation at Haberfield Centre.	\$840K	Works completed by Oct 2019. Improved accessibility with the inclusion of a lift and accessible toilet	<ul style="list-style-type: none"> • Constrains the Haberfield Centre lift location to meet budget; sub-optimal solution • Loss of community space to accommodate the lift • Reduced space will limit community activities. • Poor integration between Library and Community space • No landscape improvements to either facility • No improvement to the building identity and relationship with the street for either facility. • No acoustic improvement; •
2. Expanded design to improve both the Haberfield Centre	\$3.53M	An additional investment would enable council and the community to	<ul style="list-style-type: none"> • Project delivery of Option 1 renewal works

and Library and the Mervyn Fletcher Building		redesign both the internal and external spaces to optimise public access and use. <ul style="list-style-type: none"> • Stronger identity and image for the local area; • Stronger presence to the street and openness to the community; • Better lift location in Haberfield Centre • Better utilisation of the spaces including acoustic treatment for music and theatre at Haberfield Centre; • Better garden and landscape with improved public access in each centre • Better outcome in general with connectivity to streetscape facilitating increased activation. • Upgrading each facility will enable complementary activities to be conducted concurrently eg Heritage Festival, Garden Design colloquiums, Poetry Workshops 	and lift will be delayed by 9-12 months to enable architect-designed solution
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The scope of works will be defined through **Phase 1** of the project so that **Phase 2** can proceed with confirmation of the preferred options with community input. An initial proposal and concept design to upgrade the Haberfield Centre and Mervyn Fletcher Hall will address minimum requirements arising from the needs analysis and community consultation:

Haberfield Centre / Library

- Installation of a lift to provide access to the first floor community room;
- Replacement and upgrade of the air-conditioning system;
- A new accessible toilet; replacing a non-compliant facility
- Painting of interiors;

- New community furniture;
- Replacement of carpets, shelving and furniture;
- Improving the layout of the library;
- Improve signage

Mervyn Fletcher Hall

- Roof replacement including guttering;
- Removal and replacement of asbestos eaves around the entire perimeter of the building;
- Replacement of steel window frames and entrance door and frame;
- Internal / external painting where required (overall in reasonable condition)/ door painting required;
- Renewal of floor finishes – polishing wooden floors and replace kitchen vinyl flooring;
- Toilet upgrade/renewal at entrance.
 - Noting that the boarded-up facilities are non-functional, upgrades are required to male and female toilets adjacent to the foyer entrance and to the accessible toilet in the hall. The male and female toilet are identical in layout with a sliding separating the hand basin and toilet. Remove the partition wall and convert both to accessible/ambulant bathrooms including baby change tables;
- Replacement of light fittings to energy efficient fittings (PCBs);
- Renewal of ramp at the Ella Centre entrance.

Phase 1 will also include the following key design considerations for consultation with the community.

- Improved building layouts:
 - A concept design will review the complete building floorplan.
 - Improvements to the location of the lift and accessible toilet for increased utilisation of the upstairs community room in Haberfield Centre
- Acoustic treatment:
 - Install where required for musical and theatrical rehearsals and workshops
- Improved amenity:
 - Bring the facilities up to current accessibility standards, provide seating, air conditioning,
 - provide pathways to and around the garden, shade in outdoor spaces, signage and lighting.
- Improved building entry and garden areas

The concept plan will review the performance and amenity of the outdoor spaces at the entry, surrounding the building and the garden areas to welcome and invite the community into the facility, provide informal gathering points, public seating, meeting places and enhanced connectivity to the street frontage.

FINANCIAL IMPLICATIONS

Council has allocated \$273,000 in the 2017/18 budget and \$840,000 in 2018/2019 is currently funded from Stronger Communities Grants, special rate variation and council revenues.

OTHER STAFF COMMENTS

Property and Major Projects were consulted in the development of the project.

Legal Services were consulted in the development for the report and drafted the Heads of Agreement.

7 PARTNERSHIP PROCESS WITH WCX

WCX M4 Draft Heads of Agreement. (Attachment 3) indicate initial concept design proposals are required within six weeks of signing the Heads of Agreement It is proposed to involve the community in formulating the concepts, and the proposal would include

- Consideration of planning proposals
- Identification of the community facilities
- Justification for the works and associated benefit for the Haberfield community
- Payment milestones
- Community consultation plan.

WCX M4 then have 6 weeks to approve the initial proposal, which would enable Council 6 months to prepare the design for the Development Application submission.

Once the DA is approved, Council must commence the work within 4 months. Based on this program, completion is expected in June 2020.

ATTACHMENTS

1. [↓](#) Letter from Sydney Motorways Corporation proposing Community Facilities in Haberfield
2. [↓](#) Regular meeting Room Users Haberfield Centre and Mervyn Fletcher Hall
3. [↓](#) Draft Heads of Agreement with WCX M4



15 March 2018

Clr Darcy Byrne, Mayor
Inner West Council
PO Box 14
Petersham NSW 2049

Dear Clr Byrne

Re: WestConnex - M4 East Legacy Project

Sydney Motorway Corporation (SMC) has been consulting with the community and Inner West Council regarding opportunities for the M4 East project to deliver community facilities and open space in Haberfield.

This work is being undertaken to meet Conditions of Approval relating to:

- a net increase in open space
- preparation of a Residual Land Management Plan to address the potential future use of land not required for the operation of the motorway, and
- a Social Impact Management and Community Cohesion Program.

Background: Community needs assessment and early consultation

Prior to meeting with Council and the community, a community needs assessment was completed in addition to a review of Council's strategic documents. Feedback received from the community during previous project consultation was also reviewed.

The Legacy Project team met with Inner West Council officers six months on from the amalgamation of Ashfield, Marrickville and Leichhardt Councils in 2016. In consideration of this, many of Council's provisions and policies were in transition at the time of the Legacy Project. Documents reviewed included:

- Ashfield 2023, Our Place, Our Future (2013)
- Ashfield Council Annual Report 2015
- Ashfield Urban Planning Strategy 2010
- Ashfield Council Plan 2010-2014.

A preliminary workshop was held in early March 2017 for community members recruited via an "Expressions of Interest" process. Participants were asked to develop a mini "master-plan" for the area, considering existing community issues as well as those arising from the M4 East, the suitability of the proposed land use options based on community needs and gaps in local infrastructure, services and recreation.

A joint council workshop and supplementary meetings with Inner West Council were held.

The six high level themes identified during the consultation and desktop review were:

1. Cycling and connections between open spaces
2. Connections between people
3. Open spaces for growing population
4. Open spaces for a variety of uses
5. Community facilities for a growing population
6. Cooperation and integration with existing and proposed corridor plans.

The Community Needs Assessment identified accommodation for community uses/ activities was a primary issue and the opportunity for Council to provide more open space would be limited due to urban density in the area. While there are several spaces for community interaction such as school sites existing parks and the Bay Run, there is an undersupply of suitable community facilities surrounding the Project.

Preliminary concept plans

Following this, preliminary concept plans were developed and then reviewed by the M4 East Urban Design Review Panel, which consists of representatives from the Office of Government Architect NSW, Heritage Council, Roads and Maritime Services, independent experts and councils. Coordination with Greater Sydney Commission, Roads and Maritime (including the Active Transport planning department) and council technical staff occurred during design development phases.

The concept plans proposed to create a new local park and community centre fronting Walker Avenue in Haberfield with a distinctive entrance from Wattle Street. This involved combining residual lands with the rear yards of 18 and 20 Walker Avenue, with the two dwellings upgraded to be suitable as community spaces opening onto the park.

An enhanced east-west shared cycle and pedestrian link along Wattle Street to Parramatta Road which would connect to the Bay Run via Reg Coady Reserve was also proposed.

The plans also involved traffic calming measures on Walker Avenue including parking spots and planting, in response to requests from the first workshops that the street be converted into a cul-de-sac due to concerns about rat-running.

The preliminary concept plans remain available for viewing at <http://www.westconnex.com.au/m4eastlegacy>.

Community feedback on concept plans

A second community workshop was held, with the broader community also invited to view and comment on the plans. An online collaborative map was created where the community could comment on areas of interest.

Whilst it is noted that community members at the workshop who lived some streets away from Walker Avenue generally provided positive feedback to the idea of a larger park and community facilities, feedback from the majority of community members living directly adjacent or very near to the sites did not support the community facilities. Rather, there was a strong preference that the residential dwellings at 18 and 20 Walker Avenue be reinstated as residential properties. Additionally, there was strong opposition to the traffic calming measures proposed, such as new parking spots towards the Parramatta Road end of Walker Avenue.

To address these concerns, a meeting was held on 30 August 2017 with the Walker Avenue Neighbourhood Group and members from the Haberfield Association including the President.

Community sentiment regarding the concept plans at this meeting was consistent with the previous feedback received from residents of Walker Avenue, with many residents highlighting that they had campaigned to ensure the 18, 20 and 22 Walker Avenue were not demolished at the EIS stage of the project and were committed to ensuring they be returned for residential use.

Request for proposal from Inner West Council

In light of community feedback, SMC confirms it will not pursue the use of 18 and 20 Walker Avenue as community facilities including the alteration to the backyards to gain increased park space. This does not impact SMC's ability to meet its net increase in open space obligation. SMC has met with Department of Planning & Environment (DP&E) and sought its concurrence.

The project has an available budget of \$2,500,000 that had been set aside and is prepared to redirect this budget to Council, to be invested on behalf of the Haberfield community to enhance an existing community facility or facilities close to the residents affected by the project.

SMC welcomes the opportunity to work together with Inner West Council in the development and provision of community facilities to achieve a beneficial outcome for the Haberfield community. SMC has had preliminary discussions with Inner West Council about ways this can be achieved, such as through an upgrade of the Haberfield Community Centre or other suitable projects, to provide a positive legacy to the community.

SMC requests Council provide feedback in the form of potential candidate projects it would like to pursue within one month, so that further discussions can be held with the DP&E to ensure that the candidate projects are consistent with the Conditions of Approval.

It is anticipated that further community consultation will be scheduled as soon as suitable alternative/s have been identified and deemed appropriate by DP&E.

SMC will continue to liaise with Inner West Council and DP&E to pursue an amended park design on the remaining residual land at Wattle Street/ Walker Avenue.

Please feel free to contact me should you wish to discuss any aspect of the above.

Yours sincerely



Terry Chapman
Project Director, M4 East and M4 Widening
Sydney Motorway Corporation

Attachment 2. Regular users of Council's Haberfield Facilities.

MERVYN FLETCHER HALL

Mondays

San Francesco Gruppo Inc	0930 am-1230 pm
Ashfield Musical Society	730 pm-1030 pm

Tuesdays

Association San Cristoforo	0900 am-1pm
Ocean Dream	7pm-9pm

Wednesdays

Haberfield Community Singers	930am-1130am
Ella Center	12pm-4pm

Thursdays

The Ella Centre	9am-3pm
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Fridays

Ashfield Japanese Playgroup	10am-2pm
ACLI – Christian Workers	6pm-930pm

Saturdays

Australian Shanghainese Association	530pm-930pm
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Sundays

Apostolic Church	10am-12pm
Ocean Dream	1pm-5pm

MICHAEL MAHER ROOM

Mondays

CoAslt – Monday Group	830am-1pm
Haberfield Association	7pm-10pm – 3 rd Monday every month

Tuesdays

INAPPA Association	9am-1pm
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Wednesdays

Liberi Association	9am-1pm
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Thursdays

Haberfield table tennis	930am-1230pm
Ashfield Musical Society	730pm-930pm
Labor Party	7pm-9pm Once a quarter

Fridays

CoAslt – Friday Group	9am-1pm
Liberi Association	6pm-10pm

Saturdays

Sundays

Ocean Revival Church	10am-2pm
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Graham Yarroll Room is not currently accessible, and has been dedicated primarily for artist in resident programs supporting Council's Spark Theatre.

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DRAFT FOR DISCUSSION PURPOSES

HEADS OF AGREEMENT

THIS AGREEMENT is made on 2018

BETWEEN:

- (1) **WCX M4 PT Pty Ltd ABN 59 614 741 436** in its personal capacity and in its capacity as trustee of the WCX M4 Project Trust (ABN 31 878 147 068) of Level 33, 259 George Street, Sydney, New South Wales 2000 (**WCX**)
- (2) **Inner West Council ABN 19 488 017 987** at 7-15 Wetherill Street, Leichhardt NSW 2040 (**Council**)
(collectively the **Parties**)

OBJECTIVES AND PURPOSE:

- (A) WCX is delivering the WestConnex M4 East Project (**Project**).
- (B) WCX has had discussions with the local community and Council Officers about ways the Project might deliver community facilities in the Haberfield area as part of the Project's Community Cohesion Program and to provide a positive legacy to the community following completion of the construction phase of the Project.
- (C) The Parties wish to enter into this Heads of Agreement (**Agreement**) to document the process by which the Parties will work together in the development and provision of community use facilities to achieve a beneficial outcome for the Haberfield community (**Legacy Project**).
- (D) This Agreement documents that each of the Parties are willing to work together in a co-operative and supportive manner and that each Party will have a role in ensuring that the objectives of this Agreement can be met and to deliver the community facilities for the local Haberfield community within the agreed budget and timescales.
- (E) The works to be delivered under this Agreement are intended to discharge the Project's obligations under the Conditions of Planning Approval, including the aim of the Community and Social Management Plan (Condition B56) to ensure that some long-lasting benefits to the local community are realised. A Community Needs Assessment undertaken as part of consultation for the Community and Social Management Plan identified an undersupply of suitable community meeting spaces and facilities in the Haberfield area. The works proposed seek to remedy this situation through the upgrade of existing community facilities or other related projects.

OPERATIVE PROVISIONS

1. INTERPRETATION

The following definitions apply in this document.

Approved Design means a design approved in accordance with clause 5.3.

Approved Proposal means an Initial Proposal approved in accordance with clause 4.4.

EP&A Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Initial Design means an initial design based upon an Approved Proposal. For the purposes of this Agreement such drawings, reports, statement and document as may be required to lodge a development application under the EP&A Act shall be sufficient to constitute an Initial Design

Initial Proposal means a proposal submitted by Council in accordance with clause 4.

Legacy Amount means two million and five hundred thousand dollars (\$2.5 million) excluding GST.

Review Meeting means a meeting jointly attended by both WCX and Council.

Works means the works carried out by Council pursuant to an Approval Proposal and Approved Design.

2. ROLE OF COUNCIL

- 2.1 Council will appoint a primary contact and manager of the Legacy Project.
- 2.2 Council will manage all correspondence on the Legacy Project with the community, stakeholders, authorities and any potential third-party project partners.
- 2.3 All Parties acknowledge that the Approved Proposal and Approved Design may require assessment and approvals under the EP&A Act before the works can proceed. Council is responsible for obtaining any and all necessary approvals for the Approved Proposal and Approved Design to proceed.
- 2.4 Council will appoint the necessary resources to work within the timeframes set out within the Approved Proposals to be developed for each Legacy Project.
- 2.5 Council will submit regular reports to WCX updating it on the progress of the Approved Proposal and agrees that WCX shall have a right to audit the Works.
- 2.6 Council agrees to work within the approved amounts for the Works and that completion activities and cost obligations are the responsibility of Council. If the cost of the Works is in excess of the Legacy Amount, Council acknowledges and agrees that the excess will need to be funded by Council contributions including during execution of the Works.

3. ROLE OF WCX

- 3.1 WCX will jointly fund, together with RMS, the works under this Agreement up to the Legacy Amount.
- 3.2 WCX will appoint a legacy manager to work with the Council representative who has primary responsibility for delivery of the Works.
- 3.3 WCX will work within the timeframes set out within the Approved Proposal to be developed by Council for each phase of the Legacy Project.
- 3.4 WCX's liability under this Agreement is limited to the Legacy Amount.
- 3.5 WCX will have a right to audit the Works.

4. SUBMISSION OF INITIAL PROPOSALS

- 4.1 Within 6 weeks of the Date of this Agreement, Council will identify an Initial Proposal(s) and submit an Initial Proposal(s) to WCX.
- 4.2 In preparing each Initial Proposal the Council shall:
- (a) have regard to the requirements of the Conditions of Planning Approval for the Project, with particular regard for Condition B56;
 - (b) identify the community facility or facilities the subject of the Initial proposal;
 - (c) provide a detailed justification identifying the need for the works and the associated benefit for the Haberfield community;
 - (d) provide a programme for the works;
 - (e) submit payment milestones for the works; and
 - (f) consult with the local community.
- 4.3 Within 6 weeks of the date of submission of an Initial Proposal, Council and WCX shall hold a Review Meeting to discuss and review the Initial Proposal.
- 4.4 Within 14 days of an Initial Proposal Review Meeting, WCX must give Council a notice either: (i) approving the Initial Proposal, including any terms and conditions on which the Initial Proposal is approved; or (ii) containing a list of items which it believes must be considered prior to an Initial Proposal being approved and whether a further Review Meeting should be held before the Initial Proposal is approved.
- 4.5 Once an Initial Proposal is approved in accordance with clause 4.4 (**Approved Proposal**), Council will procure, manage, and direct design development and submit an Initial Design consistent with the Initial Proposal to WCX for approval in accordance with clause 5.
- 4.6 Within 6 weeks of the date of submission of an Initial Design, Council and WCX shall meet to discuss and review the Initial Design at a Review Meeting.
- 4.7 All Parties acknowledge that the Approved Proposals and Approved Designs may require assessment and approvals under the EP&A Act before the works can proceed. Council is responsible for obtaining any and all necessary approvals for the Approved Proposals and Approved Designs to proceed.
- 4.8 Council will appoint the necessary resources to work within the timeframes set out within the Approved Proposals to be developed for each Legacy Project.
- 4.9 Council will submit regular reports to WCX updating it on the progress of the Approved Proposals.

5. DESIGN AND CONSTRUCTION OF APPROVED PROPOSALS

- 5.1 If, following assessment of the Initial Proposal, WCX determines that the Works should proceed, Council agrees to undertake the Works and will use its best endeavours to ensure the Works are substantially commenced within 4 months from the date of an Approved Design. Council is responsible for engaging the contractor and coordinating the Works.
- 5.2 Council will prepare an Initial Design for each proposal within 6 months from the date the Initial Proposal is approved in accordance with clause 4.4 in accordance with the Objectives for the Works.
- 5.3 WCX and Council will meet to discuss and review the Initial Design at a Review Meeting, as well as consult with all other relevant parties in relation to the Initial Design. Council will then be responsible for preparing a final design for the Works and will seek WCX's approval of the final design. The final design must be generally consistent with the Initial Design. At such time as WCX approves the final design, it will become the Approved Design.
- 5.4 WCX is to pay the costs of the Works up to the agreed amount in the Approved Proposal.
- 5.5 WCX will pay the Council the [Payment Milestone] without set off or deduction, by electronic funds transfer into the Council's nominated bank account within 20 Business Days of the date of a valid tax invoice for that Payment Milestone. Payment Milestones are to be agreed between the Parties at the Initial Review Meeting.
- 5.6 During the design process and construction of the Works, Council will work with all Parties to obtain their input into the process and consult with all stakeholders as required.

6. CO-OPERATE AND ACT IN GOOD FAITH

- 6.1 Each party agrees to co-operate in good faith and do all things necessary to give full effect to this Agreement and to complete the actions contemplated by this Agreement.
- 6.2 Each party who executes this Agreement warrants that they have full authority to execute it.

The Parties agree to this Heads of Agreement.

EXECUTED by **WCX M4 PT Pty Ltd (ABN 59 614 741 436)** by its authorised delegate in the presence of :

Signature of witness

Signature of authorised delegate

Name of witness

Name of delegate

SIGNED by **Inner West Council** pursuant to a resolution passed by Council at its meeting of **[insert]** in the presence of:

Signature of witness

Signature of Inner West Council representative

Name of witness

Name of Inner West Council representative

Item No: C0718 Item 14**Subject:** MULTICULTURAL POLICY**Prepared By:** Simon Watts - Social and Cultural Planning Manager**Authorised By:** Erla Ronan - Group Manager Community Services and Culture**SUMMARY**

Inner West Council resolved to develop new initiatives in Multicultural Policy on 24 April 2018. A draft Multicultural Policy is proposed for exhibition (Attachment One). This policy is to ensure equity of access to Council services, to ensure the voices of people from multicultural backgrounds are heard in Council's decision-making and that Council advocates for the needs of people from multicultural communities. It seeks to promote Council celebration of its unique and diverse communities. A stocktake of Council policies and services for multicultural communities, and a list of potential new initiatives are proposed. Community engagement on the Policy and potential new initiatives is proposed for August 2018.

RECOMMENDATION**THAT:**

- 1. Receive and note the stocktake of activities across Inner West Council which support multicultural communities;**
- 2. Receive and note a report back on potential additional multicultural initiatives;**
- 3. Endorse the draft Multicultural Policy for public exhibition; and**
- 4. Endorse the community engagement plan and the action plan 2018-2020 contained in the report.**

BACKGROUND

Notice of Motion (C0418 Item 21) Multicultural Policy

THAT Council prepare a report on ways to support our multicultural communities including:

- a) Delivering the largest Lunar festival in the history of the Inner West to celebrate our Chinese and Vietnamese communities;
- b) Establishing an Inner West Anti-Racism Film Festival with entries to come from local residents, community groups and schools;
- c) Creating a Multicultural Advisory Committee and Inter-Faith Reference Group to inform Council decision making;
- d) Instituting Civic Receptions to celebrate the national days of local ethnic communities including the Chinese, Vietnamese, Greek, Portuguese, Italian and Lebanese communities;
- e) Making sure important Council information is available and easily accessible in community languages;
- f) Reestablishing international community to community relationships which existed under the former councils;
- g) Appointing a dedicated multicultural development officer to support local organisations;
- h) The report include detailed costing and additional information such as concept/brief event size, location, reach, capacity and programming; and
- i) The report should fully detail what the Inner West currently does to support multicultural policies either directly or indirectly.

More than one third of the population of the Inner West is from multicultural backgrounds, 66,228 people were born overseas, and 51,597 speak a language other than English at home. This policy seeks to ensure that people from diverse backgrounds participate in local decision making, including in design of Council's services and policies; access and are supported by Council services and policies; and that people from diverse backgrounds are celebrated and acknowledged across our communities in the Inner West. Overall, this policy seeks to ensure that residents of the Inner West from diverse backgrounds achieve high degrees of social and economic participation.

A Mayoral forum was held on 3 July 2018. The Mayor and Councillor Iskandar met with leaders from the Italian, Greek, Portuguese and Chinese communities. A key expressed need was for continuing close engagement with each community, particularly to ensure that any Council response was effective and timely. This was particularly the case where Council advocacy was the recommended response.

Council is deeply engaged in service provision to people from multicultural backgrounds, through specifically designed and tailored services, and through service provision provided for the whole community. A stock take of tailored service provision to people from diverse communities is at Attachment Two.

New initiatives for people from multicultural backgrounds are also proposed for inclusion in community engagement on the Policy. These initiatives include new celebrations for Lunar New Year, creation of an anti-racism film festival, a new inter-faith reference group, new approaches to translation and interpretation for residents who use community languages, and expanded community to community relationships for specific groups.

The Policy supersedes earlier Council plans and policies: Marrickville Cultural Action Plan 2016-2020, Strengthening Marrickville's Migrant Communities: a Local Action Plan 2010-2015, Local Ethnic Affairs Policy Statement (2007), Marrickville's Cultural Diversity Action Plan (2003), Local Ethnic Affairs Policy (1998), Culturally Diverse Society Principles Policy (1997), Culturally Diverse Society Principles NSW Charter (1997) and Ethnic Affairs Policy (1994).

FINANCIAL IMPLICATIONS

The dedicated Multicultural Officer proposed by the resolution would be required. The estimated cost for a four day per week position would be \$89,600 per annum (plus on-costs). It would be appropriate to appoint the Officer for a two year pilot period to implement initiatives as set out in the action plan for 2018-2020, and then review ongoing needs.

OTHER STAFF COMMENTS

Extensive input from Council officers was required for the services and policy stock take, for creation of the Engagement Plan, and for scoping the new initiatives. The draft policy was discussed with the Leadership Team.

PUBLIC CONSULTATION

Public engagement will follow Council consideration of the Policy according to the Plan at Attachment Three.

CONCLUSION

Responding to the needs of people from diverse backgrounds includes improving the manner in which Council services and programs are designed to meet specific needs along with timely and effective advocacy. The proposed policy intends to frame and formalise this requirement.

ATTACHMENTS

1. [Download](#) Draft Multicultural Policy
2. [Download](#) Multicultural Services and Policy Stocktake Attachment Two
3. [Download](#) Draft Engagement Plan Attachment Three
4. [Download](#) Draft Multicultural Action Plan 2018-2020 Attachment Four

Title	Multicultural policy
Summary	To provide policy guidance on supporting people from multicultural backgrounds and celebrating cultural diversity in the Inner West of Sydney
Background	At the time of the 2016 Census, the Inner West Council area had a population of 182,037. Of these 62,228 or 34% were born overseas and 51,597 (28%) spoke a language other than English at home. Inner West Council resolved to develop new initiatives in Multicultural policy on 24 April 2018. This policy is to ensure equity of access to council services and to ensure the voices of people from non-English speaking backgrounds are heard in Council's decision-making. It seeks to promote Council celebration of its unique and diverse communities.
Policy Type	Council
Relevant Strategic Plan Objective	Links to Community Strategic Plan, Strategic Direction 4: Caring, healthy communities. Particularly 4.1 Everyone feels welcome and connected to the community. The indicator for the outcome is: Satisfaction with programs and support for newly arrived and migrant communities.
Relevant Council References	This policy is informed by the draft Social and Cultural Planning Framework. The policy builds on the approach of <i>Marrickville Cultural Action Plan 2016-2020</i> . The policy supersedes the former plans: <i>Strengthening Marrickville's Migrant Communities: a Local Action Plan 2010-2015</i> and <i>Marrickville's Cultural Diversity Action Plan (2003)</i> . Citizen and stakeholder engagement will be delivered through the <i>Community Engagement Framework 2017</i> .
Main Legislative Or Regulatory Reference	<i>Multicultural NSW Act 2000</i> and its principles
Applicable Delegation Of Authority	As per delegations register
Other External References	Multicultural Policies and Services Program (Multicultural NSW) and the statutory framework <i>Multicultural Planning of NSW Government Agencies</i>
Attachments	NA
Record Notes	External
Version Control	See last page

1. **PURPOSE**

The purpose of this policy is to ensure Council engages with and plans effectively for the needs and aspirations of people from culturally and linguistically diverse backgrounds.

2. **OBJECTIVE**

The objectives of policy are to ensure that people from multicultural backgrounds participate in local decision making, including in design of Council's services and policies; access and are supported by Council services and policies; and that people from diverse backgrounds are celebrated and acknowledged across our communities in the Inner West.

3. SCOPE

The policy seeks to ensure that residents of the Inner West from a diversity of backgrounds achieve high degrees of social and economic participation.

3.1. In scope

All advocacy, policy development, service design and delivery of the Inner West Council.

3.2. Out of scope

Not applicable

4. DEFINITIONS

People from multicultural backgrounds include those who were not born in Australia, including those who speak a language other than English at home. Many of the second generation of multicultural people will also identify as having heritage formed by their diverse background. Newly arriving communities are recognised as having additional support needs as they settle in a new cultural context.

5. LINKS TO COMMUNITY STRATEGIC PLAN

The Community Strategic Plan is structured around a guiding principle: to work together in a way that is creative, caring and just. Five strategic directions give effect to this principle: an ecologically sustainable Inner West; unique, liveable, networked neighbourhoods; creative communities and a strong economy; caring, happy, healthy communities; and progressive local leadership.

6. POLICY STATEMENT

Council affirms the principles of the *Multicultural NSW Act 2000* including that people of different linguistic, religious and ancestral backgrounds are free to profess, practise and maintain their own linguistic, religious and ancestral heritage. Further, that all people should be able to contribute to, and participate in, all aspects of public life and make use of, and participate in, relevant activities and programs provided or administered by Council.

Council is committed to listening and responding to the specific needs of people from diverse backgrounds. This response may be improvements to Council services and programs, or it may be more focussed advocacy with the NSW and Commonwealth governments.

7. POLICY

That Council service delivery is effective for people from diverse backgrounds, and is supported inclusive and responsive planning. Council leader's value diversity, and equitable access to opportunity is promoted in Council policy and decision making. Effective engagement with diverse communities in communicating council actions and services is supported by authentic input into policy development, service design and advocacy. Council recognises that the engagement with multicultural communities and their expressions of culture enrich our whole community and build inclusion across the city.

8. RESPONSIBILITIES

That the principles of the *Multicultural NSW Act 2000* guide inclusion of people from diverse backgrounds, and of their needs, in Council policy development and decision making, advocacy and in service delivery.

9. ASSOCIATED PROCEDURES

Availability of key council information in community languages and access to appropriate and specific support services relevant to the needs of diverse communities supports social and economic participation.

INNER WEST COUNCIL**Multicultural Services and Policy Stocktake****July 2018****Introduction**

More than one in three residents of the Inner West was born overseas, more than 62,000 people. Almost one in three people, or 52,000 residents, speak a language other than English at home. Inner West Council has extensive services and programs aimed at providing support for people from multicultural communities.

Major festivals and celebrations

Inner West Council is a principal sponsor or producer of major festivals that celebrate multicultural diversity on a large scale. 2018 was the second occasion that Open Inner West was produced, featuring an unprecedented celebration of 69 cultures in 24 suburbs over 10 days from 15-24 June.

Council also supports other iconic multicultural celebrations including the Carnival of Cultures in Ashfield Park which celebrates Portuguese provinces and Mediterranean cultures, the Bairro Portuguese Petersham Food & Wine Fair in Petersham, and the Norton Street Fiesta. Council also supports local Lunar New Year celebrations in Marrickville and Ashfield involving Lion Dances and a concert. The calendar of religious events of Greek Orthodox Easter are also marked in celebrations at Marrickville.

Customer service, translation and interpreting

For most residents speaking a language other than English, contact with the Council call centre staff is supported by the option of transfer to the Telephone Interpreter Services which supports the customer to organise their required Council service. Council also employs Greek and Italian speaking call centre operators. One staff member in the Council service centre at Ashfield speaks Mandarin, at Petersham staff speak Greek, and at Leichardt there is a local contact list that can be engaged for those who speak Italian.

In partnership with Chinese Australian Settlement Services, Council provides a free Chinese Language Help Desk. This volunteer run service provides support to Chinese speaking residents in English. The service helps people to translate correspondence and engage with government departments including Medicare and housing providers. Volunteers also assist with filling in routine forms.

Council uses digital translation tools and also support provision of key Council information in community languages including for example information on the opening of Council grant programs in 2018.

Libraries and information provision

Council provides an extensive engagement to people from diverse cultural and language backgrounds through its libraries. Council offers extensive books for children and adults, audio and video recordings, talking books, magazines, eBooks, and community language newspapers in Arabic, Chinese, Greek, Gujarati, Italian, Nepalese, Portuguese, Spanish, and Vietnamese. Council also lends from the Multicultural Bulk Loan Service of the State Library of NSW which holds approximately 80,000 items in 42 languages. This service is available free to any library user in the Inner West.

A home and residential aged care library service is offered to people unable to visit a library in person arising from age, disability or illness. These resources include books, magazines, talking books, and video recordings. This volunteer service is offered in Arabic, Chinese, Greek, Italian, Portuguese, and Spanish.

Wellbeing presentations are offered in community languages in Council libraries. These quarterly events feature topics including social support, accessing Centrelink and social housing, health promotion, legal support and law week discussions, environmental awareness and action, public safety, home fire safety, and mental health. These are presented in Arabic, Mandarin, Greek, Portuguese, and Vietnamese.

The libraries also host Tech Savy computer training for people from diverse backgrounds to gain knowledge and skills about how to use social media and online banking safely. This complements monthly classes in Greek and Mandarin for social media, internet browsing and email use by seniors. Monthly groups are held in Mandarin, Greek and Spanish to celebrate the language, culture and literature of those cultures. Mandarin and Spanish classes are also offered four times per annum for those wanting to improve their proficiency in these languages.

Council offers English language courses eight times a week at four of its libraries. This is complemented by an English writing course offered at one library. Council also offers seasonal cultural engagement including events for the Greek Festival of Sydney, Chinese New Year, and international film screenings 24 times per annum.

Community wellbeing

In partnership with Metro Assist, Council offers a multicultural social support group for migrant and refugee families living in the Inner West. An example is an employment focused project in partnership with Metro Assist and TAFE. This project is currently delivering a 10 week course for focused on developing the skills necessary for securing employment.

Together with Metro Assist, Council provides free English classes for community members. Classes are held: each Monday at Pratten Park Sport and Bowling Club Ashfield and each Friday at the Ashfield Service Centre. Many of Council's 37 community venues are used regularly by groups of all ages from playgroups to seniors, and self help, creative and artistic, recreation and exercise and hobby and interest groups. These community groups make up more than one third of community venue users and incorporate both multicultural and specific language groups and include people from diverse community backgrounds including Arabic, Greek, Indian, Italian, Mandarin, Nepalese, Portuguese, Spanish, Vietnamese, and Yugoslavian.

A regular subsidised community venue hire is provided for 38 community groups for people from diverse backgrounds, in addition a large number of groups use venues on a one off basis. Groups include the Chinese Classical Poets Society, Chinese Migrant Welfare Association, Ethnic Craft Group, Inner West Asian Business Association Sydney, Italian Social Support, and a Japanese Playgroup.

Specific support services are also offered on supporting those living with dementia, accessing *My aged care* and Commonwealth support for those who are ageing, and exercise programs to support physical wellbeing. Council's Home Linked Support services support the needs of the older people from multicultural backgrounds through centre-based meals, home delivered meals, and social outings. Home Modification and Maintenance provide grab rails and ramps for support to enable people from diverse backgrounds to remain living at home for longer.



MULTICULTURAL POLICY – Communication and Engagement Plan


Engagement Overview	
Project Description Explain your project to the community.	To engage with citizens of the Inner West and other relevant stakeholders on a policy for supporting and celebrating cultural diversity in the Inner West of Sydney
Engagement Purpose What do you want to achieve by engaging the community / stakeholders?	To involve citizens in developing the policy
Engagement Goals Outline specific goals for the engagement.	To ensure that the concerns and aspirations of people from diverse backgrounds are directly reflected in guiding access to Council services and policies. Secondly, the engagement seeks to ensure that people from diverse backgrounds are celebrated and acknowledged, and that they participate in local decision making, including in design of councils services and policies.
Project Manager/s	Simon Watts
Project Sponsor	Erla Ronan
TRIM reference Note the trim container and sub-container for community engagement (Email records to set this up).	

Strategic links Insert Community Strategic Plan KRA and Delivery Program outcome/s plus other relevant strategic plan or action plan.	Links to Community Strategic Plan, Strategic Direction 4: Caring, healthy communities. Particularly 4.1 Everyone feels welcome and connected to the community. The indicator for the outcome is: Satisfaction with programs and support for newly arrived and migrant communities.
Drivers Why is this project happening now? Insert Council resolution or other driver e.g. scheduled capital works.	A Council Notice of Motion (C0418 Item 21) from 24 April 2018 requires development of a Multicultural policy and action plan for select multicultural initiatives for 2018/19. The policy and action plan will be considered on 14 August 2018. The action plan will include a high level summary of current Council support for those from diverse communities.
Background Describe the project's history. Outline any previous engagement related to this project.	At the time of the 2016 Census, the Inner West Council area had a population of 182,037. Of these 62,228 or 34% were born overseas and 51,597 (28%) spoke a language other than English at home. This policy is to ensure the voices of people from non-English speaking backgrounds are heard in Council's decision-making and to ensure equity of access to council services. It seeks to ensure that Council celebrates its unique and diverse communities.
Related projects Describe any related projects that may impact this project or create opportunities.	
Scope Outline what is negotiable and what has already been decided or is outside the scope.	Council will consider the draft Multicultural Policy and action plan for select multicultural initiatives for 2018/19 on 24 July 2018. This timing means that the views of citizens on ensuring the voices of people from Multicultural backgrounds are heard before Council's decision-making on adoption of the policy and to ensure input on how to improve equity of access to council services. The timing also presents the opportunity for citizen input into how best Council might celebrate the unique and diverse communities in the Inner West.
Timeline Over what period will this engagement take place? Outline key dates and expected timeline including proposed Council meetings.	A mayoral Multicultural round table occurred on 3 July 2018. The draft policy and action plan will be considered for adoption by Council on 24 July 28 days of engagement will follow from 25 August 2018. Final policy adoption proposed for Council meeting on 11 September 2018.

Risks Outline potential risks to successful engagement and how they will be managed or mitigated.	
Budget What's your engagement budget? Is it separate or part of the overall project budget?	Within existing resources

IAP2 SPECTRUM



INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Stakeholders

Internal Stakeholders	Needs, issues, opportunities	Communication method	Spectrum level
Group Managers	Stocktake input	Email and in person at leadership team 07/06/18	Involve

External Stakeholders	Needs, issues, opportunities	Communication method	Spectrum level
Mayoral round table	Discussion of policy approach and the action plan items	In person with 15 key citizens	Involve
Exhibition of draft policy	Policy input	<i>Your say Inner West</i> and via Facebook and Linked in	Involve



Engagement Program and Methods

Engagement Stage - when the community can have input	Enter stage number and name. Use a separate column for each stage of the engagement.	Stage1	Stage 2 (if required)	Stage 3 (if required)
Objectives	Detail what you are aiming to achieve from the engagement in this stage.	Exhibition of draft policy		
Timeline	Outline the timeline for each stage including key dates/deadlines	28 days from 25 July 2018.		
Communication Plan	Outline how you will promote your engagement..	Social media, press and email communication to key stakeholders		
Engagement methods	Outline how you will obtain community/ stakeholder input.	Via <i>Your say Inner West</i>		
Next steps	Outline what you need to do at the end of the stage to feed back to stakeholders.	Publish on Council website and promote via social media, press and email communication to key stakeholders		
Evaluation	Outline how you will evaluate this stage.	Number of citizens who participate in engagement		

Detailed communications and engagement tasks

Date	Activities	Details	Responsible	Status and cost ex gst
25 July	Draft policy on exhibition, engagement opens via <i>Your say Inner West</i>		Engagement	
25 July	Email to key stakeholders, social media communication from Mayor, Multicultural NSW email call out		Engagement and Communication	\$135
27 July	Paid Facebook post 1 to citizens		Communication	\$100
27 July	Paid Linked in post 1 to citizens		Communication	\$100
10 August	Paid Facebook post 2 to citizens		Communication	\$100
20 August	Final post to social media from Mayor		Communication	

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Communication and Engagement Evaluation

Evaluation should consider the process as well as the outcomes.

What worked well?

How could this process have been improved?

Was the process implemented as planned? If not, what was changed and why?

How effective was this community engagement process in achieving the objectives?

How did input from the community / stakeholders contribute to or influence the outcome?

Stage objectives and measurements

Outline the overall engagement goals plus objectives for each stage then evaluate how well they were met.

Engagement Goals

- To engage citizens in the content of the policy
- To engage citizens in identifying barriers to access and inclusion in services for people from diverse backgrounds

Stage 1 -

- To
- To

Stage 2 -

- To
- To

Stage 3 -

Measurements / analysis

 • To	
--	--

Inner West Council**Draft Multicultural Action Plan 2018-2020****1. LUNAR NEW YEAR**

Chinese New Year is one of the world's most prominent and celebrated festivals, and involves the largest annual mass human migration in the world. It is a major holiday in Greater China and has strongly influenced the lunar New Year celebrations of China's neighbouring cultures, including the Korean New Year (seol), the Tết of Vietnam, and the Losar of Tibet. Traditionally, the evening preceding Lunar New Year's Day is an occasion for families to gather for an annual reunion dinner. The first day of the Chinese New Year 2019 falls on Tuesday 5 February. The Marrickville Chamber of Commerce organises celebrations with lion dancers in Alex Trevelian Plaza. Ashfield Civic Centre is the focus for lion dancers and a concert in the Town Hall.

EXPANDED EVENT CONCEPT

A proposed day long performance event featuring lion dancers and cultural performance including opera and a New Year parade on Tuesday 5 February 2019. An event in Marrickville would celebrate Tet Vietnamese New Year and in Ashfield the event would celebrate Chinese New Year. The events would engage local businesses and build upon previous Council supported celebrations. It is proposed that Council seek expressions of interest from community and business to plan and deliver these celebrations.

2. ANTI-RACISM FILM COMPETITION AND FESTIVAL

In collaboration with Create NSW and the Australian Broadcasting Corporation, offer a commencement workshop for prospective film makers to outline the nature and quality required for a competition of this type. Offer coaching opportunities for the most promising film makers. Engage the ABC on the judging panel to ensure high quality films are chosen, and professional development notes are available for film makers not chosen.

All the films will be shown at an anti-racism film festival to be convened by Inner West Council, and the winners will be broadcast on ABC iView and will feature on the Virgin Australia in-flight entertainment system.

3. MULTICULTURAL ADVISORY COMMITTEE AND INTER-FAITH REFERENCE GROUP

The Multicultural Strategic Reference Group has been approved by Council and it meets this need.

An Inter-Faith Reference group is proposed that would draw together the leaders of faith communities in the Inner West to provide Council with advice on issues of interest and concern to religious communities and on support for community harmony. The group would also provide an ongoing dialogue between Council, faith leaders and each of the Inter-Faith Reference group members. Following the model of Multicultural NSW, it is proposed that each faith leader would invite others from the group to attend a welcome event in their religious centre/Church/Mosque that would enable sharing about beliefs and customs, and a simple meal from that religious and cultural tradition.

4. CIVIC RECEPTIONS

Civic Receptions are hosted by Council in a venue or park to celebrate the diversity of local communities. The format may include an official component, music and entertainment activities, recognition of community / individual achievements and culturally significant refreshments. Consideration might also be given to creating banners for Council display poles in Marrickville and Leichardt that would celebrate the multicultural city.

It is proposed to commence new receptions for the following communities: Chinese, Cypriot, Greek, Indian, Italian, Lebanese, Maltese, Nepalese, Portuguese and Vietnamese. It is proposed that Council seek expressions of interest from community and business to plan and deliver these celebrations over two years.

5. LANGUAGE SERVICES

Multicultural NSW has undertaken extensive policy work on accessibility to language services including telephone interpreting and document translation. Service NSW is the NSW Government shopfront for translation services, and a sliding scale of accessibility and cost applies. It is proposed that new business processes be identified within Council to ensure that simple information is available in translation in key community languages, and that effective referral pathways are created for other translation and interpretation needs.

There are also a shortage of interpreters and translators in the languages of more recently arrived communities. It maybe that Council could play a role in supporting/encouraging people to create new employment for themselves in these domains.

6. COMMUNITY TO COMMUNITY RELATIONSHIPS

Council's traditionally engage in community to community relationships to develop economic, trade, cultural, educational and other beneficial exchanges with international cities. These relationships serve to mobilise local communities from countries with which the exchanges occur, and to build understanding between those who may have emigrated from that country and those communities who remained in place.

The former Marrickville Council had community relationships with:

- Keelung, Taiwan
- Kos, Greece
- Funchal, Madeira, Portugal
- Larnaca, Cyprus
- Safita, Syria
- Bethlehem, Palestine
- 6th October City, Egypt.

The former Leichardt Council had a community relationship with Giovinazzo, Italy and a community to community committee to support outcomes in the Palestinian villages in the South Hebron Hills.

7. STOCKTAKE OF COUNCIL ACTIONS

A stocktake of Council actions for people from diverse communities has been completed.

8. MULTICULTURAL PROJECT OFFICER

In order to deliver these initiatives a part time Multicultural Project Officer maybe required.

Item No: C0718 Item 15

Subject: DRAFT GRANTS AND FEE SCALE POLICY

Prepared By: Simon Watts - Social and Cultural Planning Manager

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

The Grant and Fee Scale Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for Council venues and town halls. The policy aligns Council's investment in the community with the strategic directions in the Community Strategic Plan, *Our Inner West 2036*. The Grants and Fee Scale Policy (Attachment 1) provides an overarching grants policy for the IWC Grants Guidelines, as well as providing consistent fee scales across Council's venues and town halls. This report recommends Council's adoption of the policy.

RECOMMENDATION

THAT Council:

1. **Notes the Grant and Fee Scale Policy public exhibition has concluded and adopts the policy with the following inclusion:**
 - **local disadvantaged groups be considered for greater access of Council venues and town halls.**
2. **Implement the Grant and Fee Scale Policy from 1 July 2018, and applies to all bookings for Council venues scheduled for use from 1 January 2019.**

BACKGROUND

Community resourcing through grants and affordable venues is integral to enabling the community to contribute to delivering enhanced wellbeing, creativity and sustainability in the Inner West. The former Councils of Ashfield, Marrickville and Leichhardt had differing policies regarding the ways they provide community resourcing in the form of grants and fee scales that apply to for venue hire. This Policy addresses the inconsistencies and confusion for residents and staff which have resulted from the lack of a single Inner West policy.

Context

Council recognises that innovation and best practice comes from supporting new and emerging ideas. Investing in the community's ingenuity, strengths, and capabilities provides expanded opportunities for community and cultural development; promotion of wellbeing and social inclusion; and environmental improvement. Council's grants and scaled fee structures support community groups to help deliver the Community Strategic Plan.

The Local Government Act 1993 provides the legislative context for Council's Grants and Fee Scale Policy. Section 356 of the Act allows Councils to grant financial assistance to persons for the purpose of exercising its functions (with specific requirements for public notice in some circumstances where private gain is a factor); and Section 610 E allows Councils to waive or reduce fees if it is satisfied that there is a category of hardship or any other category Council determines warrants waived or reduced fees.

Guiding principles

The following principles underpin the Grants and Fee Scale Policy:

- Consistency: consistent processes governing applications for grants, and applications to book venues
- Transparency: clear eligibility criteria and decision-making
- Social justice: allocating and pricing community resources in order to promote social inclusion, and address disadvantage, equity, access, participation and rights.

Strategic Reference

The Grants and Fee Scale Policy is designed to ensure the allocation of resources aligns with Council's community strategic directions, in particular:

- Strategic Direction 1: An ecologically sustainable Inner West
- Strategic Direction 2: Unique, liveable, networked neighbourhoods
- Strategic Direction 3: Creative communities and strong economy
- Strategic Direction 4: Caring, happy and healthy communities
- Strategic Direction 5: Progressive local leadership

Policy Implementation

Grants Guidelines for the five grant programs including program aims; selection and eligibility criteria; reporting requirements are outlined in Attachment 1 (Appendix 1). Guidelines for determining access to scaled fee subsidies for community venues and town halls are contained in Attachment 1 (Appendix 2).

Council resolved (C0418) on 24 April 2018:

THAT:

1. Council notes the Grants and Fee Scale Policy for the purposes of public exhibition;
2. Once adopted Council implements the Grants and Fee Scale Policy from 1 July 2018, and applies to all bookings for Council venues scheduled for use from 1 Jan 2019;
3. Council trial a quarterly small grants stream component to the Community Wellbeing Grants, effective from 1 July, to be reviewed after 12 months operation;
4. The Community Wellbeing Grant Guidelines be revised to include a new small grant stream (for grants from \$200-\$500) to ensure these grants are governed in a professional and transparent manner; and
5. Council allocate \$10,000 each year from the annual Community Wellbeing Grant budget to fund the new small grant stream.

FINANCIAL IMPLICATIONS

The following represents an estimate of possible impacts:

- Overall the proposed new fee scales aim to be cost neutral to current income
- The 100% subsidy for all support groups will likely result in a decrease in revenue from support groups of \$14,500
- It is anticipated that 7 out of the 126 regular hirers will be impacted:
 - If they meet the criteria for 50% subsidy: revenue may increase by approximately \$38,000
 - If they meet criteria for 100% subsidy, revenue may decrease by approximately \$74,000

Finance has been consulted around the potential financial impacts of implementing the proposed Fees and Charges Policy. Review will occur in Quarter 3 of this Financial Year.

OTHER STAFF COMMENTS

Community Operations will need to assess community groups applying for fee subsidies based on the group's eligibility and status, level of fees charged to its members and types of activities being undertaken.

PUBLIC CONSULTATION

The Draft Grant and Fee Scale Policy was placed on 28 days public exhibition through Council's Your Say engagement process from 23 May until 20 June. Council's previous grant applicants and venue hirers were notified and invited to comment on the policy. The survey results show that 10 respondents completed the questionnaire. Of these 10 respondents, 4 (or 40%) of respondents accept the policy without changes; 5 (or 50%) of respondents accept the policy with changes and 1 (or 10%) do not accept the policy.

Respondent's comment:

1. *I would not have been able to teach meditation to more than 2000 people in the Inner West Municipality without the support of a reduced fee. Anonymous 5/25/2018 12:22 PM*

Council's comment:

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

Respondent's comment:

2. *I would like it to say that public health organisations get 100% subsidy i.e. get venues for free. Anonymous 5/26/2018 12:09 PM*

Council's comment:

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

Respondent's comment:

3. *On behalf of The Polly's Club, we would find the reduced or nil fee for the hire of Marrickville Town Hall of great benefit to the continuation of our club. In continuous operation since 1964, the club has been using Marrickville Town Hall for our 5 social dances per year since 2000 and has forged strong ties with local council. We provide a safe and friendly environment where people can be themselves, dance, socialise and be entertained at an affordable price. This format has allowed us to be Australia's longest running LGBTIQ social group, celebrating 55 years in 2019. The biggest threat to our continued existence is operating costs. A reduced or nil fee for Marrickville Town Hall hire will greatly assist in ensuring our continued operation and ability to provide the inner west community with a cheap, safe and friendly social event where they can connect with others and assist in the raising of funds for The Polly's Club charity grants program. This program allows us to donate funds to charities focused on men's health, women's health, youth health, mental health and animal welfare at every dance. Regards, David Haynes, President The Polly's Club. Anonymous 5/29/2018 10:00 AM*

Council's comment:

Community Operations advise that not-for-profit target groups that charge to attend an activity are not eligible for a fee subsidy and would receive a community rate (at a rate of 50%).

Respondent's comment:

4. *Some NFP community groups I work with to run the Open Inner West Festival charge a fee of \$5 entry fee at their events to assist them in covering their costs to hold large scale cultural festivals for the community. A fee of 50% (that they would be eligible for) would still*

be a significant fee for hire of the large Town Halls where these events take place. Would there be scope to raise this entry fee to \$15? LSmith 6/08/2018 11:11 AM

Council's comment:

Community Operations advise that groups organising activities through Open Inner West Festival charge a cost to participants as part of the festival. This may impact on groups' ability to hold their event as they rely on the small charge to offset costs. This would need to be assessed based on each group's eligibility status and level of fees charged.

Respondent's comment:

5. *It's great to see grants for the interpretation of heritage and history. Although the Inner West Council area doesn't have many community museums, it does encompass the Sydney Bus Museum and a number of historical societies which have object collections. I am a little confused by the need for the projects to be linked to the Library's collection. The arbitrary parameters of what one body has managed to collect should exclude a group with a wider, or better, collection from accessing funding for projects that help interpret the inner west's history for the public. I hope that this grant is publicised widely to the groups in the Council area with object collections and that there are training sessions, or advice given on how to approach an application. Anonymous 6/14/2018 06:21 PM*

Council's comment:

Community History and Heritage Coordinator advises that the Community History & Heritage Grants are promoted to the wider groups in the council area. These grants are designed to primarily build up the content of the Library and History collections for access by current and future generations. The Grants are designed to be mutually beneficial to the Local History of the area for example if the Sydney Bus Museum or a group holds an object collection the kind of grant application that would be accepted would be the digitisation of the object, or the cataloguing of the collection or a publication that showcased the collection providing online access to the public.

Respondent's comment:

6. *Dear Officer, We are a non-profit-making community organization serving people over the age of 55. All staff are volunteers, but we are proud of it. We don't have any funding support. It is already very difficult. If we cannot afford the venue fee, would you tell me please, how we will continue our activities. Thank you. Anonymous 6/18/2018 11:06 AM*

Council's comment:

Community Operations advise that most respondents are concerned that they may be disadvantaged due to the group charging a fee to participate. Under the new policy, groups will need to be assessed based on their eligibility status and level of fees charged.

Respondent's comment:

7. *Local NFP sporting clubs are a major group providing healthy living and recreation services within our community. The Proposed New IWC Fee Scale Policy doesn't identify sporting clubs as examples in the Fee Subsidy categories. Community-based NFP sporting clubs should sit in the 100% Fee Subsidy category, yet the final criteria of the Activity Type, "and Where there is evidence that payment of a fee for venue use will prevent the activity occurring" may see sporting clubs losing 50% of the fee subsidy. The very nature of community sporting clubs in the IWC is that few, if any, have club houses and they do not have easy access to meeting areas. These clubs are required to hold AGMs, parent information evenings, coach and manager information sessions and other activity-related information sessions; they should not be penalised receiving the 100% subsidy simply because these sessions are a necessity and must occur. IWC should be supporting these community sports clubs by providing a 100% subsidy to community meeting spaces. Anonymous 6/19/2018 10:20 AM*

Council comment:

Community Operations advises that local not-for-profit sporting clubs are concerned may not be eligible for a fee subsidy. Their applications will need to be assessed based on their eligibility status and level of fees charged to their members.

Parks Planning and Engagement notes Council's key role in providing a diverse range of community facilities. The provision of community facilities like all other Council services needs to be balanced against the many needs of the community and the vast range of services that Council provides. Consequently the extent of Council's involvement in delivering any service needs to take into account Council's legal obligations and an analysis of the social and economic benefits, community need and relevant community trends. Parks Planning and Engagement feels that sporting clubs should contribute towards the cost of hiring facilities which Council maintains. Noting that a vast number of sporting clubs are non-for-profit organisations a social inclusion discount could be assessed by Council based on their eligibility status and level of fees charged to its members.

Respondent's comment:

8. *I am making this submission on behalf of Leichhardt Swimming Club. The Club receives a fee subsidy from the Council each summer season which enables us to use the swimming pool at LPAC on Saturday mornings from 7:30 am until 10 am without having to pay for lane hire. There seems to be no facility in the grants and fee scale policy for a continuation of this subsidy. The Club caters for approximately 150 children in the inner west area providing opportunities to improve their swimming and compete at area and state levels. Should we be required to start paying for lane hire the Club would cease to function as it is a non-profit organization relying on donations to pay for trophies and ongoing operation costs. This subsidy provision needs to be included in the policy.*

Anonymous 6/20/2018 08:41 PM

Council comment:

It is noted that Council's aquatic and recreation centres and parks are out of scope of this policy and will be reviewed as part of a separate project in 2018/19. The fees and charges for sporting grounds will be reviewed during 2018/19 with a view to making changes from 2019/20.

The Policy needs to be amended (Appendix 2 on page 45 of the document) to read:
Venues available for casual and annual hire include community and neighbourhood centres; meeting/activity rooms and are defined in Table 2.

Respondent's comment:

9. *I am writing to you as Treasurer of the AL-ANON Wednesday evening meeting at the Rozelle Senior Citizens Hall in Darling St., and request that you consider us for a lower or nominal rent. We are a community group that supports and assists families with alcohol and associated problems. These groups are often referred to by local medical practitioners and psychologists and are of particular value to low income people as cost is coin donation only or less if people can't afford. As such we provide a valuable and freely available resource for the community and support existing health structures with their patient load. Given that many of the members may be on pensions or be of low income etc we request a lower rent structure. We are aware that some of the other Al Anon groups in the council area make donations of literature and books to women's refuges and local libraries in lieu of rent. We have a meeting that lasts 90 mins but currently charged for 2 hours, with a group coming in straight after we leave. Please consider for rent reduction or nominal payment, with thanks Liz R*

Council comment:

Community Operations advises that local support groups are concerned about being disadvantaged however under the new policy local support groups will be eligible for a fee subsidy.

Respondent's comment:

10. *We are particularly keen to apply for grants for new projects under your Community Grants Program, and to encourage our community partners to apply for grants for joint projects which will be based at ARCCO. One of the issues in the past has been that if the projects aren't fully funded then the cost of the facility rental for projects is usually shifted onto Addison Road. Because Addison Road relies on rental income to be able to deliver services and programs this cost shifting undermines our ability to support projects in other ways, or commit to supporting future projects. It would be great if Council staff could be mindful of this when assessing future grant applications that include a 'facility rental' component at ARRCO. Another way might be to quarantine some funds available to be distributed as grants, specifically to support facility rental for projects. Sometimes this is the only support community groups need to make a project viable, and a small grants program, say up to \$1,500 per application, might be a way around this.*

Council comment:

Council receives many grant applications each year requesting more funding than is available. Applicants are encouraged in Grant Guidelines and at Information Sessions and Grant Writing Workshops to talk with the Grants Team to discuss their projects to assist with their grant submissions.

The Grant Guidelines provide an explanation and example of a budget proposal. Application forms request project costs in the budget section of the grant proposal and questions on the viability of the project are asked. If this information is provided then this perspective is transparent in the Council assessment process and therefore can be taken into consideration.

CONCLUSION

The Grant and Fee Scale Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for Council venues and town halls. The policy aligns Council's investment in the community with the strategic directions in the Community Strategic Plan, Our Inner West 2036. This report recommends Council's adoption of the policy.

ATTACHMENTS

1. [↓](#) Attach 1 Grants and Fee Scale Policy 090518



Grants and Fee Scale Policy

Title	Grants and Fee Scale Policy
Summary	The Policy outlines integrated, transparent and equitable processes to govern the allocation of grants and fee scales for Council venues and town halls.
Background	Community resourcing through grants and affordable venues is integral to enabling the community to contribute to delivering enhanced wellbeing, creativity and sustainability in the Inner West. The former Councils of Ashfield, Marrickville and Leichhardt had differing policies regarding the ways they provide community resourcing in the form of grants and fee scales that apply to for venue hire. This Policy addresses the inconsistencies and confusion for residents and staff which have resulted from the lack of a single Inner West policy.
Policy Type	Council
Relevant Strategic Plan Objective	<ul style="list-style-type: none"> • Strategic Direction 1: An ecologically sustainable Inner West • Strategic Direction 2: Unique, liveable, networked neighbourhoods • Strategic Direction 3: Creative communities and strong economy • Strategic Direction 4: Caring, happy and healthy communities • Strategic Direction 5: Progressive local leadership
Relevant Council References	<p>Creating Our Inner West 2036</p> <p>IWC Fees and Charges Schedule 2017/18</p> <p>IWC Grant Program Guidelines 2017</p> <p>Leichhardt Grants and Community Resourcing Policy, 2012</p> <p>Leichhardt Reduced Fees and Fee Waiver Guidelines</p> <p>Marrickville Community Grants Program Policy, 2013</p> <p>Ashfield Council Arts, Community and Environment Grants Policy, 2014</p> <p>Ashfield Civic Centre Venues Usage Policy, 2016</p> <p>Ashfield Council Venues for Hire Application Form (including conditions of hire and concessional fee schedule), 2015</p>

Main Legislative Or Regulatory Reference	Local Government Act 1993
Applicable Delegation Of Authority	As per delegations' register
Attachments	Appendixes 1 and 2
Record Notes	External available document
Version Control	See last page

Document:	Council Policy	<i>Uncontrolled Copy When Printed</i>	
Custodian:	Group Manager Community Services and Culture	Version #	Version #
Approved By:	Group Manager Community Services and Culture	TRIM Ref #	XXXXXX
Adopted By:	Leadership Team	Publish Location	Intranet/ Internet
Adopted Date and Minute #:	Xx / xx / xx	Next Review Date	XX / XX / xx

1. PURPOSE

The purpose of this policy is to provide clarity regarding the ways Council can assist others, through grants and other resources such as Council venues, to deliver projects and activities which achieve the community strategic vision. The policy will guide the allocation of community resources, and will replace the relevant policies of the former Ashfield, Marrickville and Leichhardt Councils.

2. OBJECTIVE

The policy aims to deliver a consistent, overarching framework for the provision of financial and other assistance across the Inner West Council (IWC) area, while ensuring good governance and accountability. The policy seeks to align Council's investment in the community with the Community Strategic Plan (CSP).

3. SCOPE

3.1. In scope

This policy applies to two major areas of Council support for community initiatives:

- Inner West Council Grants Program: a suite of project-based grants including community wellbeing, arts and culture, community history and heritage, environment and recreation grants.
- Scaled fee structures: applicable to the hire of Council facilities and other resources listed in this policy

3.2. Out of scope

- Recurrent grants: recurrent funding to not for profit entities in return for significant public benefits relating to community wellbeing and cultural development. These grants and partnerships will be reviewed in 2019.
- Leases of Council facilities
- Fees charged by Council at facilities not specified in this policy
- The state government funded Stronger Communities Grant Program. 2018 is the last year of this program and the guidelines and assessment processes have been largely determined by state government.

4. DEFINITIONS

Term	Definition
Not for profit group	Organisation whose primary objective is something other than generation of profit, and which does not distribute any profit to the organisation's members.
Incorporated not for profit group	Being incorporated means the group has a legal identity of its own, separate and distinct from the individuals who make up the group. Incorporation is obtained through application to the NSW Department of Fair Trading.
Auspice	An auspice is an agreement where one organisation agrees to apply for funding on behalf of an applicant that is not incorporated. If the application is successful, the auspicings organisation receives, holds and administers the funding for the applicant.
Health care card	Issued by Australian Government, Department of Human Services to anyone not eligible for a Pensioner Concession Card, but who are receiving other Commonwealth government allowances and payments such as Partner Allowance; Sickness Allowance; Widow Allowance; Newstart Allowance; Youth Allowance (job seeker); Mobility Allowance and others.
Social justice	<p>Social justice encompasses equity, participation, access and rights.</p> <p>Equity: there should be fairness in decision making, and prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.</p> <p>Access: all people should have fair access to services, resources and opportunities to improve their quality of life</p> <p>Participation: everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.</p> <p>Rights: equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.</p>

5. POLICY STATEMENT

Council will be guided by the Grants and Fee Scale Policy in the allocation of grants, and in determining the category of fees charged for use of community venues and town halls

6. GRANTS AND FEE SCALE POLICY

6.1 Context

Council recognises that it cannot do everything on its own and that the best ideas to support and inspire communities come from within communities themselves. Council also recognises that innovation and best practice comes from supporting new and emerging ideas. Investing in the community's ingenuity, strengths, and capabilities provides expanded opportunities for community and cultural development; promotion of wellbeing and social inclusion; and environmental improvement. Council's grants and scaled fee structures support community groups to help deliver the Community Strategic Plan.

The Local Government Act 1993 provides the legislative context for Council's Grants and Fee Scale Policy. Section 356 of the Act allows Councils to grant financial assistance to persons for the purpose of exercising its functions (with specific requirements for public notice in some circumstances where private gain is a factor); and Section 610 E allows Councils to waive or reduce fees if it is satisfied that there is a category of hardship or any other category Council determines warrants waived or reduced fees.

6.2 Guiding principles

The following principles underpin the Grants and Fee Scale Policy:

- Consistency: consistent processes governing applications for grants, and applications to book venues
- Transparency: clear eligibility criteria and decision-making
- Social justice: allocating and pricing community resources in order to **promote social inclusion**, and address disadvantage, equity, access, participation and rights.

6.3 Strategic Reference

The Grants and Fee Scale Policy is designed to ensure the allocation of resources aligns with Council's community strategic directions, in particular:

- Strategic Direction 1: An ecologically sustainable Inner West
- Strategic Direction 2: Unique, liveable, networked neighbourhoods
- Strategic Direction 3: Creative communities and strong economy
- Strategic Direction 4: Caring, happy and healthy communities
- Strategic Direction 5: Progressive local leadership

6.4 Inner West Council Grants Program

The Inner West Council Grants Program provides one off, project-based assistance to groups and individuals to enable them to deliver programs and services to address Council's strategic directions. Applicants must address grant guidelines included in Appendix 1, and demonstrate how

they meet the eligibility criteria. Grants of up to \$7,500 are available in the following grant programs:

- **Arts and Culture Grants:** Arts and Culture Grants support projects and initiatives that provide opportunities for creative participation and the celebration of local history; enhance creativity and connection to place in the public sphere; develop skills; and strengthen the sustainability and capacity of the Inner West Council's cultural and creative industries.
- **Community History and Heritage Grants:** Community History and Heritage Grants support research and projects and interpret the Inner West's historically significant activities, places and people with a view to building the Library's physical and digital collections.
- **Community Wellbeing Grants:** Community Wellbeing Grants provide financial and in-kind assistance to not-for-profit community based organisations or community groups auspiced by an organisation, for sustainable local projects which address local issues; promote social justice; enhance wellbeing; foster inclusion and encourage social connection.
- **Environment Grants:** The Environment Grants Program supports projects which strengthen the capacity of local groups to benefit the community through projects focused on environmental improvement, sustainability education, awareness-raising and the promotion of sustainable living as a way of life.
- **Recreation Grants:** The Recreation Grants Program provides financial support to community sporting and recreation groups and non-government community recreation organisations that offer recreation programs and services to residents in the Inner West Council area.

6.5 Scaled fee structures

The provision of quality community resources requires significant and on-going maintenance and capital expenditure by Council. Council provides scaled fee structures for the use of its community venues and town halls, in keeping with legislative requirements under Section 8B of the Local Government Act 1993 which relate to Council's obligations to have effective financial and asset management. This includes having sound policies and processes for asset maintenance and enhancement. Scaled fee structures aim to strike a balance between the need to charge fees to help offset operational costs of assets, and ensuring these resources remain accessible to the community.

Community venues available for casual and annual hire include community and neighbourhood centres, meeting/activity rooms and halls, including town halls. The schedule of community resources where Council's scaled fee structure applies is contained in Appendix 2.

The policy regarding scaled fees for community resources is underpinned by the need for them to be affordable and accessible for not-for-profit (NFP) groups with limited income streams. The nature of the group applying for venue use and the nature, value, and accessibility of the activity for local residents are key factors in determining appropriate fee categories. The three fee subsidy categories available in community venues and town halls are described in Appendix 2, Table 1, and include:

- Category 1: 100% fee subsidy
- Category 2: 50% fee subsidy
- Category 3: No fee subsidy

6.6 Policy Implementation

- **Grants:** Guidelines for the five grant programs including program aims; selection and eligibility criteria; reporting requirements are outlined in Appendix 1. Guidelines for determining access to scaled fee subsidies for community venues and town halls are contained in Appendix 2.

Council will provide dedicated staff to make grant information readily available; process and analyse applications; track acquittals; review project evaluations; and continually improve guidelines and processes.

- **Fee scales:** Any group or individual seeking a review of decisions regarding fee scales made under this policy may write to the Group Manager Community Services and Culture for consideration. Should there be instances where the policy changes may jeopardise the ability of a group to continue to provide activities of benefit to the Inner West community, transitional arrangements may be requested. Such groups may be eligible for a 3 year transitional period to allow for a gradual adjustment to any unintended consequences of the policy. Any group requesting a review of their category of fees or transitional arrangements will need to provide Council with the following information:
 - Current financial statement, including all revenue and operating costs of the group
 - Fees charged per participant
 - Number of participants at the activity
 - % of participants who are residents of IWC
 - % of participants on low incomes (health care card holders)
 - Analysis of ability of the activity to be held at one of IWC's lower cost venues.
 - Benefits to IWC residents and the community need being addressed.
- **Commencement:** The date of effect of the Grants and Fee Scale Policy will be as follows:
 - Inner West Council Grants Program: 1 July 2018
 - Scaled Fee Structures: 1 January 2019

6.7 Evaluation

Council will monitor and evaluate the effectiveness of this policy through:

- Regular review of guidelines and processes
- Review and update of the policy every 4 years to coincide with the Community Strategic Plan review cycle.
- Review of Small Grants Pilot within 12 months of adoption.

7. RESPONSIBILITIES

Group Manager, Community Services and Culture

8. ASSOCIATED PROCEDURES

- Inner West Council Grants Program Guidelines (Appendix 1)
- Guidelines for determining fee categories for Council Venues (Appendix 2)

Version Control - POLICY HISTORY:

Governance Use only:

Ver sion	Amended By	Changes Made	Date	TRIM #
1	Governance: Policy and Risk	New IWC Policy replacing pre-merged versions	June20 17	#
2				

2018/19

Appendix 1

GRANTS PROGRAM

Arts & Culture Grant Program Guidelines



Thomas Thorby-Lister,
Independent Artist Grants 2014 recipient.

Description

The Arts and Culture Grants Program supports projects and initiatives that provide opportunities for creative participation and the celebration of local stories; enhance creativity and connection to place in the public sphere; develop skills; and strengthen the sustainability and capacity of the Inner West Council's cultural and creative industries. Grants are open to not-for-profit organisations, social and creative enterprises, individuals auspiced by an incorporated body and individual artists. The Arts and Culture Grants program aims to strengthen the Inner West community as an arts and cultural hub.

Applicants are encouraged to familiarise themselves with Inner West Council's Community Strategic Plan, community profile and Arts and Culture pages by reviewing the information at the web addresses provided:

www.innerwest.nsw.gov.au/community/get-involved/grants

www.innerwest.nsw.gov.au/community/who-we-are/community-profile

www.innerwest.nsw.gov.au/art---events/arts-and-culture

All applications should aim to provide community benefits for the residents of the Inner West Council area. This includes the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. Inner West Council also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Arts and Culture grants of up to \$7,500 are available in the following categories:

- Living Arts Grants.
- Independent Artist Grants.

Timeframe

Arts and Cultural grants are available on an annual basis. Grant applications will open mid-year with key dates, including opening and closing dates, available on Council's website.

Grant funding will be allocated in December for projects to be undertaken in the following calendar year, between 1 January and 31 December.

Objectives

The objectives of the Arts and Cultural Grants Program are to:

- support activities which contribute to the development of arts and culture in the Inner West Council (IWC) area, including participation and engagement.
- promote strong arts and cultural networks and partnership opportunities.
- encourage excellence and innovation in the content and delivery of arts, cultural activation, community arts and cultural development.
- connect the community to local places through diverse initiatives, such as activations and explorations of place.
- promote a vibrant street life, support local business and encourage visitors to the Inner West Council (IWC).
- build audiences for the arts, and provide a range of access points to both participate in, and enjoy the arts.

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Types of projects supported

A broad range of endeavours may be assisted through this program.

Living Arts Grants:

Grants for arts and cultural events and initiatives such as exhibitions; performances; community arts and cultural development projects; artists in residence and creative initiatives in the public sphere.

Independent Artist Grants:

Grants supporting artists' professional and creative development, including independent arts practice; cross disciplinary initiatives and projects sitting outside mainstream arts.

Eligibility

Living Arts Grants:

Applicants must be a legally incorporated, not for profit community group or organisation or eligible social and cultural enterprises (eg. incorporated organisation that provides social and cultural benefits but does not meet the criteria of being an incorporated not-for-profit).

OR be auspiced by an incorporated organisation.

Independent Artist Grants:

Applicants can be individuals or community cultural development practitioners and may apply without an auspice.

Groups of Individuals may apply to this category. If you are an unincorporated group of artists or community members, you will require an auspice.

- Applicants applying as individual artists must have a demonstrated history of professional arts practice.
- Applicant must be an Australian resident or permanent resident and be over 18 years.
- Applicant must be a resident of IWC, or non-resident offering a project of demonstrable and significant benefit to residents of the IWC (as defined on page 3). IWC residents must be the principal or major beneficiaries of the project.
- Applications must be for a specific project and are not available as a permanent source of future funding.
- Projects must be able to demonstrate that the grant would be for a project in the public interest and in accordance with Council policy and regulations.
- Applications must address Council's Community Strategic Plan and address one or more of Council's strategic directions.
- Applicants must have completed the Evaluation report (and acquitted the project) from previous grants from IWC and/or the former Councils of Leichhardt, Ashfield and Marrickville, where projects have been completed and have no outstanding debts to Council. Should acquittals not be due, a progress report must have been submitted as requested by Council.
- Applicants must meet the eligibility criteria of the specific Grant Program being sought.
- Creative or social enterprises are eligible on the basis that they are located in the IWC area, are small to medium scale and proposing a project that provides significant benefits to residents of the IWC area.
- Only one application per category of the Arts and Culture Grants Program to be submitted each year.
- Organisations who are submitting an application as the auspice for another group will not be precluded from submitting an application on behalf of their own organization.

Not eligible

- Projects which duplicate services already provided in the Inner West Area.
- Projects that have already been completed – funding cannot be applied for and used retrospectively.
- Where acquittals or progress reports from previous grant funding rounds have not been completed when due.
- General donations to charities, however specific local projects applied for by charities may be eligible.
- Ongoing salary costs for staffing, or operational costs.
- Where acquittals, including the project evaluation, from previous grant funding rounds have not been completed when due.
- Capital works: e.g., such as renovations to buildings.
- Grants will not be provided to political parties or groups formally linked to a political party.
- Activities that could be perceived as divisive within the community.
- State or federal government departments (including schools or tertiary institutions), or projects which fall under the responsibility of another tier of government. Parents and Citizens' Associations can only apply for projects which can demonstrate the project is accessible and beneficial to the broader Inner West community (beyond the school community).
- Grants seeking financial assistance for overseas travel, or other costs where it could be perceived that the applicant would derive excessive personal benefits.

Budget

- The proposed budget you include in your grant application must clearly show how you arrived at the total grant amount requested and include all sources of project income and expenditure. Quotes should be included especially for proposed purchase of equipment.
- Please note; there is no guarantee that if successful in receiving a grant you will receive the full amount requested. Some applications may only receive partial grant funding.
- The budget should:
 - be GST exclusive
 - include a breakdown of expected expenditure
 - include in-kind contributions/donations.

The table below provides an example of a budget.

The income and expenditure columns of your budget should balance unless otherwise approved by Inner West Council officers.

Income Description		Expenditure Description	
IWC Living Arts Grant	\$7,500	Performer Fees	\$3,000
Volunteer in kind contribution	\$1,000	Videography	\$1,000

Other income (from name of organisation)	\$1,000	Media / Promotion	\$1,000
		Costumes / Materials	\$1,500
		Theatre (hire)	\$2,000
		Insurance	\$200
		Catering	\$800
TOTAL	\$9,500		\$9,500

Assessment criteria

The following criteria will be considered in the process of assessing applications:

- Impact and quality of the project that contributes to Council's Strategic Plan and Grant Program Objectives (outlined earlier in this document).
- Cultural and social benefits to Inner West communities.
 - Capacity to deliver a well-planned project including concept, plan and experience.
- Innovation in creative practice and cultural outcomes.
 - Realistic budget including all sources of project income with inclusion of quotes for proposed purchase of equipment, confirmation of venue hire, in-kind and financial support provided by the applicant towards the project.
- Merit of the application in comparison to the other applications.
- Benefits to communities within the IWC area adversely affected by WestConnex.

Grants Management

Council uses the Smarty Grants online application management system to administer grants programs. Smarty Grants provides a range of forms for applicants to use at various stages of the grants process.

Application process

The grants page on Council's website will provide further information regarding the application process, including opening and closing dates and a link to the relevant application form.

Applications must be submitted using the Smarty Grants online application management system. The application form acts like a checklist for applicants. Applications must meet the eligibility requirements and no late applications will be accepted. Hard copy applications cannot be accepted.

Potential applicants are strongly encouraged to attend any grant information sessions which will assist applicants with their proposal (details of which will be promoted on Council's website). Applicants are encouraged to speak to Council's Community Services and Culture team should they have any questions regarding the application process or need assistance to complete the online application form.

Approval

Submissions will be assessed against eligibility and selection criteria by an expert panel with recommendations made to Inner West Council for approval. Successful applicants will be advised in writing and will be required to enter into a formal funding agreement with Inner West Council.

Funding agreements must be finalised before the grants are awarded. Grants cannot be used for anything other than the specified purposes outlined in the funding agreement. Any variation to the project must be sought from Inner West Council and agreed to in writing.

Conditions for approval

- Council reserves the right to assess an application under an alternative category.
- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council.
- Applications for the purchase of significant items (over \$1,000) must include copies of two quotes.
- Applicants who have received funds in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied.
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council.
- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources or key participating organisations.
- Applicants should not submit an application about the same project to other Grant Programs. (such as an Arts and Culture Grant and Community Wellbeing Grant application) but can apply to other Grant Programs if the projects differ. The field is highly competitive and applicants should contact Council staff to discuss the appropriate Grant Program where they are unsure.

Funding agreements and conditions

Funding agreements require applicants to agree to certain conditions before the money can be issued. These conditions are set out in the Smarty Grants agreement and condition form and can be summarised as requiring:

- Sign a funding agreement accepting the conditions of the grant
- Forward Council an invoice for the awarded sum
- Variations to the project and project's contact person or contact details must be formally requested and approved i.e. phone/address etc.
- Acknowledgment of Council's support of the project must occur on promotional material and be in accordance with Council's Corporate Design Standards. Gaining approval of the use of Council's logo must be received before proceeding to final artwork etc.
- Projects must be accessible to all members of the Inner West community. Residents must not be denied participation based on their ethnicity, culture, religion, gender and identity, age, disability or sexual preference.
- Where funds are approved for the purchase of equipment, the organisation or individual will be required to provide receipts for equipment, the equipment is to be identified as an asset of the organisation. Should the organisation cease to exist or the individual no longer uses the equipment, the equipment must be returned to Council.
- Once contracts are finalised, payments are processed with a standard 30 day turnaround time.

Evaluation and reporting

Grants recipients are required to acquit their project on a Smarty Grants online evaluation and reporting form within two months of their project completion. Any unexpended grant funds must be returned to Council.

Acquittals require a final project evaluation report, identifying the project's achievements in relation to the objectives and outcomes as detailed in the application, along with project constraints and an income and expenditure statement. The Smarty Grants form detailing the timeframe for completion

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of this acquittal will be uploaded for completion and an email sent to the contact person in the application. Extensions can be granted with permission given extenuating circumstances.

Further Information

For more information about the Inner West community visit:

<http://www.innerwest.nsw.gov.au>

Enquiries


For grant enquiries please contact Council's Arts and Culture Engagement Officer on 9392 5000.

It is encouraged for requests of over \$2,000 that you discuss your project with a staff member from the Living Arts team.


2018/19

GRANTS PROGRAM

Community Wellbeing Grant Program Guidelines



RAIN.
(Resourceful Australian
Indian Network)



Description

The Community Wellbeing Grants provides financial and in-kind assistance to not-for-profit community based organisations or community groups auspiced by an organisation, for projects which address local issues; promote social justice; enhance wellbeing; strengthen the sustainability and capacity of Inner West Community and foster inclusion, social connection.

The grants support community development projects and initiatives that align to Inner West Council's Community Strategic Plan. Applicants are encouraged to familiarise themselves with Inner West Council's Community Strategic Plan, community profile and associated pages by reviewing the information at the web addresses provided:

<https://www.innerwest.nsw.gov.au/community/get-involved/grants>

<https://www.innerwest.nsw.gov.au/community>

<https://www.innerwest.nsw.gov.au/community/who-we-are/community-profile>

All applications should aim to provide community benefits for the residents of the Inner West Council (IWC) area. This includes the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. IWC also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Community Wellbeing Grants of up to \$7,500 are available annually, with small grants between \$250-\$500 available on an as needs basis.

Timeframe

Community Wellbeing Grants are available on an annual basis. Grant applications will open mid-year with key dates, including opening and closing dates, available on Council's website.

Grant funding will be allocated in December for projects to be undertaken in the following calendar year, between 1 January and 31 December. Small grant funding will need to be expended within 6 months of the grant being approved.

Objectives

The Community Wellbeing Grants objectives are to:

- Connect people to each other and place
- Develop community strengths, capabilities and lifelong learning
- Encourage social and cultural sustainability
- Foster an inclusive and diverse community
- Encourage participation in community activities
- Promote health and wellbeing
- Support innovative approaches
- Support access and equity for all groups to participate in community life
- Facilitate projects that involve the community in their design and delivery
- Encourage collaborations and partnerships.

Types of projects supported

A broad range of endeavours may be assisted through this program. A list of projects previously funded is available on the Grants page of Council's website.

Eligibility

- Applicants must be an Australian resident or permanent resident and be over 18 years
- Applicants must be a legally incorporated, not for profit community group or organisation OR a community group auspiced by an incorporated organisation
- The applicant must be offering a project of demonstrable and significant benefit to IWC residents. IWC residents must be the major beneficiaries of the project
- Applications must be for a specific project. Funds are not available as a permanent source of future funding
- Projects must be able to demonstrate that the grant would be for a project in the public interest and in accordance with Council policy and regulations
- Applications must address Council's Community Strategic Plan and address one or more of Council's strategic directions
- Applicants must have completed the Evaluation Report from previous grants (and acquitted the project) from IWC and/or the former Councils of Ashfield, Leichhardt and Marrickville where projects have been completed and have no outstanding debts to Council. Should acquittals not be due, a progress report must have been submitted as requested by Council
- Organisations who are submitting an application as the auspice for another group will not be precluded from submitting an application on behalf of their own organisation
- Only one application for a Community Wellbeing Grant is to be submitted each year.

Not eligible

- Projects which duplicate services already provided in the IWC area
- Projects that have already been completed – funding cannot be applied for and used retrospectively
- Where acquittals or progress reports from previous grant funding rounds have not been completed when due
- Capital works eg; such as renovations to buildings
- General donations to charities however specific local projects applied for by charities may be eligible
- Ongoing salary costs for staffing or operational costs
- Grants will not be provided to political parties or groups formally linked to a political party.
- Activities that could be perceived as divisive within the community
- State or federal government departments (including schools or tertiary institutions), or projects which fall under the responsibility of another tier of government. Parents and Citizens' Associations (P&Cs) can only apply for projects that can demonstrate the project is accessible and beneficial to the broader Inner West community (beyond the school community)
- Applications seeking financial assistance for overseas travel, or other costs where it could be perceived that the applicant would derive excessive personal benefits.

Budget

The proposed budget you include in your grant application must clearly show how you arrived at the total grant amount requested and include all sources of project income and expenditure. Quotes should be included especially for proposed purchase of equipment.

Please note; there is no guarantee that if successful in receiving a grant you will receive the full amount requested. Some applications may only receive partial grant funding.

The budget should:

- be GST exclusive
- include a breakdown of expected expenditure
- include in-kind contributions/donations.

The table below provides an **example** of a budget.

Income Description		Expenditure Description	
IWC Community Wellbeing Grant	\$7,500	Consultant Fees	\$2,000
Volunteer in kind contribution	\$1,000	Videography	\$1,000
		Media / Promotion	\$1,000
		Materials	\$1,500
		Hall (hire)	\$2,000
		Insurance	\$200
		Catering	\$800
TOTAL	\$8,500		\$8,500

Assessment criteria

The following criteria will be considered in the process of assessing applications:

- Impact and quality of project that contributes to the Council's Strategic Plan and Grants Programs Objectives (outlined earlier in this document)
- Provide social benefits to Inner West communities
- Capacity to deliver a well-planned project including concept, plan and experience
- Realistic budget including all sources of project income with inclusion of quotes for proposed purchase of equipment, confirmation of venue hire, in-kind and financial support provided by the applicant towards the project
- Ability to improve access, inclusion, diversity and participation in community and cultural activities with sustainable outcomes
- Merit of the application in comparison to the other applications
- Benefits to communities within the IWC area adversely affected by WestConnex.

Grants Management

Council uses the Smarty Grants online application management system to administer grants programs. Smarty Grants provides a range of forms for applicants to use at various stages of the grants process.

Application process

The grants page on Council's website will provide further information regarding the application process, including opening and closing dates and a link to the relevant application form.

Applications must be submitted using the Smarty Grants online application management system. The application form acts like a checklist for applicants. Applications must meet the eligibility requirements and no late applications will be accepted. Hard copy applications cannot be accepted. Potential applicants are strongly encouraged to attend any grant information sessions which will assist applicants with their proposal (details of which will be promoted on Council's website). Applicants are encouraged to speak to Council's Community Services and Culture team should they have any questions regarding the application process or need assistance to complete the online application form. Grant funding is available in two streams:

- **Small grants stream:** Grant funding between **\$250-\$500** is available to support community development projects and initiatives that strengthen the sustainability and capacity of the Inner West community. Applications may only apply for a small grant once per year and must present a strong argument as to why the application cannot wait to be considered as part of the annual grants program.
- **Annual grant stream:** Grants funding of **up to \$7,500** is available for larger projects and offered once per year. Applicants will need to demonstrate well-planned projects and project measures for evaluation to be competitive.

Approval

Submissions will be assessed against eligibility and selection criteria by an expert panel. Recommendations will be made to IWC for approval for annual grants approval, and to the Group Manager Community Services & Culture for small grants approval. Successful applicants will be advised in writing and will be required to enter into a formal funding agreement with IWC.

Funding agreements must be finalised before the grants are awarded. Grants cannot be used for anything other than the specified purposes outlined in the funding agreement. Any variation to the project must be sought from IWC and agreed to in writing.

Conditions for approval

- Council reserves the right to assess an application under an alternative category
- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council
- Applications for the purchase of significant items (over \$1,000) must include copies of two quotes
- Applicants who have received funds in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council

- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources or key participating organisations
- Applicants should not submit an application about the same project to other Grant Programs (such as a Community Wellbeing Grant and a Recreation Grant) but can apply to other Grant Programs if the projects differ. The field is highly competitive and applicants should contact Council staff to discuss the appropriate Grant Program, where they are unsure.

Funding agreements and conditions

Funding agreements require applicants to agree to certain conditions before the money can be issued. These conditions are set out in the Smarty Grants agreement and condition form and can be summarised as requiring:

- Sign a funding agreement accepting the conditions of the grant
- Forward Council an invoice for the awarded sum
- Once contracts are finalised, payments are processed with a standard 30 day turnaround time.
- Variations to the project and project's contact person and/or contact details (ie; phone/address etc) must be formally requested and approved
- Acknowledgment of Council's support of the project must occur on promotional material and be in accordance with Council's Corporate Design Standards. Gaining approval of the use of Council's logo must be received before proceeding to final artwork etc
- Projects must be accessible to all members of the Inner West community. Residents must not be denied participation based on their ethnicity, culture, religion, gender and identity, age, disability or sexual preference
- Where funds are approved for the purchase of equipment, the organisation or individual will be required to provide receipts for equipment, the equipment is to be identified as an asset of the organisation. Should the organisation cease to exist or the individual no longer uses the equipment, the equipment must be returned to Council.

Evaluation and reporting

Grants recipients are required by Council to acquit their project on a Smarty Grants online evaluation and reporting form within two months of project completion. Any unexpended grant funds must be returned to Council.

Acquittals require a final project evaluation report, identifying the project's achievements in relation to the objectives and outcomes as detailed in the application, along with project constraints and an income and expenditure statement. The Smarty Grants form detailing the timeframe for completion of this acquittal will be uploaded for completion and an email sent to the contact person in the application. Extensions can be granted with permission given extenuating circumstances.

Further Information

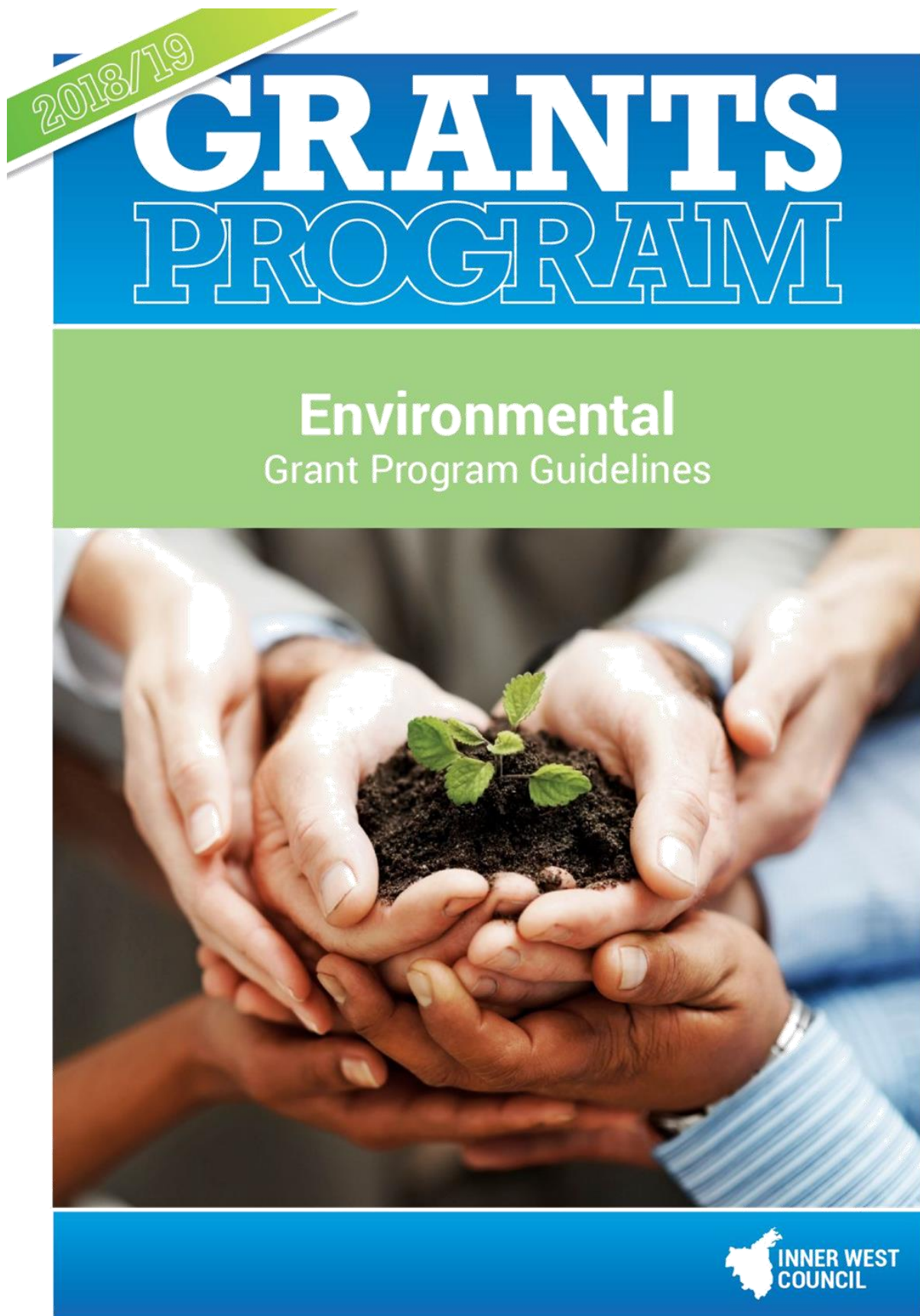
For more information about the Inner West community visit:

<https://www.innerwest.nsw.gov.au/>

Enquiries

For grant enquires please contact Council's Grants and Research Officer on 9392 5842.

It is encouraged for requests of over \$2,000 that you discuss your project with a staff member from the Community Wellbeing team. Please call Council and ask to speak to the relevant Community Wellbeing staff member (eg; Youth, Seniors, Disability, Children, Aboriginal etc) on 9392 5000.



Description

The Environment Grants support groups that benefit the environment and community through projects focused on environmental improvement, sustainability education, awareness-raising and the promotion of sustainable living as a way of life. Applicants are encouraged to address issues such as climate change, sustainable transport, water sensitive urban design, biodiversity, and recycling and reuse.

The grants support environment projects and initiatives that align to Inner West Council's Community Strategic Plan. Applicants are encouraged to familiarise themselves with Inner West Council's Community Strategic Plan, community profile and associated pages by reviewing the information at the web addresses provided:

<https://www.innerwest.nsw.gov.au/community/get-involved/grants>

<https://www.innerwest.nsw.gov.au/environment>

<https://www.innerwest.nsw.gov.au/community/who-we-are/community-profile>

All applications should aim to provide community benefits for the residents of the Inner West Council (IWC) area. This includes the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. IWC also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Environment Grants of up to \$7,500 are available annually, with small grants of up to \$500 available quarterly.

Timeframe

Environment grants are available on an annual basis. Grant applications will open mid-year with key dates, including opening and closing dates, available on Council's website.

Grant funding will be allocated in December for projects to be undertaken in the following calendar year, between 1 January and 31 December. Small grant funding will need to be expended within 6 months of the grant being approved.

Objectives

The Environment Grants objectives are to:

- Benefit the environment through local projects
- Involve the local community in project design and delivery
- Support people to take action, and to share skills and knowledge about the local environment
- Raise awareness and understanding of environmental and sustainability issues
- Build capacity in the community to address these issues

Types of projects supported

A broad range of endeavours may be assisted through this program. Council will give priority to projects where it can be shown that the project:

- Is of environmental benefit to the local community or promotes improved understanding of environmental and sustainability issues

- Offers innovative approaches and positive solutions to environmental and sustainability issues
- Has a strong community engagement component, involving the community in the planning and implementation of the project
- Does not duplicate existing programs in the Inner West Council area

Eligibility

- Applicants must be an Australian resident or permanent resident and over 18 years
- Applicants must be a registered and appropriately incorporated not-for-profit, non-government, or commercial organisation or a community group auspiced by a not-for-profit and appropriately incorporated organisation
- The applicant must be offering a project of demonstrable and significant benefit to IWC residents. IWC residents must be the major beneficiaries of the project
- Applications must be for a specific project and are not available as a permanent source of future funding
- Applications must be able to demonstrate that the project is in the public interest and in accordance with Council policy and regulations
- Applications must address Council's Community Strategic Plan and address one or more of Council's strategic directions
- Applicants must have completed the Evaluation Report from previous grants (and acquitted the project) from IWC and/or the former Councils of Ashfield, Leichhardt and Marrickville where projects have been completed and have no outstanding debts to Council. Should acquittals not be due, a progress report must have been submitted as requested by Council
- Organisations who are submitting an application as the auspice for another group will not be precluded from submitting an application on behalf of their own organisation
- Only one application for Environment Grants of over \$500 is to be submitted each year. Applicants may apply more than once for small grants.

Not eligible

- Projects that duplicate services already provided in the IWC area
- Projects that have already been completed – funding cannot be applied for and used retrospectively
- Where acquittals or progress reports from previous grant funding rounds have not been completed when due
- General donations to charities; however, specific local projects applied for by charities may be eligible
- Capital works such as renovations to buildings
- Ongoing salary costs for staffing, or operational costs
- Activities that could be perceived as divisive within the community
- Grants will not be provided to political parties or groups formally linked to a political party
- State or Federal government departments (including schools or tertiary institutions). Parents and Citizens' Associations (P&Cs) are eligible to apply for projects that are demonstrably accessible and beneficial to the broader Inner West community (beyond the school community)

- Applications seeking financial assistance for overseas travel, or other costs where it could be perceived that the applicant would derive excessive personal benefits.

Budget

The proposed budget applicants include in their grant application must clearly show how they arrived at the total grant amount requested and include all sources of project income and expenditure. Quotes should be included especially for proposed purchase of equipment.

Please note; there is no guarantee that if successful in receiving a grant applicants will receive the full amount requested. Some applications may only receive partial grant funding.

The budget should:

- be GST exclusive.
- include a breakdown of expected expenditure.
- include in-kind contributions/donations.

The table below provides an example of a budget.

Income Description		Expenditure Description	
IWC Environment Grant	\$2,000	Materials	\$2,000
Contribution from membership fees	\$1,000	Consultant fee	\$500
		Equipment hire	\$250
		Media/promotion costs	\$250
TOTAL	\$3,000		\$3,000

Assessment criteria

The following criteria will be considered in the process of assessing applications:

- Impact and quality of the project's contribution to the Council's Strategic Plan and Grants Program Objectives (outlined earlier in this document)
- Capacity to deliver a well-planned project including concept, plan and experience
- Realistic budget including all sources of project income with inclusion of quotes for proposed purchase of equipment, confirmation of venue hire, in-kind and financial support provided by the applicant towards the project
- Merit of the application in comparison to other applications
- Benefits to communities within the IWC area adversely affected by WestConnex.

Grants Management

Council uses Smarty Grants online application management system to administer grants programs. Smarty Grants provides a range of forms for applicants to use at various stages of the grants process.

Application process

The grants page on Council's website will provide further information regarding the application process, including opening and closing dates and a link to the relevant application form.

Applications must be submitted using the Smarty Grants online application management system. The application forms acts like a checklist for applicants. Applicants need to complete an

Environment Grants Application Form and submit supporting documentation. Please read these guidelines and the application form carefully to ensure all questions are answered and all necessary documents are attached. Applications must meet the eligibility requirements and no late applications will be accepted. Funding is available in two streams:

- **Quarterly small grant stream.** Grants of up to \$500 to help groups establish, develop or expand activities with materials or resources are offered each quarter. Applicants must present a strong argument as to why the application cannot wait to be considered as part of the annual grants program.
- **Annual grant stream.** Grants of up to \$7,500 are to help kick-start larger projects and are offered once per year. Applicants will need to demonstrate well-planned projects and project measures for evaluation to be competitive.

Approval

Submissions will be assessed against eligibility and selection criteria by an expert panel. Recommendations will be made to IWC for annual grants approval, and to the Group Manager Environment and Sustainability for small grants approval. Successful applicants will be advised in writing and will be required to enter into a formal funding agreement with IWC.

Conditions for approval:

- Council reserves the right to assess an application under an alternative category
- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council
- Applications for the purchase of significant items (over \$1,000) must include copies of two quote;
- Applicants who have received funds in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council
- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources or key participating organisations
- Applicants should not submit an application about the same project to other Grant Programs. (such as an Environment Grant and a Community Wellbeing Grant) but can apply to other Grant Programs if the projects differ. The field is highly competitive and applicants should contact Council staff to discuss the appropriate Grant Program, where they are unsure

Funding agreements and conditions

Funding agreements require applicants to agree to certain conditions before the money can be issued. These conditions are set out in the Smarty Grants agreement and condition form and can be summarised as follows:

- Sign a funding agreement accepting the conditions of the grant
- Forward Council an invoice for the awarded sum
- Once contracts are finalised, payments are processed with a standard 30 day turnaround time.
- Variations to the project or project's contact person or contact details must be formally requested in writing and approved

- Acknowledgment of Council's support of the project must occur on promotional material and be in accordance with Council's Corporate Design Standards. Gaining approval of the use of Council's logo must be received before proceeding to final artwork etc
- Projects must be accessible to all members of the Inner West community. Residents must not be denied participation based on their ethnicity, culture, religion, gender and identity, age, disability or sexual preference.

Evaluation and reporting

Grants recipients are required to acquit their project on a Smarty Grants online evaluation and reporting form within two months of their project completion. Any unexpended grant funds must be returned to Council.

Acquittals require a final project evaluation report, identifying the project's achievements in relation to the objectives and outcomes as detailed in the application, along with project constraints and an income and expenditure statement. The Smarty Grants form detailing the timeframe for completion of this acquittal will be uploaded for completion and an email sent to the contact person in the application. Extensions can be granted with permission given extenuating circumstances.

Further Information

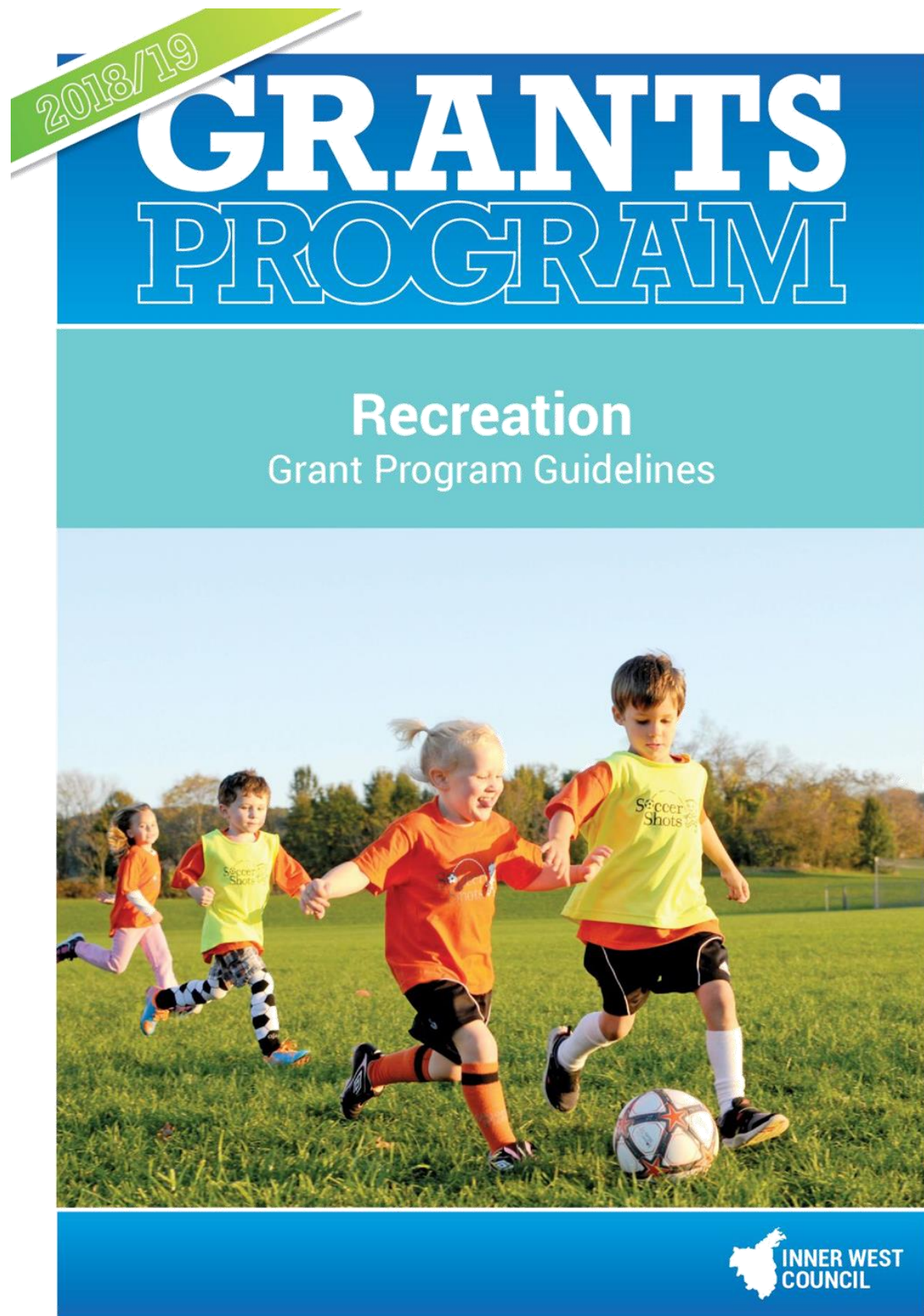
For more information about the Inner West community visit:

<https://www.innerwest.nsw.gov.au/>

Enquiries

Please contact Council's Environment Officer, Projects and Partnerships on 9392 5000.

It is encouraged for requests of over \$2,000 that you discuss your project with a staff member from the Environment and Sustainability team on 9392 5842.



Description

The Recreation Grants Program provides financial support to community sporting and recreation groups and non-government community recreation organisations that offer recreation programs and services to residents in the Inner West Council area.

The Inner West Council (IWC) area includes the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. Inner West Council also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

For more information about the Inner West community visit:

innerwest.nsw.gov.au/community/who-we-are/community-profile

www.innerwest.nsw.gov.au/community/get-involved/grants

www.innerwest.nsw.gov.au/places-and-spaces

The Recreation Grants Program provides financial support of up to \$7,500

Timeframe

Recreation Grants are available on an annual basis. Grant applications will open mid-year with key dates, including opening and closing dates, available on Council's website.

Grant funding will be allocated in December for projects to be undertaken in the following calendar year, between 1 January and 31 December.

Aims

- **Address and remove barriers to participation and engagement** supporting people to meet their full potential
- **Creating positive and meaningful involvement** in our neighbourhoods and communities
- **Ensure inclusive and best practice access to recreation** so that all members of the Inner West community can enjoy activities that appeal to their interest and form closer connections.

Priority groups: Aboriginal communities, CALD communities, children, young people, LGBTIQ communities, older people, people with a disability and women and girls.

Objectives

Assistance is provided to projects that:

- Promote an active and healthy community;
- Increase and/or enhance regular and on-going participation opportunities in sport, recreation or structured physical activity in a sustainable manner;
- Provide inclusive access to participation in sport, recreation and structured physical activity;
- Build the capacity of the organisation to enhance provision of sport and recreation services (e.g. provide training to develop the skills of volunteers).

Types of projects supported

A broad range of endeavours may be assisted through this program that meets the programs aims and objectives above.

Eligibility

- Applicants must be an Australian resident or permanent resident and be over 18 years;
- Applicants must be a registered and appropriately incorporated not-for profit, non-government, or commercial organisation or a community group auspiced by not-for-profit and appropriately incorporated organisation.
- The applicant must be offering a project of demonstrable and significant benefit to IWC residents. IWC residents must be the major beneficiaries of the project.
- Projects must be able to demonstrate that the grant would be for a project in the public interest and in accordance with Council policy and regulations;
- Applicants must be a resident of the Inner West Council area or non-residents offering a program of demonstrable and significant benefit to the local community;
- Applicants must have completed the Evaluation report (and acquitted the project) from previous grants from IWC and/or the former Councils of Leichhardt, Ashfield and Marrickville, where projects have been completed and have no outstanding debts to Council. Should acquittals not be due, a progress report must have been submitted as requested by Council.
- Applications must be for a specific project and not consider a grant as a permanent source of future funding. Grants are not awarded to cover a short fall in administrative costs;
- Organisations who are submitting an application as the auspice for another group will not be precluded from submitting an application on behalf of their own organisation; and
- Only one application per Recreation grant round may be submitted.

Not eligible

- Ongoing staffing or operational costs;
- Projects that have already been completed – funding cannot be applied for and used retrospectively
- Where acquittals or progress reports from previous grant funding rounds have not been completed when due.
- Capital works eg; such as renovations to buildings.
- General donations to charities, however specific local projects applied for by charities may be eligible;
- Grants will not be provided to political parties or groups formally linked to a political party
- Activities that could be perceived as divisive within the community
- State of federal government departments (including schools or tertiary institutions), or projects which fall under the responsibility of another tier of government. Parents and Citizens' Associations can only apply for projects which can demonstrate the project is accessible and beneficial to the broader Inner West community (beyond the school community); and
- Grants seeking financial assistance for overseas travel, or other costs where it could be perceived that the applicant would derive excessive personal benefits.

Budget

The proposed budget you include in your grant application must clearly show how you arrived at the total grant amount requested and include all sources of project income and expenditure. Quotes should be included especially for proposed purchase of equipment.

Please note; there is no guarantee that if successful in receiving a grant you will receive the full amount requested. Some applications may only receive partial grant funding.

The budget should:

- be GST exclusive
- include a breakdown of expected expenditure
- include in-kind contributions/donations.

The table below provides an example of a budget.

Income Description		Expenditure Description	
IWC Recreation Grant	\$5,000	Coaching Course Fees	\$2,000
Volunteer in kind contribution	\$1,000	Videography	\$1,000
		Media / Promotion	\$2,000
		Field / facility hire	\$1,000
TOTAL	\$6,000		\$6,000

Assessment criteria

Applications will be assessed by relevant Council staff against the eligibility and assessment criteria. Applications which meet the eligibility and assessment criteria will be considered by a selection panel. Priority will be given to local applicants.

The following criteria will be considered in the process of assessing applications:

- Impact and quality of project that contributes to the Council's Community Strategic Plan and directions and Grants Programs Objectives (outlined earlier in this document);
- Provide recreation benefits to Inner West communities;
- Capacity to deliver a well-planned project including concept, plan and experience;
- Realistic budget including all sources of project income with inclusion of quotes for proposed purchase of equipment, confirmation of venue hire, in-kind and financial support provided by the applicant towards the project;
- Ability to improve access, inclusion, diversity and participation in recreation activities with sustainable outcomes;
- Availability of similar services provided in the IWC area;
- Merit of the application in comparison to the other applications; and
- Benefits to communities within the IWC area adversely affected by WestConnex.

Grants Management

Council uses the Smarty Grants online application management system to administer grants programs. Smarty Grants provides a range of forms for applicants to use at various stages of the grants process.

Application process

The grants page on Council's website will provide further information regarding the application process, including opening and closing dates and a link to the relevant application form.

Applications must be submitted using the Smarty Grants online application management system. The application form acts like a checklist for applicants. Applications must meet the eligibility requirements and no late applications will be accepted. Hard copy applications cannot be accepted.

Potential applicants are strongly encouraged to attend any grant information sessions which will assist applicants with their proposal (details of which will be promoted on Council's website). Applicants are encouraged to speak to the relevant Council Officer should they have any questions regarding the application process or need assistance to complete the online application form.

Approval

Submissions will be assessed against eligibility and selection criteria by an expert panel with recommendations made to IWC for approval. Successful applicants will be advised in writing and will be required to enter into a formal funding agreement with IWC.

Funding agreements must be finalised before the grants are awarded. Grants cannot be used for anything other than the specified purposes outlined in the funding agreement. Any variation to the project must be sought from IWC and agreed to in writing.

Conditions for approval

- Council reserves the right to assess an application under an alternative category;
- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council;
- Applications for the purchase of significant items (over \$1,000) must include copies of two quotes;
- Applicants who have received funds in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied;
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council;
- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources or key participating organisations; and
- Applicants should not submit an application about the same project to other Grant Programs (such as a Recreation Grant and Community Wellbeing Grant) but can apply to other Grant Programs if the projects differ. The field is highly competitive and applicants should contact Council staff to discuss the appropriate Grant Program, where they are unsure.

Funding agreements and conditions

Funding agreements require applicants to agree to certain conditions before the money can be issued. These conditions are set out in the Smarty Grants agreement and condition form and can be summarised as requiring:

- Sign a funding agreement accepting the conditions of the grant;
- Forward Council an invoice for the awarded sum;

- Variations to the project and project's contact person and/or contact details (ie; phone/address etc) must be formally requested in writing and approved;
- Acknowledgment of Council's support of the project must occur on promotional material and be in accordance with Council's Corporate Design Standards. Gaining approval of the use of Council's logo must be received before proceeding to final artwork etc;
- Projects must be accessible to all members of the Inner West community. Residents must not be denied participation based on their ethnicity, culture, religion, gender and identity, age, disability or sexual preference; and
- Where funds are approved for the purchase of equipment, the organisation or individual will be required to provide receipts for equipment, the equipment is to be identified as an asset of the organisation. Should the organisation cease to exist or the individual no longer uses the equipment, the equipment must be returned to Council.
- Once contracts are finalised, payments are processed with a standard 30 day turnaround time.

Evaluation and reporting

Grants recipients are required by Council to acquit their project on a Smarty Grants online evaluation and reporting form within two months of their project completion timeframe. Any unexpended grant funds must be returned to Council.

Acquittals require a final project evaluation report, identifying the project's achievements in relation to the objectives and outcomes as detailed in the application, along with project constraints and an income and expenditure statement. The Smarty Grants form detailing the timeframe for completion of this acquittal will be uploaded for completion and an email sent to the contact person in the application. Extensions can be granted with permission given extenuating circumstances.

Further Information

For more information about the Inner West community visit:

<https://www.innerwest.nsw.gov.au/>

Enquiries


For grant enquires contact Council's Recreation Officer on 9392 5000.

2018/19


GRANTS PROGRAM

Community History and Heritage

Grant Program Guidelines



Tram Cnr Victoria Road, Darling Street
Image by Noel Reed



Description

The Community History and Heritage Grants provides financial and in-kind assistance to not-for-profit community based organisations, community groups auspiced by an organisation or individuals to deliver projects that identify and interpret the Inner West's historically significant events, places and people. Funded projects will build on the Library's physical and digital Community History and Heritage Collection which provides a rich source to inform and educate current and future generations.

Inner West Council (IWC) area comprises the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. IWC also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Applicants are encouraged to familiarise themselves with Inner West Council's (IWC's) Community Strategic Plan, community profile and associated pages by reviewing the information at the web addresses provided:

innerwest.nsw.gov.au/community/who-we-are/community-profile

www.innerwest.nsw.gov.au/community/get-involved/grants

www.innerwest.nsw.gov.au/places-spaces/libraries/community-history

Community History and Heritage Grants up to \$7,500 are available.

Timeframe

Grants are available on an annual basis. Grant applications will open mid-year with key dates, including opening and closing dates, available on Council's website.

Grant funding will be allocated in December for projects to be undertaken in the following calendar year, between 1 January and 31 December.

Objectives

The objectives of the grants program are:

- to build on IWC's Community History and Heritage Collections (physical and digital) for future and current historians, researchers and generations.
- to support original research and interpretation of the area's history.
- to support original research and interpretation of current issues, place, social, people, political, urban changes etc.

The Community History and Heritage Collection is located in IWC's Libraries and Archives with a focus on people, events, policies, activism, politics, architecture, parks, recreation, businesses, economy, cultural activities and places of historical significance to the IWC area.

Projects may include research, archiving, conservation and preservation of significant objects, publications and exhibitions about the Inner West's social and cultural history (including current activities).

Types of projects supported

Council may publish specific grant program priorities on the website for grant rounds. Applicants should familiarise themselves with these priorities.

Grants to support and enrich Council's Local History Collection with a focus on organisations or persons to undertake projects about people, events and places of historical significance to the IWC area. Projects may include research, collections, archiving, conservation, publications and exhibitions about the Inner West's social and cultural history.

Eligibility

- Applicants must be an Australian resident or permanent resident and be over 18 years;
- Applicant must be a resident of IWC, or non-resident offering a project of demonstrable and significant benefit to residents of the IWC residents and who must be the principal or major beneficiaries of the project.
- Applicant must be a legally incorporated, not for profit community group or organisation OR a community group auspiced by an incorporated organisation OR an individual with relevant experience.
- Applications must be for a specific project and are not available as a permanent source of future funding.
- Projects must be able to demonstrate that the grant would be for a project in the public interest and library collection and in accordance with Council policy and regulations.
- Applications must address Council's Community Strategic Plan and address one or more of Council's strategic directions
- Applicants must have completed the Evaluation report (and acquitted the project) from previous grants from IWC and/or the former Councils of Leichhardt, Ashfield and Marrickville, where projects have been completed and have no outstanding debts to Council. Should acquittals not be due, a progress report must have been submitted as requested by Council.
- Organisations who are submitting an application as the auspice for another group will not be precluded from submitting an application on behalf of their own organisation.
- Only one application for Community History and Heritage Grants Program is to be submitted each year.

Not eligible

- Projects which duplicate services already provided in the IWC area.
- Projects that have already been completed – funding cannot be applied for and used retrospectively.
- Where acquittals from previous grant funding rounds have not been completed when due.
- Capital works eg; such as structural improvements.
- General donations to charities, however specific local projects applied for by charities may be eligible.
- Ongoing salary costs for staffing, or operational costs.
- Grants will not be provided to political parties or groups formally linked to a political party.
- Activities that could be perceived as divisive within the community.
- Projects that could be considered as marketing collateral.
- State or federal government departments (including schools or tertiary institutions), or projects which fall under the responsibility of another tier of government. Parents and Citizens' Associations can only apply for projects which can demonstrate the project is accessible and beneficial to the broader Inner West community (beyond the school community).

- Grants seeking financial assistance for overseas travel, or other costs where it could be perceived that the applicant would derive excessive personal benefits.

Budget

The proposed budget you include in your grant application must clearly show how you arrived at the total grant amount requested and include all sources of project income and expenditure. Quotes should be included especially for proposed purchase of equipment.

Please note; there is no guarantee that if successful in receiving a grant you will receive the full amount requested. Some applications may only receive partial grant funding.

The budget should:

- be GST exclusive
- include a breakdown of expected expenditure
- include in-kind contributions/donations.

The table below provides an **example** of a budget (note not full amount that can be applied for).

Income Description		Expenditure Description	
IWC Community History and Heritage Grant	\$5,000	Consultant Fees	\$1,000
Volunteer in kind contribution	\$1,000	Design work	\$1,000
		Printing costs	\$2,000
		Materials	\$1,500
		Catering	\$500
TOTAL	\$6,000		\$6,000

Assessment criteria

The following criteria will be considered in the process of assessing applications:

- Impact and quality of the project that contributes to Council's Community Strategic Plan and Grants Program Objectives (outlined earlier in this document).
- Cultural and social benefits to the Inner West communities.
- Capacity to deliver a well-planned project including concept, plan and experience.
- Relevance the project or activity will bring to the Community, History and Heritage Collection.
- How the project or outcome fills an identified gap in the collection.
- Realistic budget including all sources of project income with inclusion of quotes for proposed purchase of equipment, confirmation of venue hire, in-kind and financial support provided by the applicant towards the project.
- Merit of the application in comparison to the other applications.
- Benefits to communities within the IWC area adversely affected by WestConnex.

Grants Management

Council uses the Smarty Grants online application management system to administer grants programs. Smarty Grants provides a range of forms for applicants to use at various stages of the grants process.

Application process

The grants page on Council's website will provide further information regarding the application process, including opening and closing dates and a link to the relevant application form.

Applications must be provided using the Smarty Grants online application management system. The application form acts like a checklist for applicants. Applications must meet the eligibility requirements and no late applications will be accepted. Hard copy applications cannot be accepted.

Potential applicants are strongly encouraged to attend the grants information session which will assist applicants with their proposals. Applicants with any questions regarding the application process or needing assistance to complete the online application form may contact Council's Community, History and Heritage team.

Approval

Submissions will be assessed against eligibility and selection criteria by an expert panel with recommendations made to IWC for approval. Successful applicants will be advised in writing and will be required to enter into a formal funding agreement with IWC.

Funding agreements must be finalised before the grants are awarded. Grants cannot be used for anything other than the specified purposes outlined in the funding agreement. Any variation to the project must be sought from IWC and agreed to in writing.

Conditions for approval

- Council reserves the right to assess an application under an alternative category.
- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council.
- Applications for the purchase of significant items (over \$1,000) must include copies of two quotes.
- Applicants who have received funds in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied.
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council.
- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources or key participating organisations.

Applicants should not submit an application about the same project to other Grant Programs (such as a Community History and Heritage and an Arts and Culture Grant) but can apply to other Grant Programs if the projects differ. The field is highly competitive and applicants should contact Council staff to discuss the appropriate Grant Program, where they are unsure.

Funding agreements and conditions

Funding agreements require applicants to agree to certain conditions before the money can be issued. These conditions are set out in the Smarty Grants agreement and condition form and can be summarised as requiring:

- Sign a funding agreement accepting the conditions of the grant;
- Forward Council an invoice for the awarded sum;
- Variations to the project and project's contact person and/or contact details (ie; phone/address etc) must be formally requested and approved.
- Acknowledgment of Council's support of the project must occur on promotional material and be in accordance with Council's Corporate Design Standards. Gaining approval of the use of Council's logo must be received before proceeding to final artwork etc.

- Projects must be accessible to all members of the Inner West community. Residents must not be denied participation based on their ethnicity, culture, religion, gender and identity, age, disability or sexual preference.

Where funds are approved for the purchase of equipment, the organisation or individual will be required to provide receipts for equipment, the equipment is to be identified as an asset of the organisation. Should the organisation cease to exist or the individual no longer uses the equipment, the equipment must be returned to Council.

- A copy of the deliverable project from the Community History and Heritage grant stream must be submitted for inclusion in the Library's history collection prior to grant acquittal and evaluation and reporting. This includes any publications, digitised photographs, copies of conserved paintings, audio visual materials, oral histories with transcripts, copies of digitised archive materials made available for public access to the community, researchers and future generations seeking information on the history of the Inner West. There is an expectation that the grant recipient would give a presentation, history talk or exhibition showcasing the outcomes of the grant.
- Once contracts are finalised, payments are processed with a standard 30 day turnaround time.

Evaluation and reporting

Grants recipients are required by Council to acquit their project within two months of their project completion timeframe. Any unexpended grant funds must be returned to Council.

Acquittals require a final project evaluation report, identifying the project's achievements in relation to the objectives and outcomes as detailed in the application, along with project constraints and an income and expenditure statement. The Smarty Grants form detailing the timeframe for completion of this acquittal will be uploaded for completion and an email sent to the contact person in the application. Extensions can be granted with permission given extenuating circumstances.

Further information

For more information about the Inner West community visit:

www.innerwest.nsw.gov.au

Enquiries

Please contact Amie Zar, Council's Community History and Heritage Coordinator on 9392 5817 or

Amie.Zar@innerwest.nsw.gov.au

2018/19

GRANTS PROGRAM

Inner West Stronger Communities Fund Grant Program Guidelines



ANTAR, Inner West
Stronger Communities
Grants 2016 recipient.

 **NSW**
GOVERNMENT

 **INNER WEST
COUNCIL**

Introduction

The Stronger Communities Grants Program will allocate up to \$1 million in grants over three years for projects that build more vibrant, sustainable and inclusive local communities. This grant initiative forms part of the Stronger Communities funding that is now available to our newly created Inner West Council (IWC) from the NSW Government. Local community groups will be able to apply for Stronger Community Grants ranging from a **minimum of \$10,000 to a maximum of \$50,000**.

All applications should aim to provide community benefits for the residents of the Inner West Council (IWC) area. This includes the suburbs of Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, South Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe. IWC also includes parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown.

Objectives

The objectives of the Inner West Stronger Communities Grants are to:

- Deliver social, arts and cultural, recreation, environmental and economic benefits for the communities of the IWC;
- Strengthen the Inner West as the creative engine of global Sydney;
- Deliver innovative projects to enhance liveability and wellbeing in the Inner West;
- Enhance local identity in the communities, villages, neighbourhoods and precincts of the Inner West;
- Support a vibrant street life, support local business and enterprise throughout the Inner West;
- Reflect and celebrate community and cultural diversity;
- Strengthen social justice and inclusion;
- Support social, cultural, environmental and economic sustainability; and
- Improve connectivity across the Inner West.

Levels of Support

\$350,000 is available for the Inner West Stronger Communities Grants Program 2018 round.

Projects can be funded to the following levels:

- \$10,000 - \$20,000 – one-off projects; and
- \$20,000 - \$50,000 – one-off projects; and multi-year projects not totaling more than \$50,000 over three years.

\$10,000 is the minimum amount for grant applications. Applicants with activities extending beyond December 2018 will need to apply for multi-year funding as relevant to additional years of activities. Applicants seeking funding of over \$20,000 or multi-year funding will be required to provide additional information regarding project budgeting, planning and capacity to deliver. Applicants seeking over \$20,000 will also be required to speak to Inner West Council officers before making an application. Unconfirmed funding sources other than the Stronger Communities Grant cannot total more than 20% of the overall income of the project, unless otherwise agreed by an IWC officer.

Eligibility

Applicants must:

- Be an Australian resident or permanent resident over 18 years of age if applying as an individual;
- Be a resident of or work or study in the Inner West LGA or a non-resident offering a project or program of significant benefit to the local community if applying as an individual;

- Be a registered, incorporated not-for-profit or community group or organisation; or a community group, enterprise or individual auspiced by an incorporated not-for-profit organisation;
- Be a combination of the above organisation/s or group/s.
- If an individual, be a professional practitioner with a demonstrated history/track of working in their field and / or practice;
- Apply for a specific project or program and not consider the grant as a permanent source of future funding;
- Have written agreement from project partners before submission of an application;
- Not be a political party or a group formally linked to a political party
- Not be proposing activities that could be perceived as divisive within the community
- Submit only one application per grant round. Applicants should discuss multi-year funding with IWC officers prior to submission.

Auspecting

If an individual or organisation wishes to apply for funding, but does not meet the criteria of being an incorporated not-for-profit community organisation, they may enter into an auspecting agreement.

These agreements would involve an:

- Auspiced Individual or Organisation – an individual or community organisation who wishes to apply for funding, but is not an incorporated not-for-profit community organisation.
- Auspecting Organisation – an incorporated not for profit organisation who will administer the Auspiced Individual or Organisation's grant, including invoicing for and distributing any received funds.

The obligations of auspecting agreements can vary and the terms of the agreement should be arranged by the parties involved. All applicants who are wishing to apply through an Auspice Organisation must attach a letter confirming the Auspice's agreement to act as auspice to their application form.

Other Requirements

Projects or Programs must:

- Demonstrate community benefit;
- Demonstrate innovation;
- Be in, for, or about the IWC local government area and its community;
- Not be used to cover administrative costs beyond the administrative requirements of the application; and
- Be acquitted by December 2019.

Assessment Criteria

Applications are assessed against the following criteria:

- Impact and quality of social, cultural, economic or environmental benefits to local communities;
- Ability to improve access to and participation in community and cultural activities;
- The merit of the application in addressing community priorities identified in Inner West Council's Community Strategic Plan: (link to be provided)
- Capacity to deliver a well-planned project or program;

- Realistic budget, including all sources of income (please refer to budget page for details);
- The extent of the in-kind and financial support provided by the applicant towards the project
- Engagement with the Inner West community and collaborative partnerships; and
- Previous assistance received from the former Ashfield, Leichhardt and Marrickville Councils.

Assessment Process

Applications are assessed by a panel comprising of:

- Inner West Council Mayor or delegate;
- State MP's or representatives;
- Regional Coordinator of Department of Premier & Cabinet or delegate;
- Other members appointed by the Mayor;
- An independent probity advisor appointed by the Mayor; and
- Local community members and / or experts with demonstrated specialist skills and knowledge relevant to submitted applications, as approved by the Mayor.

The panel will assess applications against eligibility and selection criteria with recommendations made to IWC for approval. All applicants will be advised as to whether they have or have not been successful within four weeks of Council's decision.

Conditions for Approval

Council advises that:

- The awarding of a grant does not imply the provision of any additional resources or funding for that project or associated activities from Council;
- Applications for the purchase of significant items (over \$1,000) must include copies of two quotes;
- Applicants who have received funds from Leichhardt, Ashfield or Marrickville Council in previous years will only be eligible to apply for assistance in the current year if all accountability and evaluation procedures have been satisfied. For any funded project still in progress a progress report must be submitted as part of this application;
- Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council; and
- Applications must contain written confirmation from all partnership bodies named in the proposal as confirmed funding sources.

Accountability Requirements

Successful applicants will be required to undertake the following activities:

- Sign a form accepting the conditions of the grant;
- Forward Council an invoice for the awarded sum;
- Complete an acquittal report for Council within one month of the project being completed using the acquittal form provided by Council;
- Where funds are approved for the purchase of equipment, the organisation or individual will be required to provide receipts for equipment, the equipment is to be identified as an asset of the organisation and engraved. Should the organisation cease to exist or the individual no longer uses the equipment, the equipment must be returned to Council;
- All promotional materials must acknowledge Council's support through text or logo placement. In addition, the following wording must appear on all Stronger Communities Fund Project

Materials: "Funded by NSW Government through the Stronger Communities Fund". Approval of final copy must be sought one month prior to release;

- Council will provide instructions regarding appropriate acknowledgement of Council and the use of Council logos;
- Failure to comply with these requirements will mean the funded organisation or individual will not be eligible for grants in the future and may face legal proceedings;
- Council will require written evidence of other confirmed funding sources.

Filling in your application

IWC uses the Smarty Grants online system for grant applications. If you have technical difficulties with the form, contact Smarty Grants on 03 9320 6888 or service@smartygrants.com.au. If you have other difficulties filling in this form including physical and language barriers, contact Council's Community Services and Culture Team.

The form can be previewed before you apply by going to the online application link provided and clicking 'preview'.

Budget

Detailed budgets are required for the Inner West Stronger Communities Grants. You should detail income and expenditure for each year you are seeking funding. Some examples of the funding items that should be listed are included below.

Income

Income requested from the Inner West Stronger Communities Grants; income from other funders; in kind support or sponsorship; ticket/product sales if relevant.

Expenditure

All salaries/staffing costs (as relevant only to the project) including contractor fees (itemised separately); any material costs such as IT equipment, art materials, sporting equipment (itemised separately); travel costs, utilities and administration (as relevant only to project delivery); event costs including catering, hall hire, PA hire etc (itemised separately); services relevant to the project (eg. translation); fees, licences and permits relevant to the project; marketing and publicity.

The income and expenditure columns of your budget should balance unless otherwise approved by IWC officers.

The following table shows an example budget:

Income		Expenditure	
Stronger Communities 2018 Grant	\$10,500	Apple computer (iMAC 1.6 ghz)	\$3,000
Crowdfunding (unconfirmed)	\$1,000	Photoshop software licences (3 x licences)	\$1,000
In kind meeting room hire at Neighbourhood Centre - 5 days at \$200 per day (confirmed)	\$1,000	Samsung SE300 Projector	\$1,000
		Software trainer (2 days at \$500 per day)	\$1,000
		Launch event flyers	\$600
		Launch event social media	\$500
		Launch event catering	\$200

		Community facilitators (2 facilitators for 10 days at \$300 per day)	\$3,000
		IT networking and installation	\$1,000
		PA hire (for community launch)	\$200
		Meeting room hire (in kind)	\$1,000
TOTAL	\$12,500		\$12,500

Essential Supplementary attachments

The project and personnel

- Examples of projects/ work the applicant has delivered in the past by providing URLs / weblinks. If you do not have any online links to project examples you may upload examples, such as .pdf, audio files (eg. mp3), video files (eg. mp4) or images (.jpg);
- CVs of key personnel delivering the project;
- A project plan including the timeline and key milestones of the project;
- Letters from confirmed project partners;
- Two quotes for any capital equipment expenditure or physical works over \$1,000. Two quotes will be required for each item;
- Letters from confirmed funding sources including in-kind funding;
- If you have received funds from Leichhardt, Ashfield or Marrickville Council that are not currently acquitted you will need to attach a progress report; and
- Written references from a current or recent employer or other relevant professional will be required for applications above \$20,000.

Relevant to applications seeking funding for physical changes to premises, such as building works

- If not the property owner, a letter of consent from the owner

Relevant to the not-for-profit organisation applying for funding or acting as an auspice for the purposes of the grant application

- Contact details of an office bearer or member of the management committee;
- A copy of the organisation's constitution or stated aims and objectives;
- A copy of the organisation's most recent annual report;
- A copy of the organisation's most recent audited statement or statement of income and expenditure; and
- Details of public liability insurance including provider, type of insurance and policy number.

Relevant to individuals or organisations who are being auspiced by a not-for-profit organisation

- A letter of agreement from the Auspicing Organisation

Individual applicants who are being auspiced by a not-for-profit organisation

- Proof of Australian Residency; and
- Proof of identity including age and residential address.

Submissions

Applications open on 4 June 2018 and close on 9 July 2018 (dates to be confirmed)

Please contact Council about alternative means of application if you are unable to fill in the online application form.

Further Information

For more information about the Inner West community visit:

<https://www.innerwest.nsw.gov.au/community/who-we-are/community-profile>

Enquiries

Please contact Council's Grants and Research Officer on 9392 5842.

Appendix 2: Guidelines for determining fee categories for Council Venues

Introduction

Council provides a scaled fee structure for the hire of a range of community venues and halls to ensure equitable access. Venues available for casual and annual hire include community and neighbourhood centres; meeting/activity rooms and halls; parks; recreation and aquatic facilities.

The policy regarding scaled fees for community resources is underpinned by the need for them to be affordable and accessible for not-for-profit (NFP) groups with limited income streams. Factors such as access and affordability for local residents; health and wellbeing benefits of the activity; necessity of Council support to enable activities to proceed; and the extent to which the activity aligns with Council's strategic priorities are therefore reflected in a scaled fee structure.

Fee scales

The sliding scale of fees include three different categories and are outlined in Table 1 on the next page. The list of Council venues that these apply to is included in Table 2 at the end of this document.

The Community Strategic Plan objectives referred to in Table 1 relate to three Strategic Directions stated in the Community Strategic Plan, *Our Inner West 2036*, and include:

- Unique, liveable, networked neighbourhoods (strategic direction 2);
- Creative communities and a strong economy (strategic direction 3);
- Caring, happy, healthy communities (strategic direction 4).

How to apply

Council calls for annual expressions of interest for regular venue hire, and casual bookings can be made at any time through the year. In both cases a link to the application form will be available through Council's website. The application form will allow hirers to indicate which category they fall within, and will be required to provide evidence to support their application. For example, applicants will be asked to:

- attach their certificate of incorporation or other documentation such as most recent annual report if applying under one of the not for profit categories;
- provide estimates of number of number of participants living in IWC area;
- estimate the number of number of participants eligible for Health Care cards to indicate extent of disadvantage;
- describe the health and wellbeing benefits of the activity being provided and proposed charges, including any references from community organisations with whom the applicant may be partnering.

Assessment process

Applicants will be required to identify the category they believe they are eligible for, and provide evidence to support that categorisation. An assessment panel comprising specialist venues staff, and where appropriate community development staff, will assess the applications and determine fee categories based on the application form; the eligibility criteria outlined in Table 1; and reference to the Community Strategic Plan. Applications for venue hire and the associated fee category up to a total value of \$25,000 will be made under delegation by the General Manager's delegate.

Table 1: Proposed IWC Fee Scale Policy

	Fee Subsidy	Organisation Type	Activity Type	Examples
1	100%	<ul style="list-style-type: none"> Incorporated NFP organisation Unincorporated local NFP group 	<ul style="list-style-type: none"> Service that enables achievement of specific Community Strategic Plan objective for local residents; and Where there is evidence that payment of a fee for venue use will prevent the activity from occurring 	<ul style="list-style-type: none"> Recognised social support eg Alcoholics Anonymous, GA, NA., for their weekly meeting, Men's Group Seniors and cultural social support Play groups Local meetings of registered political organisations Local youth band rehearsals
2	50%	<ul style="list-style-type: none"> Incorporated NFP organisation Unincorporated local NFP group Sole traders with public liability insurance 	<ul style="list-style-type: none"> Service that enables achievement of specific Community Strategic Plan objective for local residents; and A fee over \$2 is charged for membership/ participation Offering community focused activities, and discounted access to health care card holders 	<ul style="list-style-type: none"> Dance groups Yoga for cancer patients Painting classes U3A P&C fundraiser Charity event with over 50% beneficiaries being local residents
		<ul style="list-style-type: none"> Religious institutions (ATO defined) 	<ul style="list-style-type: none"> Religious services 	<ul style="list-style-type: none"> Weekend church service
3	0%	<ul style="list-style-type: none"> Commercial hirers Private functions Activities where Inner West Council residents comprise less than 50% of participants 	<ul style="list-style-type: none"> Activities designed for benefit of the for profit sector Activities that are for the benefit of a private individual or organisation that is not open to the general public Community activities designed to cater for residents of other Council areas 	<ul style="list-style-type: none"> Sales conference Birthday parties, weddings Activities of a metropolitan-wide club

Review process

Any applicant who believes that an incorrect category has been applied to their application may write to the Group Manager Community Services and Culture to seek a review. The requested review must include the following:

- Current financial statement, including all revenue and operating costs of the group
- Fees charged per participant
- Number of participants at the activity
- % of participants who are residents of IWC
- % of participants on low incomes (health care card holders)
- Analysis of ability of the activity to be held at one of IWC's lower cost venues.
- Benefits to IWC residents and the community need being addressed

Further Information

Council's website and application form will provide contact details for venues staff who can assist with any queries regarding fee categories, as well as other venue information including conditions of hire.

Schedule of venues

The following table (Table 2) provides a list of Council facilities that are subject to the scaled fee structure outlined in the Grants and Fee Scale Policy

Table 2: Council venues subject to Grants and Fee Scale Policy

Venue	Location	Capacity
Annandale Community Centre Meeting Room	79 Johnston St, Annandale	30
Annandale Community Centre Upstairs Hall	79 Johnston St, Annandale	120
Annandale Community Centre Back Hall	79 Johnston St, Annandale	100
Clontarf Cottage	4 Wallace St, Balmain	50
Jimmy Little Community Centre Meeting Room	19 Cecily Street, Lilyfield, 2040.	30
Jimmy Little Community Centre Main Hall	19 Cecily Street, Lilyfield, 2040	100
Hannaford Community Centre Upstairs Meeting Room	608 Darling Street, Rozelle, 2039	15
Hannaford Community Centre Activity Room	608 Darling Street, Rozelle, 2039	30
Hannaford Community Centre Main Hall	608 Darling Street, Rozelle, 2039	80
Hannaford Community Centre Therapy Room	608 Darling Street, Rozelle, 2039	4
Hannaford Community Centre Computer Room	608 Darling Street, Rozelle, 2039	10
White's Creek Cottage Melaleuca	31 White Street, Lilyfield, 2040	35
White's Creek Cottage Grevillea	31 White Street, Lilyfield, 2040	10
White's Creek Cottage Stables	31 White Street, Lilyfield, 2040	20
Market Place Leichhardt Meeting Room	1/122-138 Flood Street, Leichhardt, 2040	25
Wharf Road Community and Refugee Welcome Centre	Wharf Road, Callan Park	100
Leichhardt Town Hall	Cnr Marion & Norton Streets Leichhardt 2040	300
Balmain Town Hall Meeting Room	370 Darling Street, Balmain, 2041	100
Balmain Town Hall Main Hall	370 Darling Street, Balmain, 2041	300
Petersham Town Hall	107 Crystal street, Petersham	650
Marrickville Town Hall	303 Marrickville Road, Marrickville	750
Herb Greedy Hall	79 Petersham Road, Marrickville	100
Seaview Street hall	12/14 Seaview Street, Dulwich Hill	80
St Peters Town Hall	Upstairs – 39 Unwins Bridge Road, Sydenham	100

Venue	Location	Capacity
St Peters Town Hall	Downstairs– 39 Unwins Bridge Road, Sydenham	20
Camperdown Oval Meeting Room	Camperdown Park	40
Cadigal Room	160-178 Elizabeth Street, Ashfield	25
Graham Yarroll Room	Haberfield Centre Ground Floor	40
	78-80 Dalhousie Street Haberfield	
Michael Maher Room	Haberfield Centre Ground Floor	80 (100 Max)
	78-80 Dalhousie Street Haberfield	
Mervyn Fletcher Hall	81 Dalhousie Street Haberfield (Entrance Via Dickson Street)	50
Ashfield Town Hall	260 Liverpool Rd Ashfield	300 (Concert setting) 250 (Dinner setting)
Activity Rooms	Upper Ground Floor	Therese Heffernan Room (Room 1);
	260 Liverpool Rd Ashfield	Patricia Blackman (Room 2) 35;
	4 Rooms in Total	Peter Cross (Room 3) 35;
		Irene Williams (Room 4) 35

Item No: C0718 Item 16

Subject: REVISED PUBLIC ACCESS TO INFORMATION HELD BY COUNCIL POLICY

Prepared By: Rad Miladinovic - Business Information Services Manager

Authorised By: Harin Perera - Group Manager Information Communications Technology

SUMMARY

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months.

Council's AIG and *Public Access to Information held by Council Policy* were recently reviewed.

RECOMMENDATION

THAT:

1. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council determines whether to place the revised *Public Access to Information held by Council Policy* (Attachment 2) on public exhibition and if so, determines the duration of the exhibition period;

OR

2. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council adopts the revised *Public Access to Information held by Council Policy* (Attachment 2).

BACKGROUND

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months. The *Inner West Council Agency Information Guide* was recently reviewed and updated as part of the annual review (refer to Attachment 1).

Council's *Public Access to Information held by Council Policy* was recently revised and updated with the following changes (refer to Attachment 2):

- inclusion of an "objectives" section as part of the new IWC policy template
- detailed explanation of how Council information can be accessed ie through mandatory proactive release, authorised proactive release, informal or formal release
- change to the service standard for informal access to information requests from 7 to 20 business days

Proposed Change to the Service Standard for Informal Requests:

The *Public Access to Information held by Council Policy* is based on the legislative requirements of the *Government Information (Public Access) Act 2009* (the GIPA Act). The service standard for formal public access to information requests is regulated at 20 business days. The service standard for informal requests is discretionary, as follows:

S8(2) of the *NSW Government Information (Public Access) Act 2009* states “an agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks fit to impose.”

Prior to amalgamation, the service standard for responding to informal GIPA requests by the three legacy councils is as follows:

Ashfield:	up to 20 business days
Leichhardt:	up to 20 business days
Marrickville:	up to 7 business days

Benchmarking the informal GIPA request service standard with 6 neighbouring Councils indicates that most Councils provide a service standard of greater than 3 weeks, with the majority of Councils providing a service standard of “up to 20 business days”.

Individual service standards of the benchmarked Councils are as follows:

Council	Service Standard
Bayside	“up to 20 business days ”
Burwood	“ 20 working days ”
Canada Bay	“up to 20 business days ”
Canterbury-Bankstown	“may take approximately 21 days ”
City of Sydney	“We aim to respond to requests within 10 working days . However, response times will vary depending on the current levels of demand on our services and the type of information being requested.”
Georges River	“Requests will be processed in a timely manner and as soon as practical . Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.”

Benchmarking more broadly with other Councils provides the following service standards:

Council	Service Standard
Blacktown	“within 20 working days ”
Camden	“applications generally take 20 working days to finalise”
Campbelltown	“a minimum of 20 working days from receipt of a completed form for a response. This time frame is dependent on current workload and accessibility of the information being sought.”
Central Coast	Current processing time is “ minimum of 4 weeks ”
City of Parramatta	“This process may take up to 4 weeks to obtain certain documents under informal access. Some of the documents listed on the form are available within a week while others are stored offsite and may take longer to access.”
Cumberland	Within 20 working days after receipt of the application
Lane Cove	“ within 7 days of receipt”
Liverpool	“ up to 20 working days to complete”
Penrith	“ up to 20 business days ”
Randwick Council	“requests are generally processed within five (5) working days , however,

Council	Service Standard
	depending upon the availability and/or location of the information requested, some requests may take longer
Strathfield	website states applicants will be "notified within 15 working days" ie what information will be available to the applicant upon retrieval of the requested files
Sutherland	"20 business days"
Waverley	"up to 20 business days"
Wollongong	"up to 10 working days"
Woollahra	Will "respond within 10 working days" to acknowledge the request and to advise action taken to date in response to the request

The "up to 20 business days" service standard can be attributed to the large volume of informal access to information requests that Councils receive seeking access to hardcopy files relating to past development matters. Based on the number of access to information applications processed by Council during the 2017/18 year (2493 applications), the ratio of informal to formal access to information requests is approximately 24:1. In May 2018, Council received 240 Informal access requests, of which approximately 50% related to past development applications requiring Council to retrieve physical files from its eight records repositories. 40% of requests relate to development information which is available in digital format. The remaining 10% of requests are not property-specific and relate to information about Council policies, financial reporting, traffic and parking matters etc.

Further, some request types are quicker to fulfil, and if there is a demonstrated urgency Council endeavours to assist with these requests immediately. For example, requests for property ownership details relating to planned installation of public infrastructure (Telstra, nbn, Sydney Water, Sydney Metro, Department of Planning); requests for ownership details of neighbouring properties for impacting 'dividing fence' matters; requests for copies of approved DA plans, where these have already been stored electronically; unsuccessful applicants requesting a copy of the assessing officer's report (to determine the reasons for refusal); neighbours requesting a copy of the DA approval (to determine the conditions of consent and construction); copies of submissions (redacted for privacy) if we have received 5 or less; assistance with locating Council information such as policies or Council's progress with major projects.

The *Inner West Council Agency Information Guide* and the *Public Access to Information held by Council Policy* will next be reviewed in June 2019. The service standard for informal access to information applications will be assessed with the view to reducing the response time if there is an opportunity to respond most applications more quickly. It is anticipated that the implementation of unified business solutions and the rationalisation and relocation of physical record collections may present this opportunity.

FINANCIAL IMPLICATIONS

Not applicable.

OTHER STAFF COMMENTS

Not applicable.

PUBLIC CONSULTATION

If resolved by Council, the *Public Access to Information held by Council Policy* will be publicly exhibited for the period resolved by Council.

ATTACHMENTS

1. [↓](#) IWC Agency Information Guide
2. [↓](#) Revised Public Access to Information held by Council Policy

Item 16.**Attachment 1**



**INNER WEST
COUNCIL**

**Agency
Information
Guide**

DOCUMENT PROFILE:

Directorate:	Financial and Administration
Responsibility:	Business Information Services, Information & Communications Technology Group
Classification:	Protocol
Contact Officer:	Business Information Services Manager
Reference(s):	<ul style="list-style-type: none"> • Government Information (Public Access) Act 2009 • Checklist for Councils, Reviewing your Responsiveness for the GIPA Act, Checklist June 2014 • Creating agency information guides, Knowledge Update 2012, Information and Privacy Commission NSW
Date Approved:	23 March 2017
Version Control:	Version 1.2
Date Last Reviewed / Changed:	June 2018
Next Review Date:	May 2019
Related Inner West Policy:	Public Access to Information held by Council Policy

Document History

Version	Date	Reason(s) for update
Version 1.0	23 March 2017	Newly-created document
Version 1.2	29 June 2018	Updates to Council structure and website links

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Introduction

The Government Information (Public Access) Act 2009 ("GIPA Act") promotes open, accountable, fair and effective government in NSW by providing members of the public with the right to access government information. This right is restricted only when there is an overriding public interest against disclosing the particular information.

The objective of the GIPA Act is to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:

1. authorising and encouraging the proactive public release of government information by agencies;
2. giving members of the public an enforceable right to access government information; and
3. providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Inner West Council is committed to promoting openness and transparency through the release of information held by Council to the public in accordance with statutory requirements.

Section 20 of the GIPA Act prescribes that government agencies must have an Agency Information Guide that:

- a. describes the structure and functions of the agency;
- b. describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- c. specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions;
- d. identifies the various kinds of government information held by the agency;
- e. identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available;
- f. specifies the manner in which the agency makes (or will make) government information publicly available; and
- g. identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Inner West Council at a Glance

Inner West Council was proclaimed on the 12 May 2016 and combines the former councils of Ashfield, Leichhardt and Marrickville. The Council has a population of 195,113 people and spans 35km² from the banks of the Parramatta River at Birchgrove in the north east, to the Cooks River at Dulwich Hill in the south west. The population density is 55.45 persons per hectare, with an average household size of 2.43.

The Gadigal-Wangal Peoples of the Eora Nation are the traditional custodians of the Inner West LGA. It is a unique area with a special beauty that comes from natural and built environments, and a rich cultural heritage. The people of the Inner West take great pride in their community and have a strong Inner West identity.

The Council area includes the suburbs of: Annandale, Ashfield, Balmain (including Balmain East), Birchgrove, Dobroyd Point, Dulwich Hill, Enmore, Haberfield, Leichhardt, Lewisham, Lilyfield, Marrickville, Petersham, Rozelle, Stanmore, St Peters, Summer Hill, Sydenham, Tempe and parts of Ashbury, Camperdown, Croydon, Croydon Park, Hurlstone Park and Newtown. It is divided into five wards of Ashfield, Balmain, Leichhardt, Marrickville and Stanmore.

Figure 1 shows the Inner West Council boundary area is comprised of 5 wards for ease of administration. The 5 Wards are Ashfield, Balmain, Leichhardt, Marrickville and Stanmore.

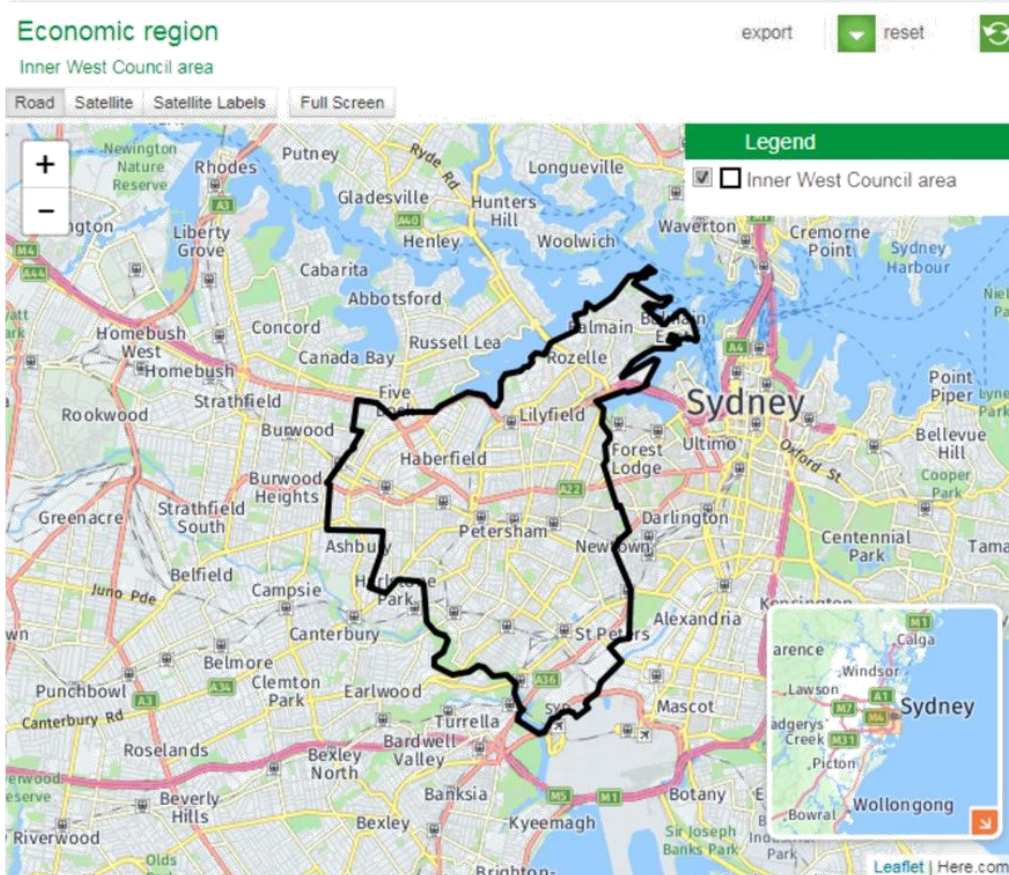


Figure 1 Inner West Council Wards

Inner West Council at a Glance:

Statistic	Inner West Council
GRP (billion)	12.72
Population	195,113
Local jobs	69,134
Employed residents	113,920
Local businesses	18,546
Largest industry	Health Care and Social Assistance

Source: National Institute of Economic and industry Research



Compiled and presented in economy.id by [.id](http://id.id), the population experts.

For further information about Council's Community Profile, visit Council's website at the following link : <http://www.innerwest.nsw.gov.au/community/who-we-are/community-profile>

Services provided to the Community

Council provides a comprehensive range of services to the Community. These services are reviewed regularly with the Community to ensure the right mix of services are being delivered by Council:

- Access and disability services
- Aquatic services including learn to swim, aqua-aerobics
- Arts and cultural services such as artists in residence, arts and cultural grants, Chrissie Cotter Gallery and public art
- Citizenship ceremonies
- Community events
- Council and Committee meetings
- Customer services in person and over the phone
- Cycling and road safety including planning cycle routes, planning sustainable transport and encouraging road safety
- Development approvals
- Economic development services for local businesses
- Environmental services including community nursery, education, grants, volunteer programs and Green Living Centre
- Graffiti management
- Hall and community facilities hire
- History and local studies services Library services
- Local emergency management
- Pet registration and micro-chipping
- Planning and construction of major capital projects such as community buildings and facilities
- Planning and development controls, zoning and heritage and conservation
- Planning, construction and maintenance of roads, footpaths and other infrastructure
- Provision and maintenance of parks, sports fields,
- playgrounds and dog off-leash areas
- Public access to information
- Recreation services including sports and aquatic facilities
- Regulatory services including inspections, investigations and permits for food safety, fire safety, building safety, parking regulations, pet regulations, noise pollution and footway licensing
- Removing unregistered and abandoned vehicles from local streets
- Services for older people including community transport, meals-on-wheels, home visits, social activities and volunteering
- Services for young people, including Ashfield Youth Theatre, Youth Council and events
- Social services such as community grants and affordable housing
- Stormwater management, and the monitoring and management of the Cooks River and local sub-catchments
- Traffic and parking management
- Tree management, including looking after Council trees and tree approvals
- Waste services including regular household bin services, booked clean ups, chemical and e-waste disposal, skip bin permits and illegal dumping

How is Inner West Council Managed?

Local government in Australia is based on the principle of representative democracy, requiring people to elect representatives to their local Council to make decisions on their behalf. In NSW, local government elections are held every four years.

Inner West Council held its first election on 9 September 2017 to serve a three year term to September 2020. Three Councillors were elected for each of the five Wards. The Councillors subsequently elected the Mayor and Deputy Mayor. The Mayor elected during September 2017 will serve a two year term. The Mayor to be elected during September 2019 will serve a one year term.

The Inner West Council is divided into five electoral districts called wards. At each election, voters elect three Councillors from each ward (a total of fifteen Councillors) for a fixed term (usually four years). All residents of the area who are eligible to vote may do so as well as property owners who live outside of the area but register their intention to vote on the non-residential roll. Voting is compulsory.

An Interim General Manager was appointed under s335 of the Local Government Act (the Act) whom is responsible for the efficient and effective management of the Council's organisation and for ensuring decisions of the Council are enacted in a timely manner. The Interim General Manager is responsible for the day-to-day management of the Council, the exercise of any functions delegated to them by the Council, the appointment of staff, the direction and dismissal of staff and the implementation of Council's Equal Employment Opportunity Plan and to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report.

Organisational Structure

The Interim General Manager is supported by an organisational structure that that is responsive to the needs of the Community which aims to deliver services cost effectively and efficiently.

The Organisational structure consists of three Deputy General Managers and 17 Group Managers each responsible for a service line as shown in **Figure 2**. Each of the Deputy General Managers has a specific service focus.

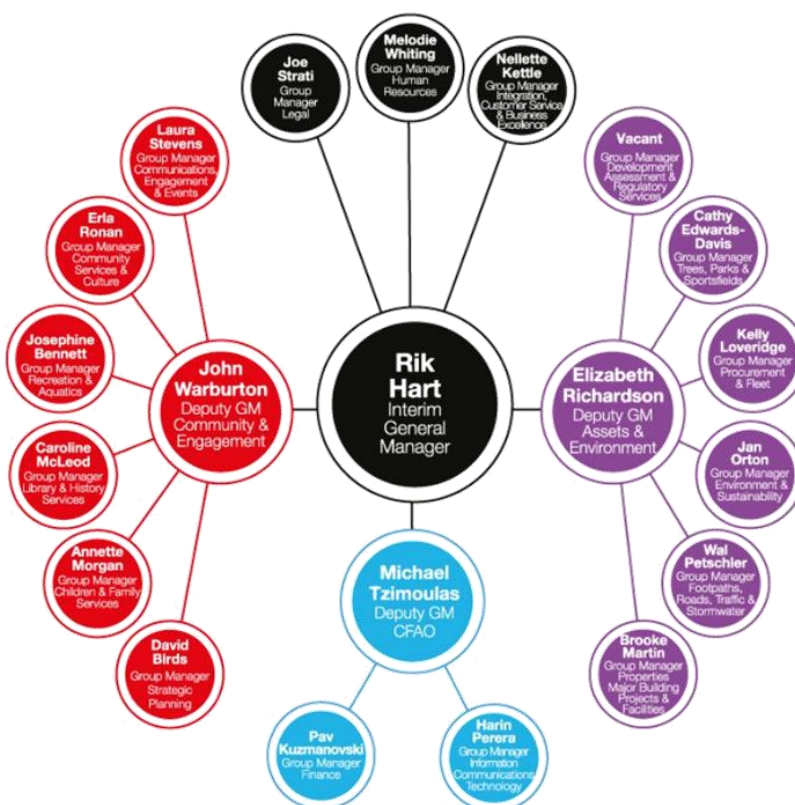


Figure 2: Organisational Structure

Local Government and the Community

As a service organisation, the majority of the activities of the Inner West Council have an impact on the community. The following is an outline of how the broad functions of Council can affect the community as prescribed by the Local Government Act 1993:

- *Service functions* affect the community as Council provides services and facilities to the community. These include provision of human services such as Meals on Wheels, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.
- *Regulatory functions* place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.
- *Ancillary functions* affect only some members of the community. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
- *Revenue functions* affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
- *Administrative functions* do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.
- *Enforcement functions* only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training, information and access to facilities.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, Seniors Week, Food Festivals, Art and Cultural Activities as well as promoting events of others.

What are Council's functions?

Function	Service
Service Functions	<ul style="list-style-type: none"> Provisions of community health, recreation, education & information services Environmental protection Waste removal & disposal Land & property industry & tourism development Civil Infrastructure, Maintenance & Construction
Regulatory Functions	<ul style="list-style-type: none"> Approvals Orders Building certificates
Revenue Functions	<ul style="list-style-type: none"> Rates Charges Fees Borrowings & investments
Administrative Functions	<ul style="list-style-type: none"> Employment of staff Management Plans Financial reporting Annual reports
Enforcement Functions	<ul style="list-style-type: none"> Proceedings for breaches of Local Government Act & Regulations and other Acts & Regulations Prosecution of offences Recovery of rates & charges

Table 3: Key functions of Council as detailed under the Local Government Act 1993

As well as the local Government Act 1993, Council has other powers under a number of other Acts including:

- Community Land Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Environmental Planning and Assessment Act 1979
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 1989
- Impounding Act 1993
- Library Act 1939
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Records Act 1998
- State Emergency Service Act 1989
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Swimming Pools Act 1992
- Public Health Act 1991
- Coastal Protection Act 1979
- Environmental Offences and Penalties Act 1989
- Government Information (Public Access) Act 2009
- Heritage Act 1977
- State Emergency and Rescue Management Act 1989
- Unclaimed Money Act 1995
- Unhealthy Building Land Act 1990

Planning for Our Future

The Local Government Act 1993 sets out the key Guiding Principles (**Appendix 1**) that Council must follow. These overarching Principles provide the framework for sustaining Councils into the future and to ensure that the Communities aspirations are addressed.

To achieve this Council has developed a suite of plans to implement the Integrated Planning and Reporting Framework (IP&R) under the Local Government Act. The IP&R aims to improve how a Council undertakes its long term community, financial and asset planning. It identifies funding priorities and service levels in consultation with the community.

The IP&R requires the development and maintenance of a hierarchy of documents as shown in **Figure 3** including a Community Strategic plan which identifies community aspirations, a Resourcing Strategy which identifies the resources that will be needed to implement the Community Strategic Plan, a Delivery Program that documents principle activities and an Operational Plan that outlines specific details for each of the four years of the Delivery Program.

Integrated planning and reporting framework

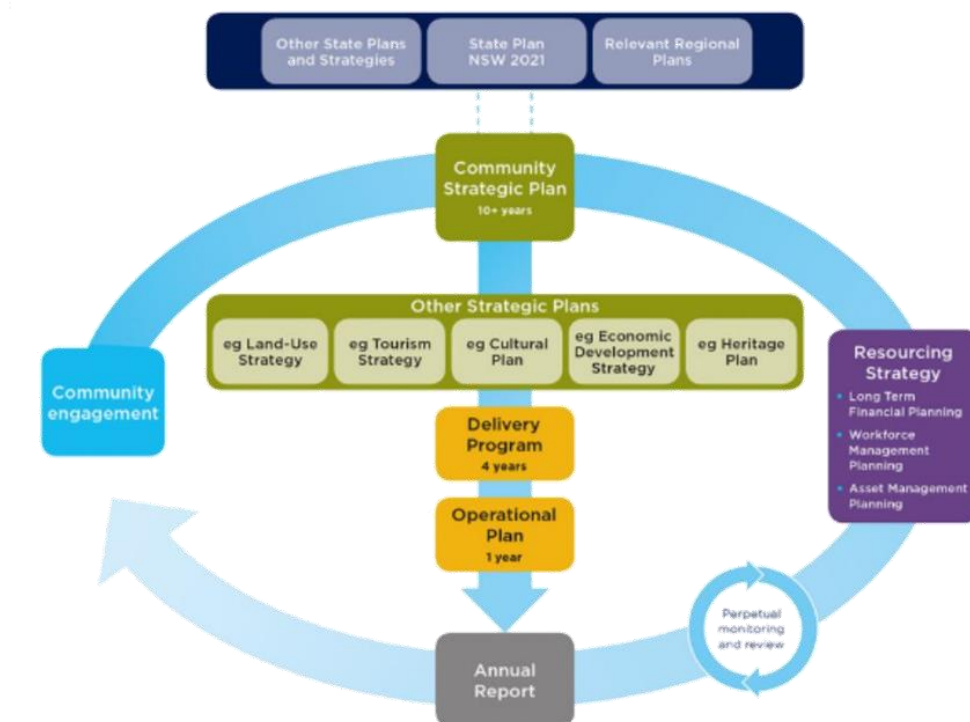


Figure 3: Integrated Planning and Reporting (IPR) framework

The Community Strategic Plan is a long-term plan over 10 years whilst the Delivery program is over a 4 years and the Operational Plan 1 year.

The Community Strategic Plan is a plan for the community rather than a plan of Council. Whilst Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the community, it is not wholly responsible for its implementation. Other partners such as State agencies and community groups also have a role in delivering the long-term objectives and goals of the plan.

The Delivery Program

The Delivery Program is a corporate plan that provides a statement of Council's specific commitments over four years in advancing the community's aspirations as detailed in the Community Strategic Plan. It outlines the principle activities Council will undertake during its elected term to help achieve the community's long-term goals. The Delivery Program establishes the overall operating framework for all Council principle activities and is the key planning document to guide and shape Council's policies and programs.

Council prepares a new Delivery Program for its elected term every four years. The Delivery Plan is reviewed each year, before preparing the Operational Plan, which details the individual projects and principle activities that will be undertaken in each of the four years in achieving the commitments of the Delivery Program.

Resourcing Strategy

The Resourcing Strategy details the resources that will be required to achieve the long-term objectives of the Community Strategic Plan. Table 4 shows the key the plans that make up the Resourcing Strategy:

Plan	Duration	Description
Long-Term Financial Plan	10 years	Designed to ensure that Council remains financially viable and sustainable. It includes scenarios based on a 'business as usual' approach that maintains current service levels, as well as alternative scenarios around service delivery rationalising Council's property holdings and delivering targeted specific service improvements and increased levels of investment in infrastructure maintenance and renewal
ICT Plan	4 years	Maps out the technology requirements for Council and the community
Public Participation in the Formulation of Council Policies	Public Participation in the Formulation of Council Policies	Public Participation in the Formulation of Council Policies

Table 4: The Resourcing Strategy at a Glance

Statement of Vision and Priorities

The Department of Premier and Cabinet required all newly merged councils to prepare a Statement of Vision and Priorities to "provide high level guidance for the early period of the new council, until the adoption of the first community strategic plan".

The priorities were identified following a three-month period of community engagement and an eight-week period of community review. Over 1,700 people participated in the development of the Statement of Vision and Priorities including via a telephone Community Satisfaction Survey undertaken by Micromex Research.

The priorities are:

- Priority 1 - Planning and Development
- Priority 2 - Transport
- Priority 3 - Social vitality, creativity and quality of life
- Priority 4 - Sustainability and the environment
- Priority 5 - One council
- Priority 6 - Local industry and business
- Priority 7 - Advocacy
- Priority 8 - Local democracy

Public Participation in the Formulation of Council Policies and/or the Exercise of Council's Functions

Inner West Council is committed to local democracy and community engagement. There are a number of ways for the community to participate in the formulation of Council's policies and/or the exercise of Council's functions. These include:

- Participation at Council Meetings
- Strategic Reference Groups
- Council's "Your Say Inner West" website

Open Council Meetings

Members of the public are encouraged to participate in Council Meetings and provide input for issues considered by Council. Members of the public are invited to address Council on any matters that appear on the agenda for the meeting of interest. The schedule for Council Meetings can be obtained from Council's website or by contacting our Customer Service team on 9392 5000 or council@innerwest.nsw.gov.au.

Business Papers for these meetings are available from Council's Customer Service counters, library branches and website at least a few days prior to each meeting.

Members of the public may address Council on any issue of the meeting agenda. A 3 minute time limit applies and there is no limit on the number of people who may address Council. Members of the public can attend the meeting and address Council when the relevant item is being discussed.

Strategic Reference Groups

Council has established a number of interim Strategic Reference Groups to ensure the community has a say in decisions affecting the local area.

Council has appointed representatives from the community to be members on these Strategic Reference Groups across key strategic areas including youth, economic development, the environment, access and inclusion, planning and heritage, housing and affordability, and transport.

The Strategic Reference Groups will provide feedback, guidance and recommendations to Council on specific issues, including strategic planning and policy and contribute local knowledge regarding community impacts, emerging trends, opportunities and service gaps.

Further information on each Strategic Reference Group can be found on Council's website.

Council's "Your Say Inner West" Website

"Your Say Inner West" is an engagement hub for people to get involved in important projects that shape the future of the Inner West. Council will listen to what you say, take your opinions into account and report back to you on how community input contributes to decisions.

Community feedback is important in shaping Council policy. There are a number of ways feedback can be made:

- Public exhibitions – public exhibitions are a key avenue for members of the community to participate in local government. Members of the community can leave feedback on proposed policies and projects. These public exhibitions also represent a way for the Council to consult with members of the community.
- In developing new policies, Council will identify key stakeholders of the policy and in turn, consult with them. Key stakeholders include members of the public likely to be affected by a policy.
- In the same way, Council regularly consults with members of the public on issues that impact on the community including changes in traffic control plans, planning matters and other community issues.

Access to Council Information

In accordance with the requirements of the *State Records Act 1998*, Inner West Council keeps records associated with its activities. Some of the types of records held by Council include policies, letters, emails, maps & diagrams, confidential employee files, contracts & agreements, photographs, tenders / specifications, news & media releases, agendas & minutes of meetings, confidential ratepayer and customer information, submissions, briefings, legal documents, plans & strategies, reports, registers etc.

What Council Information is available?

Council holds a number of recordsⁱ in respect of the wide range of functions undertaken by it, and pertinent to the Local Government Area (LGA).

Pursuant to Schedule 1 of the *Government Information (Public Access) Regulation 2009*, the following records are prescribed as *open access information* and are freely available on Council's website and/or through Council Customer Service Centres:

1. Information about Council
2. Plans and Policies
3. Information about Development and Planning
4. Approvals, Orders and Other Documents
5. Enforcement Functions
6. Regulatory Services

1. Information about Council

Councillors and Council Meetings

- Council's Code of Meeting practice
- Agendas and business papers for Council and Committee meetings (excluding those papers for matters considered in a part of the meeting closed to the public)
- Minutes of Council and Committee meetings (excluding those parts of the meeting closed to the public)
- Councillor Expenses and Facilities Policy
- Returns of the interests of Councillors, designated persons and delegates

Council Administration

- Annual Report
- Annual financial reports
- Auditor's report
- Council adopted Code of Conduct
- Council's annual reports
- Council plan and annual plan
- Community strategic plan
- Customer requests for service and complaints
- Service Standards
- Committee Terms of Reference, Reports, Agendas and Minutes
- Community Directories
- EEO management plan
- Financial Management Records
- Model Code of Conduct prescribed under s440(1) of the LGA
- Register of graffiti removal work (in accordance with s13 of the Graffiti Control Act 2008).
- Annual reports of bodies exercising delegated Council functions

- Register of Councillor voting on planning matters (in accordance with s375A of the Local Government Act)
- Rates Management Information
- Statement of Business Ethics

2. Plans and Policies

- Aged care services and administration Corporate Plans, Strategies and Reports
- Children and Family Services Administrative records
- Environmental planning instruments, development control plans and contributions plans made under EPA applying to land within Council's area
- Community Development Plans and Strategies
- Civil infrastructure planning, maintenance and construction records
- Grants administration
- Local Policies adopted by Council concerning approvals and orders
- Leases and Licences of Community Land
- Plans of Management for Community Land
- Environmental program management records
- Library management records
- Waste management and recycling records
- Sister City records
- Surveys and Community Consultation

3. Information about Development and Planning

- Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and associated documents as specified in Schedule 1 of the GIPA Regulation 2009
- Records of decisions on Development Applications including decisions of appeals
- Records describing *general nature* of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Compulsory Acquisition Notices
- Leases and Licences for use of Public Land classified as Community Land. Orders given under Part 2 of Chapter 2 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals

5. Enforcement Functions

- Building Certification
- Companion animals records and management
- Fines administration
- Food Safety records
- Fire Safety records
- Health and Building matters
- Orders and Notices of Proposed Orders
- Public Health Records

6. Regulatory Services

- Building Certificate records
- Contribution Plans
- Construction Certificates
- Development Control Plans
- Development Application files
- Land Planning Instruments
- Local Environmental Plans
- Town Planning Files

Council Registers

Council also has a range of registers available for inspection by the public or available on the Councils website. The Registers cover a range of information including:

- a register of the contracts Council has entered into (Classes 1, 2 and 3) that have a value of in excess of \$150,000
- a register listing Council's land
- a register containing (for each planning decision made at a Council or Committee meeting) the names of the Administrator/ Councillors who supported the decision and those that opposed the decision
- a summary of the legal proceedings that Council is engaged in
- a summary of resolutions made by Council
- Investments Register
- Disclosures of Interest by Designated Persons (including Councillors)
- Related Party Disclosures
- Register of Delegations
- Policy Register

Access to Council's Registers is available via Council's website or by contacting Council's Customer Service Centre on (02) 9392 5000 or via email on council@innerwest.nsw.gov.au.

Note: Copyright and privacy laws may still apply to documents. Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. The copyright-owner's consent is required if any part of the document is used for any other purpose.

How can Council Information be Accessed?

The Government Information (Public Access) Act 2009 (GIPA Act) applies to all NSW Government Agencies, including local Councils, and give members of the public the right to access government information. The GIPA Act requires Council to make some information widely available, known as Open Access Information.

Open Access

Open access information is to be made publicly available free of charge on a website maintained by the Council (unless to do so would impose unreasonable additional costs to Council) and can be made publicly available in any other way that Council considers appropriate, that is free of charge to the community unless there are over-riding public interests not to do so.

Appendix 2 shows the types of Open Access Information made available by Council.

Authorised Proactive Release

The GIPA Act encourages Council to go beyond the minimum mandatory disclosure requirement, unless there is an overriding public interest against disclosure. This is a discretionary power to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost. Council reviews annually its proactive release program by identifying the kinds of information it holds that should be released in the public interest.

Appendix 3 shows the types of Proactive Release Information made available by Council.

Informal Access

Council holds a large range of other documents and records to assist in carrying out its functions. Unless defined as mandatory or proactive release by legislation or Council policy, access to these documents may be requested through an Informal Access Application under the GIPA Act. Many of the types of documents commonly released through Informal Access Application are listed in **Appendices 2 and 3**. Council's Information Access Policy has been implemented to enable the public to readily gain access to a wide variety of Council information. Access to information via an Informal Access Application is free of charge, although a fee may be charged for photocopying. Council may release any information informally unless there is an overriding public interest that would prevent this.

Some relevant considerations regarding informal release of information include:

- Is it in the public interest to release the information to the person or organisation requesting it?
- If an individual requests the information, is it his or her personal information?
- Can any sensitive information, such as information about a third party, be easily deleted, allowing the rest to be released?
- Could a summary of the information be easily and quickly prepared if it is not possible to release all of the information?
- Is the information relatively simple to search for and obtain?

If the answer to these questions is 'yes', and there is no overriding public interest against disclosure, then Council may consider releasing the information in the most appropriate format without requiring a Formal Access Application.

Formal Access Application

Information which is not made available as a matter of course or defined mandatory or proactive release by legislation or Council policy may be applied for under the GIPA Act through a Formal Access Application. If you require advice or have questions regarding Formal Access Applications please contact Council's Customer Service Centre to speak to a Customer Service Officer or an Access Information Officer.

Council retains the discretion to require a Formal Access Application to be lodged in appropriate circumstances. Some examples may include instances where:

- Searching for and retrieving the information sought would require a significant diversion of resources
- The material contains information about a third party that cannot be deleted easily or without rendering the information useless, and consultation would need to occur
- The material is sensitive in nature and requires careful balancing of public interests

A request for information deemed to require a Formal Access Application under the GIPA Act requires a completed written application and a payment of a \$30 application fee. The Formal Access Application is available on Council's website or available at Council's Customer Service Centres. A further \$30 per hour processing fee may apply in some instances. Council may waive, reduce, or refund fees on application or in any case that Council considers appropriate (under s.127 of the GIPA Act). Standard turnaround time for a Formal Access Application is 20 business days, with a provision for extensions in certain circumstances.

Restrictions in Accessing Council Information

Council will endeavour to release as much information as possible; however access to some information may be subject to a Formal application under the GIPA Act. While every request will be treated on its merits, Council may not release information where there is an overriding public interest against release or pursuant to other considerations.

Access to Information and the Public Interest

In deciding whether to release information the Public Officer must decide whether it is in the public's interest to disclose the information. Under the GIPA Act, there is an underlying principle to encourage greater accessibility to government information for members of the public and a general public interest in favour of disclosure.

In this way, there are overriding public interest factors both in favour of disclosure and against disclosure. Access will be refused if the public interest against disclosure outweighs the public interest in favour of disclosure (the '**public interest test**'). Council can take into account the personal factors of the applicant in applying the public interest test.

A refusal to grant access is subject to the public interest test against disclosure which includes the following considerations under section 14 of the GIPA Act:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice (this includes any legal advice or communications between staff in relation to legal matters);
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation

Consultation and Public Interest

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information;
- Business interests;
- Research that has been carried out or;
- The affairs of another State or the Commonwealth government.

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

Access to Information and Personal Information

Protecting Personal Information

Before releasing information to the public, if it includes personal information of a member of the public:

- Council must firstly have regard to the possibility that the individual may have objections about the release of this information.
- In turn there must be consultation with the individual, with any concerns about the release of the information to be taken into account.

Should a decision that the information will be released despite the individual's objections, Council must advise the individual of the right to have this decision reviewed and not release the information until all avenues of review have been exercised (s. 54).

For more information on the Information Privacy Principles and personal information, please see Council's Privacy Management Plan available on Council's website.

Access to Information and Business Interests

Prior to any information being released which includes information about a business or impacts on the interests of a business, Council must first consult with that business. Access to this information will only be allowed if it satisfies the public interest test (s. 54).

Public Officer – Right to Information Officer

Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people to gain access to public information of Council. The Public Officer is also Council's Right to Information Officer and as such, is responsible for determining applications for access to information or for the amendments of information. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Public Officer.

If you would like to amend information held by Council which you feel is incorrect, it is necessary for you to make a written application to the Public Officer in the first instance. Enquiries should be addressed as follows:

Public Officer
Inner West Council
PO Box 14,
PETERSHAM NSW 2049
Email: council@innerwest.nsw.gov.au

or delivered in person to one of Council's Service Centres as follows:

Ashfield Service Centre, 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre, 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre, 2-14 Fisher Street, Petersham NSW 2049

Determining a Valid Application

Before a Formal Access Application is considered it must meet certain criteria, that is, to make it a valid application. This is set out in **Appendix 4**.

Rights of Review

There are rights to review a decision made by the Public Officer. A full list of reviewable decisions is set out in s80 of the GIPA Act.

Internal Review

If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a \$40 fee. Internal review involves a senior person in the agency reviewing the decision to reject the access to information application.

Role of the Information Commissioner

The Information Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken. However, for other persons seeking review, an internal review must first be undertaken. The Information Commissioner also deals with complaints under the GIPA Act.

External Review (Civil and Administrative Tribunal)

Applicants also have formal avenues via the New South Wales Civil and Administrative Tribunal to review the decision to refuse access. This application must be made within 8 weeks of the original decision or 4 weeks after a review undertaken by the Information Commissioner.

For further information in relation to the GIPA Act and privacy information:

Information and Privacy Commission NSW
Level 17
201 Elizabeth Street
Sydney NSW 2000

Ph. 1800 472 679

The IPC website contains information and a number of resources of benefit to Government and Public <http://www.ipc.nsw.gov.au/>

APPENDIX 1

Council's Guiding Principles

Under Section 8A of the Local Government Act, Council has the following guiding principles:

- (1) Exercise of functions generally - The following general principles apply to the exercise of functions by councils:
 - (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
 - (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
 - (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
 - (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
 - (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
 - (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
 - (g) Councils should work with others to secure appropriate services for local community needs.
 - (h) Councils should act fairly, ethically and without bias in the interests of the local community.
 - (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.
- (2) Decision-making - The following principles apply to decision-making by councils (subject to any other applicable law):
 - (a) Councils should recognise diverse local community needs and interests.
 - (b) Councils should consider social justice principles.
 - (c) Councils should consider the long term and cumulative effects of actions on future generations.
 - (d) Councils should consider the principles of ecologically sustainable development.
 - (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- (3) Community participation - Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures

APPENDIX 2

Open Access Information - Information that is made available through Council's website:

Document Type	Method of Access	Definition
General Information		
Council Policies	http://www.innerwest.nsw.gov.au/council/plans-policies-publications/policies	Documents used in connection with the exercise of Councils functions that affect the public. Many of Council's policies are available from Council's website. Policy documents not available on Council's website can be accessed by informal application
Agency Information Guide	This document.	The structure and functions of Council. The type of information held by Council and how to access it.
Disclosure Log of Formal Access Applications made under the GIPA Act	http://www.ashfield.nsw.gov.au/page/access_to_information.html http://www.marrickville.nsw.gov.au/en/council/about-council/access-to-information/	Details about the type of information formally requested from Council
Register of Government Contracts	IWC - TBA http://www.innerwest.nsw.gov.au/council/plans-policies-publications/registers/contracts	Register of contracts awarded by Council valued at \$150,000 or more

Information About Council		
Document Type	Method of Access	Definition
Model Code of Conduct prescribed under section 440(1) of the Local Government Act 1993	https://www.innerwest.nsw.gov.au/council/policies-and-publications/policies	The conduct of Council officials
Code of Meeting Practice	https://www.innerwest.nsw.gov.au/council/meetings/council-meetings	Procedures for all Council and Committee Meetings
Auditor's Report	http://www.ashfield.nsw.gov.au/page/corporate_plans_and_reports.html http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/ http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Reports/Reports https://www.innerwest.nsw.gov.au/council/planning-for-our-future	The Auditors Report is included in the Annual Financial Report
Delivery Program	http://www.ashfield.nsw.gov.au/page/corporate_plans_and_reports.html http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Planning-	Translates the strategic direction of Council into operational planning

Information About Council		
Document Type	Method of Access	Definition
	and-Resourcing-Our-Future/Budget---Delivery-Program-and-Operational-Plan/Delivery-Program-and-Operational-Plan http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/main-plans/ http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future	
EEO Management Plan	http://www.ashfield.nsw.gov.au/page/policies-and-corporate-plans.html http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-policies/	The Equal Opportunity Plan shows the Council's commitment to EEO
Councillor Expenses and Facilities Policy	http://www.innerwest.nsw.gov.au/council/plans--policies-publications/policies	Policy for expenses incurred by and provision of facilities to Mayor and Councillors
Returns of interests of Councillors and Designated Persons	Informal Access Application: <i>Section 449 Returns: Disclosure by Councillors and Designated Persons</i> Contact: council@innerwest.nsw.gov.au	Council's register of declarations of pecuniary interest. The Register is available for inspection at Council's Petersham office during ordinary business hours. For details regarding this information a request should be made using the Informal Access Application Form
Agenda, Business Papers, and minutes for any meeting of Council or Committee of Council	http://www.innerwest.nsw.gov.au/council/meetings	Agenda , papers, resolutions and recommendations for Council Meetings and Committees
Land Register	Informal Access Application: <i>Land Register</i> Contact: council@innerwest.nsw.gov.au	Register of all lands vested in Council or under its control. For details regarding this information please use the Informal Access Application
Register of Investments	Investment Report Contact: council@innerwest.nsw.gov.au	Register of investments and cash at bank. Council's investments are reported to Council meetings
Register of Delegations	Informal Access Application <i>Delegations</i> Contact: council@innerwest.nsw.gov.au	A register of the functions delegated to the Administrator, General Manager and to Council staff. For details regarding this information please use the Informal Access Application.
Register of Graffiti removal works	Informal Access Application: <i>Register of Graffiti Removal Works</i> Contact: council@innerwest.nsw.gov.au	Council manages graffiti through a Graffiti management plan and other mitigation initiatives
Register of current Declarations of Disclosure of Political Donations	http://www.innerwest.nsw.gov.au/council/plans--policies---publications/register/political-donations Electoral Commission NSW http://www.elections.nsw.gov.au/fd	Information regarding disclosures of political donations lodged by candidates, groups, members of parliament, local

Information About Council		
Document Type	Method of Access	Definition
		government Councillors, political parties and political donors can be found on the Electoral Commission of NSW website
Register of voting on Planning Matters	http://www.innerwest.nsw.gov.au/council/plans--policies---publications/registers/planning-decisions	Council keeps a register of voting on planning matters

Plans and Policies		
Document Type	Method of Access	Definition
Local policies adopted by Council	Council policy: http://www.innerwest.nsw.gov.au/council/plans-policies-publications/policies	Council publishes most of its policy documents on its website. Other policy not on the website can be accessed by making an Informal Access Application
Plans of Management for community land	Plans of Management: http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-plans/ http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications/Plans-of-Management/Plans-of-Management Through Informal Access Application. Contact: council@innerwest.nsw.gov.au	Access will be provided to the Plans in their entirety upon request by making an Informal Access Application
Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment Act 1979	Local Environment Plan: http://www.ashfield.nsw.gov.au/page/ashfields_local_environment_plan_and_urban_planning_strategy.html http://www.marrickville.nsw.gov.au/en/development/planning-controls/background-to-lepdc-review/ http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls--DCPs--LEPs--VPAs-/LEPs/LEPs	The starting point for all zoning, land use and development enquiries is the Local Environment Plan

Information about Development Applications		
Document Type	Method of Access	Definition
Register of Development Applications Lodged and Determined	Register of Development Applications Lodged and Determined http://www.ashfield.nsw.gov.au/page/development_applications.html http://www.marrickville.nsw.gov.au/en/development/development/da-on-exhibition/ http://www.eservices.lmc.nsw.gov.au/ApplicationTracking/Pages/XC.Track/SearchApplication.aspx	Register of Development Applications Lodged and Determined
Development Applications	Application made through Informal Access	The majority of Development

Information about Development Applications		
Document Type	Method of Access	Definition
and associated documents including, but not limited to, Application Form, Determination and Conditions, Officer's Delegated Authority Report, Statement of Environmental Effects, Plans, Construction and Occupation Certificates, Acoustic Reports, Dilapidation Reports, Heritage Reports etc	Application Contact: council@innerwest.nsw.gov.au	Applications are available on Council's websites
Submissions received on Development Applications	Application made through Informal Access Application	Council considers, on balance, the public interest in protecting the personal information of submitters overrides the public interest in web-publication of submissions. Council may make submissions available via Informal Access.
Record of Information about Development Applications not made Publically Available	Application made through Informal Access Application	

Approvals, Orders and other documents		
Document Type	Method of Access	Definition
Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993	Register of Development Applications Lodged and Determined Application made through Informal Access Application	Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993 and any associated documents received in relation to such an application
Applications for approvals under any other Act and any associated documents received in relation to such an application	Application made through Informal Access Application	Information regarding specific approvals other than development applications may be accessed by making an Informal Access Application
Records of approvals granted or refused, any variation from local policies with reasons for the variation and decisions made on appeals concerning approvals	Application made through Informal Access Application	Information regarding specific approvals other than development applications may be accessed by making an Informal Access Application
Orders given under the Local Government Act 1993	Register of Orders Application made through Informal Access Application	Orders issues and complied with under Part 2 of Chapter 7 of the Local Government Act 1993
Orders given under the authority of any other Act	Application made through Informal Access Application	Council will consider orders by making an Informal Access Application
Records of Building Certificates	Building Certificate Register Application made through Informal Access Application	Records of Building Certificates issued under the Environmental Planning & Assessment Act 1979.

Approvals, Orders and other documents		
Document Type	Method of Access	Definition
		Copies of Building Certificates available for fee
Plans of land proposed to be compulsorily acquired by the local authority; Compulsory acquisition notices	Application made through Informal Access Application	Council does not regularly compulsorily acquire land. In instances where this authority is exercised by Council, the plans and notices will be published on Council's website. For details regarding this: use Informal Access Application.
Leases and licences for use of public land classified as community land	Application made through Informal Access Application: <i>Register of Leases and Licences of Community Land</i>	Leases and licences for use of public land classified as community land. For details regarding this information or copies of specific leases and licences please make an Informal Access Application.
Your own personal information	Informal Access Application form + certified copy of photo identification	Council will facilitate access to your own personal information in accordance with the requirements of relevant privacy laws. To access your own information, please complete an Informal Access Application form and provide a <i>certified copy of photo ID</i> .

APPENDIX 3

Authorised Proactive Release

Document	Method of Access	Definition
Council Administration and Governance		
Approved Council Strategies and Plans	<p>Council policy and plans</p> <p>http://www.ashfield.nsw.gov.au/page/policies_and_corporate_plans.html</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-policies/</p> <p>http://www.leichhardt.nsw.gov.au/About-Council/Plans-Policies-Publications</p> <p>http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future</p>	Documents used in connection with the exercise of Council's functions that affect the public. Previous versions not available on the web may be accessed by Informal Access Application.
Fees and Charges	<p>Fees and Charges:</p> <p>http://www.innerwest.nsw.gov.au/council/plans--policies---publications/planning-for-our-future</p>	Council's pricing policy, fees, and charges for the current financial year.
Council News Updates	<p>http://www.innerwest.nsw.gov.au/news-and-events</p> <p>https://www.innerwest.nsw.gov.au/news---hot-topics/news/enewsletters</p>	Council provides a range of online tools to provide up-to-date Council news, activities, and events, including the weekly Council Column, Newsletters, and Media Releases.
Government Submissions	<p>http://www.ashfield.nsw.gov.au/</p> <p>http://www.marrickville.nsw.gov.au/</p> <p>http://www.leichhardt.nsw.gov.au/</p> <p>http://www.innerwest.nsw.gov.au/</p>	Submissions made to Government by Council may be published on Council's website.
Research Studies	<p>http://www.ashfield.nsw.gov.au/</p> <p>http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/council-plans/</p> <p>http://www.leichhardt.nsw.gov.au/</p> <p>http://www.innerwest.nsw.gov.au/</p>	Council occasionally undertakes or commissions research studies. These will generally be made available on Council's website.
Standing and Special Committee Terms of Reference	http://www.innerwest.nsw.gov.au/council/meetings	Council's Reference Guide to Committees provides an overview of the structure, responsibilities, membership;
State of Environment Report	<p>State of the Environment Report:</p> <p>http://www.ashfield.nsw.gov.au/page/state_of_the_environment.html</p>	Report of environmental indicators and activities undertaken by Council to protect

Document	Method of Access	Definition
Council Administration and Governance		
	http://www.leichhardt.nsw.gov.au/Environment--Sustainability/State-of-the-Environment Request can also be made by making an Informal Access Application	and enhance the local environment.
Council Events Information	Council Events Information: http://www.innerwest.nsw.gov.au/news-and-events	Information on events for the Inner West Council
Hot Topics	Council news and hot topics: https://www.innerwest.nsw.gov.au/news-hot-topics/hot-topics	Information about the important projects / initiatives that shape the future of the Inner West.

Document Type	Method of Access	Definition
Regulatory		
All Development Application plans	Accessed by making an Informal Access Application	Council will proactively release most development application plans on Informal request. Copies may be subject to copyright provisions and incur a fee
Development Application files and associated documents; see previous section "Information about Development Applications".	Accessed by making an Informal Access Application	Council will proactively release most development application file documents.

Document Type	Method of Access	Definition
Other Information		
Community information directories, publications, and services	Community Information http://www.ashfield.nsw.gov.au/page/arts_culture_participation.html http://www.leichhardt.nsw.gov.au/Community http://www.marrickville.nsw.gov.au/en/community/ http://www.innerwest.nsw.gov.au/community	Council publishes a wide range of community information on the website including directories, news, and information publications.
Major Projects updates	Major Projects https://www.innerwest.nsw.gov.au/development-works/major-council-projects	Council regularly updates the status and progress of its Major Projects. Reports are also periodically presented to Council Meetings and can be accessed online in Council's Business Papers.

APPENDIX 4

Valid Application Criteria

For an access application to be valid, the following must be included as outlined by s41 of the GIPA Act:

- The request for access must be in writing and sent to or lodged at the Council;
- It must expressly state that the application is made under the GIPA Act;
- Include the prescribed fee of \$30;
- Include an Australian postal address for correspondence.
- Importantly the request must include information to assist the Public Officer in identifying the government information applied to have access to.

Actioning a Valid Application

- Once it is determined that a valid application has been received:
- The Public Officer must acknowledge via a letter to the applicant, within 5 days, the receipt of the valid application;
- The letter is to state the date by which the application is to be decided;
- That the application is refused if it is not decided by this date;
- State that if the application is such that it is of the nature to be included in the disclosure log and that the applicant may object to this;
- Also include details about the rights to review.
- A decision regarding the application must be made and the applicant notified within the 20 days decision period.
- If the Public Officer decides that the information should also be released to the wider public, a record of the access application will be made on the **Disclosure Log**.

Note: The Disclosure Log is a record of formal access applications made to Council which will include the following details: the date the application was decided, a description of the information to which access was provided in response to the application, a statement as to whether any of the information is now available from the agency to other members of the public and if it is made available, how it can be accessed. (GIPA s26)

Granting Access

Access to Council information can be provided in the following ways in accordance with s76 of the GIPA Act:

- Opportunity to inspect the document, record etc
- Providing a copy of the record or information
- Providing access to a record with facilities to read, view or listen
- Providing a written transcript if applicable

If access is granted, a \$30 per hour processing fee may apply. This is to cover the time needed to process the application. However, if the information sought by the applicant is personal information, then the first 20 hours of processing is free.

Formal access is not to be provided in these ways if:

- It will interfere with Council operations,
- It will impact on the preservation of the record
- It will involve infringing copyright; and/or
- The way access is requested gives rise to an overriding public interest against disclosure.

The applicant must be notified of the decision to refuse access. Such notification must include reasons for the decision. Access will be refused if the public interest against disclosure outweighs the public interest in favour of disclosure

ⁱ The *Government Information (Public Access) Act 2009* (GIPA Act) provides for the public to have a right of access to Government (Council) information. Government information under section 41(1) of the Act 'means information contained in a record held by any agency'.

A council record, for the purposes of the Act, is information:

- To which Council has an immediate right to access
- That is in the possession or under the control of a person in that person's capacity as an officer of Council
- Created by an officer of the Council in the normal course of that person's duties for the purposes of Council, or for the purposes of the person as an officer of Council.

Records are defined in Schedule 4 of the Act as '...any document or other source of information compiled, recorded, or stored in written form or by electronic process, or in any other manner or by other means.'

Public Access to Information held by Council Policy

DOCUMENT PROFILE

Title	Public Access to Information held by Council Policy
Summary	This policy outlines Council's commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.
Background	This policy complies with the requirements of the <i>Government Information (Public Access) Act 2009</i> .
Policy Type	Council
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive Local Leadership
Relevant Council References	<ul style="list-style-type: none"> • Council's Code of Meeting Practice • Council's Agency Information Guide • Council's Inclusion Action Plan for People with a Disability 2017- 2021 • Code of Conduct • Schedule of Fees and Charges
Main Legislative Or Regulatory References	<ul style="list-style-type: none"> • Government Information (Public Access) Act 2009 (GIPA Act) • Government Information (Public Access) Regulation 2009
Applicable Delegation Of Authority	Delegation 2.1 Access to Information: to exercise any function under the <i>Government Information (Public Access) Act 2009</i> and / or the <i>Privacy and Personal Information Protection Act</i>
Other External References	<ul style="list-style-type: none"> • Local Government Act, 1993 • Local Government Regulations 2005 • Privacy and Personal Information Protection Act 1998 • Health Records and Information Privacy Act 2002 • Copyright Act 1968 • Environmental Planning and Assessment Act, 1979 • Ombudsman Act 1974 • Independent Commission Against Corruption Act, 1988 • Roads Act 1993 • State Records Act 1998 • Companion Animals Act 1998
Attachments	Nil
Record Notes	Externally available document

Document:	Council Policy
Custodian:	Business Information Services Unit
Approved By:	Group Manager Information and Communications Technology
Adopted By:	Council - TBA
Adopted Date and Minute #:	TBA
Version #	2.0
TRIM Ref #	P 44182.18
Publish Location	Internet
Next Review Date	June 2019

1. PURPOSE

This policy outlines Council's commitment to promoting openness and transparency through the release of information held by Council to the public, in accordance with relevant legislative requirements.

2. OBJECTIVES

Council will:

- facilitate access to Council information for persons with disabilities in accordance with the objectives of Council's *Inclusion Action Plan for People with a Disability 2017- 2021*;
- inform the community about their right to information and will ensure the process of applying for access is readily understood by the community;
- respect the privacy of individuals when making determinations about releasing information; and
- proactively release information of interest to the public;
- make information readily accessible to the community and will respond to applications for information within the timeframes indicated;
- apply fair and reasonable charges for access to information;
- consider the overriding public interest test when responding to public access to information requests; and
- promote staff awareness of Council's information access responsibilities.

3. SCOPE

This Policy applies to requests received from the public to access information held by Council. All staff employed by Council have obligations under the GIPA Act. Delegated staff have additional responsibilities under the GIPA Act (*refer to Section 7 – Responsibilities*).

4. DEFINITIONS

GIPA Act:	<i>Government Information (Public Access) Act 2009</i>
Government Information:	Government Information is defined in Section 4 of the <i>GIPA Act</i> as meaning "information contained in a record held by an agency".
Record	A record is defined in Schedule 4 of the <i>GIPA Act</i> as "...any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means".

5. POLICY STATEMENT

Council is committed to promoting openness and transparency in the conduct of Council's public functions, decision making, initiatives, operations and plans. Council acknowledges that the information held by Council provides a high level of interest within the community and to individuals on a personal level.

Council is committed to a presumption in favour of the disclosure of information unless there is an overriding public interest against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

Council is committed to complying with relevant regulatory requirements such as the *Government Information (Public Access) Act 2009 (GIPA Act)* and the *Privacy and Personal Information Protection Act 1998* when releasing Council held information, either proactively or in response to requests for information. If withholding information (in full, or in part), Council will document the reasons for withholding the requested information.

6. POLICY

Right to Access Information

A person may access Council's information in accordance with the *GIPA Act*, the *Agency Information Guide* and other relevant legislation. Councillors have the same right of access as any other person under this Policy, as well as additional rights in relation to information which is necessary for Councillors to access to carry out their civic duties.

Council exercises its discretion when determining the format in which requested information is released and when determining whether an informal or a formal access application is required when requesting information from Council.

Information held by Council

In accordance with the requirements of s20 of the *GIPA Act*, Council's *Agency Information Guide* provides the public with an understanding of the type of information held by Council and how this information can be accessed. The policy is to be read in conjunction with Council's *Agency Information Guide*.

How can Council Information be Accessed?

Under the *GIPA Act*, information can be accessed in the following ways:

1. **Mandatory proactive release / open access information** – Council must publish certain information on its website free of charge or make it available in another way free of charge. This is known as open access information. A list of open access information is provided in Council's *Agency Information Guide*.
2. **Authorised proactive release** – Council may choose to make information (in addition to mandatory release) available on its website or by other means free of charge. For example: frequently requested information or information of public interest.
3. **Informal release** – if Council information is not publicly available (such as on the website) but can be quickly and easily collated and does not include other's personal or business information, it will generally be released informally upon request. There may be a cost associated with informal release as provided in Council's *Fees and Charges*.
4. Release subject to a **formal access application** – in limited circumstances a formal application will need to be made to access information held by Council, usually where the information contains the personal or business affairs of third parties. Council is not required to release information where the public interest against release outweighs the public interest for release.

Informal Access Applications

Council may release information in response to an informal access application when the information sought:

- is information that is classified as mandatory or authorised proactive release;
- is information for which there is conclusive presumption of overriding public interest in favour of disclosure;
- does not affect the personal or business affairs of a third party; or
- does not require a significant amount of Council resources to process.

Council is committed to releasing to the public as much information as possible informally. There is no charge for making an informal access application. However, in accordance with Clause 4 of the *Government Information (Public Access) Regulation*, Council may charge a fee for the reasonable cost of copying the requested information. Fees are listed in Council's *Pricing Policy and Fees and Charges*. Council's service standard for processing informal access requests is up to 20 business days.

Formal Access Applications

Council retains the discretion to require a formal access application in certain circumstances such as where requests are for sensitive information, for ambiguous requests, requests requiring Council to consult with third parties over their personal or business affairs, or for requests that require a significant diversion of Council resources.

Formal access applications are acknowledged and determined within the statutory periods prescribed by Section 57 of the *GIPA Act*. Formal access applications will be assessed in accordance with the public interest test (Division 2 of the *GIPA Act*). Where there are public interest considerations, Council carries out consultation with relevant third parties before making a determination, in accordance with Section 54 of the *GIPA Act*.

Processing charges, as prescribed in Division 5 of the *GIPA Act*, apply to formal public access applications. Initial and additional processing charges are applied in accordance with Section 64 of the *GIPA Act*. Applicants will be advised of the charges likely to be applied to their application at the time Council acknowledges receipt of the application.

Council will provide access to information in a form that complies with Sections 72 and 73 of the *GIPA Act*. Where it is determined that access to information is not to be given, details will be provided in writing (including reasons) to the person requesting the information.

Public Interest Test

Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the *GIPA Act* lists the conclusive considerations against disclosure. In addition, Section 14 of the *GIPA Act* lists the discretionary considerations against disclosure.

Right of Review and Appeal of Council's Decisions

If a member of the public is dissatisfied with Council's determination of their application, and it falls within the scope of reviewable decisions under the *GIPA Act*, they may seek to have Council's decision reviewed in accordance with the provisions contained within Part 5 of the *GIPA Act*.

7. RESPONSIBILITIES

Delegation 2.1 Access to Information: to exercise any function under the *Government Information (Public Access) Act 2009* and / or the *Privacy and Personal Information Protection Act 1998*.

Delegated Officers: Group Manager Information and Communications Technology (*proposed*)
Business Information Services Manager
Right to Information Coordinator

8. ASSOCIATED PROCEDURES

- *Agency Information Guide*
- *Council's Inclusion Action Plan for People with a Disability 2017- 2021*

Version Control - POLICY HISTORY:

Version	Amended By	Changes Made	Date	TRIM #
1	Governance Group	Harmonised IWC Policy	March 2017	74655.17
2	Business Information Services	Reviewed prior to adoption by Council. Service standard for 'informal' requests changed to 20 business days.	27 June 2018	P 44182.18

Item No: C0718 Item 17

Subject: **DELEGATIONS TO LEGAL SERVICES STAFF REGARDING APPEALS
FROM INNER WEST PLANNING PANEL**

Prepared By: Joe Strati - General Counsel

Authorised By: Rik Hart - Interim General Manager

SUMMARY

Land and Environment Court appeals from decisions of the Inner West Planning Panel are subject to the control and direction of the Panel.

In order to avoid any practical difficulties associated with such a process, the Panel has agreed to delegate to appropriate Legal Services staff the function of controlling and directing how the appeals are run.

Council's endorsement of such delegation is required to make the delegation operative.

RECOMMENDATION

Pursuant to section 381(3) of the *Local Government Act 1993*, Council approves of the delegations made by the Inner West Planning Panel as outlined in this report.

BACKGROUND

As Council would be aware, certain development applications are to be determined by the Inner West Planning Panel ("**Panel**").

Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* ("**EPA Act**") provides that Land and Environment Court appeals against determinations of the Panel are to be commenced against Council as Respondent yet Council remains subject to the control and direction of the Panel in connection with the conduct of the appeal.

This paradigm is considered to create some practical difficulties in the running of appeals, not least because there are numerous decisions to be made throughout an appeal (eg/ selecting expert witnesses, finalising Statements of Facts and Contentions, determining whether to engage counsel, conducting good faith negotiations during section 34/34AA conferences, etc.), some of which are made in limited timeframes or on an urgent basis. Having to obtain the approval of the Panel in the making of those decisions within the timeframes so referenced has the potential to hinder the timely running of appeals. In addition, having to report to the Panel on how appeals are run will require additional resources. Such resources are currently at a premium given the volume of appeals the Council is currently experiencing.

Section 2.20(8) of the EPA Act permits the Panel to delegate any function of the Panel.

In order to address the aforementioned practical difficulties, legal staff at Council approached the Chair of the Panel, Mr David Lloyd QC (a former judge of the Land and Environment Court), to discuss whether the Panel would considering delegating the Panel's function of controlling and directing Council in its conduct of an appeal under section 8.15(4) of the EPA Act. After due consideration, Mr Lloyd QC was amenable to the request subject to remaining members of the Panel also agreeing.

As with any type of delegation, it is important that only Council officers with the requisite skills and knowledge to exercise the function under discussion be delegated that function. In this

regard, the Panel was requested to limit its delegation to the Council's General Counsel (Joe Strati), Senior Planning and Environment Lawyer (Mark Bonanno) and Planning and Environment Lawyer (Simon Turner), all of whom are legal practitioners employed by Council to conduct Land and Environment Court appeals and to whom the Council has given delegation to conduct such appeals in the usual course. The 3 staff have over 50 years of combined experience in the planning law field and have run hundreds of planning appeals in that time. The General Counsel is also an accredited specialist in Local Government and Planning Law.

On 12 June 2018, the Panel resolved to grant the requisite delegations as follows:

Subject to the approval of the Inner West Council and the General Manager thereof, the panel individually delegates to Mr Joe Strati, Mr Mark Bonanno and Mr Simon Turner, for so long as they are employees of Inner West Council and hold a practising certificate that permits them to practice as a legal practitioner in New South Wales, the functions of the panel under section 8.15(4) of the Environmental Planning and Assessment Act 1979.

A copy of the Panel report and decision are provided at **ATTACHMENT 1**.

Despite the delegation, Council would still remain obliged to keep the Panel informed of appeals as required by section 8.15(4) of the EPA Act. In this sense, the Panel can maintain oversight of how appeals against their decisions have been managed by the delegates.

In essence, the delegation the Panel has agreed to grant will mean that all appeals (ie. ones from decisions of both staff and the Panel) will be run on the same basis – namely, under delegations afforded to Council's legal staff.

Under section 381(3) of the *Local Government Act 1993*, the delegation of functions to Council employees must have the approval of the Council and the General Manager. The General Manager has approved of the delegation. The approval of the Council is, accordingly, now sought to make the delegation operative.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with a failure to afford the necessary delegation.

However, if delegations are not afforded, there is a risk that appeals from Panel decisions will require additional resources to be run effectively which may result in the need to brief the appeal to external lawyers given the current high volumes of appeals.

OTHER STAFF COMMENTS

Not applicable.

PUBLIC CONSULTATION

Not applicable.

ATTACHMENTS

Nil.

Item No: C0718 Item 18

Subject: EEO MANAGEMENT PLAN 2018 - 2022

Prepared By: Melodie Whiting - Group Manager Human Resources

Authorised By: Rik Hart - Interim General Manager

SUMMARY

Council has responsibility under the Local Government Act in relation to eliminating and ensuring the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability, and promoting equal employment opportunity.

The Inner West Council's EEO Management Plan for 2018 – 2022 and has been developed to meet these responsibilities and to define realistic activities for the recently amalgamated Council when considering the legislative requirements for transferred staff from the former councils under the Local Government Act, and the employment protections resolved by Inner West Council. This plan supports the delivery of our Workforce Management Plan and other supporting strategies including the Inclusion Action Plan and Code of Conduct. The General Manager has overall responsibility for monitoring the effectiveness of this plan, but all managerial levels and all staff are responsible for the practical application of activities within the plan.

RECOMMENDATION

THAT Council notes the EEO Management Plan 2018 – 2022 document.

BACKGROUND

Inner West Council recognises its responsibilities under Local Government Act 1993 (Section 344 and 345) in relation to:-

(a) Eliminating and ensuring the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and

(b) Promoting equal employment opportunity for women, members of racial minorities and persons with disabilities in councils.

The EEO Management Plan 2018 -2022 supports the delivery of the Workforce Management Strategy and the EEO actions are aligned to the strategies and actions of the Workforce Management Plan but are targeted to EEO outcomes. In developing this plan for the 2018-2022 years and determining realistic activities, it is important to consider the current environment for Inner West Council in a newly amalgamated scenario, with legislative requirements relating to transferred staff under the Local Government Act and employment protections resolved by Council. Consideration was also given to the former Councils' EEO Management Plans.

The EEO Management Plan outlines:-

- Practices and programs for the EEO principles to be achieved
- Communication of the plan and programs
- Collection and recording of data
- Review of Human Resources practices covering the employee life cycle and conditions of service
- Setting of objectives and programs where practicable

- Evaluation of objectives and programs
- Revision of this Plan as appropriate

The EEO Management Plan actions cover the following key areas:-

1. Development of Human Resource Management Protocols
2. Communication and Awareness
3. Implementation and Evaluation
4. EEO Target Groups

The General Manager has overall responsibility for monitoring this plan but all levels of management and staff have responsibility for the practical application of this plan.

FINANCIAL IMPLICATIONS

NIL

OTHER STAFF COMMENTS

NIL

PUBLIC CONSULTATION

Not Applicable

CONCLUSION

Start typing the “conclusion” section here.

ATTACHMENTS

1. [↓](#) EEO MANAGEMENT PLAN 2018 - 2022



INNER WEST COUNCIL

EEO MANAGEMENT PLAN 2018 - 2022

INTRODUCTION

Inner West Council recognises its responsibilities under Local Government Act 1993 (Section 344 and 345) in relation to:-

- (a) Eliminating and ensuring the absence of discrimination in employment on the grounds of race, sex, marital or domestic status and disability in councils, and
- (b) Promoting equal employment opportunity for women, members of racial minorities and persons with disabilities in councils.

Inner West Council will provide a workplace environment that is free of harassment, discrimination, bullying and vilification and provides equal employment opportunities for current and prospective employees. Equal employment opportunity is good management practice which promotes a harmonious and productive workplace, and enhances Council's efficiency and service delivery.

Our Equal Employment Opportunity (EEO) Management Plan outlines:-

- a. Devising of practices and programs by which the abovementioned principles are to be achieved:
- b. Communication of this plan and programs
- c. Collection and recording of appropriate information
- d. Review of human resource practices including recruitment and selection, staff development, promotion and transfer opportunities and conditions of service
- e. Setting of goals or targets where reasonably determined
- f. Evaluation of programs
- g. Revision and amendments to this Plan as appropriate

The EEO Management Plan will ensure that all staff and job applicants are treated equitably by setting out actions that will drive Council's human resource management practices, from all aspects of the employee life-cycle including recruitment through to development and capability building, to operate under EEO principles and actively promote merit based decisions.

In developing this plan and determining realistic activities for a recently amalgamated Council, consideration was given to the former Councils' EEO Management Plans, the legislative requirements attached to transferred staff and employment protections extended by Inner West Council resolution.

The plan should be read in conjunction with Council's supporting strategies including but not limited to Council's Workforce Management Plan, Inclusion Action Plan and Code of Conduct. The EEO Management Plan objectives are aligned to strategies and actions of the Workforce Management Plan but are targeted to EEO outcomes.

RESPONSIBILITIES

The General Manager has the overall responsibility for monitoring the effectiveness of the EEO Management Plan. All management levels also have direct responsibility to ensure the implementation and communication of EEO and all staff must also accept their personal involvement in the practical application of this plan.

OBJECTIVES OF THE EEO PLAN

The EEO Management Plan 2018- 2022 supports the delivery of the Workforce Management Plan. The objectives are to:-

- Develop new Inner West Council HR recruitment, selection, development and career progression protocols and practices that support EEO principles
- Raise awareness at all levels of EEO responsibilities and obligations
- Enhance and grow diversity in the workplace whilst maintaining legislative compliance
- Create a workplace that is free of bullying, harassment, victimisation and discrimination

The action plan below identifies the strategies and actions of the EEO Management Plan for the newly amalgamated Inner West Council and corresponding key performance indicators considering the former Councils' EEO Management Plans as part of the integration process. The key strategies cover:

1. Development of Human Resource Management Protocols
2. Communication and Awareness
3. Implementation and Evaluation
4. EEO Target Groups

EEO ACTION PLAN
OBJECTIVE 1 – HUMAN RESOURCE MANAGEMENT PROTOCOLS
Ensure Council HR protocols and processes comply with EEO principles

OBJECTIVE	RESPONSIBILITY	PERFORMANCE INDICATOR	TARGET DATE
Council HR protocols and practices are developed and regularly updated to comply with EEO principles	Group Manager Human Resources	<p>Former Council HR protocols and practices are reviewed and IWC HR Protocols and practices are developed as required and conform to EEO principles</p> <p>No justified complaints received regarding and EEO</p>	June 2018 and Ongoing
Recruitment and selection protocols, processes and activities comply with EEO principles	Group Manager Human Resources/ Talent Management Manager	<p>All talent acquisition activity complies with EEO principles</p> <p>Position descriptions are developed, and regularly reviewed, to ensure EEO compliance</p> <p>EEO responsibilities are included in all job descriptions</p> <p>Selection Panel to have at least one representative/s of the same sex as the candidates being interviewed where practicable</p> <p>Review and revise content and improve Job Information</p>	Ongoing

		Packages and advertising mediums to remove unnecessary barriers.	
Ensure all appointments, promotions, transfers and higher duties opportunities are based on merit and meet legislative requirements	All manager levels	<p>Appropriate HR staff on all interview panels to ensure legislative compliance and apply the vacancy management protocols within the amalgamated Council's staff protection periods</p> <p>IWC Staff Selection / Recruitment Panel training including EEO responsibilities is developed</p>	<p>Ongoing</p> <p>March 2019</p>
Ensure that staff capability development complies with EEO principles	All managerial levels	<p>Development of a new performance review framework that includes individual development plans for staff</p> <p>All staff have a personal development plan to support and provide equal access to learning and development</p> <p>Continue to encourage uptake of ongoing education among employees without formal qualifications, and support through study support protocols.</p>	<p>Roll-out of new Performance framework for 2018- 2019 performance period (Indoor pilot) with individual development plans to be established for each staff member, then ongoing.</p> <p>Continue roll-out for all IWC Council employees through industrial consultation with outdoor staff and unions to ensure equity of processes for all as part of the industrial harmonisation in 2019 Study support ongoing</p>
Ensure all levels of management are aware of and actively implement EEO principles in their activities	All managerial levels	Position descriptions for managerial/supervisory roles include knowledge and understanding of EEO principles	Ongoing

		<p>as an essential criteria</p> <p>EEO principles application is evaluated within mandatory corporate obligations in new the performance review framework</p> <p>No justified complaints regarding opportunities and unfair access to development</p>	<p>2018-2019 period (for Indoor pilot) and Ongoing</p> <p>Ongoing</p>
IWC has flexible working practices included as part of our employee benefits offering	<p>Group Manager Human Resources regarding development/and</p> <p>All Group Managers regarding application</p>	<p>Development and review of flexible work practices conducted as part of the IWC employee value proposition in consultation with staff and unions</p> <p>Flexible working arrangements are considered on a case by case basis within the scope of operational needs and merit</p>	<p>June 2019</p> <p>Ongoing</p>
Disputes arising from EEO related issues are handled in accordance with relevant HR protocols and procedures and settled within the operational work area	All Deputy General Managers, Group Managers and Managers	Updated IWC Grievance Protocol and workplace grievances promptly resolved at workplace level	October 2018 and Ongoing

OBJECTIVE 2 – COMMUNICATION AND AWARENESS

All staff understand EEO principles and their responsibilities and apply these consistently in the workplace in relation to EEO. IWC employer brand is as an EEO employer and an Employer of Choice

OBJECTIVE	RESPONSIBILITY	PERFORMANCE INDICATOR	TARGET DATE
IWC has a new EEO Management Plan implemented	Human Resources and all managers	Develop the IWC EEO Management Plan Launch of IWC EEO Management Plan including communication/ education for all staff including:- document availability on the Intranet and access provided to outdoor staff Review and amend EEO Management Plan as appropriate	August 2018 September 2018 Every 2 years
Ensure management and staff understand EEO principles and their responsibilities in relation to the EEO Management Plan and its implementation	General Manager/ Group Manager Human Resources/ Leadership Team and all staff	EEO Awareness training conducted for new starters and refresher training available for all staff Resources and adequate funds allocated to training, equipment and initiatives to implement the EEO plan EEO Management Plan is placed on the Intranet and other communication channels and is accessible to all staff	June 2018 and Ongoing Ongoing September 2018

		Supervisor/ Manager Training program implemented including Disability awareness education	December 2018
		IWC Grievance Protocol developed for all staff and education/communication rolled-out	December 2018
EEO information is easily accessible to all staff and prospective employees	Human Resources	EEO information is available through various means e.g. Council's intranet, website, workplace noticeboards	September 2018
Promote Council as an EEO employer in our employer brand	Human Resources	EEO statements are included in all job advertisements and EEO information is available on Council's website	September 2018 and ongoing
Ensure employees are aware of Council's no tolerance position on discrimination, bullying, harassment, and vilification	All management levels and staff	All new staff to complete induction with learning on EEO and Bullying and Harassment	New Induction commenced April 2018 and Ongoing
	Group Manager Human Resources and managers	All current staff complete refresher learning on EEO and Bullying and Harassment	Ongoing, refresher training on a bi-annual basis
		Regular reviews of anti-bullying and harassment protocol and provide updates for staff	Ongoing
IWC partners with relevant EEO group providers to deliver specific training needs as appropriate	Human Resources	Partnership established with Job Access (National Disability Recruitment Coordinator) and National Relay Service (NRS) :- Rollout of Disability Awareness	March 2018 Customer service staff NRS education provided by March 2018

		<p>Training</p> <p>Partnership provides for access to Disability Employment Services for distribution of job adverts</p>	<p>Targeted Managers/ supervisor awareness training by Nov 2018</p> <p>All staff awareness training conducted bi-annually commencing Nov 2018</p> <p>Commence in 2019 financial year</p>
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OBJECTIVE 3 – IMPLEMENTATION AND EVALUATION

EEO Management Plan is successfully implemented, evaluated and periodically reviewed

OBJECTIVE	RESPONSIBILITY	PERFORMANCE INDICATOR	TARGET DATE
IWC has benchmarked EEO data to ensure ongoing monitoring and compliance	Group Manager Human Resources/ Talent Management Manager	EEO data collated from the former Council's systems	March 2018
		Voluntary IWC EEO Survey conducted to benchmark current status	September 2018
	Executive and Leadership Team	Regular reporting to the Executive and the Leadership Team on workforce Data and trends once IWC benchmark established	Ongoing
		Targeted actions developed where appropriate, based on current EEO data, within legislative requirement opportunities to ensure	Ongoing

		proportional representation e.g. increase skill and progression opportunities for women in senior leadership roles	
IWC meets legislative requirements for conduct and reporting of EEO Management Plan activities	General Manager/ Deputy General Managers and all management levels Group Manager Human Resources/Talent Manager	EEO data and activities analysed for annual report Annual review of EEO Management Plan activities reported within Council's Annual Report	July 2018 and ongoing September 2018
Recruitment and selection processes audited and reviewed to enhance EEO compliance	Group Manager Human Resources/Talent Manager	Independent audit conducted by DNRC:- Audit improvements to be implemented where practicable	August 2018 March 2019

OBJECTIVE 4 – EEO TARGET GROUPS

Council's aim is to have its workforce reflective of the community; a workplace free from bullying, harassment and discrimination and will monitor its workforce diversity to try to represent those in the broader community

OBJECTIVE	RESPONSIBILITY	PERFORMANCE INDICATOR	TARGET DATE
Council has a zero tolerance for bullying, harassment , victimisation and discrimination within its diverse workforce	All Managers and Staff	Values and Behaviours are measured as part of the staff performance framework Opportunities for employment, training and development, secondments, and higher duties for all staff , including members of EEO target groups, are identified in Individual Development Plans	September 2019 September 2019 and ongoing

		<p>to upskill current staff and remove barriers for progression</p> <p>Leadership Development program rolled out to all managers to upskill current staff and remove barriers for progression</p>	December 2017 and ongoing
IWC Council has identified activities/programs for EEO Target Groups to enable a diverse and supported workforce	Group Manager HR and all Group Managers	<p>Affirmative action strategies include the targeted employment of apprentices and trainees; including Traineeship for an Aboriginal/Torres Strait Islander and person identifying as having a disability</p> <p>Affirmative action strategies include the targeted employment of EEO target groups e.g. LGBTI and ATSI, to identified positions within the organisation structure where appropriate</p> <p>Promote understanding of diversity-related issues through participation/ support of designated activities thematic days e.g. NAIDOC; RUOK Day; International Women's Day</p> <p>Ensure ATSI staff are aware of their entitlement to cultural leave under the Local Government (State) Award to attend NAIDOC</p>	<p>June 2018 - Apprenticeship Offerings</p> <p>February 2019 – Traineeship Offerings</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>

		<p>activities</p> <p>Conduct disability awareness and cultural awareness education sessions for managers, supervisors and staff.</p>	Ongoing
IWC Council is recognised as an EEO Employer of Choice in its brand		<p>Continuing from the former Councils Bronze Award Gender Equity Status:- Implement initiatives and programs that support Council's bid for Silver status in the 50/50 Vision Councils for Gender Equity Program</p> <p>Continuing support of LGBTI community through the use of external partnerships</p> <p>IWC HR Protocols and practices enable family friendly working conditions, e.g. flexible working, parental leave entitlements, where operational needs are met.</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>

EEO ENQUIRIES AND COMPLAINT PROCEDURE

If an employee has an enquiry about an EEO issue, they should contact in the first instance:

- Their Supervisor who will seek advice from their Senior HR Business Partner or their Senior HR Business Partner if the matter involves their current supervisor

If an employee has a complaint relating to EEO, this may be raised in accordance with the grievance process under the Local Government (State) Award. Council's goal is to resolve issues in-house wherever possible. A member of Council staff can seek the assistance of a relevant external support person or agency if they feel that their complaint has not been adequately addressed.

Item No: C0718 Item 19
Subject: NOTICE OF MOTION: KING GEORGE PARK, ROZELLE – ADDITIONAL FACILITIES
From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT a report be brought to Council which investigates the provision of change room and shower facilities at King George Park.

Background

King George Park is one of our most popular sporting grounds used throughout the sporting year by thousands of local juniors from the Leichhardt Saints Football Club, Balmain Little Athletics and the Leichhardt Junior Rugby League Club.

In addition to the three regular club users, King George Park caters for local commercial fitness trainers, a six aside women's football (soccer) tournament, and a running club. The Park also plays a key role in supporting the school sport programs of local schools on a regular basis.

King George Park is also located adjacent to the hugely popular Bay Run pathway, with thousands of users passing daily.

In 2011, following submissions received from the three regular club users, the former Leichhardt Council committed through Council resolution to the upgrading and redevelopment of the King George Park Amenities Block. The new \$1million facilities were opened on 27 May 2017 and include new toilets, a clubroom space, an upgraded canteen and BBQ facilities as well as an outdoor covered area overlooking the sporting grounds. Council contributed \$975,000 and also received \$25,000 towards the project from the NSW Government's Sport and Recreation grant program.

Council staff are currently prioritising future works for improvements at King George Park. This includes working with sporting bodies in the near future to address storage needs and also for future car parking improvements which will improve safety and to formalise car parking arrangements.

I recently met with representatives from Leichhardt Junior Rugby League Club. They advised that they are currently working with and developing their under-18 girls team.

This changing demographic of older players has highlighted that change room and shower facilities are also needed at the park. It is recommended that staff review options for converting part of the existing facility to include new change room and shower amenities or to construct a new building which includes change rooms, showers and additional storage. This review should include an estimate of costs.

Officer's Comments:**Comment from Group Manager Trees, Parks & Sportsfields:**

The construction of new change room and shower facilities at King George Park has not been identified in the budget or Long Term Financial Plan. Should Council resolve to proceed with these facilities, other park facility projects will need to be deferred. This can be further outlined in the report back to Council.

ATTACHMENTS

Nil.

Item No: C0718 Item 20
Subject: NOTICE OF MOTION: SUPPORTING COMMUNITY REFUGEE SPONSORSHIP PROGRAM
From: Councillor Tom Kiat

MOTION:

THAT Council support an expanded and improved Community Sponsorship Program (CSP) for refugee resettlement in Australia by:

- 1. Writing to the local federal member, and the relevant minister and shadow minister, supporting the CSP and calling for its improvement so that the Program:**
 - a. Does not take places from others in need;**
 - b. Provides adequate support and services;**
 - c. Limits the costs on sponsors;**
 - d. Allows community, family and businesses to act as sponsors; and**
 - e. Creates more places for people in need of protection to settle in Australia.**
- 2. Communicating with the Community Refugee Sponsorship Initiative to seek information on how council can partner to support their work.**

Background

The Community Sponsorship Program is a Commonwealth initiative that enables community refugee sponsorship. Peak refugee organisations including Amnesty, Refugee Council of Australia, Welcome to Australia and the Australian Churches Refugee Taskforce are working together through the Community Refugee Sponsorship Initiative to support and improve the CSP. Their main concerns are contained in the **attached** policy briefing. In summary, they contend that the CSP in its current form:

- Takes places from Australia's existing resettlement quota, rather than adding to it
- Is prohibitively expensive (up to \$100,000 for a family of five)
- Is based on criterion (e.g. being 'job ready') that may exclude those most in need
- Does not have mechanisms to ensure sponsors are stable and integrated across the community.

Local Amnesty and refugee supporters have contacted Councillors to support the Community Refugee Sponsorship Initiative's call to improve the CSP. This is consistent with Council's existing support for refugees through advocacy and services. In addition to advocacy, Council can practically support the CSP through the Community Refugee Sponsorship Initiative, for example, by promoting community sponsorship through our communication channels.

Officer's Comments:**Comment from Group Manager Community Services and Culture:**

If this motion is adopted, No additional resources are required.

ATTACHMENTS

Nil.

Item No: C0718 Item 21
Subject: NOTICE OF MOTION: EXPANDING REFUGEE CENTRE SUPPORT SERVICES
From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT Council:

- 1. Write to Peter Shergold requesting a meeting to discuss future expansion of the Callan Park Refugee Welcome Centre;**
 - 2. Liaise with local vacation care providers and sports clubs to identify School Holiday programs places for clients of the Refugee Welcome centre;**
 - 3. Liaise with the Police Citizens Youth Club at the Debbie and Abbey Borgia Community Recreation Centre regarding the possibility of recreation programs for clients of the centre;**
 - 4. Install signage on the corner of Wharf Road and Perry Street, and at the Refugee Welcome Centre, advising of the Centre's location; and**
 - 5. Build on community acceptance and integration by publicising and promoting the great results being achieved by the centre, including the clients who are set to train as life guards following learn to swim and water safety lessons provided for by the Leichhardt Park Aquatic Centre.**
-

Background

Earlier this year Council began investigating additional ways in which we could support the expansion of the Refugee Welcome Centre in Callan Park and increase interaction between the clients and our local community.

The programs so far have been very successful, and have included:

- The Learn to swim program, with around 10-12 weekly participants at Leichhardt Park Aquatic Centre, some of whom are interested in training as life guards and swim instructors. Term 2 started on 30 April.
- Walking the Bay Run sessions.
- A Storytelling Workshop on 16 and 17 January which introduced refugees from across Sydney to the centre for the first time.
- A weekly sewing course in partnership with TAFE NSW and Social Outfit.
- Three refugees chosen to be part of the SBS project "Belongings" at Sydney Biennale.
- Volunteer training for 22 local community members.

Council's Recreation and Aquatics and Community Services teams are working collaboratively with Settlement Services International (SSI) and the Centre Coordinator on a number of initiatives as follows:

- Programs for women at risk;
- Education and vocational training programs, including arts and culture;
- 'Have a Go' sports program is also being planned potential school holiday program including links to local sporting groups

Notwithstanding this exceptional work by Council officers, there are still many other opportunities to continue to build upon the success of the centre.

Officer's Comments:

Comment from Group Manager Community Services and Culture:

If this motion is adopted, initial consultations and collaboration can be undertaken within existing resources.

ATTACHMENTS

Nil.

Item No: C0718 Item 22
Subject: NOTICE OF MOTION: PRINCIPLES OF CO-OPERATION AGREEMENT WITH 'METRO'
From: Councillor Marghanita Da Cruz

MOTION:

THAT the General Manager write to the CEO of the Metropolitan Local Aboriginal Land Council with a view to commencing negotiations towards the signing a Principles of Co-operation Agreement between Inner West Council and The Metropolitan Local Aboriginal Land Council ('Metro').

Background

In 2004, Leichhardt Council became the first council to sign a principles of cooperation agreement with the Metropolitan Local Aboriginal Land Council ('Metro'). The Agreement can be viewed at <http://www.leichhardt.nsw.gov.au/Community/Aboriginal-Community/Principals-of-Cooperation>

Since then the City of Sydney, Canada Bay, Willoughby, North Sydney and other Local Government councils have signed similar agreements with 'Metro'. The Principles of Co-operation Agreement with City of Sydney can be viewed at: http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0020/113672/Principles-of-cooperation.pdf

"The Metropolitan Local Aboriginal Land Council ('Metro') was established under the Aboriginal Land Rights Act 1983 (NSW) ('the Act'). Its primary objectives are set out in s 51 of the Act - namely, 'to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.'

Metro's core business areas are described as follows:

(a) Culture and Heritage:

Among other roles, Metro's Aboriginal Culture and Heritage Unit is responsible for the conservation of Aboriginal sites and relics in the area (including more than 6,800 registered sites of cultural significance). It also carries out education programs with the broader community, conducts Cultural Heritage Site Assessments for developers and participates in projects for the repatriation of Aboriginal remains.

b) Land Claims

In accordance with the Act, 'Metro's Land Rights Unit researches and makes claims on vacant crown land within Metro's boundaries of the greater Sydney metropolitan area. This work has enabled Metro to become the largest single landholder in a number of Sydney local government areas.' Metro also monitors outstanding land claims.

c) Housing

Metro's Property Unit aims 'to equip [Metro's] members with suitable and affordable housing, clean water, heating and decent living conditions.' It is also 'responsible for the management and maintenance of Metro residential and business properties.'

Metro's other business includes Culture and Promotions, Employment and Training, Joint Ventures and Tourism.

Metro is a Public Benevolent Institution that seeks 'funding from various bodies, groups and individuals to run programs that meet the needs of the Aboriginal community within [its] boundaries.'

Source: Metropolitan Local Aboriginal Land Council, Agreements, Treaties and Negotiated Settlements Project, Centre for Health and Society, The University of Melbourne, viewed 2 July 2018, <http://www.atns.net.au/agreement.asp?EntityID=1832>

Officer's Comments:

Comment from Group Manager Community Services and Culture:

If this motion is adopted, initial consultations and collaboration can be undertaken within existing resources.

Resource Implications:

Nil additional for initial consultations and collaboration.

ATTACHMENTS

Nil.

Item No: C0718 Item 23
Subject: NOTICE OF MOTION: CITY WEST CYCLE LINK
From: Councillors Tom Kiat and Mark Drury

MOTION:

THAT Council:

- 1. Note its support for the City West Cycle Link concept;**
 - 2. Notes that there may be an opportunity for the project to be delivered by the WestConnex project; and**
 - 3. Seek a meeting with the RMS Project Director WestConnex and the City of Sydney to discuss the opportunity to deliver the City West Cycle Link, with the outcome to be reported back to Council.**
-

Background

Extending from North Leichhardt to the Anzac Bridge, the City West Cycle Link would run within the Inner West light rail corridor and proposed Rozelle Linear Park to provide a flat, quiet, green and wholly off-road cycling connection to the city. The City West Cycle Link would address the missing link to the city for feeder cycling routes such as the GreenWay, Bay Run, and further afield, the Cooks River Cycle Path, and in doing so, fully unlock the value of those paths.

The concept was developed prior to the re-installation of the light rail, with the intent that the cycleway be included along with the new light rail. This did not eventuate. With WestConnex about to commence considerable work in and around the Rozelle Rail Yards, the cycling community believes there is again an opportunity to realise the concept.

To progress this opportunity, Council staff familiar with the project should support a councillor and a community member of the Cycling Working Group to meet with the RMS Project Director WestConnex. The City of Sydney should also be invited to participate in this meeting as the City has previously been involved in supporting this project.

Officer's Comments:

Comment from Group Manager Strategic Planning:

Preparing for and attending the meeting will require approximately 3 hours of staff time. Resources required to implement actions arising from the meeting will need to be estimated but planning for the link should be capable of being accommodated using existing staff resources.

Comment from Acting Group Manager Roads and Stormwater :

Planning work should be able to be accommodated using existing resources, including preparing for and attending meetings. Resourcing may need to be reviewed at implementation.

ATTACHMENTS

Nil.

Item No: C0718 Item 24
Subject: NOTICE OF MOTION: ADVOCACY AGAINST THE CUTS TO INCOME
SUPPORT FOR PEOPLE SEEKING ASYLUM LIVING IN THE COMMUNITY
From: Councillor Marghanita Da Cruz

MOTION:

THAT:

- 1. Council writes to the Prime Minister and to the Federal Minister of Home Affairs asking the Federal Government to reverse cuts to the Status Resolution Support Services (SRSS) program and highlighting the unfair and devastating impact of these cuts on people seeking asylum and the Inner West community's disagreement with these cuts;**
 - 2. Council writes to the Premier of New South Wales asking her to make representation to both the Prime Minister and the Federal Minister of Home Affairs to highlight the devastating impact of these cuts on the NSW community and to reverse the cuts;**
 - 3. Members of Parliaments for the seats of Balmain, Heffron, Newtown, Strathfield, Summer Hill and Grayndler; New South Wales Senators; and Members of the NSW Legislative Council are informed of Council's position;**
 - 4. Other NSW Councils are contacted seeking their support for joint advocacy on this issue;**
 - 5. Council publicises practical way members of the Inner West Community can work with the Asylum Seekers Centre in Newtown to support people seeking asylum – see attached document;**
 - 6. Council considers practical ways of supporting people seeking asylum; and**
 - 7. Council works with the Asylum Seekers Centre in Newtown to organise a civic leaders meetings with community leaders in the Inner West. The meeting will discuss ways the community can collectively address the challenges lying ahead for people seeking asylum.**
-

Background

The Department of Home Affairs (DHA) has started to cut back support provided through the SRSS program to people seeking asylum living in the community.

Due to several government changes to eligibility for support over the last year, many people seeking asylum have already turned to the community and charities for emergency support. Many of these charities, like the Asylum Seekers Centre (ASC) in Newtown, receive no funding from Government.

As many as 3,500 people in New South Wales, including single parents with children, will be left with no income at all by the end of this year following the latest round of changes to SRSS eligibility. They will not be able to pay rent, buy food or clothes, or medicine. For people seeking asylum, already living in the uncertainty of the outcome of their claim for protection, the Government's decision is adding unnecessary and harmful pressure to an already stressful situation. While people want to focus on getting jobs and being independent, they will now have to worry about being homeless.

The Asylum Seekers Centre is a key provider of services all under- one roof to people seeking asylum and is located in Newtown. The Centre has mobilised its frontline services to full capacity to provide emergency relief to people affected by the cuts and to support people in finding employment. ASC currently supports 3,000 people. In the last few months, its foodbank service alone has increased from 1,500 to 1,800 people, including many young children. Working with 400 volunteers, half of them residing in the Inner West, the ASC is a testament to the vibrant caring and multicultural community of Sydney's Inner West, eager to offer practical support to people seeking asylum to show their disagreement with Government's policies.

The Centre, together with agencies across the sector, has warned that the sheer number of people affected, as well as the complexity of their needs, requires the greater community to come together to support people seeking asylum.

For example, Mums4Refugees rallied behind the Asylum Seeker's Centre's emergency callout for nappies – which resulted in an immediate delivery of donations to the centre in Newtown. Mums4Refugees has over 700 member in the Inner West and over 30,000 nationally.

Mums4Refugees seeks to involve and support mothers from all cultural, social and political spectrums who want to see a compassionate and inclusive approach taken towards people who arrive as asylum seekers and refugees. They provide practical assistance to asylum seekers through detention centre visits, conducting donation drives to collect and distribute material aid by engaging in community-building activities. They seek to change the tide of opinion by sharing and promoting the views of organisations and individuals who seek to humanise the discourse around asylum seekers. They provide opportunities for mothers to get involved in community activities and political campaigns supporting asylum seekers and refugees.

This Notice of Motion is consistent with the support that people in the inner west have provided to people seeking asylum or on humanitarian visas. It is aligned with our vision of the Inner West as an inclusive, vibrant, caring and progressive community where everyone is welcome, and with our fourth strategic direction of caring, happy and healthy communities.

Officer's Comments:**Comment from Group Manager Community Services and Culture:**

If this motion is adopted, initial consultations and collaboration can be undertaken within existing resources.

Resource Implications:

Nil additional

ATTACHMENTS

1. [↓](#) July 2018 - SRSS Factsheet
2. [↓](#) How Inner West community can support people seeking asylum

refugee council of australia factsheet



CUTS TO SUPPORT FOR PEOPLE SEEKING ASYLUM

July 2018

Key issues

- In the next few months of 2018, the Australian Department of Home Affairs plans to drastically cut support to people seeking asylum. This is likely to leave more than 7,500 people hungry and homeless, most of them living in the suburbs of Sydney and Melbourne.
- The Department is changing the eligibility to its Status Resolution Support Service (SRSS), saying that it plans to reduce the number of people seeking assistance through the program to fewer than 5,000. As at 28 February 2018, 13,299 people were receiving this support.
- Pregnant women, families with young children, and survivors of torture who do not meet the heightened vulnerability criteria set by the Department will be left without any form of income to pay rent, pay for prescriptions, or even get enough food for each day.
- It is counterproductive to force people into being homeless and hungry when most are likely to be in Australia for the long-term. Past statistics demonstrate that at least 70% of people who arrived by boat were found to be in need of refugee protection and remained in Australia.
- States, local communities, and charities will bear the brunt of the consequences of these cruel changes: overstretched agencies will see an increase in people seeking emergency relief for food, clothing, blankets, and support to pay rent. Hospitals will likely see more people coming through their emergency room doors as they are not able to afford their medications. Homelessness services will see more people – including families with young children – waiting on their doorsteps for help, as they will have no other options.

Background

- People seeking asylum (whether by boat or plane) often need support to survive in Australia while their claims for protection are being processed. Having often faced traumatic circumstances, they can have difficulty finding work because of their lack of permanent status and are not entitled to the social security payments available to others.
- The Government did not permit people to work for several years, but once work rights were granted, many people seeking asylum have worked to support themselves. Unfortunately,

many of the jobs were short-term, and this temporary work has meant that people need basic financial assistance while they look for another job.

- Support for people seeking asylum has been provided in recent years through the SRSS program. The program provides a basic living allowance (typically 89% of Newstart allowance, or approximately \$35 per day), casework support and access to torture and trauma counselling.
- Draconian cuts to the program will make it almost impossible for people to apply for the program: very few people will fit the restrictive criteria. This will see a reduction of the current program by over 60%.
- This harsh policy is entirely within the discretion of the Minister, and does not require Cabinet approval or legislative change to reverse. In the context of the overall budget, the savings also appear to be relatively minor.

Impact of the cuts

- The cuts to who is eligible for SRSS will mean that over 7,000 people currently on the program could lose access to basic income assistance, a caseworker and torture and trauma counselling. Thousands more will not be able to access this life-saving support if they need it again (for example, if they lose their jobs).
- People will have to stop taking vital medication, go hungry so their children can eat, and end up in work where they are exploited. We know from our experience that many people will become so desperate that they may self-harm.

Recommendations

We call for this policy change to be stopped. Cutting off all support for people whilst they are looking for work is not fair. We call for a policy that means no one is left without a form of income to pay for their rent, for vital medications, and to feed themselves and their families.

We recommend that the Federal Government restore access to the SRSS program for all people seeking asylum until a resolution of their status is complete.

refugee council of australia

People at risk as at 27 February 2018

Age	Number
0-4 years	1,726
5-6 years	439
7-12 years	1203
13-15 years	447
16-17 years	244
18-25 years	1,543
26-35 years	4,030
36-45 years	2,447
46+	1,220
Total	13,299

By band (support level)

Band	Number
Band 1	1
Band 2	16
Band 3	424
Band 4	27
Band 5	397
Band 6	12,434
Total	13,299

By State or Territory

State or Territory	Number
VIC	5,863
NSW	4,836
QLD	1,086
SA	828
WA	532
ACT	85
TAS	40
NT	29
Total	13,299

Timeframe

9 April 2018: The Department provides a list of all single adult men and women with work rights on Band 6 to SRSS providers ("first wave"), excluding certain Red Cross and Marist 180 clients (delayed until July 2018). SRSS providers conduct vulnerability assessments (see below) and must report back to the Department..

1 May 2018: New SRSS Program model will apply to new applicants.

7 May 2018: Deadline for SRSS providers to provide details of vulnerability to the Department on "first wave" clients for consideration

27 June 2018: First wave clients not identified as having an excluding vulnerability will start to be exited from the SRSS program (including basic financial support). Around 1,500 people likely to be affected nationally.

9 August 2018: The first group of first wave clients who have been exited will lose income support.

16 August 2018: The first group of first wave clients who have been exited will lose all SRSS support.

Assessments

Initial indications from the Department were that people would be assessed as to their "job-readiness" before potential exit from the SRSS program. The most recent information is that job readiness will not form a measure of eligibility. Rather, SRSS providers and the Department will assess a person's vulnerability.

The four elements to the vulnerability assessment are:

- Physical health barriers that are ongoing; permanent disability; or cognitive impairment
- Mental health barriers, with a current diagnosis and treatment plan in place
- Single parents with pre-school aged children (children under six); pregnant women with complications; a primary carer for someone with a significant vulnerability; people aged 70 and over
- A major crisis for the client (family violence, house fire, flood)
- The Department will also use its own information to conduct assessments (the Community Protection Assessment Tool, CPAT) and may seek a second opinion on certain issues.



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**Practical ways the Inner West community can support people seeking asylum:**

- Support the Centre's emergency relief efforts by organising food drives:
ASC always needs food and toiletry items such as cooking oil, instant noodles, rice and long life milk, as well as laundry powder, nappies and sanitary pads. The Centre's website has a detailed [list of food and toiletry items](#) people need the most.
- One of the most direct ways people can help is through employment:
If you are an employer who might be able to help, please contact the Centre's Employment Coordinator Alex Taylor:
Email: employment@asylumseekerscentre.org.au
Phone: 02 9078 1900
- Help people stay in accommodation while they look for a job:
[Donations](#) will enable ASC to continue to provide essential frontline services, including helping people stay in accommodation while they look for employment.

Practical ways the Inner West Council can support people seeking asylum:

- Organise Food and toiletry drives to the Asylum Seekers Centre
ASC always needs food and toiletry items such as cooking oil, instant noodles, rice and long life milk, as well as laundry powder, nappies and sanitary pads. The Centre's website has a detailed [list of food and toiletry items](#) people need the most.
- Provide employment for people seeking asylum
To discuss employment opportunities, please contact the Centre's Employment Coordinator Alex Taylor:
Email: employment@asylumseekerscentre.org.au
Phone: 02 9078 1900

Item No: C0718 Item 25
Subject: NOTICE OF MOTION: REGISTER OF VOLUNTARY PLANNING AGREEMENTS
From: Councillor John Stamolis

MOTION:

THAT Council create a register of VPAs to be accessible on its website.

Background

Council should create a publicly accessible register of VPAs on its website. The register should provide up to three years of past data as well forward looking information (i.e. proposals). It should be included on Councils webpage: <http://www.leichhardt.nsw.gov.au/Planning---Development/Planning-Controls--DCPs--LEPs--VPAs-/Voluntary-Planning-Agreements>

The register should detail for each VPA:

- DA number
- Site address or location
- A brief description of the DA
- The value of the DA
- Monetary contribution of VPA
- Other contribution (eg affordable housing, open space)
- Month/Year of agreement
- Status of agreement

Example: Waverley Planning Agreement Register (ATTACHMENT 1)

Officer's Comments:**Comment from Deputy General Manager – Assets & Environment:**

Council's Voluntary Planning Agreement Register can be made available on Council's website with only minimal resourcing impact (both in establishment and on-going maintenance)."

ATTACHMENTS

1.  Planning Agreement Register - Waverley Council

7/16/2018

Planning Agreement Register - Waverley Council

Planning Agreement Register

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-547/2014	87-89 Glenayr Avenue, Bondi Beach	Demolition of existing buildings and proposed 3-4 storey mixed use building.	EG Property Group	59%	Approved through s34 agreement - 1 February 2016	Executed 7 October 2016	\$751,925	Upgrade of park and public domain directly adjoining site to the northeast at intersection of Glenayr Avenue and Blair Street and Waverley's Affordable Housing Fund.
DA-164/2015	41 O'Donnell Street, North Bondi	Demolition of existing buildings and proposed residential flat building of 5 units with basement car parking.	Martin Airth	13%	29 June 2016 - deferred commencement	Executed 26th June 2017. Bank Guarantee provided, in process of registering and caveating.	\$168,086.72	Public works for the improvement and regeneration of the Bondi area and Waverley's Affordable Housing Fund.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

7/16/2018

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-164/2015/B	41 O'Donnell Street, North Bondi (s96)	Modification of approved residential flat building, including extension of north-western corner of first floor level of the building to convert Unit G.03 into a 2 bedroom apartment; increase of roof parapet	Martin Airth	4%	27th September 2017	Planning agreement being drafted	\$58,459	Public works for the improvement and regeneration of the Bondi area and Waverley's Affordable Housing Fund.
DA-316/2015	157-159 Military Road, Dover Heights	Demolition of existing building and construction of mixed use building with basement car parking.	Kamal, Niraj and Sagar Verma	15%	24 March 2016 deferred commencement	Council endorsed. PA to be executed.	\$143,605.68	Towards the upgrade at the intersection of Military Road and Blake Street, Dover Heights and Waverley's Affordable Housing Fund.
DA-419/2015	110 -116 Bronte Road, Bondi Junction	Demolition of existing building and construction of shop top housing.	Bureau SRH Pty Ltd	3%	Approved through s34 agreement - 31 August 2016	Planning agreement being drafted.	\$69,538	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

7/16/2018

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-89/2016	362 - 374 Oxford Street, Bondi Junction	Demolition of existing building and construction of mixed used building inc resi, serviced apartments & ground floor retail	Cassa Nova Pty Ltd	15%	Awaiting determination.	Instrument being drafted	\$2,026,313	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA-503/2014/A	304-308 Oxford Street, Bondi Junction	Modification to approved mixed use building including two additional stories.	Threestyle Properties Pty Ltd	15%	16 December 2016.	Council endorsed. PA to be executed.	\$1,451,812	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA-101/2014/B	344-354 Oxford Street, Bondi Junction	Modification to approved mixed use building including one additional storey.	Bondi Junction Prime Pty Ltd	5%	30th June 2017	Council endorsed. PA to be executed.	\$985,711.55	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-206/2015	67A Roscoe Street, Bondi Beach	Construction of a 4 storey residential flat building with 10 units, basement car park and strata subdivision	STM 123 NO 6 Pty Ltd	132%	Approved through s34 agreement - 15th December 2016.	Amount negotiated. PA to be drafted	\$431,000	Towards the upgrade of the park/plaza on the corner of O'Brien Street and Glenayr Avenue, or any other works for improvement and regeneration in the nearby vicinity and 10% towards affordable housing under Waverley's Affordable Housing Program.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-569/2015/A	109 Oxford Street, Bondi Junction	Demolition of the existing buildings and construction of a new 12 storey mixed use building with basement car parking as modified for approved mixed use development, including provision of two additional floor levels comprising 18 units and an additional basement level.	Mercury 21 Pty Ltd	15%	Awaiting determination from SPP	Negotiations complete. Instrument on exhibition.	\$2,844,438	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA 585/2015/B	59-69 Oxford Street, Bondi Junction	Partial demolition of existing structures and construction of a new fourteen storey mixed use development with basement car park, pub at ground floor, commercial space and residential units at first floor and residential units on all levels above	MMH Project Pty Ltd	19%	26th July 2017	Negotiations complete. Instrument being drafted.	\$4,713,956	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA-482/2016	701-707 Old South Head Rd, Vaucluse	Demolition of the four dwellings and construction of a new three level residential flat building with 17 units, associated basement parking, landscape works and strata subdivision.	Lamar 18 Pty Limited	13%	26th July 2017	Notification complete. Reporting to November Council.	\$517,537	To be applied towards the upgrade and improvement of Diamond Bay reserve and Waverley's Affordable Housing Program.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

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DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-586/2015	2 Warners Avenue, North Bondi	Demolition of the existing dwelling & structures. Construction of 3 storey residential building comprising 5 x 2 bedroom units. Aluminium cladding charcoal, timber cladding, board marked concrete walls, blade render, masonry brick. Basement carparking for 5 vehicles. Associated landscaping.	Tuan Hoang	28%	28th March 2017	Notification complete. Reporting to November Council.	\$441,867	To be applied towards the upgrade of Baracluff Park and playground and Waverley's Affordable Housing Program.
DA-82/2016	629-631 Old South Head Road, Rose Bay	TBA	TBD	11%	26th April 2017	Negotiations complete. Drafting instrument.	\$439,356	To be applied towards public works for the improvement and regeneration of parks and reserves in the Rose Bay/Dover Heights area and affordable housing under Waverley's Affordable Housing Program.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-531/2015/A	67-69 Penkivil Street, Bondi	Modification to approved RFB including internal reconfiguration, additional bay windows, enlarged basement and attic level with offer to enter a Planning Agreement.	K2 Property Development Group	15%	6th March 2018	Awaiting Council endorsement.	\$583,152	Towards the improvement and regeneration of Waverley Park
DA-68/2017	16 Llandaff Street, Bondi Junction	TBA	Philip Brenner	16%	Awaiting determination	Negotiations underway.	TBD	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA-101/2017	20 Llandaff Street, Bondi Junction	Demolition of existing buildings and construction of new RFB with 32 units, basement parking and offer to enter into a planning agreement.	Rose Bay Waterfront Pty Ltd	15%	28th March 2018	Negotiations complete. Drafting instrument.	\$633,077	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-578/2015/A	17 Isabel Avenue, Vaucluse	Demolition of existing building, construction of a three storey residential flat building with basement parking and strata sub-division as modified	Daniel Bloom Andrea Bloom Michael Bloom Leon Bloom The Owners – Strata Plan No. 48214	9%	2nd June 2017	Awaiting Council endorsement.	\$125,249	To be applied towards the upgrade and improvement of Diamond Bay reserve and Waverley's Affordable Housing Program
DA-560/2016	252 Campbell Pde	Demolition of buildings and construction of a 4-5 storey mixed use building with basement parking and roof terraces	TBD	TBD	Awaiting determination	Negotiations commenced.	TBD	TBD
DA-193/2017	60 Lamrock Avenue Bondi Beach	Alterations and additions to a dual occupancy to create a residential flat building containing four units, front hardstand parking, swimming pool and strata subdivision	Jason Peters	14%	18th April 2018	Instrument being drafted	\$225,363	TBD
DA-12/2018	80-82 Hall Street	Demolition of existing building and construction of four storey shop top housing containing two levels of basement parking, ground level retail and 10 apartments above.	TBD	15%	Awaiting determination	Negotiations yet to commence.	\$240,000	TBD
DA-334/2016/A	82-84 Curlewis Street	Modification to boarding house including additional boarding room, alterations to building footprint and building height.	Global Medical Insurance Group Pty Limited	9.6%	Awaiting determination	Negotiations complete.	\$191,492	TBD
Completed Planning Agreements								
DA-520/2014/A	6 Edward Street, Bondi Junction	Modification to internal layout & other alterations	Model Industries Pty Ltd	11.59% (in addition to approved 15%)	4th July 2016	PA paid on 16th August 2017.	\$106,882.00	Thomas Hogan Reserve

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-156/2016	695 Old South Head Road, Vaucluse	Demolition of current improvements and development of a three storey, five apartment development with basement parking.	Elaine Joan Newland	15%	3rd January 2017	PA paid on 9th August 2017	\$230,380.59	Towards the improvement of Kimberley Reserve and Waverley's Affordable Housing Fund.
DA-184/2013/C	33-37 Waverley Street, Bondi Junction	Conversion of two Lv. 8 apartments into one apartment.	WWPH Group Pty Ltd	2%	16 December 2016.	PA paid on 20th March 2017	\$200,000.33	Towards Complete Streets Program project in Bondi Junction and Waverley's Affordable Housing Fund.
DA-571/2015	89 Bondi Road, Bondi	Alts & adds to existing commercial premises & construction of rear addition for use as a boarding house	Eli Rimmer & Daphna Rimmer	15%	6 June 2016 - deferred commencement	PA paid on 24th February 2017	\$25,808	Complete streets program and/or any other public purpose benefit for the improvement and regeneration of the Bondi area

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-169/2015	91-93 Glenayr Avenue, Bondi Beach	Demolition of existing building and construction of shop top housing	Jaya Kusuma Pty Ltd	32%	27 April 2016 - deferred commencement	Complete	\$425,151	The upgrade of the public domain, intersection ("Seven Ways") and park in the immediate vicinity of the development.
DA-575/2015	637-639 Old South Head Road, Rose Bay	Demolition of existing buildings, construction of a residential flat building with basement parking.	637 OSH Pty Ltd	10%	20 April 2016 - deferred commencement	Complete	\$195,403	Towards additional footpath, planter boxes and driveway improvements at Blake Street and Military Roads intersection.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-598/2008/E	310-330 Oxford Street, Bondi Junction	Part demolition of existing buildings, construction of 12-13 storey mixed use building with basement car parking.	Tashken Pty Ltd A.C.N, Treesol Holdings Pty Ltd A.C.N, Morelle Pty Ltd A.C.N	~2% - Equivalent of 2 storeys	21 June 2012	PA executed on 10 September 2012 & paid	\$3,000,000	Towards Rowe Street Pedestrian Corridor (\$65,000), Bondi Junction Pedestrian Access Mobility Plan (\$935,000), Oxford Street East streetscape upgrade (\$2,000,000).
DA-294/2011/B	227-229 Old South Head Road, Bondi	Modification to apartment configuration and parking of approved residential flat building and inclusion of a Planning Agreement.	New East End Pty Ltd	8.20%	25 September 2014	PA executed 25 March 2015 & paid	\$150,000	Towards upgrade of adjoining New Street Park and Thomas and Hogan Reserve
DA-81/2013	241-247 Oxford Street, Bondi Junction	Demolition of existing building, construction of a 20 storey mixed use building with basement car park.	Hollywood Apartments Pty Ltd A.C.N	15%	4 December 2013	PA executed on 29 August 2014	\$3,000,000	Public domain and path upgrade to Hollywood Avenue & Waverley Street. Minor land dedication.

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-184/2013	33-37 Waverley Street, Bondi Junction	Demolition of existing buildings, construction of 9 storey residential flat building with basement car parking.	Waverley Street Pty Ltd, Shebano Pty Ltd - updated to DAHUA group	9.10%	12 February 2014	PA executed on 10 June 2015 & contribution paid	\$337,092	Towards Complete Streets Program projects in Bondi Junction in the vicinity of Waverley Street and Oxford Street East
DA-520/2014	6 Edward Street, Bondi Junction	Demolition of existing building and construction of residential flat building with 4 apartments and basement car parking	Model Industries Pty Ltd	15%	28 October 2015	PA paid on 24th February 2016	\$137,500	Upgrade of Thomas Hogan Reserve
DA-490/2015	570 Oxford Street, Bondi Junction	Conversion of approved mezzanine into commercial floor space.	St Oxford BJV Pty Limited	1.8% (in addition to approved 15%)	2 March 2016	PA executed on 29 July 2016	\$338,440	Towards Complete Streets Program projects in Bondi Junction
DA-363/2011/B	50 Waverley Street, Bondi Junction	Additional 2 storeys and basement car parking level to approved 9 storey residential flat building.	Cello Bondi Junction Pty Ltd	~15%	29 May 2015	Executed 12 July 2016	\$130,033	Towards Complete Streets Program projects in Bondi Junction
Others								

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Planning Agreement Register - Waverley Council

DA	Address	Details of proposal	Name of those party to the agreement	Additional FSR sought	DA Approval Date	Status	Contribution	Contribution details
DA-263/2014	570-588 Oxford Street, Bondi Junction	Amending development application proposing two additional levels (totalling 21 storeys) to the approved 19 storey building (DA-501/2012/A) and a Planning Agreement.		12%	Refused	Refused	\$4,228,000	Yet to be determined
DA-417/2014	10-14 Hall Street, Bondi Beach	6 storey mixed use building with 2 levels of basement car parking.		~15%	Refused	Refused		
DA-628/2014	253 Oxford Street, Bondi Junction	Amending DA for two additional levels for approved mixed use building.	LegPro 14 Pty Ltd	11% from previously approved 15% 4.4b	Refused	Refused	\$3,200,000	
DA-26/2017	48-50 Penkivil Street, Bondi	Additional two levels to approved Residential Flat Building (DA753/2003)		15%	Refused	Refused	\$1,028,182	
DA-482/2016/A	701-707 Old South Head Rd, Vaucluse	Section 96 Modification including 3 additional units, extending, approved units and addition of 6 car parking spaces	Lamar 18 Pty Limited	22%	Refused	Refused	\$973,687	

http://www.waverley.nsw.gov.au/building/planning_a_development/policies_and_guidelines/planning_agreements/planning_agreement_register

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Item No: C0718 Item 26
Subject: NOTICE OF MOTION: REVIEW OF UPFRONT SPEAKING AT COUNCIL MEETINGS
From: Councillor John Stamolis

MOTION:

THAT Council to seek an independent assessment of its new practice of having all registered people speak at the commencement of Council meetings. This should include: assessing the effectiveness of the new practice in supporting high quality decision-making by Councillors and to compare the effectiveness of the new practice against the previous approach.

Background

There have been 11 Inner West Council meetings held so far in 2018 (to 3 July 2018) with a total of 164 items being **heard** (including Mayoral Minutes).

Of the 164 items heard, people have registered to speak for 68 **items** (41%) with a total of 135 **people** registered to speak. It is noted that a small number of those who registered did not attend the meeting and a small number chose not to speak on the night while some people have been permitted to speak without registering.

Key results show that:

- For **almost half of the meetings**, people have registered to speak to **8 or more items**
- For **nearly 40% of meetings** there were **18 or more speakers** registered.

These results might call into question the new Council practice that requires all registered speakers to be heard upfront at Council meetings.

As such, an independent review of the new practice is needed to determine how effective it is and how this effectiveness might be impacted as the number of items increases, as the number of speakers increases, as the proportion of complex issues rises and any combination of these.

The ability for 15 individuals to retain a solid block of 'speaking detail' would also be expected to be highly variable, for example, if the situation on 24 April occurs again, Councillors will hear 19 speakers addressing 10 items. This variability would be expected to become more pronounced as the meeting continues very late into the evening.

Any practice adopted by Council should be based on maximizing the quality of decision making and it should support Councillors in achieving this.

The new practice does not reduce the length of Council meetings and does not appear to make the meetings more efficient.

2018	Total items handled at meeting	Items where speakers were registered	
		Number of items	Number of speakers
13-Feb	14	8	18
27-Feb	13	9	15
12-Mar	16	2	5
27-Mar	22	4	7
10-Apr	10	9	19
24-Apr	28	10	19
8-May	15	4	5
22-May	10	12	28
12-Jun	7	4	5
26-Jun	14	6	14
3-Jul	15	0	0
Total	164	68	135

Officer's Comments:
Comment from Group Manager Integration, Customer Service & Business Excellence:

If this motion is adopted, the cost and timeframe to implement would depend on how Council would like the independent assessment to be undertaken, and by whom. Should an independent contractor be engaged, a quotation process would be required, with costs estimated to be in the vicinity of \$10,000.

ATTACHMENTS

Nil.