AGENDA

COUNCIL MEETING

TUESDAY 14 MARCH 2023

6.30pm

Location Ashfield Service Centre, 260 Liverpool Road, Ashfield

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.
- whether you are speaking in person or online

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?
You will be contacted by Governance Staff to confirm your registration. If you indicated that you will speak online, you will be provided with a link to the online meeting. 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

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. At the Ashfield Council Chambers there is a hearing loop service available to assist persons with a hearing impairment. If you have any other access or disability related participation needs and wish to know more, call 9392 5657.

Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT 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.

Statement of Ethical Obligations

The Mayor and Councillors are bound by the Oath/ Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the Inner West Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

PRECIS

1 Acknowledgement of Country

2 Apologies

3 Notice of Webcasting

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

5 Moment of Quiet Contemplation

6 Confirmation of Minutes	**Page**
Minutes of 29 November 2022 Council Meeting	**7**
Minutes of 14 February 2023 Council Meeting	**10**

7 Public Forum – Hearing from All Registered Speakers

8 Condolence Motions

ITEM		**Page**
C0323(1) Item 1	Condolence Motion: Passing of Australian Poet Antigone Kefala	**34**

9 Mayoral Minutes

Nil at the time of printing.

10 Reports for Council Decision

ITEM		**Page**
C0323(1) Item 2	Tree Management DCP 2023	**37**
C0323(1) Item 3	Memorandum of Understanding Greater Sydney Parklands and Inner West Council	**55**
C0323(1) Item 4	Draft Development Control Plan - 122-130 Pyrmont Bridge Road and 206 Parramatta Road Annandale	**81**
C0323(1) Item 5	Planning Proposal - Enmore Road Special Entertainment Precinct	**203**
C0323(1) Item 6	Little Villages Signage	**332**
C0323(1) Item 7	Local Traffic Committee Meeting - February 2023	**355**
C0323(1) Item 8	1 - 13 Parramatta Road, Annandale - VPA Approval to notify	**376**
C0323(1) Item 9	Internal Ombudsman Renewal of Contract	**437**
C0323(1) Item 10	Councillor and Staff Interaction Policy	**440**
C0323(1) Item 11	Rescheduling of June 2023 Council Meeting	**456**

11 Reports for Noting

ITEM		Page
C0323(1) Item 12	Pedestrianisation of Main Streets	**457**
C0323(1) Item 13	Complying development in Inner West Council under the Low-Rise Housing Diversity Code	**460**
C0323(1) Item 14	Update Report on The Implementation of Public Spaces (Unattended Property) Act 2021	**462**
C0323(1) Item 15	Investment Report at 28 February 2023	**471**

12 Notices of Motion

ITEM		Page
C0323(1) Item 16	Notice of Motion: Returning Planning Powers to Local Councils	**496**
C0323(1) Item 17	Notice of Motion: Haberfield District Celebrates 93rd Anniversary	**497**
C0323(1) Item 18	Notice of Motion: South Australia: First Nations Voice to Parliament	**498**
C0323(1) Item 19	Notice of Motion: Pedestrian Safety at Cardinal Freeman Village	**502**
C0323(1) Item 20	Notice of Motion: Town Hall Open Days and Activations	**503**
C0323(1) Item 21	Notice of Motion: Pride Inner West and Mardi Gras	**505**
C0323(1) Item 22	Notice of Motion: Motion for the 2023 National General Assembly of Local Government: Preventing greenwashing and promoting ethical and climate positive investments in Local Government Super Funds	**506**
C0323(1) Item 23	Notice of Motion: Urgent Maintenance and Improvement of Pedestrian Safety on Bayview Avenue Bridge, Tempe	**510**
C0323(1) Item 24	Notice of Motion: Improving Pedestrian Safety on Wardell Road Bridge, Marrickville	**511**
C0323(1) Item 25	Notice of Motion: Motion for the 2023 National General Assembly of Local Government - Banks to offer more investment products	**512**

13 Questions From Councillors

ITEM		Page
C0323(1) Item 26	Question on Notice: Staff changes	**513**
C0323(1) Item 27	Question on Notice: Employee Termination Costs	**514**
C0323(1) Item 28	Question on Notice: Inner West Bushcare Sites	**515**
C0323(1) Item 29	Question on Notice: Road Repair Funding Grant $5 Million	**516**
C0323(1) Item 30	Question on Notice: LPAC Masterplan Expenditure	**518**
C0323(1) Item 31	Question on Notice: GreenWay Works	**520**
C0323(1) Item 32	Question on Notice: Urban Ecology Team Recruitment	**522**

14 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		Page
C0323(1) Item 33	Update on the acquisition of investment properties	**523**
C0323(1) Item 34	Panel Member Appointment - Sydney Eastern City Planning Panel (SECPP)	**525**
C0323(1) Item 35	FOGO Processing Contract Update	**528**

Minutes of Extraordinary Council Meeting held on 29 November 2022 at Ashfield Service Centre

Meeting commenced at 6.32PM

Present:

Darcy Byrne	Mayor
Liz Atkins	Councillor
Marghanita Da Cruz	Councillor
Jessica D'Arienzo	Councillor
Mark Drury	Councillor
Dylan Griffiths	Councillor
Justine Langford	Councillor
Pauline Lockie	Councillor
Kobi Shetty	Councillor
Chloe Smith	Councillor
John Stamolis	Councillor
Timothy Stephens	Councillor
Zoi Tsardoulias	Councillor
Peter Gainsford	General Manager
Simone Plummer	Director Planning
Ryann Midei	Director Infrastructure
Kelly Loveridge	Director Corporate
Michael Daly	Events Manager
Beau-Jane De Costa	Senior Manager Governance and Risk
Prue Foreman	Corporate Strategy and Engagement Manager
Scott Mullen	Manager Strategic Investments and Property
James Brennan	Consultant - EY
Katherine Paixao	Business Paper Coordinator

APOLOGIES:

Motion: (Byrne/Stephens)

That apologies from the Deputy Mayor, Councillor Scott and Councillor Howard be accepted.

Motion Carried

For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias

Against Motion: Nil

DISCLOSURES OF INTERESTS: Nil

C1122(2) Item 1 Annual Report 2021-22

Motion: (Drury/Griffiths)

That Council:

1. **Endorse the Annual Report 2021-22 (excluding audited financial statements), publish the report on Council's website and notify Office of Local Government; and**

2. **Note that the financial reports are not included in the Annual Report due to delays in asset revaluations work which took some time to complete so OLG have provided an extension through to mid-December for Inner West Council to submit the audited financial statements, which are expected to be presented to the 6 December 2022 Council meeting.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Amendment (Da Cruz/Shetty)

That Council note that the financial reports are not included in the Annual Report due to delays in asset revaluations work which took some time to complete so OLG have provided an extension through to mid-December for Inner West Council to submit the audited financial statements, which are expected to be presented to the 6 December 2022 Council meeting.

Motion Carried
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Smith, Stephens and Tsardoulias

As the amendment was carried, it was incorporated into the primary motion.

Procedural Motion: (Lockie/Drury)

That Council enter into Confidential session.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Confidential Session

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

C1122(2) Item 2 Acquisition of Investment Property (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

Procedural Motion: (D'Arienzo/Stephens)

That Council move back into the Open Session of the Council Meeting.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

RESOLUTIONS PASSED DURING CLOSED SESSION

C1122(2) Item 2 Acquisition of Investment Property

Motion: (Drury/Lockie)

That Council:

1. **Approve the purchase of the property as detailed in the confidential report; and**

2. **Delegate authority to the General Manager to negotiate, finalise and execute the Contract for Sale with the Vendor as detailed in the confidential report.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

Meeting closed at 6.52pm.

Minutes of Ordinary Council Meeting held on 14 February 2023 at Ashfield Service Centre

Meeting commenced at 6.31pm

Present:

Darcy Byrne	Mayor (7.01pm)
Philippa Scott	Deputy Mayor
Liz Atkins	Councillor
Marghanita Da Cruz	Councillor
Jessica D'Arienzo	Councillor
Mark Drury	Councillor
Dylan Griffiths	Councillor
Mathew Howard	Councillor
Justine Langford	Councillor
Pauline Lockie	Councillor
Kobi Shetty	Councillor
Chloe Smith	Councillor
John Stamolis	Councillor
Timothy Stephens	Councillor
Zoi Tsardoulias	Councillor
Peter Gainsford	General Manager
Simone Plummer	Director Planning
Ryann Midei	Director Infrastructure
Ruth Callaghan	Director Community
Kelly Loveridge	Director Corporate
Beau-Jane De Costa	Senior Manager Governance and Risk
Matthew Pearce	General Counsel
Daryl Jackson	Chief Financial Officer
Chris Sleiman	Financial Partnering & Analytics Manager
Daniel East	Acting Senior Manager Planning
Manod Wickramasinghe	Manager Traffic and Transport Planning
Scott Mullen	Manager Strategic Investments and Property
Katherine Paixao	Business Paper Coordinator
Darcie Huisman	Business Paper Officer

The Deputy Mayor, Councillor Scott assumed the role as Chair in the absence of the Mayor and opened the meeting.

DISCLOSURES OF INTERESTS:

Clr Howard declared a non-significant, non-pecuniary interest in Item 6 Local Traffic Committee Meeting – 5 December 2022 as he works in the Office of the State Member for Summer Hill who has a representative on the Local Traffic Committee. He will remain and participate in the meeting for discussion and voting as the vote of the State Member is exercised through a representative.

Clr Scott declared a significant, pecuniary Interest in Item 4 67-75 Lords Road, Leichhardt - Planning Proposal as her residence is in close proximity to the development site. She will exit the chamber during discussion and voting of the item.

APOLOGIES:

Motion: (Drury/D'Arienzo)

That Council note the apology from the Mayor, Clr Byrne from 6.31pm until 7.01pm.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

CONFIRMATION OF MINUTES

Motion: (Drury/D'Arienzo)

That the Minutes of the Council Meeting held on Tuesday, 6 December 2022 be confirmed as a correct record.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Motion: (Drury/D'Arienzo)

That the Minutes of the Extraordinary Council Meeting held on Tuesday, 13 December 2022 (6.00pm) and Extraordinary Council Meeting held on Tuesday, 13 December 2022 (6.30pm) be confirmed as a correct record.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

PUBLIC FORUM

The registered speakers were asked to address the meeting. The list of speakers is available on the last page of these minutes.

Procedural Motion (Scott/Howard)

That the Mayoral Minute be deferred until the conclusion of Reports for Council decision.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion (Scott/Drury)

That Council Suspend Standing Orders to bring forward the following items to be dealt with at this time:

1. **Item 5 Post Exhibition Report 469R Princes Highway, Sydenham - Voluntary Planning Agreement**
2. **Item 7 Change to procurement regulations and review of Guidelines**
3. **Item 8 Conduct of the Local Government Election September 2024**
4. **Item 13 Investment Report at 30 November 2022**
5. **Item 14 Investment Report at 31 December 2022**
6. **Item 16 Impact of Airbnb on rental housing supply**
7. **Item 21 Notice of Motion: Tree Management in Pioneer Park**

8. **Item 22 Notice of Motion: Request for update on Transport for NSW (Roads) deliverable**
9. **Item 23 Notice of Motion: Parramatta to CBD Foreshore Link 91km path**
10. **Item 33 Lease of 10 Norton Street, Ashfield**
11. **Item 34 Appointment of Independent ARIC member**
12. **Item 36 RFT 27-22 External Legal Panel**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion (Scott/Drury)

That the following items be moved in globo and the recommendations contained within the report be adopted.

1. **Item 5 Post Exhibition Report 469R Princes Highway, Sydenham - Voluntary Planning Agreement**
2. **Item 7 Change to procurement regulations and review of Guidelines**
3. **Item 8 Conduct of the Local Government Election September 2024**
4. **Item 13 Investment Report at 30 November 2022**
5. **Item 14 Investment Report at 31 December 2022**
6. **Item 16 Impact of Airbnb on rental housing supply**
7. **Item 21 Notice of Motion: Tree Management in Pioneer Park**
8. **Item 22 Notice of Motion: Request for update on Transport for NSW (Roads) deliverable**
9. **Item 23 Notice of Motion: Parramatta to CBD Foreshore Link 91km path**
10. **Item 33 Lease of 10 Norton Street, Ashfield**
11. **Item 34 Appointment of Independent ARIC member**
12. **Item 36 RFT 27-22 External Legal Panel**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 5 Post Exhibition Report 469R Princes Highway, Sydenham - Voluntary Planning Agreement

Motion: (Scott/Drury)

That Council:

1. **enter into the Amended Voluntary Planning Agreement for 469R Princes Highway, Sydenham as provided in Attachment 1 to this report; and**

2. **authorise the General Manager to approve an amendment to the parties to the amended VPA should the property be sold.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 7 Change to procurement regulations and review of Guidelines

Motion: (Scott/Drury)

That Council delegate decisions to the General Manager to decline all tenders and either:

1. **postpone or cancel the proposal for the contract;**

2. **invite, in accordance with section 167, 168 or 169, fresh tender submissions based on the same or different details;**

3. **invite, in accordance with section 168, fresh applications from persons interested in making a tender submission for the proposed contract; and**

4. **invite, in accordance with section 169, fresh applications from persons interested in making a tender submission for contracts of the same kind as the proposed contract as per the Local Government (General) Regulation 2021.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 8 Conduct of the Local Government Election September 2024

Motion: (Scott/Drury)

The Inner West Council ("the Council") resolves:

1. **pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;**

2. **pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and**

3. **pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 13 Investment Report at 30 November 2022

Motion: (Scott/Drury)

That Council receive and note the report.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 14 Investment Report at 31 December 2022

Motion: (Scott/Drury)

That Council receive and note the report.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 16 Impact of Airbnb on rental housing supply

Motion: (Scott/Drury)

That Council receive and note this report.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 21 Notice of Motion: Tree Management in Pioneer Park

Motion: (Scott/Drury)

That Council receive a report on tree health and tree management at Pioneer Park to the April 2023 Council meeting. This will include a general assessment and report on tree health as well as plans for the replacement of any trees which have been removed.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 22 Notice of Motion: Request for update on Transport for NSW (Roads) deliverables

Motion: (Scott/Drury)

That Council write to the Minister for Transport requesting:

1. **a traffic study be undertaken to improve traffic conditions on Wolseley St and Dobroyd Parade be undertaken following TfNSW's decision to retain the closure of Northcote Street at Parramatta Road, Haberfield which has impacted amenity in these adjacent streets;**

2. **implementation of 40km/h speed limit in Haberfield West - the area between**

Dobroyd Parade (West) Wattle Street, Martin Street and Parramatta Road including Ramsay Street;

3. **an update on the creation of new Public Transport Lanes on Parramatta Road between Norton Street Leichhardt and Burwood Road. (condition of Westconnex Stage 1);**

4. **implementation of High Pedestrian Activity Area (HPAA) including reduction of Speed Limit in Haberfield Village on Ramsay Street and Dalhousie Street (as promised in 2019);**

5. **priority for the Speed Limit reduction Frederick Street (due August 2022) and upgrading pedestrian safety when crossing Frederick Street, Ashfield particularly at John Street, following the death of a Pedestrian on the at grade markings;**

6. **information regarding the Future of the Cove Street Depot Haberfield, between Dobroyd Parade and Dobroyd Canal;**

7. **provision of an additional Pedestrian Crossing leg across Parramatta Road, on the Western Side of the intersection of Parramatta Road and Frederick Street, Ashfield;**

8. **approval to commence the Parramatta Road Urban Amenity Improvement Program (PRUAIP) new cycleway from Parramatta Road to Mallet Street, Annandale;**

9. **investigation on the Crescent Annandale to provide a safe and continuous bike path; and**

10. **attention to both legal and illegal right hand turns into and out of Darley Road to streets and laneways between William St and City West Link which results in State Road traffic rat running through the local road network.**

Motion Carried

For Motion:	Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

C0223(1) Item 23 Notice of Motion: Parramatta to CBD Foreshore Link 91km path

Motion: (Scott/Drury)

That Council:

1. **express support for a continuous 91km active transport path linking Parramatta to the CBD along the foreshore;**

2. **supply any existing reports or maps produced by Council (e.g. Leichhardt Council) which may assist in enhancing the path or links to the path from within our municipality; and**

3. **advocate for the Glebe Island Bridge to be included as part of the path concept.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 33 Lease of 10 Norton Street, Ashfield

Motion: (Scott/Drury)

That Council approves the lease and delegates authority to the General Manager to finalise and execute the lease agreement in accordance with the details contained in the confidential report.

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 34 Appointment of Independent ARIC member

Motion: (Scott/Drury)

That Council:

1. **resolves to appoint Ilona Meyer to the Inner West Council Audit, Risk and Improvement Committee, for a period of four years, with an option for re-appointment for a further four years, subject to a formal review of the members performance; and**

2. **writes to Heather Smith thanking her and acknowledging the significant contribution she has made to Council as an Independent Member of the Audit, Risk and Improvement Committee for the past eight years.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 36 RFT 27-22 External Legal Panel

Motion: (Scott/Drury)

That the tenders submitted below be accepted for the Inner West Council's External Legal Provider Panel:

1. **Apex Planning and Environment Law;**

2. **Clayton Utz;**

3. **HWL Ebsworth Lawyers;**

4. **Lindsay Taylor Lawyers;**

5. **Maddocks;**

6. **Hall and Wilcox Lawyers;**

7. **Sparkes Helmore Lawyers; and**

8. **Houston Dearn O'Connor Lawyers.**

Motion Carried
For Motion: Crs Atkins, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

The Mayor, Councillor Byrne entered the Meeting at 7:01 pm. The Deputy Mayor, Councillor Scott vacated the chair and the Mayor, Councillor Byrne assumed the chair.

C0223(1) Item 1 December Quarterly Budget Reporting Statement, and Delivery Program 2022-26 and Operational Plan 2022-23 - Quarter Two Report

Motion: (Drury/Lockie)

That Council adopt the Second Quarter Budget Review for 2022-23.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 2 Inner West Council De-Amalgamation Business Case

Motion: (Scott/Drury)

That Council:

1. **submits the Deamalgamation Business Case, as considered by Council at the 13 September and the 6 December 2022 Council Meeting, with the additional attachment of the Ernst and Young risk report, to the Minister for Local Government; and**

2. **includes the approved covering letter with the submission to the Minister for Local Government, that sets out clearly that de-amalgamation, should it occur, be done only on the following terms:**

   a) **that the full costs of the de-amalgamation being between $178 million - $190 million be paid in full by the NSW Government, prior to the commencement of the de-amalgamation, with no costs to be borne by Inner West ratepayers; and**

   b) **that the duly democratically elected representatives of Council will remain in office and the NSW Government will not install an interim unelected administrator.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Scott, Shetty, Smith, Stephens and Tsardoulias
Against Motion: Crs Langford, Lockie and Stamolis

C0223(1) Item 3 Main Street Revitalisation Expression of Interest process

Motion: (Scott/Byrne)

That Council endorses the process outlined in the report to call for Expressions of Interest from a coalition of local businesses, main street property owners, chambers of commerce, community and arts organisations to partner with Council in main street improvement projects, subject to:

1. **the addition of an expert, independent member to the panel to evaluate Stage 1 EOIs; and**

2. **additional resourcing being provided for promotion of the Stage 1 EOI application process and development of promising submissions through the Stage 2 EOI process.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

The Deputy Mayor, Councillor Scott left the Meeting at 7:15 pm as she declared a significant, pecuniary interest in Item 4 67-75 Lords Road, Leichhardt - Planning Proposal as her residence is in close proximity to the development site.

C0223(1) Item 4 67-75 Lords Road, Leichhardt - Planning Proposal

Motion: (Drury/Da Cruz)

That Council:

1. **Does not support the Planning Proposal prepared by FPD Pty Ltd dated 3 August 2022 for 67-75 Lords Road, Leichhardt for the following reasons:**

   a) **the Planning Proposal is inconsistent with Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS Strategy) 1.5 (1)(a)(b) and (c) as the proposal does not adequately give effect to the objectives 1.5(a) of the Ministerial Direction and is inconsistent with Strategic Actions within the PRCUTS Strategy, and the Planning and Design Guidelines;**

   b) **it fails the strategic and site-specific merit test of the Guidelines for Preparing Planning Proposals pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act);**

   c) **it is inconsistent with the following Council's adopted Policies:**

      i. **Local Strategic Planning Statement (LSPS);**

      ii. **Local Housing Strategy;**

      iii. **Employment and Retail Lands Strategy;**

      iv. **Affordable Housing Policy; and**

      v. **Community Strategic Plan**

d) it is inconsistent with the following Ministerial Directions:

i. Implementation of Regional Plans;

ii. 1.5 Parramatta Road Corridor Urban Transformation Strategy; and

iii. 4.1 Flooding.

e) it is inconsistent with State Environmental Planning Policy (Housing) 2021;

f) the proposed design is unsatisfactory with respect to:

i. flooding;

ii. site servicing, access and circulation; and

iii. built form controls, including setbacks, building separation, open space.

2. recommend that the Planning Proposal should not be progressed to the Minister of Planning in accordance with section 3.34 of the EP&A Act;

3. should the proponent request a Rezoning Review by the NSW Department of Planning and Environment, or submit an amended Planning Proposal to Council the following matters should be considered in the assessment in addition to the matters in recommendation 1 above:

i. the Planning Proposal be amended to omit business premises and office premises from the proposed Additional Permitted Uses;

ii. the Planning Proposal be amended to include a local provision requiring a minimum of 3,000sqm of non-residential uses;

iii. that an Affordable Housing Contributions Scheme be prepared as part of the Planning Proposal or a Planning Agreement be negotiated. The affordable housing percentage of residential development to comply with Inner West Affordable Housing Policy, being 15% subject to a detailed feasibility analysis;

iv. discussions be held with Council, DPE and TfNSW on the implementation of the Parramatta Road Corridor Precinct-wide Transport and Traffic Study as relevant to the Planning Proposal site;

v. provide an updated Traffic and Parking Analysis report and any other specialist reports (as necessary) utilising and reflecting the most up to date data available;

vi. consideration should be given to the proposed RE1 Public Recreation zone along the western boundary (75 Lords Road);

vii. consideration should be given to the inadequate floor to ceiling heights of the light industrial units; and

viii. a flood risk and impact assessment including pre- and post-development flood modelling be undertaken to satisfy the requirements of the Ministerial Direction 4.1 Flooding.

4. **in accordance with action 13.9 of the Inner West LSPS, write to the Minister seeking a variation to the ministerial direction to retain employment lands in PRCUTS.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil
Absent:	Cr Scott

The Deputy Mayor, Councillor Scott returned to the Meeting at 7:25 pm.

C0223(1) Item 6 Local Traffic Committee Meeting - 5 December 2022

Motion: (Howard/D'Arienzo)

That the Minutes of the Local Traffic Committee meeting held on 5 December 2022 be received and the recommendations be adopted subject to the following additions to Item 2 Tempe Reserve, Tempe – Temporary Road Closures for Sydney IGLFA Soccer Tournament 20-23 February 2023 – (Midjuburi - Marrickville Ward/Heffron Electorate/Newtown LAC):

That:

1. **no objection be raised to the Soccer Tournament over the four day period between 11 February to 5 March 2023 subject to the applicant complying with the following conditions:**

   a) **the Traffic Management Plan (TMP) be reviewed and updated accordingly to address issues raised in this report.**
   Reason – to ensure the event runs safely and efficiently throughout this period and to address any unforeseen issues arising;

   b) **the applicant is to provide an estimate of expected traffic volume figures attending the event. This shall include details about the average arrivals/departures per day as well as peak hour arrivals/departures. Furthermore, direction(s) of traffic flow needs to be included in this analysis (ie. of where traffic is going to and coming from).**
   Reason - This information is required for each day to assess the impact of any possible traffic congestion at the signalised intersection of Holbeach Avenue and Princes Highway;

   c) **an updated TMP be sent to TfNSW for their review and comment. Reason – to ensure TfNSW is aware of the event series and can provide comment on any impact(s) on the operation of the signalised intersection of Highway and Holbeach Avenue, Tempe;**

   d) **notification of the proposed event be forwarded to the NSW Police, Transit Systems and State Transit Authority (Kingsgrove Depot), the NSW Fire Brigade and the NSW Ambulance Services.**
   Reason – so emergency services and transport services are aware of the event series and can plan around the event;

   e) **affected residents and/or businesses are notified in writing at least two weeks prior to event and the event organiser and traffic control company contact details and names be included in the notification letters.**
   Reason – so residents and businesses are aware of the event series and can plan around event;

f) adequate vehicular traffic control shall be provided for the protection and convenience of pedestrians and motorists including appropriate signage and flagging. TCP must be implemented on the day(s) by an appropriate certified traffic controller (designer of TCP or similar certification). 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. Reason – to ensure that the management of pedestrians, cyclists, vehicles and road other users is undertaken in a safe and efficient manner.

2. additional traffic controllers to be situated at:

a) the western end of South Street;

b) Bay Street east of Princes Highway;

c) Station Street east of Princes Highway; and

d) Hart Street east of Princes Highway.

3. the above comments of the Local Traffic Committee be received and noted;

4. note the request from ten or more residents for a resident parking scheme in the area bounded by the Princes Highway and South Street, Smith Street and Holbeach Avenue, Tempe, and commence investigation of such a scheme; and

5. at the conclusion of that investigation, commence a Parking Study of the area around Tempe Reserve as noted in the Tempe Reserve Plan of Management.

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

C0223(1) Item 9 Post Exhibition - Amended Model Code of Meeting Practice

Motion: (Scott/Drury)

That Council adopts the draft Model Code of Meeting Practice in Attachment 1.

Motion Carried

For Motion:	Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias
Against Motion:	Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis

C0223(1) Item 10 National General Assembly of Local Government 2023

Motion: (Scott/Drury)

That Council:

1. Determine the Councillors attending the National General Assembly of Local Government 2023 will be the Mayor, Councillor Byrne, Councillors D'Arienzo,

Drury, Da Cruz, Griffiths, Langford, Atkins and Lockie.

2. **Determine the one (1) councillor that will be the voting delegate will be the Mayor, Cr Byrne; and**

3. **Note the following motions, that meet the National General Assembly's criteria, will be submitted on behalf of Council after being brought to the March 2023 Ordinary Council meeting:**

   a) **Fossil free investment options for big banks (Drury); and**

   b) **Referendum on the Voice to Parliament (Byrne).**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 11 Councillor Representation on Committees

Motion: (Scott/Stephens)

That Council determine Councillor representation on Council and External Committees until September 2024, as detailed in this report, subject to the following amendments:

1. **Customer Service Review Committee: Remove Clr Shetty, add Clr Atkins;**

2. **Local Traffic Committee: Remove Alternate Clr Langford, replace Alternate Clr Smith;**

3. **Cooks River Alliance Board: Remove Alternate Clr Langford, replace Alternate Clr Stephens; and**

4. **NSW Public Libraries Association: Remove Alternate Clr Shetty (note paper wrongly states Clr Langford), replace Alternate Clr Griffiths**

Motion Carried
For Motion: Crs Byrne, D'Arienzo, Drury, Griffiths, Howard, Lockie, Scott, Smith, Stephens and Tsardoulias
Against Motion: Crs Atkins, Da Cruz, Langford, Shetty and Stamolis

Amendment (Langford/Stamolis)

That points 2 and 3 be deleted from the primary motion.

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stephens
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stamolis and Tsardoulias

Procedural Motion (Shetty/Griffiths)

That point 5 of the Stamolis/Da Cruz amendment be voted on in seriatum.

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

Amendment (Stamolis/Da Cruz)

That Council:

1. **note that the 15 Councillors of the Inner West can participate in 14 committees offering 30 positions (excluding alternates);**

2. **to ensure that all Councillors are provided with the opportunity to participate on Council committees;**

3. **to establish an appeals process or review process for Councillors who have been excluded from participation on Council committees;**

The Mayor ruled point 3 out of order as it is inconsistent with the *Local Government Act 1993. This was not voted on.*

4. **increase the number of committee members on the Major Capital Projects Committee to 6 and appoint Councillor Stamolis.**

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

5. **increase the number of councillor committee members on the Audit, Risk and Improvement Committee to 3 and nominate Councillor Stamolis.**

Point 5 of the Stamolis/Da Cruz amendment was withdrawn by Councillor Stamolis prior to voting on the amendment.

Procedural Motion (Scott/Howard)

That Council allow the Mayor, Councillor Byrne to speak for 2 additional minutes on Item 38.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 38 Mayoral Minute: Inner West BBQ for the Voice to Parliament

Motion: (Byrne)

That Council:

1. **Endorse the convening of the Inner West BBQ for the Voice to Parliament this Saturday February 18 at Petersham Park as well as the provision of in-kind support from Council including:**

    a) **the opening of Fanny Durack pool for free public access;**

b) **promotion of the event through Council's communications channels; and**

c) **staff time in organising the event.**

2. **Further endorse the allocation of funds for an Aboriginal band to perform, the provision of audio equipment and the purchase of sausages for the BBQ. The funding of these costs, estimated to be approximately $10,000 is to be identified and reported through the next quarterly budget review.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 12 2021/22 Annual Disclosure of Interest

Motion: (Drury/Scott)

That Council note the amended Annual Disclosure of Interest Return for Councillor Darcy Byrne.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Lockie, Scott, Shetty, Smith, Stephens and Tsardoulias
Against Motion: Crs Langford and Stamolis

C0223(1) Item 15 Investment Report at 31 January 2023

Motion: (Drury/Lockie)

That Council receive and note the report.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion (Scott/D'Arienzo)

That Council allow Councillor Smith to speak for 1 additional minute on Item 17.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 17 Arts Summit - Update and Draft Report for Endorsement

Motion: (Smith/Howard)

That Council:

1. **receive and note the report; and**

2. **amend point 3 in the Draft Inner West Council Arts and Music Recovery Plan to reflect that open days for all 8 Town Halls will be held by June 2023.**

Motion Carried

For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias

Against Motion: Nil

Councillor Griffiths left the Meeting at 8:22 pm.

Councillor Griffiths returned to the Meeting at 8:27 pm.

C0223(1) Item 18 Update to the Land Register

Motion: (Scott/Drury)

That Council:

1. **receive and note the report; and**

2. **to identify what impact the changes to the Land and Property Register will have on the valuation of Councils assets.**

Motion Carried

For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias

Against Motion: Nil

Procedural Motion (Byrne/D'Arienzo)

That the meeting be adjourned for 10 minutes.

Motion Carried

For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias

Against Motion: Nil

The meeting was adjourned at 8.27pm

The meeting recommenced at 8.42pm

C0223(1) Item 19 Update on Town Halls

Motion: (Howard/Scott)

That Council receive and note the report.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion (Byrne/Smith)

That Council allow Councillor Drury to speak for 1 additional minute in Item 20.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 20 Notice of Motion to Rescind: C1122(1) Item 21 Notice of Motion: Council Advertising and Inner West News

Motion: (Shetty/Atkins)

That Council rescind C1122(1) Item 21 Notice of Motion: Council Advertising and Inner West News being:

That Council:

1. **Taking into consideration any formal contractual obligations Council has direct all our advertising expenditure to the Inner West Council Newsletters and Social Media;**

2. **Increase the number of Inner West Council Newsletters by one, taking the total number of editions to eleven per year; and**

3. **Upgrade the 14 community noticeboards.**

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

Procedural Motion: (Shetty/Stephens)

That Council allow the Councillor Griffiths to speak for 1 additional minute in Item 24.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion: (Shetty/Langford)

That Council allow Councillor Lockie to speak on an amendment for 1 additional minute in Item 24.

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

C0223(1) Item 24 Notice of Motion: Protecting the Right to Peaceful Non-Violent Protest in NSW

Motion: (Shetty/Griffiths)

That:

1. **Council acknowledge that the right to protest is fundamental in a democratic society;**

2. **Council commit to support and facilitate the right of the community, including climate activists, to peacefully protest in the Inner West Local Government Area; and**

3. **the Mayor urgently write to the NSW Attorney General, NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police to:**

   a) **express support for the right of peaceful gathering, meeting, and assembly in NSW; and**

   b) **express the Inner West Council's support for the review of protest laws introduced in NSW in April 2022.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

Amendment (Stephens/Drury)

That points 2 and 3 be amended to the following wording:

2. **Commit to support and facilitate the right of the community, including climate activists, to peacefully protest in the Inner West Local Government Area; and**

3. **The Mayor urgently write to the NSW Attorney General, NSW Shadow Attorney General, the NSW Minister for Police and the Commissioner for Police to:**

   a) **express support for the right of peaceful gathering, meeting, and assembly in NSW; and**

   b) **express the Inner West Council's support for the review of protest laws introduced in NSW in April 2022.**

Motion Carried
For Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias
Against Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis

As the amendment was carried, it was incorporated in to the primary motion.

C0223(1) Item 25 Notice of Motion: School-based market leases

Motion: (Scott/Byrne)

That Council write to Minister for Education:

1. **Seeking assurance that the contracts and leases for the school-based markets in the Inner West Council Local Government Area at Orange Grove Public School and Rozelle Public School are not at risk; and**

2. **Seeking a timeline for their tender and confirmation that market tenders are being proactively managed.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Procedural Motion: (Stephens/Scott)

That Council allow the Mayor, Councillor Byrne to speak for 1 additional minute in Item 26.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 26 Notice of Motion: Callan Park community use

Procedural Motion: (Drury/Stephens)

That the Motion be put.

Motion Carried
For Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias
Against Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis

Procedural Motion (Griffiths)

That a motion of dissent be moved in the chairperson's ruling of not allowing Councillor Shetty speak to remarks of misrepresentation.

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

Motion: (Scott/Byrne)

That Council:

1. **note that the Leichhardt Women's' Community Health Centre (LWCHC) have compassionately and diligently served the community for many decades and despite being burdened with an outdated funding model, have through their own skill and efficiency, expanded their service and have now outgrown their premises on Thornley Street Leichhardt;**

2. **note that LWCHC have over the summer period asked Council for assistance to support their efforts to find additional premises;**

3. **note that LWCHC were encouraged to participate in an application process for use of space at Callan Park, and have not heard from the State Member for Balmain Jamie Parker or the Planning Minister Rob Stokes with regard to the status of their application; and**

4. **write to the State Member for Balmain and the Minister for Planning asking for an update on the Callan Park community health precinct application process that local not for profit groups in good faith participated in, and request that they be provided with a response.**

Motion Carried
For Motion: Crs Atkins, Byrne, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Cr Da Cruz

Amendment (Shetty/Stamolis)

That Council replace points 3 and 4 of the primary motion with the following wording:

3. **supports the LCWHC in any future efforts to obtain additional space.**

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

Amendment (Da Cruz/Stamolis)

That Council consider suitable Council-owned properties available to provide accommodation to the Leichhardt Women's' Community Health Centre (LWCHC)

Motion Lost
For Motion: Crs Atkins, Da Cruz, Griffiths, Langford, Lockie, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Howard, Scott, Smith, Stephens and Tsardoulias

C0223(1) Item 27 Notice of Motion: Rozelle Parklands Transport and Traffic Assessment

Motion: (Byrne/Scott)

That:

1. **Council note that Transport for NSW had yesterday provided written advice that they will finally fund a parking and traffic analysis for Rozelle Parklands;**

2. **Council further note that no timeline has been provided for the analysis to be undertaken;**

3. **Council write to the NSW Minister for Transport insisting upon the traffic analysis being undertaken immediately with input from Council and the community;**

4. **the local community be fully involved and consulted in any traffic and parking studies undertaken in the area; and**

5. **bicycle groups also be consulted.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

C0223(1) Item 28 Notice of Motion: St Peter's Station Accessibility

Motion: (Atkins/Langford)

That Council:

1. **note the recent work at St Peter's station and the very welcome installation of lifts between platforms and concourse;**

2. **note the replacement of the Goodsell Street entrance ramp with steps; and**

3. **write to the NSW Minister for Transport thanking the government for installing lifts at St Peters Station and seeking direct step-free access to those lifts from Goodsell Street.**

Motion Carried

For Motion:	Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion:	Nil

Procedural Motion (Howard/Scott)

That Council enter into Confidential session.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Confidential Session

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matters be considered in Closed Session of Council for the reasons provided:

C0223(1) Item 32 Update on the acquisition of investment properties (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

C0223(1) Item 35 Summer Hill Reuse Centre – Update (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

C0223(1) Item 37 RFT 20-22 HJ Mahoney Reserve Amenities Works (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it.

Procedural Motion (Howard/Scott)

That Council move back into the Open Session of the Council Meeting.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

RESOLUTIONS PASSED DURING CLOSED SESSION

C0223(1) Item 32 Update on the acquisition of investment properties

Motion: Drury/Scott)

That Council receive and note the report.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

C0223(1) Item 35 Summer Hill Reuse Centre – Update

Motion: (Drury/Griffiths)

That Council:

1. **approves further discussions with other interested parties who did not provide a submission to the EOI, and have subsequently contacted Council, to occupy any remaining space for the purpose of reuse and recycling; and**

2. **investigates opportunities to locate a Reverse Vending Machine on the site.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Amendment: (Langford/Da Cruz)

That an additional point be added to the primary motion:

3. **investigates opportunities of having an artist in residence at the Summer Hill Reuse Centre.**

Motion Lost
For Motion: Crs Atkins, Da Cruz, Langford, Shetty and Stamolis
Against Motion: Crs Byrne, D'Arienzo, Drury, Griffiths, Howard, Lockie, Scott, Smith, Stephens and Tsardoulias

C0223(1) Item 37 RFT 20-22 HJ Mahoney Reserve Amenities Works

Motion: (Howard/Byrne)

That Council:

1. **cancel tender T20-22 HJ Mahoney Memorial Reserve Amenities Work and decline all associated tender submissions; and**

2. **continue a procurement process to deliver the HJ Mahony Reserve Amenities Work as a matter of priority.**

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Meeting closed at 10.12pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 4	Michael File Hall Greenland	Sydney Leichhardt
Item 22	Peter Humphreys	Haberfield
Item 24	Anastasia Radievska	Marrickville
Item 28	Gloria Muir	St Peters

Item No: C0323(1) Item 1

Subject: CONDOLENCE MOTION: PASSING OF AUSTRALIAN POET ANTIGONE KEFALA

From: Councillor Marghanita Da Cruz

MOTION

1. **That Council note the passing of Antigone Kefala.**

2. **That Council plant a tree in her memory in Annandale.**

3. **That Council ensure we have all her books in our library collection.**

4. **That Council support an exhibition at Leichhardt Library curated by her friend Beth Hatton.**

Background

At a time when the Federal Government is reviving support for the arts, and plans to appoint a Poet Laureate, it is poignant that in December 2022 the Inner West lost one of its most distinguished residents, with the death of poet and author Antigone Kefala.

Antigone Kefala at a public reading of her work

Born in Romania to Greek parents, Kefala and her family fled after Soviet Occupation, first to Greece and on to New Zealand. Already literate in Romanian, French and Greek, Kefala then set about learning English, in which language she wrote from then on.

After moving to Australia, in 1960 Kefala bought her house in Annandale, and this is where she wrote all her books - five poetry collections, three novels, two children's books and three collections of 'journals'.

Recently Kefala achieved national honours, with the Judith Wright Calanthe Poetry Award in 2017 and the Patrick White Literary Award in 2022. She is the subject of two scholarly books as well as a conference held at the University of NSW.

"We met Antigone 44 years ago, when she was at the first peak of her career and often mentioned in the press. 'The Bulletin' had just published a big photograph of her stepping from a train, looking like a star in a European movie ! We greatly benefited from her enthusiastic support of our artistic careers, and she also became godmother to our daughter Ileana." Warwick & Beth Hatton, Annandale.

Max at Johnstons Creek canal, Annandale (Illustration by Warwick Hatton for Max) 2009

"Antigone was a dear friend and neighbour for nearly 40 years who took a keen interest in local politics and community projects. In the 1980s and 1990s she supported the Save Rozelle Bay campaign to transform the industrial waterfront of Annandale into a regional park. She also spent many hours mentoring Barbara during her PhD studies. Two of our cats, including Max from her book Max The Confessions of a Cat, moved from our house to hers." Beth & Barbara Buchanan.

"Antigone Kefala was a lifelong supporter of other artists and writers, especially culturally diverse people. That occurred in her work as Multicultural Arts Officer at the Australia Council but also in our experience of her as a friend, supporting the Kelly Street Kolektiv gallery in Ultimo that Hilik was involved in, the Sydney Poets Union that Anna was involved in and later The Shop Gallery that Anna and Hilik run in Glebe." Anna Couani & Hilik Mirankar.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 2**

Subject: **TREE MANAGEMENT DCP 2023**

Prepared By: Lisa Murphy - Urban Forest Manager

Authorised By: Ryann Midei - Director Infrastructure

RECOMMENDATION

1. **That Council adopt the Development Control Plan (Tree Management DCP 2023) to commence on 1 April 2023.**

2. **That Council exhibit a new tree application fee structure based on the cost of works ($154 for works proposed less than $5000 and $243.20 for works proposed greater than $5000), as a part of the 2023/2024 Fees and Charges.**

DISCUSSION

At its Ordinary Council meeting held on 26 October 2021, Council noted that the Tree DCP 2020 was inconsistent with the NSW Vegetation SEPP and the Environmental Planning and Assessment Act. Council resolved to review the DCP and report back to Council.

Feedback from the community over the past 24 months has identified a range of issues in regard to the workability of the Tree DCP application processes. These comments were regarding the complexity around categories for application types at lodgment, high application costs and property damage claims.

Council received an increase in applications after the adoption of the Tree DCP 2020 of 148%. This slowed the turnaround time on applications to a minimum of 12 weeks as additional staffing was not available.

This version of the policy aims to address:

- Standardisation of key definitions with other legislation and neighbouring Councils to limit confusion for industry practitioners,
- provide distance exemptions to limit risk and claims to dwelling houses,
- provide further exemptions to allow property owners to manage minor vegetation works on their property without Council consent (where other legislation does not prohibit),
- provide simplification of the application system for users (reduce application types and simplify criteria,
- lower permit fees by introducing a consistent fee structure to match the existing development application fee structure,
- speed up application processing times as there will be less applications regarding the above exemptions and less insurance claims for property damage,
- free up staff time to allow compliance investigations for conditions of consent for replanting to meet Council's current and future canopy targets,
- have trees sustainably growing in optimum locations, providing maximum canopy cover on properties to meet Council canopy targets, mitigating the effects of global heating and creating more liveable, cool spaces around dwellings.

At Council's meeting on 10th May 2022, Council resolved to:

> *1. Place the attached draft Tree Management component of the Development Control Plan (TREE DCP 2022) on public exhibition and;*
> *2. That the draft Tree DCP 2022 be reported back to Council with the community feedback results.*

Minor amendments regarding the definition of a 'dwelling' were discussed during the meeting and changes were requested to be made to include multi-unit dwellings. These were added and standardised to match the Environmental Planning and Assessment Act 1979 prior to exhibition. The draft document was placed on exhibition for the period 3 June - 7 July 2022 via Your Say Inner West (YSIW) engagement platform. The results are included in the enclosed document further below.

By way of summary of the community feedback, whilst a portion of the community initially responded 'No' to not support this policy, through the review and analysis of feedback received, Council is confident that the community concerns have been addressed.

In this regard, respondents are in favour of a policy that protects more trees, provides increased canopy and biodiversity outcomes and provides accountability to the community through compliance activities. Draft Tree Management DCP 2023 demonstrates that it can provide those outcomes as well as provide a less complex application process. Draft Tree Management DCP 2023 has been updated to reflect the changes in the current State Environmental Planning Policy (SEPP) Biodiversity and Conservation 2021 and all previous legal issues have been resolved in full.

At Council's meeting on 8th November 2022, Council resolved to

> *That Council defer the report to the December meeting to receive a summary table of the criteria for applications in the draft DCP in comparison to the existing DCP.*

A summary table of the criteria was presented to the Council meeting on 6 December 2022. At this meeting it was resolved:

> *That Council defer the report to the March 2023 Council meeting in order to receive a councillor workshop on the criteria for applications in the draft DCP in comparison to the existing DCP, including: an explanation of the assessments referenced in the draft DCP criteria, and a plan for appropriate compliance activities, including a compliance certificate system and other activities to ensure planting of replacement trees.*

To appreciate the further feedback received, additional refinement of the draft Tree Management DCP2023 has been undertaken to provide an even more user-friendly document that provides clarify.

The application assessment criteria was amended to reflect Tree DCP 2020 and provide an easy to understand assessment criteria for users to appreciate how Council assesses trees and what Council requires as supporting information for a merit based assessment. The exempt pruning provision was extended to allow further exempt works (10%) and to come into line with some neighbouring Councils. Formatting and numbering through the document has been changed to allow for simplicity of reading and reflect the documents' final location in the consolidated Inner West Council DCP. There has been no material change to the document exhibited.

To accompany the draft Tree Management DCP 2023, Council is updating its compliance process to strengthen our approach and ensure planting of replacement trees associated with tree applications. This includes advice of tree removals to the community, new robust conditions of consent requiring replanting, and an internal audit process to provide governance of the system.

A Councillor workshop was held on 7 March 2023 which provided explanation of these items.

It should be noted that draft Tree Management DCP2022 has been renamed draft Tree Management DCP2023 to reflect the new calendar year the item is being considered for adoption.

It is recommended that draft Tree Management DCP 2023 be adopted.

Timing

Draft Tree Management DCP 2023 is proposed to come into effect on 1 April 2023.

This will allow time for Council staff to update/upgrade the website to help customers get the correct information that pertains to their individual circumstance.

Fees and Charges

At the moment 40% of trees are assessed for free under a minor works application. The remainder of trees are assessed under an application fee for 1-3 trees at a cost of $243.20 with an additional fee per tree after of $48.80.

It is planned that the Draft Tree Management DCP 2023 will have all applications assessed through the application fee process. The current fee of $243.20 is higher than a number of neighbouring Councils and it is recommended that the new cost is based on the costs of works proposed via the application and align with other Council development applications. In this regard, a new tree application fee structure based on the cost of works ($154 for works proposed less than $5000 and $243.20 for works proposed greater than $5000) is proposed which would need to be exhibited on endorsement of the new DCP.

Draft Tree Management DCP 2023 can come into effect earlier using the existing fee. It is recommended that Council exhibit a new fee structure as a part of the annual fees and charges process which would commence on 1 July 2023.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation the proposed recommendations outlined in the report.

ATTACHMENTS

1.⇩ Draft Tree Management DCP 2023

ENCLOSED DOCUMENT

Community feedback

The following community feedback was included in previous reports to Council on TreeDCP2022 and is included for completeness:

The engagement was promoted by Inner West Council using a number of means, including:

- Social media
- Media release
- Your Say Inner West monthly e-news
- Council website

Engagement outcomes

Outcomes of community engagement received through the online survey and written feedback forms have been collated. Respondents were asked to answer one mandatory question 'Do you support the draft Tree Development Control Plan (Tree DCP 2022)?'. Council received 200 responses.

Answer Choices	Percent	Count
Yes	24.50%	49
No	57.50%	115
Not sure/neutral	18.00%	36

With the initial question, the majority of respondents did not support the draft Tree DCP 2022. Following this question, Council asked for clarifying statements so we could understand the in-depth nuances of responses. Council undertook an analysis of the 'No' and 'Not sure/neutral' responses, reviewing the 151 accompanying submission statements. Most submissions covered a range of issues.

From these, 263 individual issues were identified and grouped into themes as follows:

Theme	Percent	Count
No comment	30.04%	79
Wants stronger provisions	30.04%	79
Support of community issues submission	19.77%	52
Other (eg.Biodiversity)	9.89%	26
Customer personal experience	4.94%	13
Stronger compliance of replanting conditions	2.28%	6
Heritage comments	1.52%	4
Planning controls conflicts(floor space etc.)	1.14%	3
Aerial Bundled Cable (ABC)	0.38%	1

Of note was the number of 'No' respondents that did not supply a clarifying statement and the reoccurring theme of respondents directly quoting the same issues.

Councils' responses to themes

Issues raised throughout the community issues submission and reflected in the wider themes outlined by respondents are addressed below.

No comment

- 30% of 'No, Not sure/neutral' responses did not provide further clarification.

Stronger provisions

- 30% of 'No, Not sure/neutral' respondents wanted stronger provisions. Proposed Tree DCP 2022 has proposed stricter controls on plant dimensions, including more trees and allowing Council to include them in its canopy mapping (as they are currently excluded). This will help Council monitor more accurately canopy planting and changes over time.

- IWC DCP 2020 is currently giving a guaranteed approval by distance. This is perceived as a 2m exemption distance with conditions applied. Tree DCP 2022 is proposing

strong and in-line provisions with neighbouring Councils. A comparison with neighbouring local government areas is below.

	Bayside	Burwood	Canada Bay	Canterbury- Bankstown	City Of Sydney	IWC 2020	exhibited draft IWC 2022
Height	3	4	4	5	5	6	4
Spread	N/A	2	N/A	N/A	5	3	2
Diameter	200mm @DBH	150mm @DBH	500mm @ground	150mm @ ground	300mm @ ground	300 @ ground	150mm @ DBH
Palms/Ferns	3	4	4	5	5	4	4
Exemption distance	Nil	Nil	Nil	Nil	Nil	Nil	1m @DBH 1.4

- Proposed DCP 2022 has a stricter exempt list than DCP 2020 as it only includes species contained within the NSW Biosecurity Act.

Stronger compliance of replanting conditions

- A point of concern with Tree DCP 2020 is that there is little compliance with replanting requirements from approvals. Council is currently updating its compliance process in parallel to the new Tree DCP to strengthen our approach.

Legally required change, exemption distance and reduced liability

- Determinations provided under Tree DCP 2020 was deemed non-binding with the minor works permit, and the 'guaranteed approval' if the tree is located within 2m of a building should a replacement tree be replanted. Having this mandatory application with a guaranteed approval does not increase management over tree loss in the IWC area as there is no compliance capacity under Tree DCP 2020.

  Legally, Council cannot apply a distance exemption across property boundaries due to complications with ownership and trespass under common law. Council has deleted the minor works permit as part of this policy to not only ensure legality but to allow a homeowners have discretionary powers to protect dwelling foundations.

  There is no requirement to replant trees that qualify as exempt by distance in Tree DCP 2022. The removal of this provision would be inhibitive to homeowners if Council removed the exemption distance and may expose Council to greater liability for property damage claims.

Customer personal experience and improvements for a customer focussed, legally compliant application process

- Proposed DCP 2022 has a simplified list of application types. Tree applications and development applications.
  - Development applications are required for heritage items and heritage conservation areas as per the SEPP. Council has received legal advice regarding this issue. This requirement cannot be deleted for the DCP to be compliant.
  - Tree applications will be the primary application type unless you live in a heritage conservation area or own a heritage item. It allows Council to undertake its assessment requirements under the federal Biodiversity and Conservation Act and NSW Biodiversity SEPP for habitat assessment.

- Council has analysed the specific personal experience themed responses relating to the process and experience of application lodgement to determination. Council will address this through tree process improvement initiatives and the tree website overhaul that will include simplified messaging and ease of lodgement with the adoption of Tree DCP 2022. This is an incredibly detailed and complex improvement to customer service which will take a significant amount of time to test and implement.

Outside of scope

- Comments outside of the scope and intention of this policy include the Tree DCP's link to urban forest policy and climate change, heritage and planning control conflicts and Aerial Bundled Cables (ABC). These topics are listed for discussion and inclusion in future urban forest policy, strategy, and operational plan harmonisation projects due for completion in 2023/24.

Item 2

INNER WEST

Draft

Tree Management DCP 2023

Attachment 1

Item 2

Contents

1 Purpose 3
2 Objectives 3
3 Controls 4
4 Trees on Development Sites 10
5 Definitions 11

Attachment 1

General Provisions

1 Purpose

This Tree Management Development Control Plan has been made in accordance with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and prescribes the vegetation to which the SEPP applies and the applicable consent process.

The vegetation described in this Development Control Plan is vegetation to which Chapter 1 and 2 of the vegetation SEPP applies as amended from time to time.

Council has adopted canopy targets for the Inner West Local Government Area (LGA) based on the zoning of the land. Those canopy targets are derived from the Premiers Priorities 2017- Greening our city and Greening public places, Greater Sydney Commission - District Plans and Greener Places - Urban Tree Canopy Guide and are as follows:

Zone	Canopy Target
R1 General Residential	40%
R2 Low Density Residential	
R3 Medium Density Residential	25%
R4 High Density Residential	
B1 Neighbourhood Centre	25%
B2 Local Centre	
B4 Mixed Use	15%
B5 Business Development	
B6 Enterprise Corridor	
B7 Business Park	
IN1 General Industrial	25%
IN2 Light Industrial	

2 Objectives

The following objectives guide the protection and management of trees within the Inner West LGA:

O1 To establish a coordinated approach to the assessment and management of trees.

O2 To consider the safety of the community, private property, and public infrastructure assets.

O3 To protect trees within and adjacent to development sites and to ensure that all new development provides an opportunity for existing and new trees to grow.

O4 To manage the urban landscape so trees continue to make a significant contribution to its quality, character, and amenity.

O5 To maintain and enhance the amenity of the Inner West Local Government Area through the preservation of appropriate trees and vegetation.

O6 Ensure private property owners' plant new trees and replace trees in order to meet Council's tree canopy targets.

Outline of the Processes for Tree Removal or Pruning

- No consent is required for some works (see Control C6 and C7)
- Development Consent is required for pruning more than 10% of the canopy or removal of trees on properties with heritage significance (see Control C4)
- A Tree Works Permit is required for all other works (see Control C5)

3 Controls

C1 Council consent is required before any clearing of vegetation (removal or pruning of prescribed *tree*/s) is carried out unless the work complies with C6 of this DCP.

C2 For the purposes of this DCP, a ***prescribed tree*** is:

i. any tree with a height equal to or greater than 4 metres above ground level (existing) or

ii. any tree that is under 4 metres in height that has a trunk diameter of more than 150mm at Diameter at Breast Height (DBH at 1.4m) or

iii. any tree with a canopy spread equal to or greater than 2 metres or any palm tree or tree fern with a clean stem length equal to or greater than 4 metres above ground level (existing).

C3 Applications for consent to remove or prune a tree/s will be assessed and determined via a:

i. Development Application (as set out in Control C4) or

ii. Tree Works Permit Application (as set out in Control C5).

C4 Submit a development application for pruning of more than 10% of a tree/s canopy or removal of a prescribed tree/s located on a property which is a heritage item, forms part of a heritage item, is listed in the heritage trees list, is located in a heritage conservation area or where the tree forms part of an Aboriginal object or is located within an Aboriginal place of heritage significance.

C5 Submit a Tree Works Permit for the following activities:

i. Prune a prescribed tree by more than 10% of the canopy;

ii. Tree root pruning;

iii. Remove or prune a prescribed tree except where Control C4 requires a development application to be submitted or Control C6 where tree works can occur without prior approval.

Note: A Tree Works Permit may be submitted to remove a *prescribed tree* to facilitate a Complying Development Certificate.

C6 The following works do not require Council consent (unless the criteria outlined in Control C7 are relevant to the subject tree), provided the work is carried out in accordance with AS 4373 -2007 Pruning of amenity trees and the Safe Work Australia Code of Practice Guide to Managing Risks of Tree Trimming and Removal Work 2016:

C6.1 Canopy lifting to 2.5 metres above ground level;

C6.2 Pruning of branches with a diameter of less than 100mm to a maximum of 10% of the canopy annually;

C6.3 The pruning of deadwood that does not have hollows or provide habitat for native fauna;

C6.4 Works to trees owned by, or under the care, control and management of Inner West Council and undertaken by delegated Council staff or their authorised contractors;

Note: Controls C6.1 to C6.4 apply to all properties within Inner West whereas Controls C6.5 and C6.6 do not apply to trees listed in the heritage trees list, or located on a property that is a heritage item, or located in a heritage conservation area.

C6.5 Removal of a tree, including a prescribed tree, located within 1 metre of the wall of a residential dwelling located on the same lot. The 1 metre distance is measured from the centre of the tree at breast height (DBH 1.4m) to the wall of the residential dwelling;

C6.6 The trees on the exempt species list below are not deemed to be prescribed trees unless such trees are located in a Heritage Conservation Area or are listed as part of a Heritage Item within the Council's Local Environmental Plan.

Species Name	Common Name
Acer negundo	Box Elder
Ailanthus altissima	Tree of Heaven
Alnus jorrullensis	Evergreen Alder
Bambusa spp. Phyllostachys spp.	Bamboo species
Cotoneaster spp.	Cotoneaster
Erythrina x sykesii	Coral Tree
Gleditsia triacanthos	Honey Locust
Lagunaria patersonia	Norfolk Island Hibiscus
Ligustrum lucidum	Broad Leaved Privet

Species Name	Common Name
Ligustrum sinense	Small Leaved Privet
Nerium oleander	Oleander
Robinia pseudoacacia	False Acacia/Black Locust
Salix spp.	Willow
Schefflera actinophylla	Umbrella Tree
Syagrus romanzoffianum	Cocos Palm
Tamarix aphylla	Athel Tree
Toxicodendron succedaneum	Rhus Tree
Department of Primary Industry Priority Weeds List of the Greater Sydney (Inner West)	see the NSW Weedwise website for list

C7 The exemptions in Control C6 do not apply to:

i. Tree/s that are required to be retained by a condition of development consent;

ii. Tree/s required to be planted as a condition of development consent or as a compensatory planting condition in a permit;

iii. Threatened species or land that contains native vegetation (including dead trees) which is habitat for threatened species, populations or ecological communities listed in Schedule 1 and 2 of the Biodiversity Conservation Act 2016 and other protected matters listed under the Commonwealth Environment Protection Biodiversity Conservation Act 1999;

iv. Land that is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016;

v. Land declared critical habitat under Part 7A of the Fisheries Management Act 1994;

vi. Any native prescribed tree located within a wildlife corridor as shown on the Biodiversity Map in Part 2.13 - Biodiversity of Marrickville DCP 2011 – Appendix 3;

vii. Pruning more than 10% of the canopy, or proposed removal of a prescribed tree that is a heritage item, forms part of a heritage item, or is listed in the heritage trees list, or located in a heritage conservation area.

Neighbouring trees

Speak to your neighbour to get consent before you prune their trees.

Pruning consistent with AS4373—*Pruning of amenity trees* and Control C1 of this DCP does not need Council consent.

Council does not mediate works to neighbouring trees.

3.1 Application Assessment Criteria

Note: Section 4.15 of the *Environmental Planning and Assessment Act 1979* outlines the matters for consideration when determining a development application. These matters include but are not limited to the matters outlined in C8 below.

C8 The following matters will be considered when determining an application to remove or prune a prescribed tree:

i. Danger/Safety Risk Assessment

Danger is assessed based on a number of factors including;

- The potential/likelihood of a tree or tree part to fail
- A history of previous branch failure
- The size of the defective part of the tree
- The use and occupancy of the area that may be struck by a defective part

A high risk of danger will be given significant weight when determining an application, noting that dangerous tree assessments are be based on the safety risk posed by a tree in normal weather conditions;

ii. Property Damage

The likelihood of the tree causing property damage. This includes trees renowned for having extensive root systems, which cause damage to footings of houses or, trees that may cause blockages to domestic sewer and drainage lines;

iii. Condition / health of the tree

The structural integrity of the tree will be assessed for any visible signs of decay or deterioration; this is usually indicated by a lack of foliage, dead branches evident in the canopy, presence of fungal fruiting bodies, excessive sap being exuded from the trunk and/or evidence of insect attack, particularly borer damage;

iv. Tree species

The likelihood of branch failure / limb fall prevalent for the species. The species' susceptibility to environmental changes, which may affect the longevity of the species' survival in its current location. This would include changes in soil level, excessive root damage caused during construction works, changes in water availability, competition for other vegetation (particularly climbing vines), and compaction of soil (particularly in high usage areas such as car parking areas);

v. Significance within the Landscape and/or Streetscape

An assessment of the visual environment and the significance the specimen plays within the streetscape;

vi. Termites

Each case of termite infestation will be investigated on its merit;

vii. Other criteria

Other criteria would include if the tree is an endangered or rare species, is of historical significance or, the link the tree provides between bushland and reserves (the connectivity of habitat).

Trees that are considered an imminent risk to human life or property

If a tree on your property is suspected to be an imminent risk to human life or property you must first contact Council detailing why the tree is considered to be a risk based on industry risk assessment methodologies – Tree Risk Assessment Qualification (TRAQ) or Quantified Tree Risk Assessment (QTRA). Evidence must be provided to Council in writing by photographic evidence and written evidence by a Qualified Arborist (AQF5)

Council will issue expedited consent in writing to allow removal of an imminently dangerous tree under the provisions of Biodiversity and conservation SEPP 2021. If Council is not satisfied that the tree is a risk to human life or property you will be advised to lodge the relevant application.

C9 Tree removal is the final option where the impacts can be directly attributed to a tree and all other avenues to rectify the impact have been investigated. The following criteria are generally not considered justification for tree removal or pruning:

i. The dropping of leaves, flowers, fruit, sap, seeds or small elements of deadwood (or other natural processes);

ii. Insect/animal nuisance;

iii. Providing solar access for renewable energy system infrastructure (i.e. solar panels, solar hot water systems, wind turbines or data receivers);

iv. Increase general natural light or reduce shade created by a tree;

v. Enhance view corridors;

vi. Minor lifting of driveways, paths and paving or minor damage to outbuildings, garden structures, walls or landscape structures;

vii. Damage to underground services (such as sewer lines, water services) where there are feasible alternatives to mitigate or solve problems and retain the tree.

Alternatives to tree removal include replacement of damaged pipes, relining, relocation or encasement of pipes;

viii. Pruning to reduce height, except pruning to reduce the height of hedge(s);

ix. To facilitate the construction of structures (such as a driveway, swimming pool, or dwelling) in the event other suitable locations are available (see Controls C13-C17 for controls relating to trees on development sites).

Procedural review

A request for procedural review of the process undertaken must be lodged within 28 days of the determination date (as per the *Local Government Act* 1993).

Tree Permits

An applicant for a tree permit may appeal to the NSW Land and Environment Court against a refusal by Council to grant the permit. The appeal must be made within three months of the date on the determination.

Development Applications

An applicant for a development application may seek an appeal in the following ways:

- Section 8.7 of the *Environmental Planning and Assessment Act 1979* (the Act) gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in Section 8.10 of the Act.
- Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request Council to review the determination. Section 8.2 does not apply to; designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that has already been the subject of a Section 8.2 review.

3.2 Tree Planting Requirements

C10 A replacement tree/s must be planted to replace any prescribed tree approved for removal. This will enable Council to effectively retain and maintain the urban forest canopy across the Inner West. Replacement trees are to be located on the same site as the tree removal, as determined by Council.

Note: there may be circumstances when Council determines that there is no suitable location on site. In such circumstances a financial contribution can be paid to support public tree planting in lieu of on-site replacement planting. Fees are set out in Council's fees and charges schedule.

C11 Replacement tree/s must be maintained in a healthy and vigorous condition until they meet the requirements of a prescribed tree and are protected in accordance with this DCP Chapter (Control C2).

Note: A person must not fail to plant, protect or care for a replacement tree which is required to be established as a condition of consent issued by Council.

C12 The following minimum tree planting requirements are required for any sites:

Property Size:	Number of trees to be planted
Less than 300m^2	minimum of one (1) tree.
exceed 300m^2	minimum of two (2) trees

Tree container size and mature tree height will be determined by Council and will generally be based on available land space and land zoning canopy targets, a preference is placed on advanced container sizes. The tree(s) must not be planted within 1 metre of a proposed building, swimming pool or property boundary.

4 Trees on Development Sites

C13 All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting replacement tree/s for tree/s that are proposed for removal. This requirement applies to Council owned trees as well as trees on private or other property and adjoining land.

C14 The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS4970-Protection of trees on development sites (AS4970), to ensure the tree/s' practical retention.

C15 Trees on public land must be protected during demolition, excavation, the erection of hoarding and construction works as set out in Section 4 of AS4970. Council will require the payment of a security deposit in relation to a tree on public land if:

- Development is proposed within the Tree Protection Zone of that tree or
- Council determines that the development may adversely affect the roots or crown of the tree

C16 Developments in zones other than R1 – General Residential or R2 – Low Density Residential must allow for any existing overhead electrical lines to be converted into aerial bundled cabling or redirected underground to reduce the impact upon surrounding trees.

C17 New awnings that encroach into public land must be designed to accommodate existing and proposed street trees.

5 Definitions

In this Part:

Amenity a desirable or useful feature, or facility of a building or place.

Clear Vegetation includes

a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or

b) lop or otherwise remove a substantial part of the vegetation (including roots).

Dead means no green cambium (tissue) and no green foliage and that the tree is no longer capable of performing any living functions.

Diameter at Breast Height (DBH). The diameter of a tree at 1.4 metres above the natural ground level.

Dying means a tree in a state of decline where it is unlikely to recover. Generally, this may be represented by only ≤ 20% live canopy.

Foreseeable future means the next 12 months.

Imminently dangerous includes but is not restricted to obvious instability of the root system, evidence of soil heave or cracking, loss of structural roots, root decay, storm damage and structural defects that are imminently hazardous, such as splitting branches. Evidence must be provided to Council in writing by photographic evidence or written evidence by a Qualified Arborist (AQF5).

Risk to human life or property is where a tree presents an unacceptable level of risk to life or property as per an industry risk assessment methodologies - TRAQ or QTRA. Evidence must be provided to Council in writing by photographic evidence and written evidence by a Qualified Arborist (AQF5).

Tree means any perennial plant with at least one self-supporting woody, fibrous stem, whether native or exotic.

Priority Weed Species for the Greater Sydney Region means those species listed by NSW Department of Primary Industries on their website for the Inner West Council local government area. View at https://weeds.dpi.nsw.gov.au/WeedBiosecurities?AreaId=72

Project Arborist means the arborist appointed to monitor the vitality and condition, throughout the construction process, of trees being retained on the site (and any trees on adjoining private land and trees on public land where the development encroaches into the TPZ of those trees).

Residential Dwellings are buildings approved and defined as:

- ***dwelling house*** means a building containing only one dwelling.
- ***dual occupancy*** means a dual occupancy (attached) or a dual occupancy (detached).
- ***multi dwelling housing*** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
- ***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note: this apply to the residential dwellings only not ancillary development such as detached garages, carports, swimming pools etc.

Tree Protection Zone (TPZ) means the area around a tree required to protect the tree's crown and roots during the construction process. The tree protection zone must be calculated in accordance with AS4970.

Urban Forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

Item No: **C0323(1) Item 3**

Subject: **MEMORANDUM OF UNDERSTANDING GREATER SYDNEY PARKLANDS AND INNER WEST COUNCIL**

Prepared By: Aaron Callaghan - Parks and Recreation Planning Manager

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council endorses the negotiation and future signing of a Memorandum of Understanding (MOU) between Council, the Greater Sydney Parklands and NSW Health (the parties) in recognition of the regional importance of Callan Park and delegate authority to the General Manager to execute the MOU and any associated documentation.

DISCUSSION

Callan Park is the largest area of open space in the Inner West and one of the most iconic urban parklands in Sydney. The ongoing management and embellishment of Callan Park is of critical interest to Council and the community. Callan Park is 61 hectares in size. The Greater Sydney Parklands manages Precinct 1 which equates to 38 hectares of the site ***(refer to Fig 1.0)***.

Fig 1.0 Management Zones Callan Park

The Greater Sydney Parklands was formed in 2022 as part of the enactment of the Greater Sydney Parklands Trust Act 2022 (the Act) which was enacted on 1 July 2022.
Greater Sydney Parklands includes:

- Centennial Parklands
- **Callan Park**
- Western Sydney Parklands
- Parramatta Park and;
- Fernhill Estate

NSW Health Administration Corporation (HAC) owns 22 hectares of the parklands – in Precincts 2, 3, 4, 5 and 6.

Formation of Community Trust Boards

In 2022 Trust Boards were established for the parklands. The Trust boards for each of the five listed parkland areas are made up of seven community members and provide advice to Greater Sydney Parklands about park management and local community issues.

Key functions of the community trustee board include:

- Provide informed strategic advice to the GSPT Board on matters relating to Callan Park *(importantly the Callan Park community Trust board will also be a consultative body for the GSP Trust in relation to the development and review of a future of management for the parkland)*
- Advise, share information and facilitate partnerships that assist Greater Sydney Parklands to develop its plans and increase community connections

- Advocate on behalf of and promote understanding of the needs of and issues affecting the local community, ensuring inclusion and equity of access for community members
- Contribute local knowledge on relevant issues, emerging trends, opportunities and community needs.

Mayor Darcy Byrne is Council's nominated representative on the Community Trust Board.

Proposed Memorandum of Understanding

Callan Park is a significant regional open space. The parklands are of critical importance to the Inner West community as an urban parkland which has significant heritage, cultural and recreational values. In this respect Council has an important and ongoing role in ensuring good governance of the parklands.

Council officers currently have an operational working relationship with the staff at the Greater Sydney Parklands (GSP) and meet regularly with GSP staff to discuss community matters, recreation and cultural needs, legislative and policy issues. Council also has license arrangements in place with the GSP which govern operational management and community access arrangements to three sporting grounds within the parkland, as well as the Refugee Welcome Centre, the Balmain Road Public Toilets, and the former Electrical store. Importantly under the Callan Park Act 2003, Council is also the consent authority for the parklands.

Currently there are no formal arrangements in place governing the working relationship with the GSP. The GSP has proposed a Memorandum of Understanding between Council, NSW Health and the GSP which will formalise the establishment of a working forum to the parties to work together and collaborate on issues of mutual relevance in Callan Park. The purpose of the MOU is to provide a structured format and respectful relationship for meetings and information sharing on all matters affecting Callan Park. In addition, the draft MOU also formalises the operational responsibilities of each of the organisations, these are summarised below and represent existing practice;

- Companion Animal Management-limited to Council's legislative responsibilities concerning dog attacks within the park <u>only</u> (as pursuant to the Companion Animals Act 1988). Council will not be involved in enforcing on or off leash rules within the park. The GSP authority has their own ranger service in this respect.
- Sporting Ground Management and Allocations-Council has management and maintenance responsibilities as pursuant to its license agreements with the GSP in relation to the Balmain Road Sporting Ground, the Glover Street Sporting Grounds and the Waterfront Sporting Grounds.
- Waste management-Council currently manages all waste management bins in the parkland areas of the Callan Park.
- Heritage and Cultural Planning-Council remains the consent authority for the parklands.

A draft MOU and terms of reference *(refer to Attachment 1 & 2)* has been reviewed by Council's Legal services team. No binding issues have been identified and the general consensus is that the draft MOU represents good governance in terms of ongoing collaboration, respectful relationship management and information sharing between the relevant parties. The draft MOU is subject to final minor editing and signing. In this respect it is recommended that any final MOU once approved by Council's Legal Services section is signed by Council's General Manager.

The MOU does not suggest any changes in the responsibilities Council has currently accepted in relation to Callan Park.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation the proposed recommendations outlined in the report.

ATTACHMENTS

1.⇩ Draft GSP Draft MOU
2.⇩ GSP MOU Draft Terms of Reference

Item 3

Memorandum of Understanding

Attachment 1

Details

GSPT	Name	Greater Sydney Parklands Trust
	Address	Level 7, 10 Valentine Avenue, Parramatta NSW 2150
	ABN	89 870 812 746
HAC	Name	Health Administration Corporation
	Address	73 Miller Street, North Sydney New South Wales 2060
	ABN	45 100 538 161
IWC	Name	Inner West Council
	Address	7-15 Wetherill Street, Leichhardt New South Wales 2040
	ABN	19 488 017 987
Commencement Date	The date of this MOU	

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Memorandum of Understanding

1. Interpretation and Definitions

1.1 Interpretation

Unless the context requires otherwise, in this Memorandum of Understanding ("MOU"):

(a) where any time limit pursuant to this MOU falls on a day which is not a Business Day then the time limit will be deemed to have expired on the next Business Day;
(b) a reference to a statute, regulation, ordinance or by-law will be deemed to include a reference to all statutes, regulations, ordinances or by-laws amending, consolidating or replacing same from time to time;
(c) specific examples do not limit the meaning of general words introduced by "including" or "for example" or similar expressions;
(d) references to persons include bodies corporate, government agencies and vice versa;
(e) references to the parties include references to respective directors, officers, employees and agents of the parties; and
(f) where an expression is defined, any other grammatical form of that expression has a corresponding meaning.

1.2 Definitions

Business Day means any day other than a Saturday, Sunday or public holiday in New South Wales.

2. Term

2.1 This MOU will commence on the date on which the last party signs this MOU.

2.2 This MOU will end once both parties have completed their obligations under the MOU to the other party's satisfaction, unless terminated earlier in accordance with **clause 10**.

3. Purpose of this MOU

3.1 The purpose of this MOU is to set out a statement of the intentions of the parties with respect to its subject matter.

4. Nature of this MOU

4.1 The parties intend that this MOU is a non-binding arrangement.

4.2 This MOU does not give rise to any legal or contractual relationship between the parties, nor create any legal obligations on either party.

5. Background

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5.1 The purpose of this MOU is to ensure the parties work together in a spirit of cooperation, collaboration with open communication on matters affecting Callan Park and to ensure good record keeping is maintained for future reference.

6. GSPT's role and responsibilities

GSPT must:

6.1 Exercise its functions as local authority under the *Companion Animals Act 1998* and s37(1) of the *Companion Animals Regulation 2018*, as set out in Schedule A.

6.2 Assist IWC to manage vehicle access to the sporting fields.

7. HAC's role and responsibilities

HAC must:

7.1

8. Meetings

8.1 A quarterly working group to be established with an agreed Terms of Reference.

9. Dispute Resolution

9.1 The parties agree to comply with Premier's Memorandum M1997-26 *Litigation Involving Government Authorities* in the resolution of any dispute between them.

9.2 If a dispute arises in relation to this MOU ("a Dispute"), the party claiming that a Dispute has arisen must notify the other party in writing giving details of the Dispute.

9.3 Each party must use its reasonable efforts through a meeting of senior officers (or their nominees) to resolve the Dispute.

9.4 If the parties cannot resolve the Dispute within that period, any of the parties can raise the dispute with the Secretary of the Department and your CEO for resolution.

9.5 The NSW Premier will be the final arbiter in any Dispute between the parties.

10. Termination

10.1 The parties may, at any time, by reasonable prior notice (which must not be less than 14 Business Days), terminate or reduce the scope of this MOU.

11. What happens on termination

11.1 On termination or expiry of this MOU accrued rights and obligations are not affected.

12. General

12.1 Variation

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This MOU may only be varied by MOU in writing including by an exchange of emails confirming the agreed variation.

12.2 Counterparts

This MOU may be signed in any number of counterparts which taken together will constitute one instrument.

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Execution Clauses

Greater Sydney Parklands Trust

Signed for and on behalf of Greater Sydney Parklands Trust by its authorised signatory but not so as to incur personal liability:

Signature of Authorised Signatory

Name of Authorised Signatory

Date

Health Administration Corporation

Signed for and on behalf of Health Administration Corporation by its authorised signatory but not so as to incur personal liability:

Signature of Authorised Signatory

Name of Authorised Signatory

Date

Inner West Council

Signed for and on behalf of Inner West Council by its authorised signatory but not so as to incur personal liability:

Signature of Authorised Signatory

Name of Authorised Signatory

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Schedule A

In this matrix:

CA Act means the *Companion Animals Act 1998* (NSW);

Callan Park means the land known as Callan Park located at Lot 1 DP1043540 and owned by HAC (as to the HAC Land) and CPMPT (as to the CPMPT Land);

Council means Inner West Council ABN 19 488 017 987;

CPMPT means Centennial Park and Moore Park Trust ABN 37 220 827 521;

CPMPT Land means part of Callan Park as vested in CPMPT pursuant to *Callan Park (Special Provisions) (Vesting of Land) Proclamation 2020* and shown as "Precinct 1" in the Plan;

HAC means Health Administration Corporation;

HAC Land means those parts of Callan Park referred to in clause 8.1(b);

Plan means the plan annexed to this matrix marked Annexure A;

Green highlighting refers to Council; and

Yellow highlighting: refers to CPMPT.

#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 1	Name of Act			
Section 2	Commencement			
Section 3	(repealed)			
Section 3A	Principal object of Act			
Section 4	Policy regarding animal welfare			
Section 5	Definitions			
Section 6	Meaning of "local authority"			
Section 6A	General duties of councils			
Section 6B	Duty to provide certain information to councils			
Section 7	Meaning of "owner"			
Section 8	Identification required from 12 weeks of age and before sale			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 9	Registration required from age 6 months			
Section 10	Regulations may require registration			
Section 10A	(repealed)			
Section 10B	Notice requiring companion animal to be registered			
Section 11	Owner required to notify certain changes and events			
Section 11A	Duties of councils in relation to companion animals killed in traffic			
Section 11B	Annual permit required for cats that are not desexed			
Section 11C	Annual permit required for dangerous dogs			
Section 11D	Annual permit required for restricted dogs			
Section 11E	Notice requiring permit for companion animal			
Section 11F	Exemptions for animals in custody of rehoming organisations			
Section 11G	Further exemptions			
Section 11H	Continuing offences			
Section 11I	Application for permit			
Section 11J	Issuing of permit			
Section 11K	Conditions of permit			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 11L	Term of permit			
Section 11M	Sale of animal subject to permit			
Section 11N	Regulations – Permits			
Section 12	Dog to wear collar and tag			
Section 12A	Preventing dog from escaping			
Section 13	Responsibilities while dog in public place			
Section 14	Dogs prohibited in some public places			
Section 14A	Dogs not prohibited in outdoor dining areas in certain circumstances			
Section 15	Certain breeds of dogs to be muzzled			
Section 16	Offences where dog attacks person or animal			
Section 17	Dog must not be encouraged to attack			
Section 18	Dog that has attacked or bitten may be secured or seized			
Section 19	(Repealed)			
Section 20	Dogs defecating in public place			
Section 21	(Renumbered as Section 32A)			
Section 21A	(Renumbered as Section 32B)			
Section 22	Action to protect persons and property against dogs			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 23	Disqualification from owning or being in charge of dog			
Section 24	Appeal against disqualification from owning or being in charge of dog			
Section 25	Liability for injury to person or damage to personal property			
Section 26	Continuation of liability when person died from dog attack			
Section 27	Liability to injury to animal			
Section 28	Contributory negligence			
Section 29	Cats must have form of identification			
Section 30	Cats prohibited in some public places			
Section 31	Nuisance cats			
Section 31A	Procedure for issuing nuisance cat order			
Section 32	Action to protect persons and animals against cats			
Section 32A	Nuisance dogs			
Section 32B	Procedure for issuing nuisance dog order			
Section 33	Meaning of “dangerous”			
Section 33A	Meaning of “menacing” and “menacing breed or kind of dog”			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 34	Authorised officer may declare dog to be dangerous dog or menacing dog			
Section 35	Owner to be notified of proposed declaration			
Section 36	Obligations of owner when notified of proposed declaration			
Section 37	Authorised officer must consider dog owner's objections			
Section 38	Authorised officer to notify dog owner of decision and consequences			
Section 39	Council can revoke declaration			
Section 40	Departmental Chief Executive to be notified of making or revocation of declaration			
Section 41	Appeal to Local Court regarding dangerous dog declarations			
Section 42	Determination of appeals by local court			
Section 43	(repealed)			
Section 44	Local Court has power to declare dog to be dangerous or menacing dog			
Section 45	When Local Court can declare dog to be dangerous or menacing dog			
Section 46	Revocation of Local Court declaration			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 47	Control Orders			
Section 48	Destruction orders			
Section 49	Failure to comply with destruction or control order			
Section 50	Ancillary orders to enable destruction order to be carried out			
Section 51	Owner of dangerous or menacing dog must comply with control requirements			
Section 52	Dangerous or menacing dog may be seized if control requirements not complied with			
Section 52A	Prohibition on selling dangerous or menacing dog or proposed dangerous or menacing dog			
Section 52B	Prohibition on accepting ownership of dangerous or menacing dog or proposed dangerous or menacing dog			
Section 53	Inconsistency with agreements			
Section 54	Civil liability of owner of dangerous or menacing dog			
Section 55	Interpretation			
Section 56	Owner of restricted dog must comply with control requirements			
Section 57	Restricted dog may be seized if control requirements not complied with			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 57A	Prohibition on selling restricted dog or prosed restricted dog			
Section 57B	Prohibition on accepting ownership of restricted dog or proposed restricted dog			
Section 57C	Prohibition on breeding restricted dog or proposed restricted dog			
Section 57D	Declared restricted dogs may be seized and destroyed after transition period			
Section 58	Civil liability of owner of restricted dog			
Section 58A	Notice of intention to declare dog to be restricted dog			
Section 58B	Obligations of owner when notified of proposed restricted dog declaration			
Section 58C	Authorised officer may declare dog to be restricted dog			
Section 58D	Authorised officer to notify dog owner of decision and consequences			
Section 58DA	Departmental Chief Executive to be notified of making or revocation of declaration			
Section 58E	Protection from liability of assessors			
Section 58F	Persons authorised to provide certain information to councils			
Section 58G	Power to seize and destroy dangerous, menacing or			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
	restricted dog in certain circumstances			
Section 58H	Certificate of compliance required for dangerous and restricted dog enclosures			
Section 58I	Miscellaneous provisions relating to declarations			
Section 59	Person with a disability entitled to be accompanied by assistance animal			
Section 60	Assistance animal not to be denied entry			
Section 61	Unlawful to impose charge for entry of assistance animal			
Section 62A	Interpretation			
Section 62	Seized animals must be delivered to owner, council pound or approved premises			
Section 63	Owner of seized or surrendered animal to be notified			
Section 63A	Seized animals detained at approved premises			
Section 64	Unclaimed seized or surrendered animal may be sold or destroyed			
Section 64A	Animals surrendered by owners may be sold or destroyed			
Section 64B	Rehoming seized or surrendered animals			
Section 65	Fees and charges payable when animal detained or held			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 66	Owner not entitled to compensation for sale of animal			
Section 67	Recovery of fees and charges when animal destroyed			
Section 67A	Reporting on pound activities			
Section 68	Offence of rescuing seized animal			
Section 69	Protection of council and council officers			
Section 69A	Powers of authorised officers to enter property			
Section 69B	Powers of authorised officers to do things on entered property			
Section 69C	Use of assistants and reasonable force			
Section 69D	Search warrants			
Section 69E	Power to ascertain identification information of companion animals			
Section 69F	Identification of authorised officers of councils			
Section 69G	Requirement to state name and address			
Section 69H	Obstructing authorised officer			
Section 70	Identification			
Section 71	Registration			
Section 72	Certificate of registration			
Section 73-75	(Repealed)			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 76	Interfering with identification of animal			
Section 77	(Repealed)			
Section 78	Definitions			
Section 79	The Register			
Section 80	Information on the Register			
Section 81	Access to Register to be provided free of charge			
Section 82	Limited access by owners of companion animals			
Section 83	Limited access by members of public			
Section 83A	Unrestricted access by Minister			
Section 83B	General access by Secretary of Department of Industry and persons authorised by that Secretary			
Section 83C	General access by certain employees of local authorities			
Section 83D	Limited access by contractors approved by local councils			
Section 83E	Limited access by veterinary practitioners or their employees			
Section 83F	Departmental Chief Executive may approve other persons to the Register			
Section 83G	Regulations can authorise general or limited access by other specified officers and persons			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 83H	Regulations – access to Register			
Section 83I	Departmental Chief Executive may issue guidelines about access to Register			
Section 83J	Agreements about Register			
Section 83K	Exchange of information with other Australian jurisdictions			
Section 83L	Certificates relating to Register			
Section 83M	Allocation of breeder identification numbers			
Section 83N	Allocation of rehoming organisation numbers			
Section 84	Establishment of Fund			
Section 85	Payments from the Fund			
Section 86	Investment of money in Fund			
Section 86A	Ear-marking or tattooing of animals			
Section 87	Act binds Crown			
Section 88	Delegation by Departmental Chief Executive			
Section 88A	Advisory Committees			
Section 88B	Designation of organisations as rehoming organisations			
Section 89	Confidentiality of certain information			
Section 90, 91	(Repealed)			

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#	Section	Council responsibility	Local authority responsibility	
			CPMPT Land	HAC Land
Section 92	Penalty notices			
Section 93	Proceedings for offences			
Section 94	Double jeopardy			
Section 95	Fees and charges			
Section 95A	How notice is to be given to owners			
Section 96	Regulations			
Section 97	Review of Act			
Section 98	Savings and transitional provisions			
Section 99	(Repealed)			

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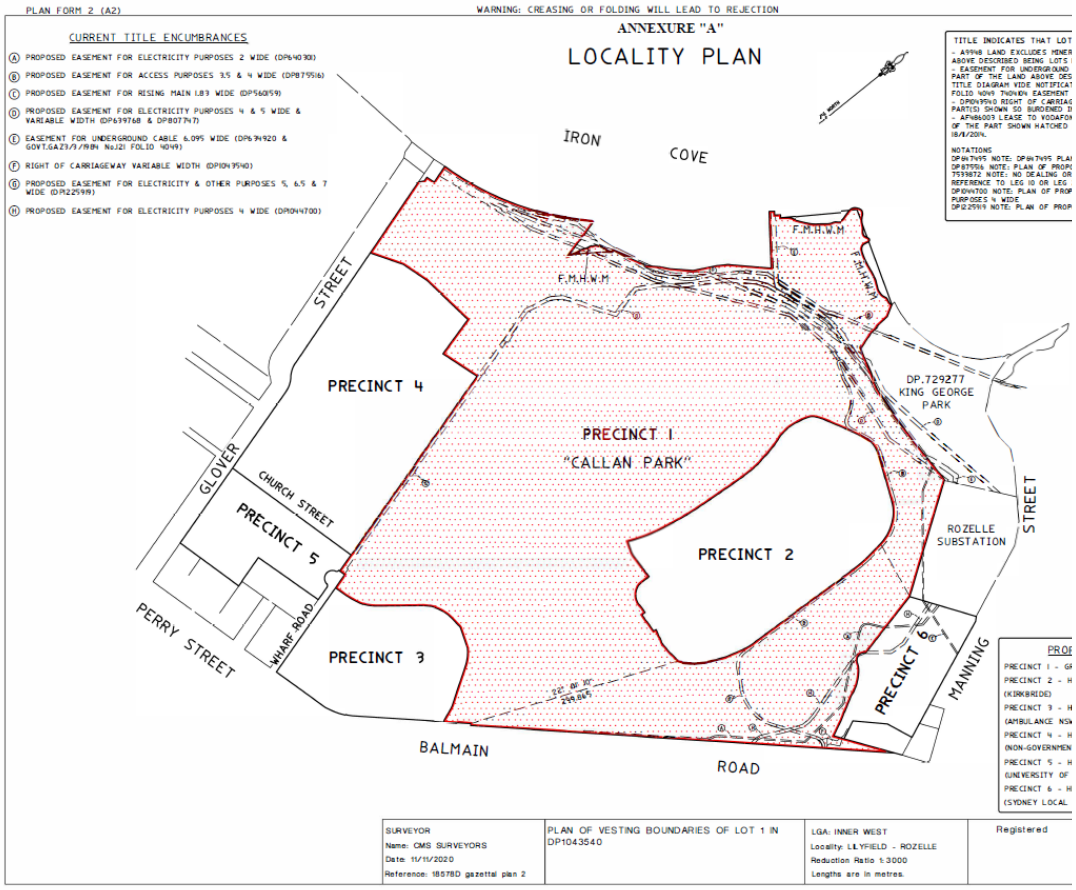

PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
ANNEXURE "A"
LOCALITY PLAN
CURRENT TITLE ENCUMBRANCES
IRON
COVE
STREET
GLOVER
CHURCH STREET
PERRY STREET
WHARF ROAD
PRECINCT 4
PRECINCT 5
PRECINCT 3
PRECINCT 1
"CALLAN PARK"
PRECINCT 2
PRECINCT 6
F.M.H.W.M
DP.729277
KING GEORGE
PARK
ROZELLE
SUBSTATION
STREET
MANNING
BALMAIN
ROAD
SURVEYOR
Name: CMS SURVEYORS
Date: 11/11/2020
Reference: 18578D gazettal plan 2
PLAN OF VESTING BOUNDARIES OF LOT 1 IN DP1043540
LGA: INNER WEST
Locality: LILYFIELD - ROZELLE
Reduction Ratio 1:3000
Lengths are in metres.
Registered

Terms of Reference

Callan Park Site Manager's

Working Group

NSW Ministry of Health, Inner West Council
& Greater Sydney Parklands Trust

Version 1 (February 2023)

DRAFT

Background

Callan Park, formerly Rozelle Hospital, is a 61 hectare dual health precinct and open space parkland located in Sydney's Inner West LGA.

Ownership and management is split between the Ministry of Health, Greater Sydney Parklands, and Inner West Council as follows:

- 22 Hectares are owned by Health Administration Corporation (HAC), managed by the Ministry of Health (Precincts 2, 3, 4, 5 and 6)
- 38 hectares are vested by Governor's proclamation in the Centennial Park and Moore Park Trust. Greater Sydney Parklands administers this portion (Precinct 1)
- Within GSP's portion of the site, three sporting grounds and ancillary buildings are leased to Inner West Council until 2031. IWC maintains the sporting grounds, buildings, such as the Refugee Welcome Centre, and land within its leased areas, including waste removal and cleaning services

Function of the Working Group

The function of the Working Group is to provide a forum to the parties to work together to collaborate on issues of mutual relevance in Callan Park. The purpose is to provide a structured format for meetings and coordinate information between Health, Inner West Council and GSP.

The Working Group is the forum for communication, coordination and information exchange between agencies. The parties will provide status updates and reporting to ensure ongoing operational requirements of the site and access to it are coordinated and informed by the members and there is a platform to air issues and discuss solutions. The group will problem solve and collaborate to ensure minimal impact wherever possible on broader parklands, the sports grounds, the Refugee Welcome Centre, Bay Run, and the road network.

The role of the Group is to:

- Collaboratively problem solve on issues that arise in Callan Park to ensure community outcomes
- Assist in understanding each other's requirements and operating constraints and opportunities

- Where appropriate, identify considerations to support and inform each parties' area of responsibility or operational focus
- Work with each other on issues that may impact park users
- Assess specific technical and complex issues and provide advice and recommend courses of action
- Aligning consistent messaging and providing information that can be released to stakeholders and the community
- Build trust between the parties

Role of Group members

Responsibilities of the Group members:

- represent agencies' viewpoint on matters affecting Callan Park discussions
- responsible to communicate any questions back to their respective agencies and ensure that any agency positions or advice received is communicated back to the Group
- responsible for communicating and consulting with their agencies on CCWG processes, project aspects and outcomes.
- provide an opportunity for suggestions and views raised by agency stakeholders to be considered
- deal with confidential issues appropriately
- contribute to project planning and the outcomes being pursued by the GSP, Health or IWC respectively
- be an advocate for each other's work in Callan Park
- act as a conduit for ideas and issues from internal stakeholders

Frequency of Meetings

The meetings will occur every second month or as required .

Quorum Requirements

A minimum of three members are required for a meeting of the Group to be held.

Confidentiality

The proceedings of the Group are confidential to the team members. Members must treat all matters on a confidential basis and agree not to disclose any matters raised without the agreement of the other members.

Agreement

This agreement is agreed between the parties as follows:

NSW Ministry of Health

Signed by

Inner West Council

Signed by

Greater Sydney Parklands

Signed by the Chief Executive
Joshua French
On behalf of Greater Sydney Parklands Trust
date

Item No: **C0323(1) Item 4**

Subject: **DRAFT DEVELOPMENT CONTROL PLAN - 122-130 PYRMONT BRIDGE ROAD AND 206 PARRAMATTA ROAD ANNANDALE**

Prepared By: Daniel East - Acting Senior Manager Planning

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council place the draft site-specific Leichhardt Development Control Plan 2013 amendment for 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale on public exhibition in accordance with requirements of Council's Community Engagement Framework, *Environmental Planning and Assessment Act 1979* and *Assessment Regulation 2021*.

DISCUSSION

This report seeks to provide an update on the draft Local Environmental Plan (LEP) and Development Control Plan (DCP) amendment for the site 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale.

It also seeks approval to commence the community consultation associated with the Site Specific DCP. Given that the State Government's Sydney Eastern City Planning Panel (SECPP) has approved the LEP controls for finalisation, it is prudent for Council to have detailed DCP controls in place before any development application is lodged for the site to minimise any potential impacts on the community.

Council's support is sought for this draft DCP amendment to be placed on public exhibition in line with the requirements of Council's Community Engagement Framework, *Environmental Planning and Assessment (EP&A Act 1979)* and *Environmental Planning and Assessment (EP&A Regulation 2021)*. Following this community consultation, a post exhibition report will be brought to Council for consideration.

1. Background

On 30 June 2021, Council received a Planning Proposal request for the site. The Planning Proposal was assessed and reported to the Inner West Local Planning Panel (IWLPP) in September 2021. However, in October 2021 the proponent lodged a Rezoning Review to the Department of Planning & Environment (DPE). On 30 November 2021, the Sydney Eastern City Planning Panel (SECPP) determined to support the proponent's Planning Proposal with modifications as it considered the proposal to have demonstrated strategic merit consistent with State and Local Government strategies.

On 12 May 2022, DPE issued a Gateway Determination for the proposal to proceed to public exhibition subject to modifications. The Planning Proposal was exhibited by DPE for 22 working days, from 23 June 2022 to 22 July 2022. A total of seven submissions were received by DPE, including a submission made by Inner West Council. Six submissions were from Government agencies and one submission of support was received from a local resident. Subsequently, the SECPP on 17 November 2022 and advised the Minister for Planning to support the LEP amendment. As a result, Council's role is to prepare the site-specific DCP amendment to support the future LEP controls for the site.

2. The Site and Context

The IN2 Light industrial zoned site (Figure 1) is located at the corner of Pyrmont Bridge Road and Parramatta Road with additional road frontages to Cahill Street to the north and Mathieson Street to the west. The site comprises 7 lots, with a total site area of approximately 2,570m^2. The existing buildings on the site include three commercial buildings (each two storeys) with ground level car parking to the rear of 130 Pyrmont Bridge Road.

Figure 1: The subject site

The site is located within the Camperdown precinct (Figure 2) of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) which was given statutory force via Section 9.1 Ministerial Direction in November 2016. It is also located on the western periphery of the Tech Central Precinct, within the Camperdown activity node (Figure 3) and identified in the Greater Cities Commission's (GCC) endorsed Camperdown-Ultimo Collaboration Area Place Strategy 2018.

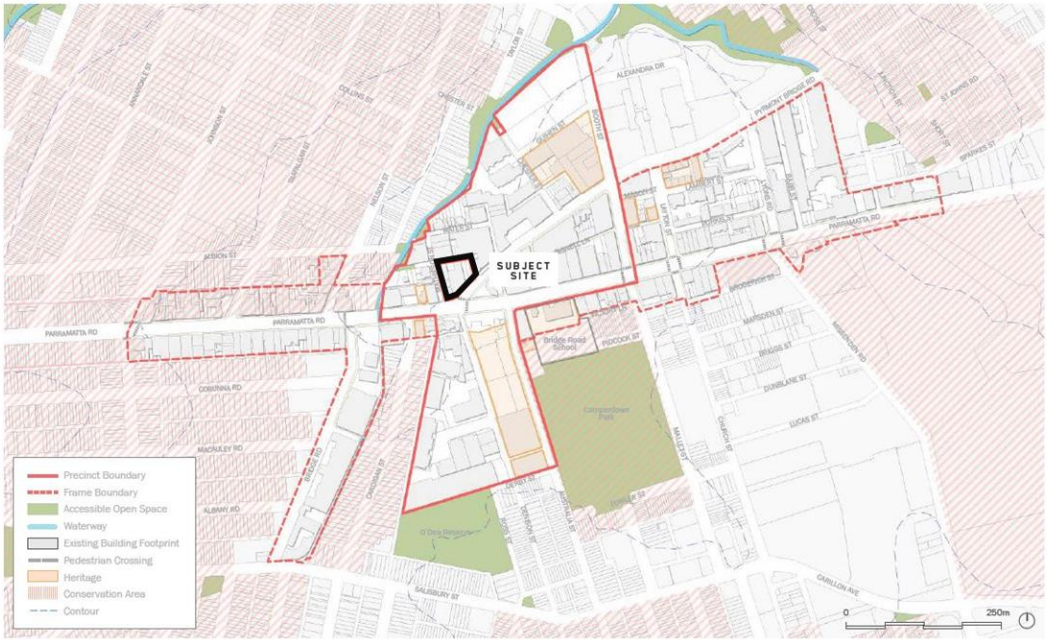


Figure 2: Subject site in context with PRCUTS Camperdown precinct

Figure 3: Subject site in context with Tech Central

1. **Draft site-specific LEP Amendment**

The Planning Proposal i.e. draft site-specific LEP amendment, as exhibited and subsequently supported by SECPP for finalisation, seeks to:

- Rezone the site from IN2 Light Industrial to B5 Business Development Zone
- Increase the FSR from 1:1 to 4:1
- Introduce a new height of building control of 35m (equivalent to 8 storeys)
- Allow retail premises as an additional permitted use
- Introduce a new local provision which requires the proposed development to satisfy the below criteria prior to being granted development consent:
    - confirms the objective of the proposed development is to encourage health, education and cultural uses in the Camperdown-Ultimo Collaboration Area.
    - deliver at least 75% of the floorspace as employment uses associated with health, education, research, technology and creative uses
    - prohibit tourist and visitor accommodation
    - provide active frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road
    - address traffic on the adjoining street network including but not limited to Parramatta Road, Mathieson Street, Pyrmont Bridge Road, Cahill Street, Cahill Lane, Water Street and Gordon Street
    - include end of journey facilities to support walking and cycling.
    - require state infrastructure contributions
- Require a site-specific DCP to be in place prior to approval of development application.

It is expected that DPE will finalise this LEP amendment by March 2023.

2. Site-specific DCP amendment

The proponent's Planning Proposal is accompanied with a draft site-specific DCP amendment to Leichhardt DCP 2013 which was submitted to Council for assessment in March 2022. Council officers undertook a detailed assessment of the DCP and identified gaps in relation to built form, public domain, parking and access controls.

Subsequently, a revised draft DCP amendment has been prepared by Council officers which intends to support the proposed LEP amendment and deliver more detailed controls with respect to future built form, sustainability, public domain, among other matters.

Key components of this draft DCP include:

- **Built form and urban design** to provide detailed guidance on height, setbacks and transition (see Figures 3-6).
- **Public Domain treatment** to integrate with Council's masterplan along Pyrmont Bridge Road and future plans around Mathieson Street and Cahill Street. This includes land dedication to Council – 6m along Mathieson Street and 3m along Cahill Street. Additionally, setbacks are required to provide right of way/ easement along Pyrmont Bridge Road and a new public plaza along Mathieson Street entrance (see Figures 3-7).
- **Landscaping and Deep Soil planting** which requires minimum 10% deep soil planting along Mathieson Street and 15% tree canopy cover (see Figure 7).
- **Ecologically Sustainable Development** to deliver a minimum 5 Star Green Star Buildings Certified Rating and include passive design features, water sensitive urban design, full electrification of utilities and recycled water use.
- **Parking and access** with requirements for car/motorcycle/bike parking, vehicular access (See Figure 8), Electric Vehicle charging etc.

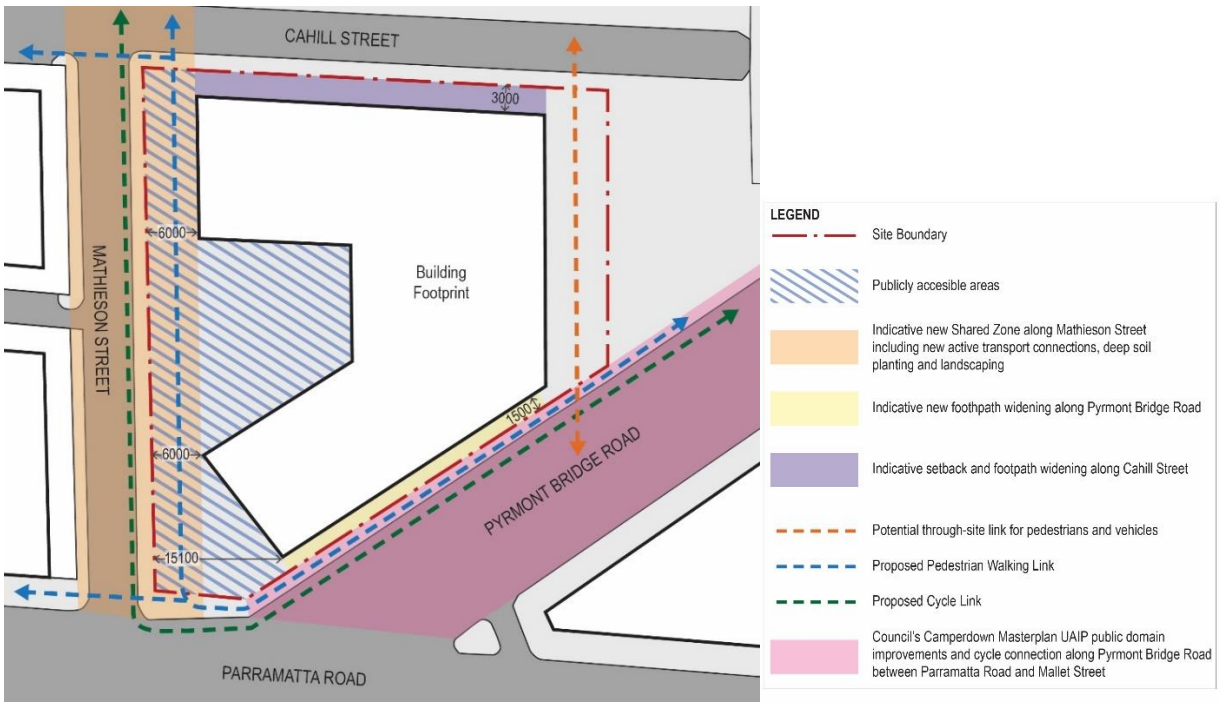


Figure 3: Indicative site plan layout and public domain improvements

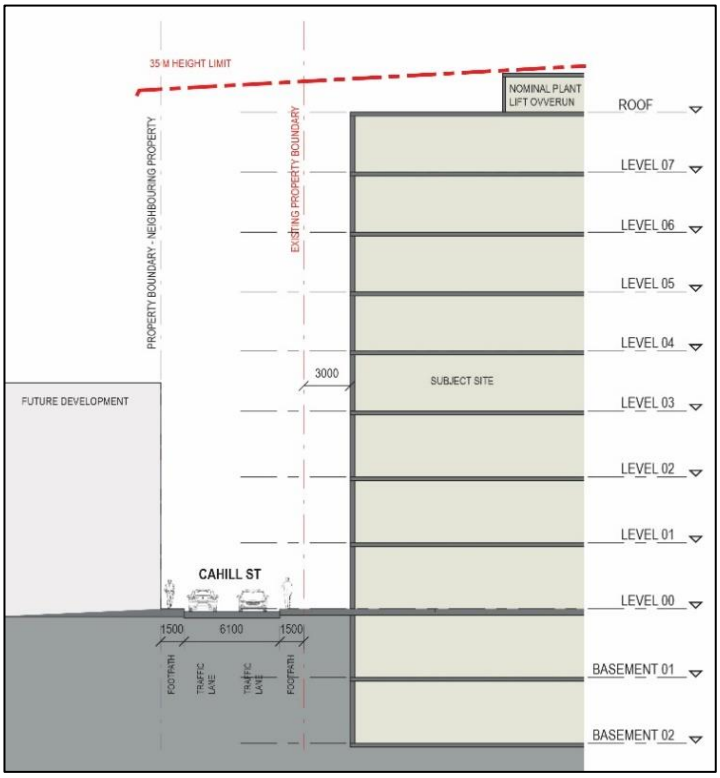


Figure 4: Built form setback on Cahill Street

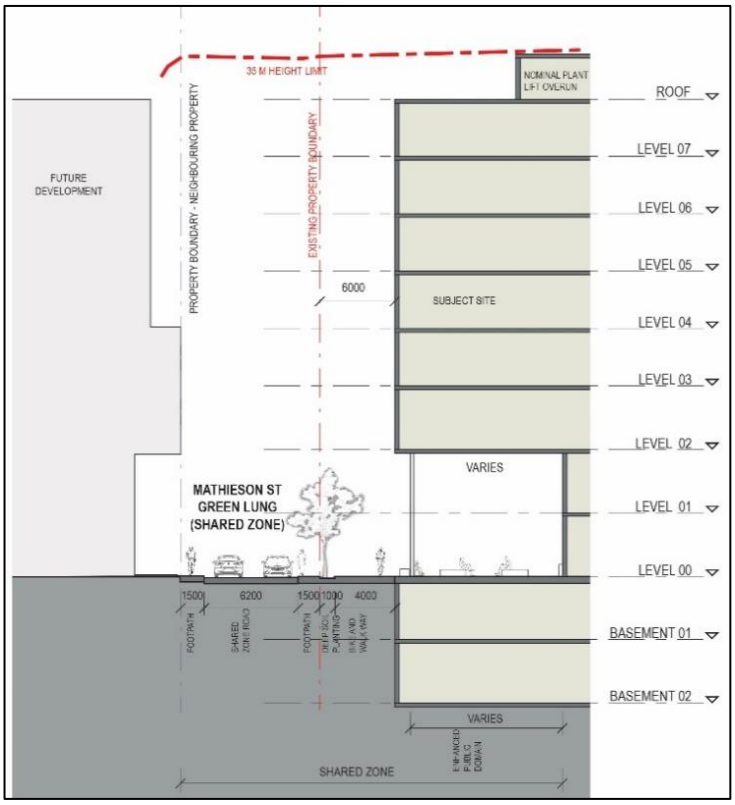


Figure 5: Built form setback on Mathieson Street

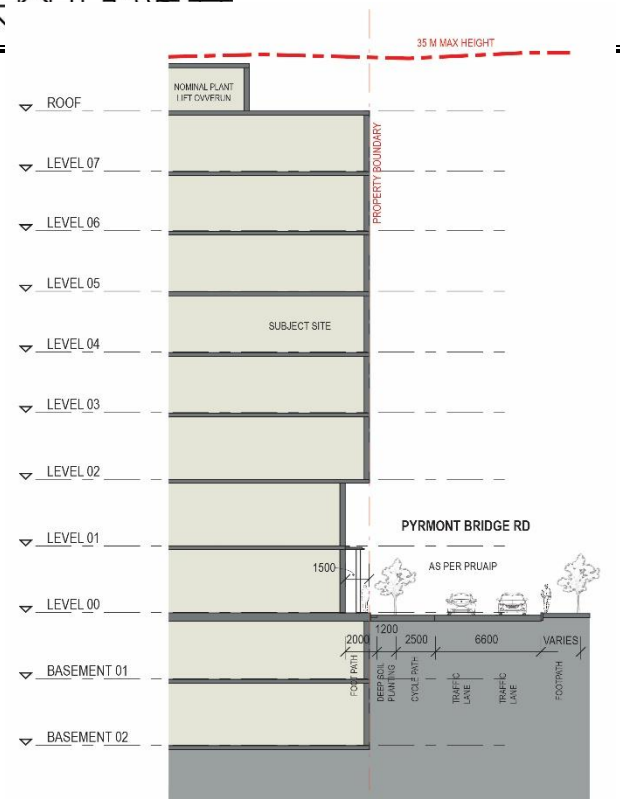


Figure 6: Built form setback on Pyrmont Bridge Road

Figure 7: Deep soil and landscaped area

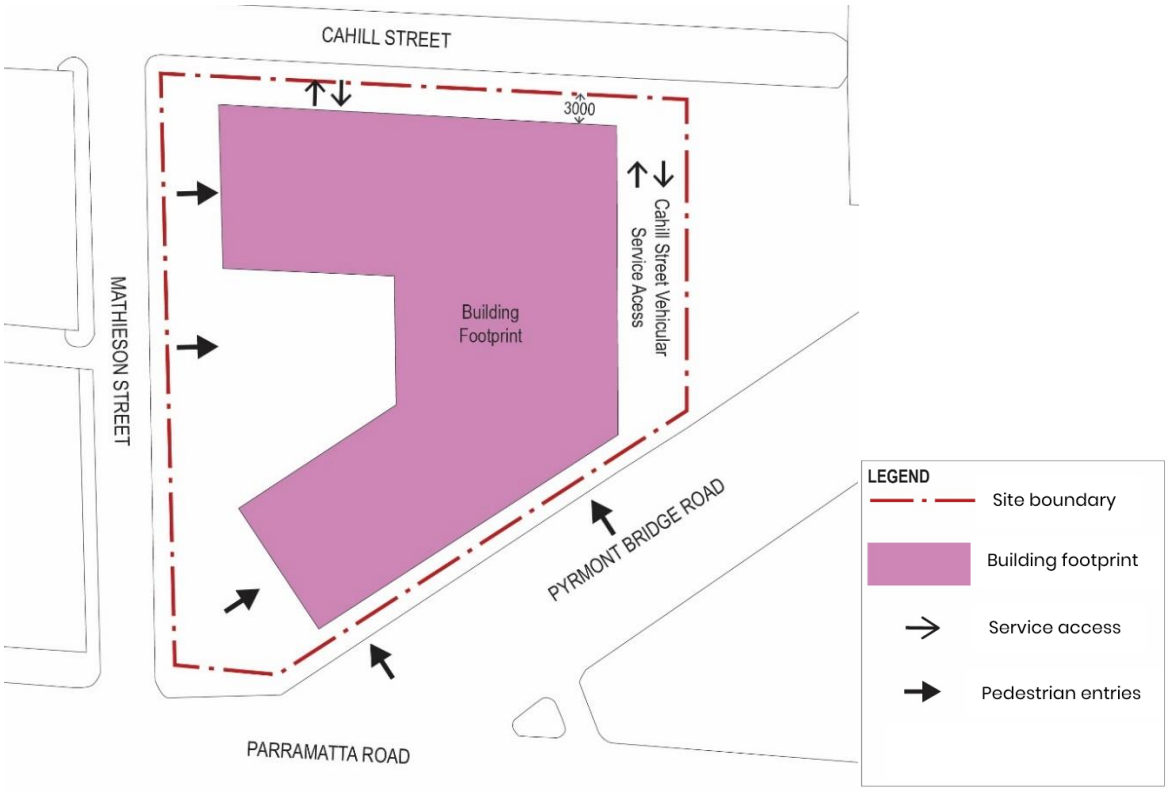


Figure 8: Access points

This draft DCP has been prepared in accordance with the Division 3.6 of the *Environmental Planning & Assessment Act (EP&A Act) 1979* and Division 2 of the *Environmental Planning & Assessment Regulation (EP&A Regulation) 2021*. Council's support is sought for this draft DCP amendment to be placed on public exhibition for 28 days in line with the requirements of Council's Community Engagement Framework, *EP&A Act 1979* and *EP&A Regulation 2021*.

3. Relationship with Tech Central work

Council is currently undertaking precinct-planning work for Camperdown ("Camperdown Structure Plan") to implement PRCUTS and Tech Central's aspirations of a globally competitive health and education precinct. The scope of works includes investigation of new land-uses, built form, connections, and public domain improvements to realise the precinct's potential as a health and education precinct.

This jointly commissioned project with NSW Health, Sydney Local Health District, GCC and City of Sydney is expected to be completed in late 2023 and will provide recommendations for future LEP/DCP controls for the Camperdown precinct. The Planning Proposal (Attachment 4) and associated draft DCP for this site comes ahead of Council's work on the precinct-wide Structure Plan. Council officers have considered the wider Tech Central work and precinct-planning work in drafting of the site-specific DCP to ensure alignment with key projects which are being undertaken simultaneously.

4. Status of Planning Agreement

Council's Property team is negotiating a Planning Agreement with the proponent in relation to the proposed public domain upgrades and dedication of parts of site to Council. These matters relate to:

- Provision of setbacks along Cahill Street, Mathieson Street and Pyrmont Bridge Road;
- Provision of new Shared zone along Mathieson Street to provide walking and cycling connection along Mathieson Street towards Johnstons Creek;

- New public plaza(s) at the intersection of Mathieson Street, Parramatta Road and Pyrmont Bridge Road.

Exhibition of the planning agreement and its finalisation is critical to deliver its public domain outcomes as envisaged in the draft site-specific LEP/ DCP.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation the proposed recommendations outlined in the report.

ATTACHMENTS

1.⇩ Draft DCP for 122-130 Pyrmont Bridge Road and 206 Parramatta, Road Annandale
2.⇩ Council's Submission to State Government - Public Exhibition of Planning Proposal
3.⇩ Sydney Eastern City Planning Panel Decision Post Exhibition
4.⇩ Planning Proposal document as exhibited

Item 4

SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

Amendment to Leichhardt Development Control Plan 2013

122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale

March 2023

Attachment 1

Contents

1. Relationship to other plans 3
2. Application 3
3. Context 4
4. Objectives 5
4.1. Desired Future Character 6
4.2. Land use 6
4.3. Lot amalgamation 7
4.4. Built form, height and design 7
4.5. Public domain 11
4.6. Deep soil and landscaping 13
4.7. Parking and access 15
4.8. Ecologically Sustainable Development 18
4.9. Waste management 19
4.10. Building materials and finishes 20

Site Specific Controls

1. Relationship to other plans

The following site-specific controls apply to 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale.

Unless otherwise stated all development should be designed and constructed in accordance with the controls in this section and the provisions of this plan.

In the event of an inconsistency between this section and the remaining provisions of this DCP, the controls in this section shall prevail in relation to development on the site to the extent of the inconsistency.

2. Application

This section applies to 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale (herein referred to as the 'site') which comprises the following lots:

Address	Lot Description
122 - 128 Pyrmont Bridge Road, Annandale	Lot 3 – 6 and 12 Sec 1 DP 976387
130 Pyrmont Bridge Road, Annandale	Lot 100 DP 1101482
206 Parramatta Road, Annandale	Lot 1 DP 539271

The site has an area of approximately 2,570 sqm and is located on the northern side of the intersection of Parramatta Road and Pyrmont Bridge Road.

Map Reference

Refer to Site Area on Figure 1

Figure 1: Subject site

3. Context

Parramatta Road Corridor Urban Transformation Strategy

The site is located within the Camperdown Precinct of the Parramatta Road Corridor as defined by the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (Figure 2).

The vision for Parramatta Road Corridor is:

A high-quality multi-use corridor with improved transport choices, better amenity and balanced growth of housing and jobs.

Tech Central – (previously known as the Camperdown-Ultimo Collaboration Area)

In addition to PRCUTS, the site is within Tech Central (Figure 2).

Tech Central stretches from Camperdown to Ultimo, and covers Darlington and Eveleigh; most of Haymarket, Ultimo and Camperdown; and parts of Glebe, Forest Lodge, Newtown, Redfern and Surry Hills.

It is envisaged to evolve into a mature innovation eco-system supported by health and education institutions including the Royal Prince Alfred Hospital, University of Sydney, University of Technology Sydney, TAFE NSW and University of Notre Dame.

The Camperdown-Ultimo Collaboration Area Place Strategy 2019 identifies the precinct as an innovation and technology capital and recognises the need for new and affordable employment floor space to support innovation, research, creative industries, and collaborative projects across industry, business, health and education sectors.

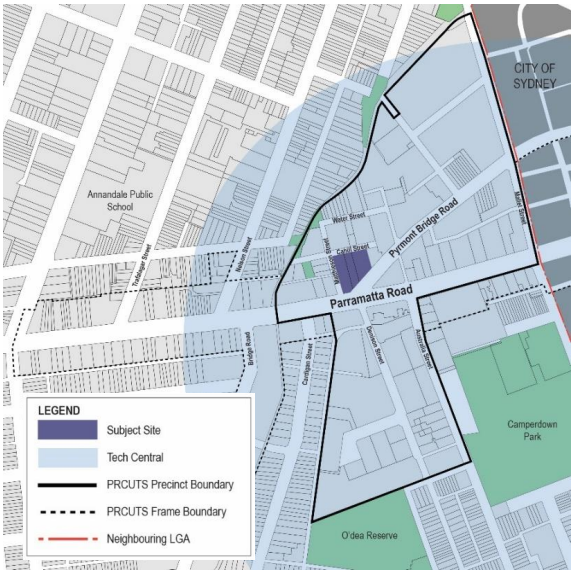


Figure 2: PRCUTS Camperdown Precinct, Tech Central and Site

4. Objectives

1. To support the transition of Camperdown into an innovation and technology precinct with a focus on health, education, technology and research uses.
2. To achieve architectural and urban design excellence.
3. To encourage active transport and support public transport mode share.
4. To positively contribute towards public domain upgrades and new active transport connections.
5. To provide appropriate and safe access arrangements for efficient operations on the site.
6. To maintain adequate solar access and amenity to the development and neighbouring properties.
7. To ensure that the development exhibits a high level of environmental performance.
8. To safeguard the potential redevelopment of surrounding sites in the precinct.

4.1. Desired Future Character

The site is within the Camperdown precinct as identified by PRCUTS and Tech Central. New development on the site is to be consistent with the following desired future character statement.

The future development will:

- Positively contribute to the transition of Camperdown precinct in Tech Central to a high-density health and education precinct through provision of employment uses in the health, education, biomedical and technology sectors.
- Achieve design excellence and provide an attractive built form which responds to the local character and topography of the surrounding area through appropriate design, transitions and use of materials.
- Provide a rich landscaped and attractive public domain.
- Achieve high levels of environmental performance.
- Provide active frontages and surveillance to Mathieson Street, Parramatta Road and Pyrmont Bridge Road.
- Facilitate future pedestrian and cycle connections along Mathieson Street and Pyrmont Bridge Road.
- Contribute towards an enhanced public domain along Mathieson Street through land dedication and provision of Shared Zone.
- Integrate with Council's public domain improvement aspirations and projects such as Parramatta Road Urban Amenity Improvement Plan (PRUAIP) along Pyrmont Bridge Road.

4.2. Land use

Objectives

O1. To facilitate redevelopment of the site supporting uses including health, research, technology, education and creative uses.

O2. Provide ancillary retail opportunities at the ground floor to enhance and activate the public domain.

O3. To improve street level activation and surveillance opportunities along key streets and any proposed through-site links.

Controls

C1. Future development of the site is to include employment uses associated with health and education sectors, including provision for affordable employment floorspace.

C2. Ground floor uses are to provide street level activation, passive surveillance and opportunities for social interaction around:

a. key streets such as Pyrmont Bridge Road, Mathieson Street
b. the intersection of Pyrmont Bridge Road with Parramatta Road, and

c. any proposed new through-site links.

4.3. Lot amalgamation

Objectives

O1. To ensure lot amalgamation promotes the orderly redevelopment of the site for intended uses and identified built form

Controls

C1. New development on the site is to follow the lot amalgamation pattern identified in Figure 3.

Figure 3: Lot amalgamation pattern

4.4. Built form, height and design

Objectives

O1. To provide an appropriate built form response in terms of bulk, massing, height, separation, setbacks, amenity, articulation and modulation.

O2. To provide an attractive built form and public domain response that will deliver a gateway building on the corner of Parramatta Road and Pyrmont Bridge Road - the western gateway into the Camperdown health and education precinct.

O3. To provide an appropriate height transition 'down the hill' towards Johnstons Creek and Cahill Street.

O4. To incorporate setbacks which support an active, pedestrian-focused development and provide opportunities for deep soil planting and increased canopy cover.

Site Specific Controls

Controls

Building height

C1. Development is not to exceed 8 storeys and is to be generally consistent with Figures 4-7 below.

C2. The street wall height along Cahill Street is to be reduced to step down towards Johnstons Creek and appropriately respond to the topography of the land and low-lying scale of residential areas to the north of the site in Annandale.

Setbacks

C3. The following publicly accessible setbacks are to be provided:

a. at least 3m setback to Cahill Street as land-dedication to Council,
b. at least 6m setback to Mathieson Street as land-dedication to Council,
c. at least 1.5m setback to Pyrmont Bridge Road at ground level and first floor as easement or right-of-way,
d. at least 6-15m ranging setback on the corner of Pyrmont Bridge Road, Parramatta Road and Mathieson Street as easement or right-of-way.

C4. Provide increased setbacks along Mathieson Street to create a new publicly accessible plaza for social interaction through easement/ right of way as shown in Figure 4.

C5. Basement is to be adequately setback to provide landscaping and not protrude into any areas being dedicated to Council.

C6. Adequate setbacks and building interface are to be provided along the eastern edge of the building so as not to preclude future redevelopment of the adjacent sites.

Building Design

C7. Future development is to demonstrate a high-level of design quality and reflect the importance of this Gateway Site and its key landmark position within the urban design of the Camperdown precinct.

C8. Include architectural features and façade articulation to reduce building bulk, minimise overshadowing and loss of privacy to the neighbouring properties.

C9. Minimise visual impact through height transition and building modulation particularly along Cahill Street and Mathieson Street.

C10. Incorporate 'orientation-specific' façade treatment using features such as external sun shading.

C11. Roof design is to adequately conceal or enclose services, plant and equipment so as not to be visible from public domain or any low point of the surrounding topography.

Site Specific Controls

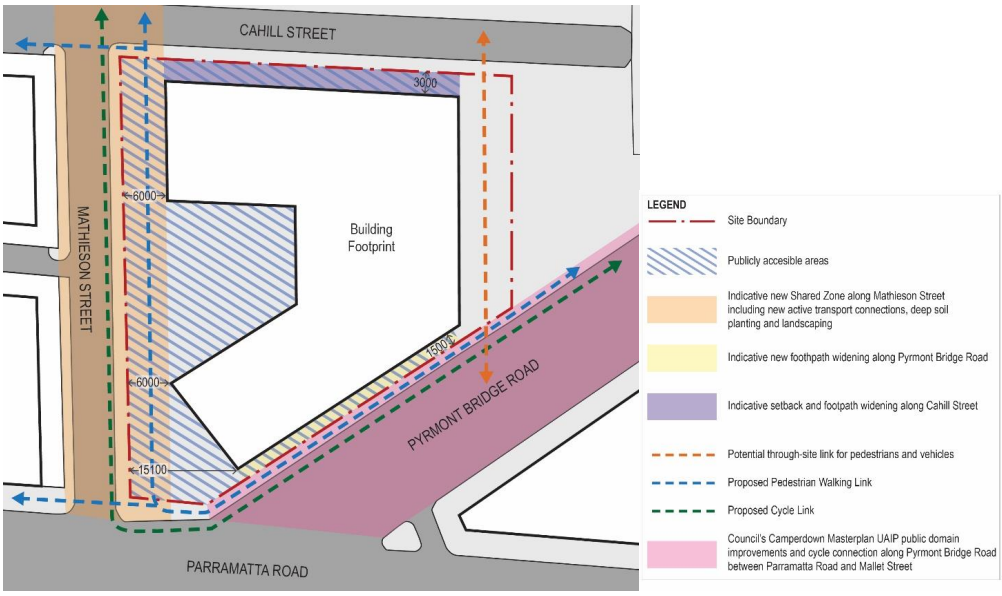


Figure 4: Indicative site plan layout and public domain improvements

Site Specific Controls

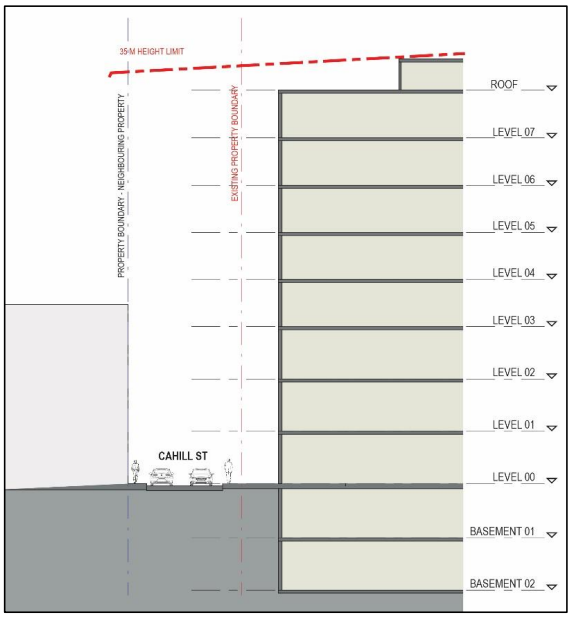


Figure 5: Indicative built form setback along Cahill Street

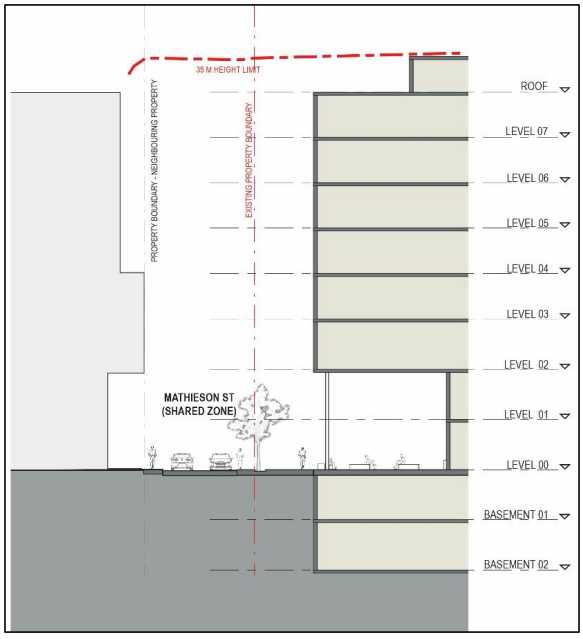


Figure 6: Indicative built form setback along Mathieson Street

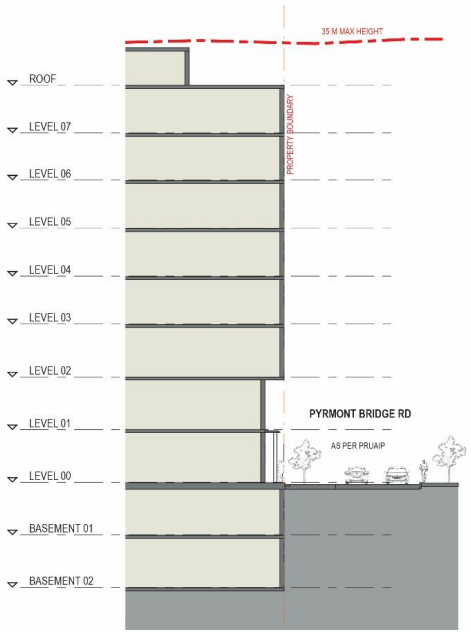


Figure 7: Indicative built form setback along Pyrmont Bridge Road

4.5. Public domain

Objectives

O1. To contribute towards enhanced public domain outcomes.

O2. To contribute to the public domain improvements along Mathieson Street as well as integrate with Council's PRUAIP along Pyrmont Bridge Road.

O3. To provide safe walking and cycling connections.

O4. To reduce street clutter and provide opportunity for viable street trees.

O5. To minimise the impact of vehicular access and servicing on the public domain interface of the development.

Controls

C1. Contribute towards substantial enhancements of public domain along Mathieson Street by:

a. providing 6m setback as land dedication to Council
b. in addition to a. above, providing a publicly accessible plaza of at least 600m^2 at the Mathieson Street entrance as shown in Figure 4. This plaza can be a combination of areas open to the sky and under croft areas for weather protection.
c. delivering a Shared Zone between Parramatta Road and Cahill Street

d. providing appropriate landscaping, seating and public domain treatment.

Note: Refer to Transport for NSW Guidelines regarding *Shared Zone defined as a road or network of roads where the road space is shared safely by vehicles and pedestrians. The maximum speed limit is always 10 km/h.*

C2. Provide widened footpaths, new tree planting and landscaping to Pyrmont Bridge Road, Cahill Street and Mathieson Street at no cost to Council.

C3. Building interface to Pyrmont Bridge Road on the ground floor is to appropriately integrate Council's future aspirations of the PRUAIP including footpath widening and cycling connections.

C4. Improve access at the intersection of Parramatta Road and Pyrmont Bridge through provision of pedestrian ramps to make it usable for all.

C5. Integrate pedestrian entries into the streetscape design along Pyrmont Bridge Road and Mathieson Street as shown in Figure 8. These pedestrian entries are to be at the same level as the street to maximise accessibility for all users.

C6. Public domain works adjacent to the site including the new Shared Zone are to be designed in accordance with the Council's requirements or applicable Public Domain Design Guide and Transport for NSW Technical Direction.

C7. Provide awnings along Pyrmont Bridge Road frontage for weather protection.

C8. Design and Plan the building to accommodate future conversion of adjacent streets into shared or pedestrian zones and associated stormwater works.

C9. Stormwater drainage system to be deigned to Council's satisfaction and when installed must cater for the full length of the new Shared Zone without impacting adjacent properties.

C10. Incorporate high quality public art in publicly accessible locations to contribute to the identity and amenity of the place.

C11. Relocate existing overhead cables underground, and where possible, co-locate with other underground services.

C12. Street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid.

C13. Explore the use of smart poles to reduce footpath clutter.

C14. Mechanical plant and essential services equipment are:

a. contained wholly within the property and located:
b. off the primary street frontage, and
c. behind the building line and screened from view, and
d. integrated with the building and landscape design.

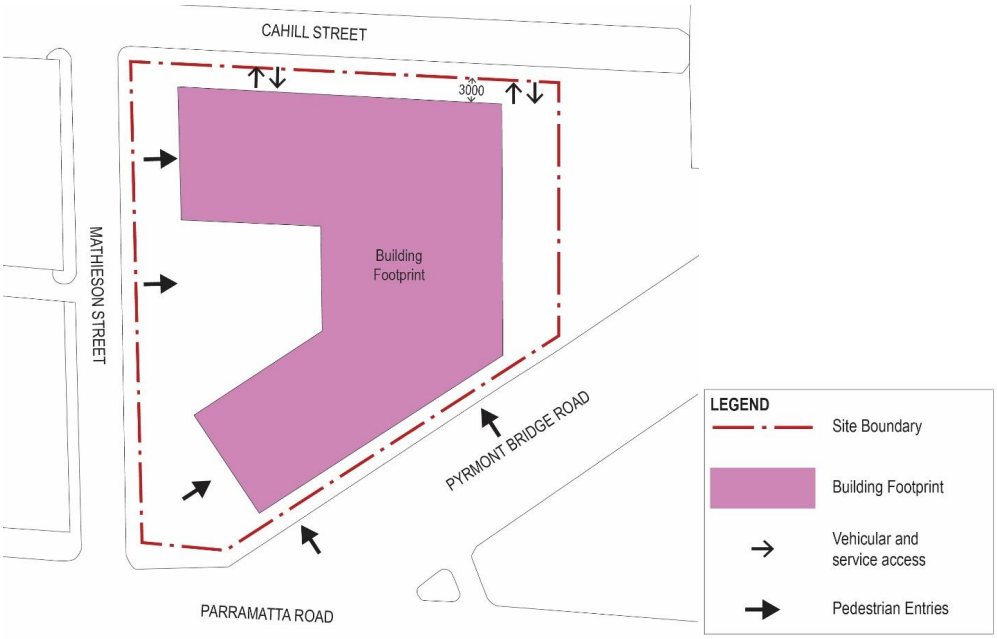


Figure 8: Access points

4.6. Deep soil and landscaping

Objectives

O1. To integrate high quality landscaping into the development by maximising provision of tree canopy cover and deep soil provision on the site.

O2. To provide landscaping deep soil zones on Mathieson Street that supports the growth of substantial trees as well as a diverse range of planting, including native species.

Controls

C1. A minimum of 10% of the site area is to be provided for deep soil planting generally within the area shown in Figure 9.

C2. At least 15% of the site must be covered by tree canopy when trees reach maturity,

C3. A landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application showing the:

a. total area and deep soil area of the proposed for the ground level public domain and shared zone area,

b. levels adjacent to the public domain,
c. planting schedule with numbers and species of plants (botanical and common name), and
d. number and name (botanical and common name) of mature trees on site by type, and detail of paving, seating, walling, fencing and other details of external areas of the site, including the plaza.

C4. Incorporate advanced containerised trees (greater than 200 litre) capable of achieving a generous canopy that will:

a. achieve 50% of their potential at maturity within 10 years

b. achieve a minimum height of 10m at maturity.

Figure 9 Deep soil landscaped area

4.7. Parking and access

Objectives

O1. To ensure safe and efficient access to and from the site for all users.

O2. To minimise car parking and encourage sustainable modes of transport including public transport, active transport and car sharing.

O3. To ensure that the proposed development does not result in significant traffic impact on local streets.

O4. To ensure that new development provides facilities for electric vehicles and future proof to support increased take-up of electric vehicles.

O5. To ensure vehicle parking, servicing, and loading areas are designed to:

a. reduce their visual impact on the public domain
b. minimise space consumed and construction costs
c. support all vehicle types anticipated by development including service vehicles and loading areas.

O6. To allow safe and efficient vehicle drop-off and collection for all users.

O7. To ensure bike riders have sufficient accessible and secure parking

O8. To provide on-site workers facilities for employment generating uses that encourage active transport commuting, healthy workplaces and cater for worker needs.

Controls

C1. Vehicular access is to:

a. be provided from rear accessway such as Cahill Street
b. consolidate vehicle access to reduce the number of crossovers through a maximum of one driveway per site or one-way pair.
c. be via minimum-width driveways to reduce vehicle speeds.

C2. New underpasses are not encouraged unless they provide a direct connection from adjacent streets and substantially improve safety and access. Any new underpass/ through-site link must be made publicly accessible 24 X 7 for pedestrians, provide passive surveillance and directly link with public footpaths.

C3. Any driveway off Pyrmont Bridge Road must allow for provision of a left-in left-out movement.

C4. On-site ground level exposed car parking is not permitted, and parking areas:

a. are concentrated below ground in a basement
b. are not open structures that are visible from the public domain
c. do not protrude:
    i. above ground level at any point along street frontages
    ii. into setbacks areas that are identified as landscape areas
d. are designed to facilitate break out walls

e. do not impede the provision of viable vegetation
f. are designed to accommodate all vehicles anticipated by the development including the need for any on-site services and deliveries.
g. provide sufficient manoeuvring space to allow vehicles to enter and exit the site in a forward direction
h. provide sufficient levels of parking for private vehicles, car share vehicles and bicycle parking as per the tables below.

Table 1: Maximum car parking rates

Land Use	Maximum car parking spaces per Gross Floor Area (GFA)
Commercial/office	1 space per 100m^2 GFA
Retail/shop	1 space per 50m^2 GFA
Restaurant	1 space per 50m^2 GFA
Industrial	1 space per 150m^2 GFA
Hospital	Site-specific merit assessment
Health/Medical Centre	2 spaces per consulting room

C5. Any development application for the site is to be supported by a detailed parking demand assessment and Parking Management Plan. Parking rates for a hospital facility are to be determined based on the parking demand assessment report. The Plan is to be consistent with this DCP's objectives to minimise parking space and traffic generation.

C6. Development on the site is to include car share vehicle(s) that:

a. are located either on-site or on the street at the discretion of council
b. do not result in the maximum car parking rates being exceeded
c. are publicly available and readily accessible at all times.

C7. Where shared use of car parking spaces is included, the amount to be provided will be determined on a case-by-case basis dependant on anticipated tenancies/uses.

C8. Provide electric vehicle (EV) ready to use (including cabling, power outlet or charging head) car parking spaces – Level 3 or faster at a rate of 10% for all spaces – dedicated and visitor

C9. Design electric infrastructure services (distributions boards, conduits and cables) to ensure:

a. sufficient energy and capacity, preferably from renewable sources
b. reticulated fixed charging facilities cater for a minimum of 50% of all parking spaces
c. any future EV charger does not require a cable of more than 50m from the parking space to the EV-ready connection

C10. Pedestrian access/entries to the development are to be provided from Pyrmont Bridge Road and Mathieson Street.

C11. Vehicular access to the site is to minimise potential pedestrian, cyclist and vehicular conflicts.

Site Specific Controls

C12. On-Site loading is to be provided to accommodate an 8.8m long medium rigid vehicle with on-grade access from Cahill Street.

C13. Any development application for the site is to be supported by a Green Travel Plan to promote and maximise the use of more sustainable modes of travel. The basic elements of a Green Travel Plan are:

a. an assessment of the existing traffic and transport situation
b. a prediction of the traffic/transport impacts associated with the development
c. mode shift targets to create a shift away from private vehicle use toward walking, cycling and use of public transport
d. a set of actions to create the desired mode shift

C14. Proposed Shared Zone such as along Mathieson Street is to comply with the TfNSW Technical Direction.

C15. Any development application is to be supported by a traffic report prepared by a suitably qualified person, addressing the following factors:

a. the prevailing traffic conditions
b. the likely impact of the proposed development on existing traffic flows and the surrounding street network as well as future growth in the overall precinct
c. pedestrian and traffic safety
d. an assessment of the impacts from any proposed on-site parking
e. detailed design of the driveways
f. pick-up and drop off locations including for ambulance and emergency vehicles, if required
g. swept path analysis for Medium Rigid Vehicles

C16. Bicycle parking:

a. complies with the minimum requirements detailed in Table 2
b. is in accessible and visible locations for residents, workers and visitors
c. is secure, generally through provision of bike cages for residents and workers or bike stands for visitors
d. is provided with ready-to-use electric charging points at a minimum rate of:
   i. for non-residential development - one per four bicycle spaces
   ii. where there are multiple parking areas, facilities are distributed equally across all locations.

Table 2: Minimum bicycle parking

Land Use	Worker	Visitor
Commercial/ office	1 space per 150m^2 GFA	1 space per 400m^2 GFA
Retail	1 space per 250m^2 GFA	2 spaces + 1 per 100m^2 GFA

Site Specific Controls

Industrial	1 per 10 staff	1 space per 500m² GFA
Hospital	1 per 10 staff	1 per 30 beds
Health/ Medical centre	1 per 10 staff	1 per 5 staff for visitors

C17. Motorcycle parking:

a. to be provided at 1 space per 1,500m² of floor area, with a minimum of one space where on-site parking is provided.

C18. On-site workers facilities:

a. comply with the minimum requirements detailed in Table 3
b. are provided in secure locations
c. where more than one shower/change cubicle is required, separate and equal numbers of male and female facilities are provided
d. are integrated into the development and easily visible and accessible.

Table 3: Minimum worker facilities for all employment generating uses

Anticipated number of workers	Personal Lockers	Showers and change cubicles
0-49	1 per 2 workers	1 unisex
50 – 99	1 per 3 workers	2
100-199	1 per 4 workers	4
200+	1 per 5 workers	+ 1 per 200 workers

4.8. Ecologically Sustainable Development

Objectives

O1. To ensure that the new development exhibits a high level of environmental performance consistent with the aspirations of Tech Central.

O2. To reduce the cause and impacts of urban island heat effects.

O3. To increase urban green cover on the site through tree planting, mass planted garden beds, Water Sensitive Urban Design, green roof and walls.

Controls

C1. The development is to achieve a minimum 5-Star Green Star Buildings certified rating.

C2. The development is to:

a. include passive design features such as optimal orientation, increased insulation, effective shading, cross ventilation
b. incorporate optimised rooftop solar photovoltaic systems. Where possible, solar panels should be co-located with green roofs to increase the operational efficiency of the solar panels.
c. achieve full electrification of utilities for all non-critical services including cooking (other than cooktops in commercial kitchens), heating and hot water (heat pumps)
d. incorporate piping for use of recycled water in the irrigation and the like.

C3. Provide rainwater capture infrastructure for re-use on site.

C4. The development application must be supported by a Building Environmental Performance Report prepared by a suitably qualified environmental consultant.

C5. Incorporate green roof, green walls and cool roof into the design as per the Inner West Council Green Walls, Roofs and Facades Technical Guidelines 2020.

Water Sensitive Urban Design (WSUD)

C6. Incorporate an integrated approach to water cycle management and address water conservation, efficiency, stormwater management, drainage and flooding through a coordinated process.

C7. The site must be planned to minimise paved areas and maximise stormwater infiltration. All public access paving must be permeable except where accessibility requirements restrict it.

C8. Design the site to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

C9. Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.

C10. A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and best practice sustainable water management techniques.

4.9. Waste management

Objectives

O1. To ensure that adequate on-site provision is made for the temporary storage and disposal of waste and recyclable materials.

O2. To ensure that opportunities to maximise source separation and recovery of recyclable materials are integrated into the development.

O3. To minimise risk to health and safety associated with handling and disposal of waste and recycled material and the potential for adverse environmental impacts associated with waste management.

Controls

Site Specific Controls

C1. Waste and recycling storage areas are to be located, designed and constructed to ensure integration with the Cahill Street streetscape.

C2. Waste and recycling facilities must be managed in acoustically treated areas to minimise the noise of collection.

C3. A completed Site Waste Minimisation and Waste Management Plan (SWMMP) addressing ongoing waste and resource recovery is to be submitted with any development application. The SWMMP is to include details of the following:

a. types and estimated quantities of the predicted waste streams
b. size and location of recycling and waste storage areas, including bulky waste - routes of access and transfer from source to storage areas for all users
c. routes of transfer from storage areas to collection point
d. access route for waste and recycling collection vehicle
e. ongoing management, including responsibility for cleaning and transfer of bins between storage areas and collection points, implementation and maintenance of relevant signage, and ongoing education of all tenants.

4.10. Building materials and finishes

Objectives

O1. To ensure that buildings have a high-quality appearance and use materials that are sustainable, low-maintenance, durable and robust.

O2. To provide building materials, fittings and finishes that are high-quality, sustainable, robust, durable and low maintenance.

O3. To reduce building waste by effectively re-using or recycling building materials where demolition or deconstruction of existing development is required to facilitate new development.

O4. To incorporate lighting that contributes to the quality and safety of the night-time urban environment, is sustainable and easy to maintain.

Controls

C1. Building materials, fittings, and finishes:

a. are durable, of high-quality and textured, to complement materials used in nearby buildings
b. on facades have a light reflectivity of 20% or less
c. does not create nuisance or hazard from glare, noise and odour for pedestrians, motorists, or occupants of nearby buildings
d. are sustainable with low embodied carbon such as:
    i. replacement of Portland cement with supplementary cementitious materials (SCMs) in concrete (i.e., 30% SCM across all pre-cast and in-situ cement)
    ii. high recycled content in steel
    iii. timber framing instead of steel framing

iv. cross laminate timber
v. be made from or incorporate recycled materials, where possible.

C2. The Deconstruction Plan demonstrates that the majority of demolished building material, excluding hazardous materials, is integrated into the design and construction of new development by re-using on site or appropriate recycling.

External lighting

C3. Where incorporating external lighting, it:

a. is to be integrated into the building design and highlights distinctive architectural features
b. is to be energy efficient, high quality, durable and low maintenance
c. does not cause nuisance or hazard to occupants of the building or nearby buildings
d. minimises light spill into the night sky
e. supports street lighting to enhance safety and security
f. negates adverse noise and odour emissions from activities, plant, or equipment.

29 July 2022

Amanda Harvey
Executive Director, Metro East and South
Planning and Land Use Strategy
NSW Department of Planning and Environment
Parramatta NSW 2150

Attention: Laura Locke, Alexander Galea, Amy van den Nieuwenhof

Dear Amanda,

RE: Public Exhibition of Planning Proposal for 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale

Inner West Council is writing in response to the NSW Department of Planning and Environment's (DPE's) public exhibition of the Planning Proposal for 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale.

Council provides the following comments in review of the Planning Proposal package dated 31 May 2022. The Planning Proposal seeks to amend the *Leichhardt Local Environmental Plan (LLEP) 2013* to:

- rezone the site from IN2 Light Industrial to B5 Business Development;
- apply a maximum height control of 35m;
- amend the floor space ratio control from 1:1 to 4:1;
- allow retail premises on the ground floor as an additional permitted use;
- deliver 75% of the floorspace as uses associated with health, education, research, technology and creative uses;
- prohibit tourist and visitor accommodation;
- provide active frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road;
- not significantly increase the amount of traffic on the adjoining street network; and
- include end of journey facilities to support walking and cycling.

Through the above-mentioned amendments to the LLEP 2013, the Planning Proposal would facilitate a new eight storey development on the site associated with health, education, research, technology and creative uses.

Background

Council received the original Planning Proposal request for this site on 30 June 2021. Upon reviewing the proposal, Council officers identified potential strategic merit for redevelopment, but in doing so raised concerns with regards to land use, design, traffic, access, and public domain outcomes as well as the need to consider precinct-wide approach to planning. A revised Planning Proposal prepared by Council officers was reported to the Inner West Local Planning Panel (IWLPP) in September 2021. The IWLPP advised Council that the Planning Proposal should proceed to Gateway, in the form as recommended by Council officers, that ensured improved outcomes relating to land-use, urban design and public domain.

In October 2021, a rezoning review was lodged with the DPE where the proposal was supported by the Sydney Eastern City Planning Panel (SECPP) subject to changes to align it with Council's Planning Proposal dated September 2021.

On 22 December 2021, Inner West Council requested an extension to accepting the Planning Proposal Authority (PPA) role following the rezoning review. DPE subsequently requested the SECPP appoint itself the PPA as the 42-day timeframe had lapsed for Council to accept the role. On 12 May 2022, the DPE issued a Gateway Determination to proceed with public exhibition of the Planning Proposal subject to changes.

Council's role in the assessment of the Planning Proposal, including revised plans and reports has been significantly reduced as a result of the before-mentioned events and it is with great interest that Council seeks resolution of concerns relating to land-use, infrastructure, urban design, traffic and access, and public domain.

Key Matters for DPE's Consideration

The following points are raised in response to the Planning Proposal and public exhibition documents:

1. Land use matters:

1.1 Council-led Camperdown Structure Plan and future precinct-wide LEP Amendment

The site is located on the western periphery of the Tech Central precinct, within the Camperdown node and leverages off the technology driven bio-medical aspirations for the wider Tech Central precinct. The following maps identify the Tech Central precinct and the study area being investigated by Council as part of the Camperdown Structure Plan process.

Map 1. Tech Central Precinct

Map 2. Camperdown Structure Plan Study Area

Council is currently undertaking precinct-planning work for Camperdown to implement the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) and Tech Central's aspirations of a globally competitive health and education precinct. The scope of works includes investigation of new land-uses, built form, connections and public domain improvements to realise the precinct's potential as a health and education precinct.

Council in conjunction with the NSW Health, Sydney Local Health District, Greater Cities Commission (GCC) and City of Sydney has engaged consultants to prepare the Camperdown Structure Plan. This jointly commissioned project is expected to be completed in late 2022 and will provide recommendations for LEP/DCP controls for Camperdown which Council intends to take forward as Planning Proposal for Camperdown precinct (IWLEP Phase 2C).

The preliminary findings of the Camperdown Structure Plan as well as the work being undertaken in parallel by the GCC for the wider Tech Central validates the need to safeguard this precinct for health, education and biotechnology uses. The Camperdown industrial precinct is one of the few remaining precincts close to knowledge, skills and institutions that is capable of supporting sectors associated with the university and hospital.

The location of the site, and its positioning as the first redevelopment in defining the western gateway to the Tech Central precinct requires:

- assurance that the site will be redeveloped for health and education uses aligned with State and Local Government's Strategic aspirations;
- excellence in terms of architectural and urban design qualities to ensure the proposed built form is consistent with the desired future character of the locality; and
- delivery of high quality public domain and sustainability outcomes to support the future users.

1.2 Employment Zones Reform

DPE is undertaking the Employment Zones Reforms to translate existing Business Zones to Employment Zones through a self-repealing SEPP. These reforms were exhibited from 31 May 2022 to 12 July 2022 and are expected to be finalised by December 2022. The exhibited Inner West LEP translation excluded the area of Camperdown precinct from the application of these Reforms (refer to Attachment 1). The aim of excluding the Camperdown precinct area is to allow for the Camperdown Structure Plan to be completed which will nominate appropriate land uses for the precinct to transition to health, education and technology uses.

This Planning Proposal is ahead of the wider masterplan and consequently raises concerns regarding appropriate zoning control for this site and its implications on the remainder of the precinct. In accordance with DPE's Employment Zones Reform Implementation (2022), land currently zoned B5 Business Development will translate to E3 Productivity Support. Of concern is that the exhibited Planning Proposal does not appropriately consider the implications of this translation. Therefore, it remains unclear to Council and community whether the site will be rezoned to a B Zone or an E Zone. This matter should be resolved sensitively and take into consideration the possible need to re-exhibit any new uses and / or permitted / prohibited uses on the site.

Given that an exclusion applies to Camperdown precinct from the application of Employment Zones Reform under the self-repealing SEPP, it will not be practical to transition this one site in the precinct to B5 or E3 Zone whilst the remainder of the precinct continues to be IN2 Light Industrial until the completion of precinct plan. Council is also uncertain whether it would be legally permissible to rezone this site to B5 Business Development if Employment Zone Reforms are finalised prior to the finalisation of this LEP Amendment.

Compared to both the current IN2 Light Industrial zoning, and the proposed B5 Business Development zoning, the E3 Productivity Support zone provides increased flexibility, permits a wider range of retail uses, and enables a greater range of business and accommodation related uses. These uses are not consistent with Inner West Council's or Sydney Eastern City Planning Panel's aspirations for this site or the wider precinct, particularly noting the requirements to provide limited retail and prohibiting tourist/visitor (including hotel/motel) accommodation. In addition, the proposed objectives of E3 Productivity Zone are not aligned with aspirations of Camperdown precinct.

Given the locality of the site and the need to protect lands identified within the Camperdown Structure Plan for biomedical uses associated with the Tech Central precinct, it will be more appropriate and consistent to either refrain from proceeding with the Planning Proposal until the Camperdown Structure Plan is complete or retain the existing IN2 Light Industrial zone for this site with additional permitted uses under Schedule 1 to align with the proposed B5 Business Development uses alongside the proposed additional local provision.

Recommendation 1:

Council seeks further collaboration with DPE to establish the most appropriate Employment Zone for this site. Attached is Council's recent submission to DPE regarding Employment Zone Reforms in the Camperdown precinct. The submission provides the rationale for retaining the IN2 Light Industrial zoning across the Camperdown precinct to allow for the completion of the Camperdown Structure Plan and to safeguard the growth of a globally significant biotechnology precinct. Given the key location of the site and the need to protect employment lands identified within the Camperdown

Structure Plan for biomedical uses associated with the Tech Central precinct, it may be considered more appropriate and consistent to either:

a) defer the consideration of this Planning Proposal until Camperdown Structure Plan is complete, as this will inform the most appropriate and consistent land use zoning for the site and the wider Camperdown precinct; or

b) retain the existing IN2 Light Industrial zone and allow additional permissible uses under Schedule 1 to align with the proposed B5 Business Development zone. This would be complemented by the proposed additional local provision with:

- limited retail premises on the ground floor as an additional permitted use;
- 75% of the floorspace as uses associated with health, education, research, technology and creative uses;
- prohibit student accommodation, and tourist and visitor accommodation including hotel and motel accommodation.

Recommendation 2:

Subject to the resolution of the above land use zoning issue, Council strongly supports the proposed additional local provision as in the exhibited Planning Proposal.

It is also noted that given the flexibility allowed in the proposed additional local provision relating to providing not just health but also education, research, technology and creative uses, it is misleading to publicly exhibit the Planning Proposal as Camperdown Health Facility. There is no mechanism in the proposed LEP amendment to ensure that the proposed development will result in a standalone health facility as claimed in the exhibition package.

2. Draft Development Control Plan and Planning Agreement matters

As noted in the SECPP decision, it is critical that the Planning Proposal be accompanied with a site-specific DCP and Planning Agreement to deliver the built form and public domain outcomes envisaged in the Planning Proposal.

Council's Property and Legal team are in the initial stages of negotiating a Planning Agreement with the proponent in relation to the proposed development and dedication of parts of site to Council. These matters relate to:

- Provision of setbacks along Cahill Street, Mathieson Street and Pyrmont Bridge Road;
- Provision of new Shared zone along Mathieson Street to comply with the Parramatta Road Corridor Urban Transformation Strategy's (PRCUTS) requirement of providing walking and cycling connection along Mathieson Street towards Johnstons Creek;
- New public plaza(s) at the intersection of Mathieson Street, Parramatta Road and Pyrmont Bridge Road

It is noted that this matter is yet to be reported to Council, nor undergone public exhibition.

Similarly, Council is assessing the supporting site-specific DCP, and it is anticipated that outcomes of this public exhibition process being undertaken (and any community and / or stakeholder concerns) will assist in informing the drafting/ reporting of Council's site-specific DCP.

It is of high importance that the finalisation of the LEP for this Planning Proposal acknowledges these outstanding matters relating to Planning Agreement and site-specific DCP.

Recommendation 3:

Council strongly urges DPE as the Local Plan Making Authority to consider delaying the date when this LEP amendment comes into effect to allow sufficient time to address local infrastructure matters and include an LEP clause that prevents the determination of a development application on the site until a site-specific DCP is in place. This is critical to ensuring that this Gateway site in the Camperdown health and education precinct sets a good precedent for future developments with respect to built form and public domain outcomes.

3. Built form and urban design

Council considers that the potential redevelopment of the full block bound by Pyrmont Bridge Road, Water Street and Mathieson Street, rather than the current site arrangement has the potential to provide greater public benefits by resolving issues relating to vehicular access, connectivity and overshadowing. It also provides the opportunity to create larger floor plates for employment uses and better address bulk and scale and urban design impacts, particularly when there is interest from the adjoining and nearby sites to redevelop as part of the biomedical health precinct.

Whilst these are detailed matters for consideration as part of the future DCP, the proposed built form should consider:

- all recommendations as outlined in Design Inc's urban design peer review report dated September 2021;
- greater setbacks particularly on the upper levels to reduce overshadowing impacts;
- appropriate separation distances and building treatments to not preclude redevelopment potential of adjacent sites; and
- appropriate active ground floor interface along Pyrmont Bridge Road whist being responsive to flooding issues.

Recommendation 4:

It is strongly recommended that the DPE include an LEP clause that prevents the determination of a development application on the site until a site-specific DCP is in place for Council to satisfactory address the abovementioned detailed design matters. In addition, the LEP clause should outline the matters of consideration for the DCP such as bulk and scale, amenity, traffic, public domain, access, and environmental performance.

4. Public Domain

Council's assessment of the Planning Proposal in October 2021 identified the following opportunities for delivering community and public domain benefits:

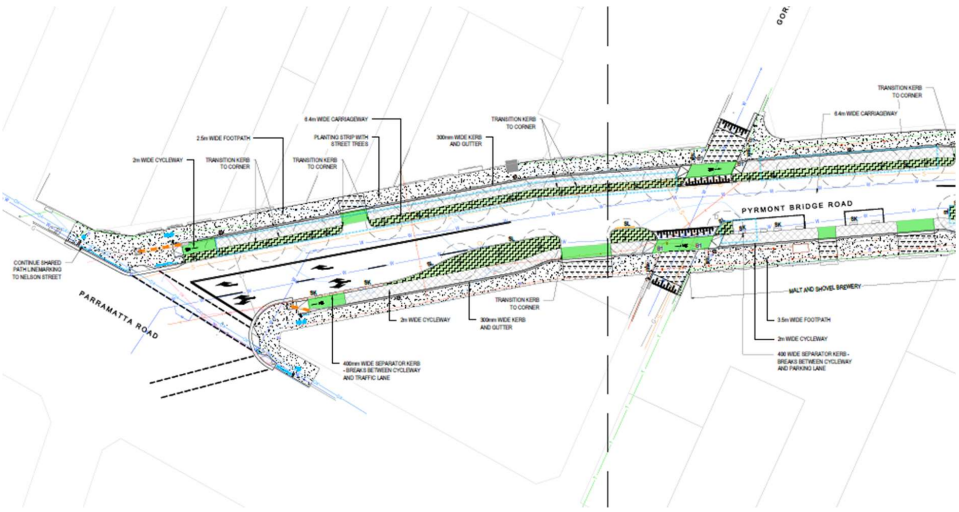
- an attractive built form and public domain which will deliver a gateway building aligned with the strategic objectives for the Camperdown precinct (see description of Council's Draft Structure Plan below)
- a new landscaped public plaza and "Shared Zone" along Mathieson Street which will link with Council's proposed Shared Zone along Cahill Street/Lane (see description of Council's works along Cahill Lane below)

- provision of walking and cycling connections along Mathieson Street between Cahill Street and Parramatta Road and enhance safety through creation of a "Shared Zone"
- footpath widening and associated land dedications along Cahill Street, Mathieson Street, Parramatta Road and Pyrmont Bridge Road to contribute to public domain improvements

The current design scheme as per the public exhibition of this Planning Proposal raises safety concerns regarding potential conflict between cyclists, pedestrians, and cars/service vehicles due to the proposed vehicular access via Pyrmont Bridge Road.

In implementation of PRCUTS Urban Amenity Improvement Plan (UAIP), Council has developed the Pyrmont Bridge Road Masterplan (80% Detailed Design) to provide a new cycling link along Pyrmont Bridge Road. The proposed access via Pyrmont Bridge Road should be restricted or adequately managed through limited access as it is envisaged to be a high street with high levels of pedestrian and cyclist traffic flow.

Figure 1: Pyrmont Bridge Road Detailed Design Works



The proposal requires further traffic and access modelling and redesign, to ascertain how vehicle access can be best accommodated for the site, in accordance with TfNSW requirements.

5. Cahill Street Masterplan

Council has secured funding for new shared zones and public spaces along Cahill Street and Cahill Lane as part of the NSW Government's Public Spaces Legacy Program (122-130 Pyrmont Bridge Road, 206 Parramatta Road, Annandale - Inner West Council (nsw.gov.au)) see Appendix 15.

This will intersect with the Mathieson Street Shared Zone which can be provided through this Planning Proposal. This proposal has the potential to contribute towards following public domain works:

- Provide a minimum of 6m setback and land dedication along the Mathieson Street frontage;

- Create a new "Shared zone" along Mathieson Street between Cahill Street and Parramatta Road to engender a sense of a larger and enhanced space for cyclists, pedestrians, and vehicles. This will link to Council's proposed Shared Zone along Cahill Street/Lane as well as provide part of the PRCUTS desired pedestrian and cycling link to the Johnstons Creek corridor;
- Provide at least 1.5m ground floor and first floor setback along Pyrmont Bridge Road to facilitate footpath widening and landscaping; and
- Refine the built form at the intersection of Mathieson Street, Parramatta Road and Pyrmont Bridge Road to allow a sufficient setback and sight lines for cyclists to round the corner to the Pyrmont Bridge Road cycleway safely.

The Planning Proposal and supporting DCP must incorporate the above-mentioned public domain works, to the satisfaction of both Council and Transport for NSW. In doing so, the following key outcomes to be achieved through this Planning Proposal include:

- To enhance and activate the public domain, including activating ground floor land uses on Pyrmont Bridge Road, Parramatta Road, and part of Mathieson Street.
- To enhance the public domain around the site, including upgraded landscaping, pedestrian access and cycleway to Pyrmont Bridge Road and Mathieson Street.
- To create a shared zone with improved public domain on Mathieson Street.
- To provide appropriate pedestrian and vehicular access and servicing arrangements to allow the efficient operation of the proposed development on the site.
- To encourage active transport and support public transport mode share.

Council will ensure the above requirements are incorporated into a Council site-specific DCP relating to this Planning Proposal, however it is then imperative that Council's site specific DCP is both reported to Council for consideration, publicly exhibited and adopted prior to development proceeding on the site as also noted in the above recommendations.

Council is committed to delivering local and State Government's aspirations in supporting Australia's innovation sectors and realising Camperdown's role in supporting surrounding health and education institutes. This Planning Proposal relates to a site which is in a key location of this future biomedical precinct, and therefore requires coordinated efforts at local and State level to ensure it complements the desired future character and contributes satisfactorily to land use and public domain outcomes despite being ahead of the wider masterplan process.

Council requests to meet with the DPE to clarify and further discuss the matters outlined in this letter. Please contact Gunika Singh, Acting Team Leader, Strategic Planning on gunika.singh@innerwest.nsw.gov.au to arrange for an appropriate time for this meeting.

Regards

Daniel East

Strategic Planning Manager

Item 4

PLANNING PROPOSAL AUTHORITY
DETERMINATION AND STATEMENT OF REASONS
STRATEGY PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	17 November 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Gail Connolly, Darcy Byrne, Philippa Scott
APOLOGIES	None
DECLARATIONS OF INTEREST	None

PLANNING PROPOSAL
PP-2021-5718 – Inner West - AT 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale
The planning proposal seeks to amend the *Leichhardt Local Environmental Plan 2013* to facilitate the redevelopment at 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale for the purpose of a health services facility.

PANEL CONSIDERATION AND DECISION
The panel considered: the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1.

As the Planning Proposal Authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made as amended below in accordance with S3.36 of the EP&A Act.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE RECOMMENDATION

The rezoning of the site with the local provision is consistent with the Camperdown Precinct Plan and Tech Central Precinct.

The Panel concurs with the Department of Planning and Environment's Post-Exhibition Report and considers that the planning proposal is suitable for finalisation subject to an amendment to the wording of the local specific provision to read as follows – "Deliver at least 75% of the floorspace as **employment** uses associated with health, education, research, technology and creative uses."

The Panel agrees:
- the proposal demonstrates strategic and site-specific merit;
- the conditions of the Gateway have been met; and
- agency and community consultation has occurred in accordance with the Gateway determination and all submissions have been adequately considered by the Department.

Panel comments:
- the Panel encourages the Council to adopt a site specific DCP as a matter of priority to guide the development application process.
- the Panel also notes that negotiations on the VPA are significantly advanced and the Council should make every effort to finalise the agreement prior to gazettal of the draft LEP.

Attachment 3

PANEL MEMBERS	
Carl Scully (Chair)	Jan Murrell
Gail Connolly	Darcy Byrne
Philippa Scott	

SCHEDULE 1		
1	**PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS**	PP-2021-5718 – Inner West - AT 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale
2	**LEP TO BE AMENDED**	Leichhardt Local Environmental Plan 2013
3	**PROPOSED INSTRUMENT**	The planning proposal seeks to amend the *Leichhardt Local Environmental Plan 2013* to facilitate the redevelopment at 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale for the purpose of a health services facility.
4	**MATERIAL CONSIDERED BY THE PANEL**	Department of Planning and Environment's Post-Exhibition Report with Attachments A to K. Attachment A – Planning Proposal (May 2022) Attachment B – Rezoning Review Record of Decision (November 2021) Attachment C – Gateway Determination (May 2022) Attachment D – Assessment Against Gateway Determination Attachment E – Authorisation of exhibition (June 2022) Attachment F – Submissions table Attachment G – Community submission (redacted) Attachment H – Submission on behalf of proponent Attachment I – Council submission Attachment J – Agency submissions Attachment K – Proponent response to submissions (August 2022)
5	**MEETINGS AND SITE INSPECTIONS BY THE PANEL**	• Department Briefing: 17 November 2022, 9:00am-9:35am ○ Panel members: Carl Scully (Chair), Jan Murrell, Gail Connolly, Darcy Byrne, Philippa Scott ○ Department: Brendon Roberts, Alex Galea, Louise McMahon, Jonathan Saavedra • Proponent and Council Briefing: 17 November 2022, 9:35am-10:30am ○ Panel members: Carl Scully (Chair), Jan Murrell, Gail Connolly, Darcy Byrne, Philippa Scott ○ Department: Brendon Roberts, Alex Galea, Louise McMahon, Jonathan Saavedra ○ Council: Gunika Singh, Nicola Viselli, Denise Benger ○ Applicant: Anna Johnston, Michael File, Rob Thomas, Alex Sicari, Banjo Bond ○ Key issues discussed: public exhibition, seven submissions and responses including site specific clause and addition of the word 'employment' to proposed land uses; precinct planning for the area to establish education and health industries; and DCP & VPA being in place prior to LEP commencing. • Panel Discussion: 17 November 2022, 11.15am-12.05pm ○ Panel members: Carl Scully (Chair), Jan Murrell, Gail Connolly, Darcy Byrne, Philippa Scott ○ Department: Brendon Roberts, Alex Galea, Louise McMahon, Jonathan Saavedra

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Item 4

Planning Proposal

Health Services Facility - Camperdown Biomedical and Biotechnology Hub

122 to 130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale

Prepared on behalf of The Trustee for MHA PBR Annandale Unit Trust

May 31, 2022

Attachment 4

File Planning & Development Services
Phone: 0433 458 984 | **Email:** michael@fileplanning.com | **Address:** PO Box H219 Australia Square NSW 1215

FPD Pty Ltd
File Planning & Development Services

Document control

Authors

Reviewed by	Michael File, Director
Prepared by	Anna Johnston, Associate

Project summary

Applicant	The Trustee for MHA PBR Annandale Unit Trust
Land to be developed	122 to 128 Pyrmont Bridge Road, and 206 Parramatta Road, Annandale
Legal description	Lot 3-6 and 12 DP 976387, Lot 100 DP1101482, Lot 1 DP 539271
Project description	Planning Proposal to facilitate a health services facility and associated uses

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Contents

Document control ..... **ii**

Executive Summary ..... **vii**

1 Background **10**

2 Site description and context **12**
2.1 Site description and current use 12
2.2 Existing neighbouring buildings 13
2.2.1 Local context 13

3 Current planning controls **15**
3.1 Leichardt Local Environmental Plan 2013 15
3.2 Draft Inner West Local Environmental Plan 2020 17

4 Strategic context **18**
4.1 Greater Sydney Region Plan 18
4.2 Eastern City District Plan 18
4.3 Camperdown Ultimo Place Strategy 19
4.4 Parramatta Road Corridor Urban Transformation Strategy 21
4.4.1 Parramatta Road Corridor – Planning and Design Guidelines 21
4.4.2 Parramatta Road Corridor – Fine Grain Study 24
4.4.3 Parramatta Road Corridor – Implementation Plan 2016-2023 27
4.4.4 Parramatta Road Corridor – Infrastructure Schedule 28
4.4.5 Parramatta Road Corridor – Urban Amenity Improvement Program 28
4.5 Inner West Local Strategic Planning Statement 28
4.6 Inner West Employment and Retail Lands Strategy 29
4.7 Draft Camperdown Land Use and Employment Strategy 30

5 The proposal **32**
5.1 Urban Design Concept 32
5.2 Design excellence 36
5.3 Amendments to the Leichhardt Local Environmental Plan 36
5.4 Site Specific Development control plan 36
5.5 Local infrastructure contributions 36
5.6 State infrastructure contributions 37

6 Objective or intended outcomes **38**

7 Explanation of provisions **39**

8 Justification of strategic merit **44**
8.1 Need for the planning proposal 44
8.2 Relationship to Strategic Planning Framework 44
8.2.1 Consideration of State Environmental Planning Policies 45
8.2.2 Consideration of Ministerial Directions 46

9 Justification of site specific merit **48**
9.1 Environmental, social and economic impacts 48
9.1.1 Overshadowing 48
9.1.2 Visual impact and privacy 50
9.1.3 Traffic and transport 50

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9.1.4 Heritage ... 52
9.1.5 Ecologically sustainable development ... 52
9.1.6 Acoustic impacts ... 53
9.1.7 Contamination ... 53
9.1.8 Acid sulphate soils ... 54
9.1.9 Utility services ... 54
9.1.10 Economic impact ... 54
9.1.11 Social impact ... 54
9.1.12 Social infrastructure ... 55

10 Sydney Eastern Planning Panel recommendation ... 56

11 Consultation ... 59
11.1 Inner West Council ... 59
11.2 State and Commonwealth Government agency consultation ... 64

12 Project timeline ... 65

13 Conclusion ... 66

Appendix A Urban Design Study ... 67

Appendix B Draft Site Specific DCP ... 68

Appendix C Infrastructure Delivery Plan ... 69

Appendix D Traffic and Transport Assessment ... 70

Appendix E Heritage Assessment ... 71

Appendix F Sustainability Report ... 72

Appendix G Acoustic Report ... 73

Appendix H Air Quality Report ... 74

Appendix I Contamination Assessment ... 75

Appendix J Environmental Due Diligence Advice ... 76

Appendix K Acid Sulphate Soils Management Plan ... 77

Appendix L Utility Infrastructure Report ... 78

Appendix M Economic Impact Assessment ... 79

Appendix N Social Impact Assessment ... 80

Appendix O Planning Agreement Letter of Offer ... 81

Appendix P Additional transport advice ... 82

Table 1: Anticipated project timeline ... 12
Table 2: Consideration of Inner West Employment and Retail Lands Strategy ... 29
Table 3: Consideration of Draft Camperdown Land Use and Employment Strategy ... 30
Table 4: Proposed B5 Business Development Zone ... 42
Table 5: Analysis against State Planning Policies ... 45
Table 6: Analysis against Ministerial Directions ... 46
Table 7: Car parking requirements ... 51

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Table 8: Consideration of Planning Proposal provisions recommended by Council 56
Table 9: Consideration of Council pre-Planning Proposal advice 59
Table 10: Anticipated project timeline 65

Figure 1: Subject site (Source: Mecone Mosaic) 12
Figure 2: Surrounding context 14
Figure 3: Existing Land Use Zone 16
Figure 4: Existing Floor Space Ratio 16
Figure 5: Camperdown Ultimo Place Strategy 20
Figure 6: PRCUTS – Recommended zoning 22
Figure 7: PRCUTS – Recommended height of buildings 22
Figure 8: PRCUTS – Recommended floor space ratio 23
Figure 9: PRCUTS – Recommended open space and active transport 24
Figure 10: PRCUTS Fine Grain Study – Character Areas 25
Figure 11: PRCUTS Fine Grain Study – Indicative Cross Section 25
Figure 12: Building form and setback analysis 27
Figure 13: Urban Design Concept – Ground floor layout 32
Figure 14: Urban Design Concept – Building setbacks and separation distances 33
Figure 15: Urban Design Concept – Maximum building heights 34
Figure 16: Access and circulation plan 35
Figure 17: View of building from Parramatta Road 35
Figure 18: Proposed zoning map 40
Figure 19: Proposed FSR map 40
Figure 20: Proposed Height of Buildings map 41
Figure 21: Proposed Key Sites Map 41
Figure 22: Additional permitted uses map 42
Figure 23: Sun Eye Diagrams (Future Context) 49
Figure 24: Heritage significance (Source: Mecone Mosaic) 52

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Executive Summary

This report has been prepared in support of a Planning Proposal for 2,570sqm of land at 122 to 130 Pyrmont Bridge Road, and 206 Parramatta Road, Annandale to amend the planning controls for the site as follows:

- Rezone the site from IN2 Light Industrial to B5 Business Development
- Allow retail premises at the ground level as an additional permitted use
- Introduce height and floor space ratio controls of 35m and 4:1 respectively
- Introduce a new local provision which outlines site specific controls including to provide greater certainty on permissible land uses
- Introduce a requirement for a site specific DCP to be in place prior to approval of development applications on the site.

The Planning Proposal was submitted to Inner West Council for the site at 122 to 130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale on the 30 June 2021. The proposal was subsequently considered by the IWLPP on the 21 September 2021 where it was supported subject to amendments. Council could not progress the Proposal until after Council elections, some 5-6 months after the Local Planning Panel Meeting.

Subsequently on the 28 September 2021, a Rezoning Review was submitted on the basis that that Council has failed to indicate its formal support within 90 days of lodgement.

The rezoning review request was considered by the Sydney Eastern Planning Panel on the 30 November 2021. The Panel strongly recommended that the Planning Proposal to be exhibited is modified to be generally consistent with the document received from the Inner West Council (IWC) document titled '*Planning Proposal*' dated September 2021, with the exception of the built form controls that instead be those as contained within the recommendations of the *'Design Inc Urban Design Peer Review Report'*, dated 10 September 2021.

The Panel noted that:

- It is concerned that adoption of an unrestricted B5 zoning could lead to development that is inconsistent with the 'Camperdown/Ultimo Collaboration Area Place Strategy'. This identifies that the site is located within an area for broader medical and educational purposes as opposed to a hotel, motel or commercial uses that are also permissible in the B5 zone under the draft Inner West LEP 2020.
- The Panel considers the Planning Proposal must provide certainty with respect to permissible use in accordance with the priorities and actions as identified in the above Place Strategy, and supports a clause to require, say 75-80% of GFA, to be for the uses as identified in the Strategy, potentially by GFA/Height incentive provisions.
- The Panel considers that a draft design guideline/detailed built form outcomes document should be exhibited concurrently with the Planning Proposal.

This Planning Proposal has been updated to reflect the recommendations of the Sydney Eastern Planning Panel, including to be generally consistent with the Planning Proposal prepared by Council and the recommendations of the *'Design Inc Urban Design Peer Review Report'.*

In particular, the Proposal incorporates the following amendments to address Council's feedback:

- Inclusion of a site specific LEP clause which ensures permissible land uses are consistent with the strategic context.

- A maximum height of 35 metres allowing greater floor to floor height on the eighth level and rooftop plant/services
- Appropriate bulk, setbacks, separation, height and envelope
- A high standard of design excellence
- Publicly accessible Ground and Level 1 setbacks including 1.5m to Pyrmont Bridge Road, 6m to Cahill Street and Mathieson Street
- Active frontages to Pyrmont Bridge Road and Mathieson Street
- A new publicly accessible open space with at least 600 sqm at the Mathieson Street entrance of the new building
- New walking and cycling connections along Mathieson Street and the creation of a 'shared zone' with improved sight lines for cyclists and better cycleway connection
- Commitment to a 5 Star Green Star Building
- Mechanisms to reduce urban heat impacts, including green infrastructure and deep soil zone suitable for large trees
- End of journey facilities to promote sustainable forms of travel
- Improved public infrastructure through public domain improvements along Pyrmont Bridge Road, Mathieson Street and Cahill Street including footpath widening, traffic calming, landscaping, and water sensitive urban design
- Access arrangements in line with TfNSW pre-lodgement feedback (access/egress off Pyrmont Bridge Road.

These amendments are reflected within the proposed LEP amendments, site specific DCP and Planning Agreement offer.

The proposal seeks to facilitate a redevelopment of the site for a health services facility of up to eight storeys comprising a total floor space of 10,216sqm with:

- Medical uses such as a physio and hydrotherapy pool and ancillary retail uses including a café and pharmacy at the ground level
- Private hospital and associated uses on levels 1 to 7
- Medical related consulting rooms on Level 8.

The site is unique in that it is a relatively large land holding that will allow relatively large, flexible floorplates suited to servicing world class health, education, and innovation user groups. The urban design concept has been informed by a large health user group, who (subject to the approval of the rezoning and subsequent development application) will occupy the building, thus acting as a catalyst to realise genuine activation of the precinct. The project intends to ultimately offer world class health, education, and innovation users a place to collaborate, work, innovate and service the community.

The Planning Proposal for the site is consistent with the strategic objectives for the Camperdown-Ultimo Health and Education Collaboration Area as set out in the Eastern City District Plan, the Camperdown-Ultimo Place Strategy and the Inner West Employment and Retail Lands Strategy including the protection of employment generating lands to support the collaboration area, and the transition of Camperdown into a health, education and innovation precinct including a biomedical and biotechnology hub.

The proposal is within one of the four priority area for which the Minister established the Project Delivery Unit in July 2020 with the intent to fast track the delivery of the Parramatta Road Corridor Strategy: Allowing planning proposals and development applications to begin being lodged that will deliver up to 27,000 new homes and 50,000 jobs along Parramatta Road.

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This proposal will implement the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) recommendations which envisages the following planning controls for the site:

- Zone: B5 Business Development Zone
- Height of buildings: 32 metres / 8 storeys
- Floor space ratio: 4:1.

The proposal will deliver a gateway building on this significant site which is able to align with the strategic objectives for the Camperdown Ultimo Health and Education Precinct.

The Urban Design Concept has been prepared by BVN who have a proven track record in delivering design excellence, particularly in health and science related fields as outlined in the Urban Design Study. It is envisaged that a future DA would be considered by the Inner West Design Advisory Panel to ensure that it delivers design excellence for this gateway site.

The proposal will deliver a significant public benefit in the form of a major new health services facility in the area. Further, the Planning Proposal is supported by an offer to enter into a Planning Agreement with Council to make arrangements for local infrastructure contributions including enhanced streetscape, public domain and accessibility as agreed with Council.

1 Background

A Planning Proposal was submitted to Inner West Council for the site at 122 to 130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale on the 30 June 2021, which sort to:

- Rezone the site from IN2 Light Industrial to B5 Business Development
- Apply a maximum height control of 32m / storeys
- Amend the floor space ratio control from 1:1 to 4:1
- Allow retail premises on the ground floor as an additional permitted use.

Council undertook an assessment of the Planning Proposal which included an independent peer review of the urban design scheme undertaken by DesignInc which recommended a number of refinements to the public domain and urban design response.

Council proposed amendments to the proposal including a detailed site specific control, FSR and height incentives (rather than traditional amendments to the FSR and height controls), increasing the height control to 35m (to accommodate 8 storeys of employment use with higher floor to floor heights and rooftop plant with no adverse impacts) and proposing a range of site specific community and public benefits.

The proposal was subsequently considered by the IWLPP on the 21 September 2021 which recommended that the Planning Proposal submitted by the Inner West Council had sufficient strategic and site specific merit to progress to a Gateway determination subject to the following changes:

- The proposed site-specific LEP provision be amended to ensure that the proposal achieves at least 9,000sqm of floorspace associated with health, education, research, technology, and creative uses
- The area within the development to be used for retail purposes should be expressed in the site specific LEP provisions as a percentage rather than as an area in square meters.

Subsequently on the 28 September 2021, a Rezoning Review was submitted on the basis that that Council has failed to indicate its formal support within 90 days of lodgement.

The rezoning review request was considered by the Sydney Eastern Planning Panel on the 30 November 2021. The Panel strongly recommended that the Planning Proposal to be exhibited is modified to be generally consistent with the document received from the Inner West Council (IWC) document titled '*Planning Proposal*' dated September 2021, with the exception of the built form controls that instead be those as contained within the recommendations of the *'Design Inc Urban Design Peer Review Report'*, dated 10 September 2021.

The Panel noted that:

- It is concerned that adoption of an unrestricted B5 zoning could lead to development that is inconsistent with the 'Camperdown/Ultimo Collaboration Area Place Strategy'. This identifies that the site is located within an area for broader medical and educational purposes as opposed to a hotel, motel or commercial uses that are also permissible in the B5 zone under the draft Inner West LEP 2020.
- The Panel considers the Planning Proposal must provide certainty with respect to permissible use in accordance with the priorities and actions as identified in the above Place Strategy, and supports a clause to require, say 75-80% of GFA, to be for the uses as identified in the Strategy, potentially by GFA/Height incentive provisions.
- The Panel considers that a draft design guideline/detailed built form outcomes document should be exhibited concurrently with the Planning Proposal.

This Planning Proposal has been updated to reflect the recommendations of the Sydney Eastern Planning Panel as outlined in Section 10, to be generally consistent with the Planning Proposal prepared by Council and the recommendations of the *'Design Inc Urban Design Peer Review Report'*.

The Planning Proposal is supported by the following documents:

- Urban Design Study (updated to align with the DesignInc peer review recommendations)
- Draft Site Specific DCP (updated to align with the DesignInc peer review recommendations)
- Infrastructure Delivery Plan
- Traffic and Transport Assessment
- Additional traffic and transport consideration following TfNSW advice
- Heritage Assessment
- Sustainability Report
- Acoustic Report
- Air Quality Report
- Contamination Assessment
- Environmental Due Diligence Advice
- Acid Sulphate Soils Management Plan
- Utility Infrastructure Report
- Economic Impact Assessment
- Social Impact Assessment
- Planning Agreement Letter of Offer (to outline arrangements for local infrastructure contributions including enhanced streetscape, public domain and accessibility).

2 Site description and context

2.1 Site description and current use

The subject site is comprises 2,570sqm of land located at 122 to 130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale.

The land parcels within the site are outlined below:

Table 1: Anticipated project timeline

Address	Lot description
122 to 128 Pyrmont Bridge Road	• Lot 3 DP 976387 • Lot 4 DP 976387 • Lot 5 DP 976387 • Lot 6 DP 976387 • Lot 12 DP 976387
130 Pyrmont Bridge Road	• Lot 100 DP1101482
206 Parramatta Road	• Lot 1 DP 539271

Figure 1: Subject site (Source: Mecone Mosaic)

The site is located at the intersection of Parramatta Road and Pyrmont Bridge Road and has its main frontage to these roads. It also has street frontages to Cahill Street to the north and Mathieson Street to the west.

The site is currently occupied by three adjoining double storey commercial buildings which are largely built to their site boundaries, with the exception of a small at grade car park to the rear of 130 Pyrmont Bridge Road. The buildings are oriented north-south and have frontages to Pyrmont Bridge Road / Parramatta Road to the south and Cahill Street to the north. 206 Parramatta Road also has frontage to Mathieson Street to the west. To eastern most portion of the 122-128 Pyrmont Bridge Road (being Lots 5 & 6 DP 976387) is currently being used as an at grade customer car park with security fencing.

The existing commercial buildings are predominantly occupied by retail tenancies being:

- Energy Shop Australia – heating/cooling/hot water systems specialists (206 Parramatta Road)
- Olde English Tiles – home tiles and finishes sales shop and warehouse (130 Pyrmont Bridge Road)
- Furniture and lighting shop (122-128 Pyrmont Bridge Road).

The site is entirely cleared of trees and vegetation and is either covered in building or hard stand surfaces.

2.2 Existing neighbouring buildings

The site is located opposite a 7-Eleven Petrol Station to the south east across Pyrmont Bridge Road. To the south of Parramatta Road adjacent to the site are recent developments including:

- 139-143 Parramatta Road – Six storey mixed use development with ground floor retail and residential apartments above
- 185 Parramatta Road – Four and six storey residential flat building

The areas to the north and west along Cahill Street and Mathieson Street comprise a mix of single and two storey terraces, two and three storey commercial and light industrial warehouse buildings and a three storey residential live-work warehouse conversion.

To the east the existing car park adjoins a three storey retail / commercial building.

2.2.1 Local context

The site's location is well suited to a health services facility being located within close proximity to the RPA Hospital and will compliment and support the range of health services provided at RPA.

The site also has good accessibility to the wider area having:

- Good access to public transport being in close walking distance of major bus routes along Parramatta Road connecting to the RPA Hospital, Sydney CBD and the wider transport network
- Access to existing and planned pedestrian and cycle routes including along the Johnstons Creek corridor.

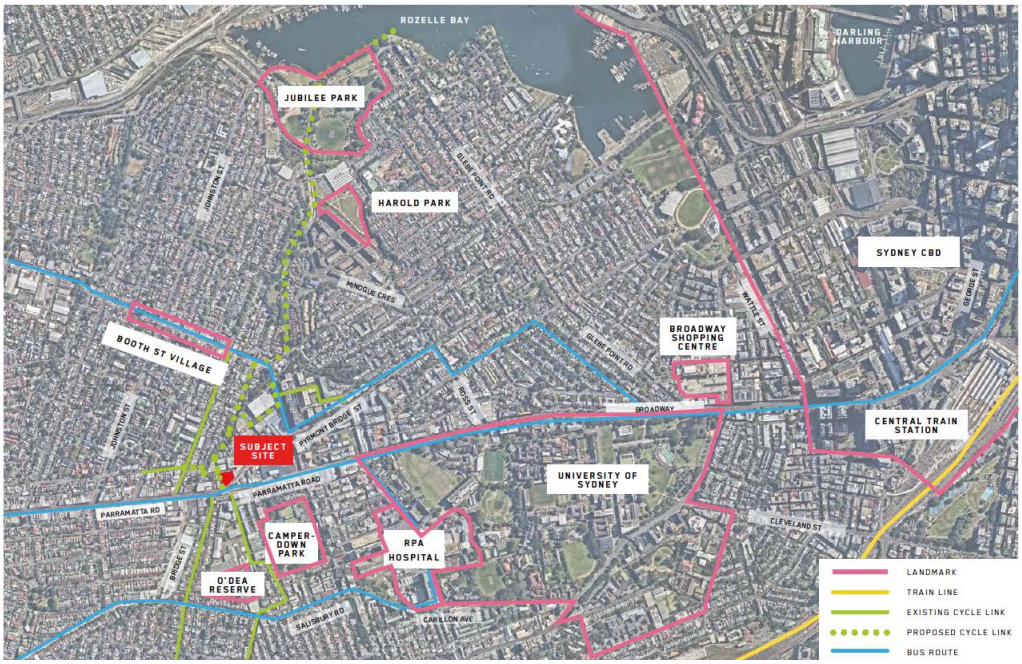

Figure 2: Surrounding context

3 Current planning controls

3.1 Leichardt Local Environmental Plan 2013

The principal planning instrument applying to the site is the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP). The entire site is zoned IN2 Light Industrial under the Leichhardt LEP (see **Figure 3**). The objectives of the zone are:

- To provide a wide range of light industrial, warehouse and related land uses
- To encourage employment opportunities and to support the viability of centres
- To minimise any adverse effect of industry on other land uses
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area
- To support and protect industrial land for industrial uses
- To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community
- To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities
- To retain and encourage waterfront industrial and maritime activities
- To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.

The zone permits a range of uses including General industries, High Technology Industry, Hardware and building supplies, Industrial training facilities, Light industries, Neighbourhood shops, Storage premises and Warehouse or distribution centres. However, health services facility and Retail premises are prohibited in the zone.

The current maximum floor space ratio under the Leichhardt LEP is 1:1 across the entire site (**Figure 4**). No height of buildings control currently applies.

Under the Leichhardt LEP the following provision also apply to the IN2 zone.

6.9 Business and office premises in Zone IN2

(1) The objective of this clause is to promote certain types of business and office premises in Zone IN2 Light Industrial.

(2) This clause applies to land in Zone IN2 Light Industrial.

(3) Development consent must not be granted to development for the purpose of business premises or office premises on land to which this clause applies unless the consent authority is satisfied that the development will be used for a creative purpose such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

The Leichhardt LEP also identifies the site as being an area mapped as Clause 3 and Class 5 acid sulphate soils. This is addressed in Section 9.1.8.

No heritage items or heritage conservation areas listed under the Leichhardt LEP apply to the site, however the site is located within the vicinity of a number of local heritage items and heritage conservation areas. Heritage impacts are addressed in Section 9.1.4.

Figure 3: Existing Land Use Zone

Figure 4: Existing Floor Space Ratio

3.2 Draft Inner West Local Environmental Plan 2020

Council is currently preparing the *Draft Inner West Local Environmental Plan* 2020 (draft Inner West LEP). It is understood that the draft LEP is largely seeking to consolidate the existing LEPs for the former Leichhardt, Ashfield and Marrickville LGAs. The draft LEP does not proposed any major changes to the zoning and controls which apply to the site.

This Planning Proposal seeks to rezone the site to B5 Business Development Zone consistent with the PRCUTS. The B5 zone is not currently included in the land use table of the Leichhardt LEP. The proposed objectives and permissible uses for the zone are consistent with the proposed B5 zone in the Draft Inner West LEP.

It is understood that the Draft Inner West LEP is currently with DPE for finalisation. Should the LEP be finalised prior to the finalisation of this Planning Proposal, it would amend the Inner West LEP instead of the Leichhardt LEP.

A detailed outline of the proposed LEP amendment to the is provided in Section 7.

4 Strategic context

4.1 Greater Sydney Region Plan

The final Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities.

It establishes directions, objectives and actions to achieve the 40-year vision which are focused around infrastructure and collaboration, liveability, productivity and sustainability.

A number of the objectives of the plan are relevant to the Planning Proposal, in particular:

- Objective 1: Infrastructure supports the three cities
- Objective 6: Services and infrastructure meet communities' changing needs
- Objective 13: Environmental heritage is identified, conserved and enhanced
- Objective 14: Integrated land use and transport creates walkable 30-minute cities
- Objective 21: Internationally competitive health, education, research and innovation precincts
- Objective 23: Industrial and urban services land is planned, retained and managed
- Objective 30: Urban tree canopy cover is increased
- Objective 32: The green grid links parks and open spaces, bushland and walking and cycling paths
- Objective 33: A low carbon city contributes to net-zero emissions by 2050 and mitigates climate change
- Objective 38: Heatwaves and extreme heat are managed.

The aspirations of the Plan are further considered and expanded in the Eastern City District Plan which is discussed in Section 4.2 below.

4.2 Eastern City District Plan

The Eastern City District Plan seeks to manage growth within the Eastern City in the context of economic, social and environmental matters to contribute to the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the Greater Sydney Region Plan, at a district level and is a bridge between regional and local planning.

The Eastern City District Plan identifies the Camperdown-Ultimo Health and Education Collaboration Area comprising the RPA Hospital, Sydney University, UTS, Notre Dame University, TAFE Ultimo and medical research institutions. The Plan highlights key existing impediments for the Collaboration Area as a lack of affordable space, loss of employment floor space, limited opportunities to create new commercial floor space, the need for suitably zoned employment land, and rising property and accommodation costs for students and key workers.

The Plan highlights that the Greater Sydney Commission will facilitate stakeholder collaboration for the Camperdown-Ultimo Collaboration Area, including to plan for:

- Innovative health and medical related commercial premises
- Complementary uses that support the hospital and universities
- Improved transport, walking and cycling connections between key hubs
- Upgraded public domain through place making

The Plan includes the following action which relates to Camperdown-Ultimo:

Facilitate health and education precincts that:

a. create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts

b. have high levels of accessibility

c. attract associated businesses, industries and commercialisation of research

d. facilitate housing opportunities for students and workers within 30 minutes of the precinct.

The Plan also highlights that the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), initially developed by UrbanGrowth NSW, will be a collaboration between the relevant councils implementing the Strategy, supported by the Greater Sydney Commission. It also confirms that that the Parramatta Road Corridor is not subject to the industrial land strategies and actions of the District Plan, being to retain and manage industrial and urban services land. This is on the basis that an extensive planning process has been undertaken for the area which has informed future land use recommendations for the corridor.

The proposal is considered to be consistent with the Eastern City District Plan on the basis that:

- It will support the Camperdown-Ultimo Health and Education Collaboration Area by a major new health services facilities
- It will facilitate the implementation of the PRCUTS for the site.

The proposal will also support a number of key objectives in the District Plan by

- Aligning growth with existing and planned public transport infrastructure along Parramatta Road
- Providing new social infrastructure in the form of a health services facility that reflects the needs of the community
- Responding to the heritage context
- Delivering a sustainable building design through commitment to a 5 Star Green Star rating
- Increasing tree canopy cover across the site through new tree plantings
- Supporting green grid connections by providing pedestrian and cycle linkages to connect to the Johnstons Creek corridor.

4.3 Camperdown Ultimo Place Strategy

The Camperdown Ultimo Place Strategy was released in February 2019 and identifies a vision, priorities and actions to inform future investment and growth for the Camperdown-Ultimo Health and Education Collaboration Area. The strategy identifies three activity nodes being Camperdown, Haymarket and Eveleigh. The site is located adjacent to the Camperdown activity node on the periphery of the innovation ecosystem (being the extent of the Collaboration Area). The site is within an area identified as a health, education and research anchor that stretches from Camperdown to Haymarket. The Place Strategy is illustrated at Figure 5.

Figure 5: Camperdown Ultimo Place Strategy

The vision for the precinct highlights urban challenges for the area, including the following which are of particular relevance to this site and proposal:

- Poor pedestrian amenity on high-traffic volume roads
- The conversion of industrial and commercial building stocks to residential or mixed-use developments, limiting availability of employment land and affordable spaces for innovation, research, creative industries and artists, and collaborative projects.

The Place Strategy includes a number of actions which are directly relevant to the proposal:

- Action 23: Enhance medical innovation, research and health services by supporting future growth of RPA Hospital to service increased population growth.
- Action 26: Retain and manage commercial and business activities, particularly small businesses and tech start-ups, by safeguarding business zoned land from conversion that allows residential development.
- Action 27: Establish a biotechnology hub in Camperdown activity node (Parramatta Road, Mallet Street and Pyrmont Bridge Road area), and safeguard innovative, incubator and research activities from unrelated commercial land uses through planning controls.

The proposal will directly support the implementation of the Place Strategy by providing a health services facility which will complement and support the RPA Hospital, support the establishment of a Camperdown biotechnology hub, and secure the retention of employment land through appropriate LEP controls.

4.4 Parramatta Road Corridor Urban Transformation Strategy

The PRCUTS was released in 2016 by UrbanGrowth NSW (now Landcom) and sets a vision and land use and transport principles to accommodate 27,000 new homes and 50,000 new jobs in a range of industries across the Corridor over the next 30 years. The PRCUTS is given statutory force by way of a Ministerial direction under Section 9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Ministerial Direction has the objective to facilitate development within the Parramatta Road Corridor consistent with the PRCUTS. Planning Proposal Authorities are obliged to be consistent with the PRCUTS and the Eastern City District Plan.

The PRCUTS identifies eight precincts along the corridor which are earmarked for renewal. The site is located within the Camperdown Precinct.

For the Camperdown Precinct, the PRCUTS states that:

- The Precinct is already transitioning to a vibrant high-density locality with diverse uses and buildings of different scales. It will continue to evolve into an attractive, highly urbanised neighbourhood with high quality amenities.
- The Precinct will take on a support role to the adjacent specialised activity institutions and their associated research centres by providing employment and ancillary floor space.
- The Precinct will be focussed around the triangular shaped wedge formed by the intersection of Pyrmont Bridge Road, Mallett Street and Parramatta Road, and will form the western entry to the city. It will be marked by taller buildings catering to both residential and business markets, offering a potential home to any number of innovative and incubator businesses and research activities.

The proposal directly aligns with the PRCUTS by securing an employment use on the site which will support the nearby existing public health institutions.

PRCUTS is supported by an implementation toolkit to assist councils and other stakeholders and to guide where and when rezoning should occur, and the infrastructure required to support land use changes. The relevant aspects of the implementation toolkit is discussed in detail below.

4.4.1 Parramatta Road Corridor – Planning and Design Guidelines

The Planning and Design Guidelines have been developed to inform future controls in local environment plans and development control plans and should be considered when the Strategy is being implemented through rezoning proposals.

For the site the PRCUTS Planning and Design Guidelines identifies the following recommended zoning and built form controls:

- Zone: B5 Business Development Zone
- Height of buildings: 32 metres
- Floor space ratio: 4:1

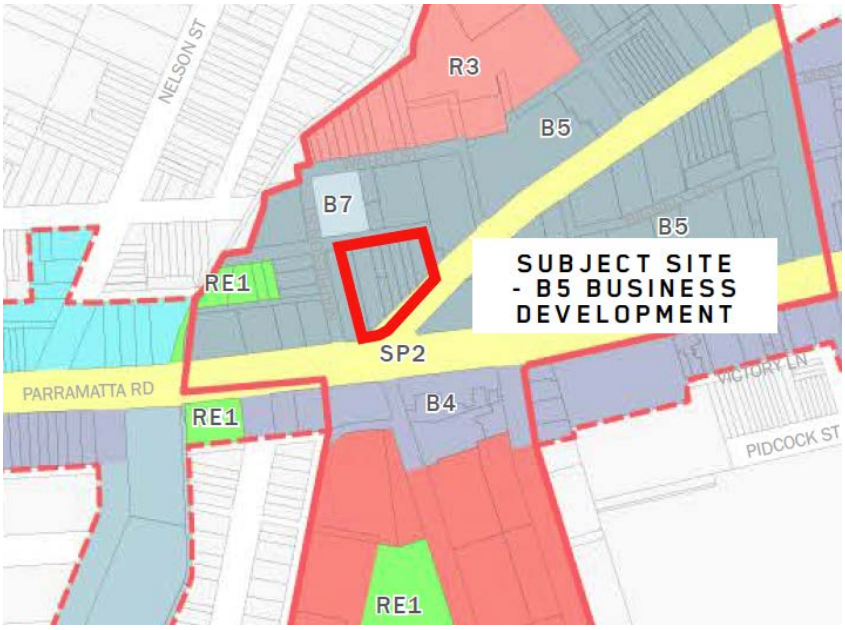

Figure 6: PRCUTS – Recommended zoning

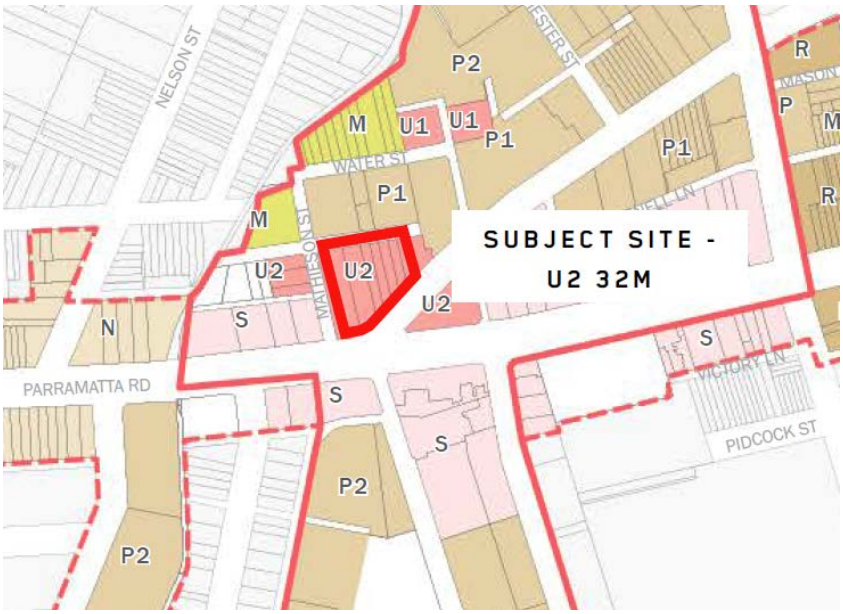

Figure 7: PRCUTS – Recommended height of buildings

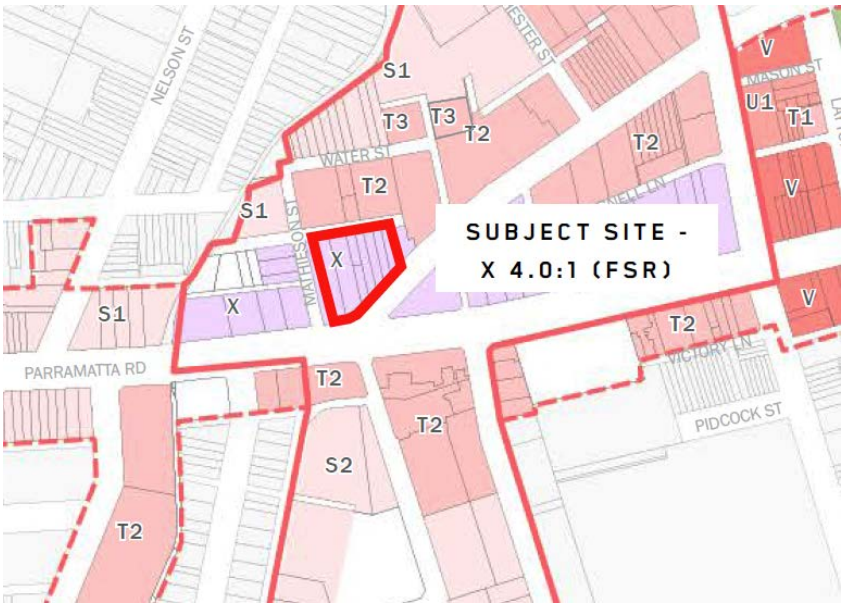

Figure 8: PRCUTS – Recommended floor space ratio

The proposal complies with the recommended controls outlined in PRCUTS. This is with the exception of the proposed height of 35m which has been recommended by Council to to accommodate 8 storeys of employment use with higher eight storey floor to floor height and rooftop plant, whilst generating no additional adverse impacts compared to the 32m height by PRCUTS. Accordingly, it is considered that the proposed built form would be consistent with that envisaged under the PRCUTS. The increased height was supported by the independent study commissioned by Inner West Council, prepared by DesignInc. This was further tested and justified as acceptable by BVN Architecture as outlined in the Urban Design Report (Appendix A).

The Planning and Design Guidelines also recommends the following in relation to the site:

- Establishment of a cycle link along Mathieson Street to connect Parramatta Road to Johnstons Creek (see Figure 9)
- A proposed new 'green lung' along Mathieson Street adjacent to the site to extend leafy character from surrounding areas (see Figure 9)
- Identification of an indicative zone for a Transport Superstop adjacent to Parramatta Road site frontage (see Figure 9)
- Active frontages along Parramatta Road.

The proposal has made allowance for the cycle link and 'green lung' along Mathieson street through proposed street widening which will accommodate the cycle link and new street trees as well as podium level landscaping fronting Mathieson Street. This includes dedication of 160sqm of land fronting Mathieson Street to provide for a shareway with pedestrian and cycle access, along with a building setback in this location and 600sqm of public domain as requested by Council.

Active frontages will also be provided along Parramatta Road through the location of ground floor retail uses.

It is not expected that the transport super stop location which encompasses the intersection of Parramatta Road with Pyrmont Bridge Road will impact on the future development of the site. The Traffic Impact Assessment notes that it is unlikely that any proposed superstop would be located in the middle of a signalised intersection, especially at a key strategic intersection like that at Pyrmont Bridge Road intersection with Parramatta Road and that typically bus stops are located downstream of a signalised intersection so to reduce the potential for buses to be stopped and delayed at traffic signals. Accordingly, it is not envisaged that additional street setbacks would be required in this location.

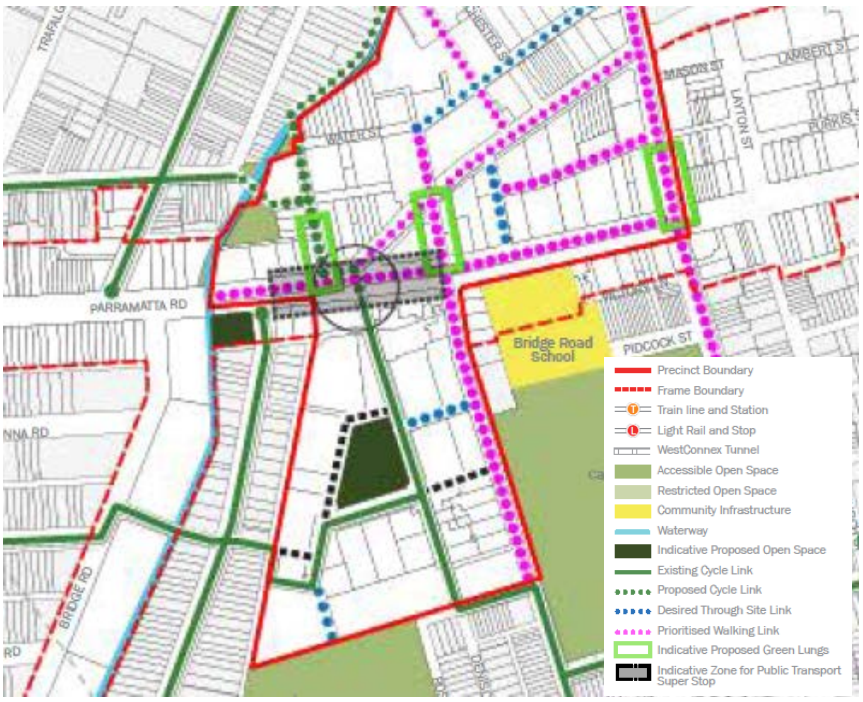

Figure 9: PRCUTS – Recommended open space and active transport

4.4.2 Parramatta Road Corridor – Fine Grain Study

The Fine Grain Study was prepared to inform the PRCUTS as well as future LEP and DCP amendments.

It establishes character across the Camperdown Precinct, with the site located partially within Character Area 2 and Character area 6 which are described below.

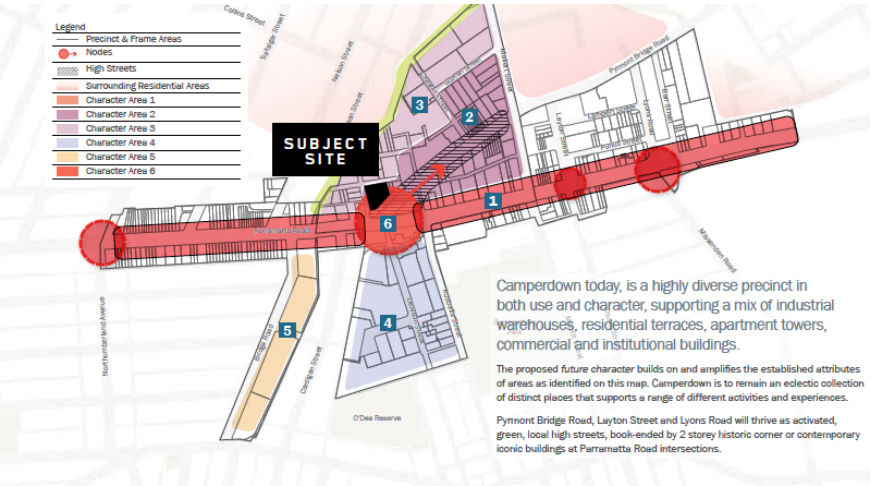

Figure 10: PRCUTS Fine Grain Study – Character Areas

Character Area 2: Objectives

- Preserve the character of 1 – 2 storey brick industrial warehouse and factory buildings, supported by a network of service laneways
- Transform Pyrmont Bridge Road into a people friendly, activated high street, supported by taller, new development
- Define the primary gateway to Camperdown at the junction of Pyrmont Bridge Road and Parramatta Road through development which responds to warehouse character
- Preserve and enhance the warehouse character through innovative façade treatment.

Character Area 6: Objectives

- Amplify the prominence of the intersection of Parramatta Road and Pyrmont Bridge Road as a gateway through scale, building articulation and landscape.

The Fine Grain Study also includes a high level two dimensional cross section which sets out indicative built form for the precinct including for the block between Pyrmont Bridge Road and Cahill Street. It is noted that the section is taken directly to the east of the site.

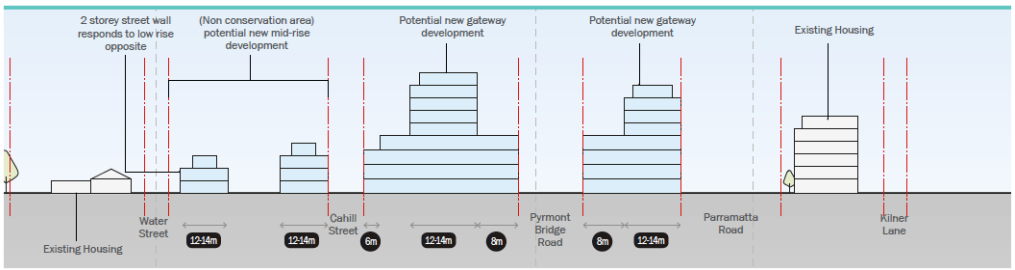

Figure 11: PRCUTS Fine Grain Study – Indicative Cross Section

The implications of the indicative cross section have been considered in the Urban Design Study as shown in Figure 12.

Built form testing was carried out to consider the implications of the indicative building envelope in the fine grain study. The result is a building with 4 storey podium and large setback for levels 5-8 (Figure 12).

The large upper level setback would create a compromised and difficult building envelope inhibiting the ability to create a visually striking, iconic proposal on this key site to deliver design excellence. The upper level setbacks are not considered suitable or necessary for an area which is envisaged to be redeveloped entirely for non-residential uses. The smaller upper level floor plates are also not workable as a world-class hospital / health or education asset. Accordingly, an alternative scheme was developed to address the issue. The resulting proposal was developed in consultation with specific health and education user groups. Key benefits of the proposal include:

- More usable and suitable floorplate for the intended health, education and innovative employment uses
- Better daylight access provision
- Better view from the building
- More attractive building massing
- An iconic building commensurate with the design excellence aspiration for this gateway site
- Better opportunities for rooftop green spaces
- Better connection and continuation with green lung.

The proposal will deliver a gateway building on this significant site which is able to align with the strategic objectives for the Camperdown Ultimo Health and Education Precinct.

Detailed urban design assessment has been undertaken, confirming no adverse impacts with regard to amenity impacts on adjoining buildings including separation distances, privacy and solar impact.

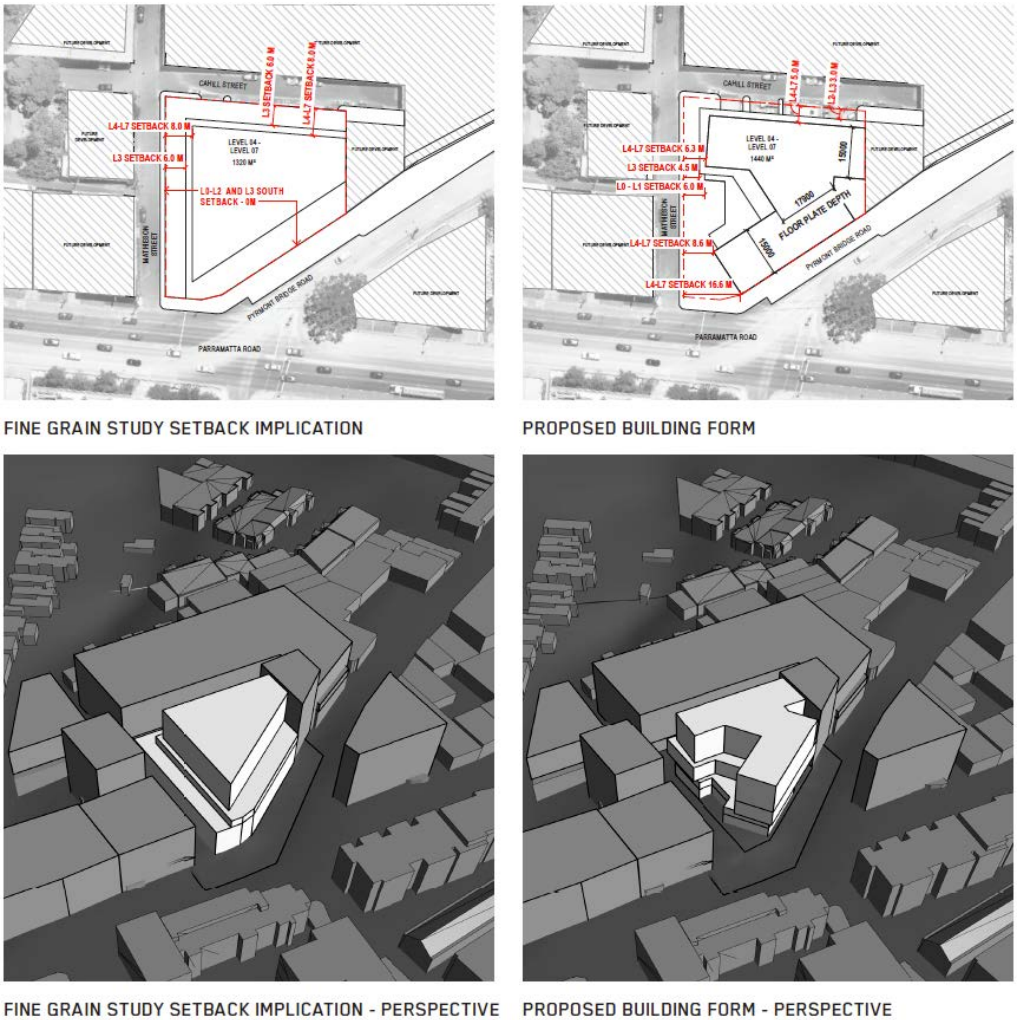

Figure 12: Building form and setback analysis

4.4.3 Parramatta Road Corridor – Implementation Plan 2016-2023

The Implementation Plan establishes a sequencing strategy identifying areas of the Parramatta Road corridor to be released between 2016 and 2023. The site is located within the areas of the precinct identified to be delivered to 2023 and accordingly are considered to be 'in sequence'.

It is also acknowledged the PRCUTS Implementation Plan requires that rezoning does not proceed until a Precinct-wide traffic study has been prepared. It is understood that the precinct wide traffic study for Camperdown is nearing completion. Council has requested that the proposal be informed by the outcomes of the precinct-wide traffic and transport study including any draft recommendations by way of consultation throughout the Planning Proposal process. The applicant will continue to address this matter subject to any requirements of the Gateway decision.

4.4.4 Parramatta Road Corridor – Infrastructure Schedule

The Infrastructure Schedule identifies the transport, open space, community, education and health facilities required to support the proposed growth across the Corridor. It identifies specific infrastructure for the Camperdown Precinct both in the short term (2016-2023) and the medium to long term (2024-2054).

An Infrastructure Delivery Plan has been developed to support the proposal which has included a consideration of the Infrastructure Schedule. The Infrastructure Delivery Plan and proposed contributions are discussed further in Section 9.1.12.

4.4.5 Parramatta Road Corridor – Urban Amenity Improvement Program

The Urban Amenity Improvement Program (UAIP) is a $198 million initiative to stimulate the transformation of the Parramatta Road Corridor. For the Camperdown Precinct the UAIP will fund the following infrastructure upgrades which will include sections alongside the site.

- New north-south pedestrian and cycle connection along Johnstons Creek from Booth Street to Parramatta Road
- Public domain improvements and cycle connection to Pyrmont Bridge Road between Parramatta Road and Mallet Street.

These public domain improvements have been considered in the proposal, including through proposed street widening along Mathieson Street.

4.5 Inner West Local Strategic Planning Statement

The Inner West Local Strategic Planning Statement 2020 has been developed to guide land use planning and development in the Inner West LGA to 2036.

Of key relevance to the Planning Proposal, the LSPS includes Planning Priority 13 to *develop diverse and strong stakeholder relationships through collaboration with government, community and business to deliver positive planning outcomes and realise the benefits of growth.* This Planning Priority includes actions relating to the Camperdown-Ultimo Collaboration Area and the Parramatta Road Corridor including:

- Action 13.2: Ensure placed based planning guides the zoning and development of the Camperdown-Ultimo Collaboration Area by undertaking the necessary studies and preparing a master plan supporting employment uses as the major focus, enabling the entire precinct to be a Low Carbon-High Performance precinct and establishing a biotechnology hub in Camperdown. This should include provision of public mass transit on dedicated lanes on Parramatta Road.
- 13.6 Implement the finalised housing, employment and transport strategies, and the Parramatta Road Corridor Transport Study, and prepare urban design / place based / open space studies to inform planning proposals to implement the Parramatta Road Corridor Urban Transformation Strategy: Implementation Plan 2016-2023 and Urban Amenity Improvement Plan, subject to the provision of public mass transit being provided on dedicated lanes on Parramatta Road

It is understood that Council is currently preparing a master plan for Camperdown to inform a planning proposal for the area. However, given the Planning Proposal being put forward for the site is consistent with the strategic direction to establish a biotechnology hub in Camperdown and is consistent with the recommendations of PRCUTS it is appropriate that the proposal proceed ahead of the master plan

The proposal will also support the objective to establish Low Carbon-High Performance precinct through sustainability commitments in the form of a 5 Star Green Star rating.

4.6 Inner West Employment and Retail Lands Strategy

The Inner West Employment and Retail Lands Strategy 2020 outlines a strategic approach to maximise productivity, facilitate jobs growth and contribute to the long term prosperity of the Inner West LGA.

It includes two strategies of key relevance to the site.

- Strategy 2.2: Protect employment lands from being eroded by conflicting and incompatible uses
- Strategy 3.3: Support the transition of Camperdown into a health, education and innovation precinct including a biomedical and biotechnology hub.

The proposal directly aligns with the Employment and Retail Lands Strategy by securing the retention of employment land and through the proposed delivery of a major health services facility to support the Camperdown-Ultimo Collaboration Area.

Table 2: Consideration of Inner West Employment and Retail Lands Strategy

Action	Consideration
Strategy 2.2: Protect employment lands from being eroded by conflicting and incompatible uses	
Action 2.2.1: Prohibit residential development in industrial, B5 Business Development and B6 Enterprise Corridor zones	The proposal seeks to prohibit residential development through application of the B5 zone.
Action 2.2.2: Prohibit tourist and visitor accommodation in industrial and B5 Business Development zone.	The B5 zone is proposed to be applied consistent with the PRCUTS. A site specific provision has been include which would restrict the development of tourist and visitor accommodation.
Strategy 3.3: Support the transition of Camperdown into a health, education and innovation precinct including a biomedical and biotechnology hub.	
Action 3.3.1: Develop a structure plan for Camperdown Precinct to implement the productivity priorities of the Camperdown Ultimo Collaboration Area Place Strategy.	The proposal aligns with the priorities of the Camperdown Ultimo Place Strategy as outlined in Section 4.3.
Action 3.3.2: Continue working with the NSW Government and GSC to develop the area as a 'Health and Education Precinct'.	The proposal will contribute to the areas development as a health and education precinct.
Action 3.3.3: Work with the Camperdown Ultimo Collaboration Area Alliance to ensure productivity and industry cluster growth outcomes are prioritised in the Camperdown Precinct.	The proposal will contribute to the productivity and industry cluster growth in the precinct through delivery of a health facility to compliment the established health institutions.
Action 3.3.4: Work with NSW government and the Camperdown Ultimo Collaboration Area Alliance to redevelop the WestConnex construction site at Camperdown as a biotechnology hub.	Not applicable.
Action 3.3.5: Implement prospective outcomes of the 2020 Camperdown Innovation Precinct Land Use and Strategic Employment Study and the associated Camperdown Structure Plan.	The relevant actions of the draft Camperdown Land Use and Employment Strategy are addressed in Section 4.7. The Structure Plan is yet to be completed.

Action	Consideration
Action 3.3.6: Develop planning controls and policies to support the establishment of affordable spaces for medical innovation and research, health services and other ancillary uses in the Camperdown precinct.	The proposal will support affordability of health facilities floor space in the precinct through significantly increasing supply.
Action 3.3.7: Develop a pilot project that introduces a minimum percentage requirement for affordable space in new developments through LEP/DCP provisions for tech start- ups, innovation, creative industries, cultural uses, community uses and artists.	This would need to be progressed by Inner West Council.

4.7 Draft Camperdown Land Use and Employment Strategy

Council is currently preparing a draft Camperdown Land Use and Employment Strategy. Whilst the document has not been released publicly or endorsed by Council it is understood that it includes actions relevant to the proposal which would be implemented through the Council's proposed Camperdown Master Plan.

The relevant actions are considered and addressed in Table 3 below.

Table 3: Consideration of Draft Camperdown Land Use and Employment Strategy

Action	Consideration
Action 4.0: Employment floorspace Sufficient employment floorspace is developed within Camperdown to meet forecast job growth in the long term. This may include traditional industrial, commercial and retail floorspace as well as bespoke research and laboratory space	
Action 4.1 - Protect employment lands from rezoning	The proposal will secure the long-term protection of the site as an employment generating use.
Action 4.2 - Review planning controls for employment uses	It is understood that this is being progressed by Council. The proposal seeks to align with the PRCUTS proposed zone, being B5 Business Development.
Action 4.3 - Develop an inclusionary policy for employment floorspace.	This is a matter for Council. Any policy would be considered in progressing this Planning Proposal.
Action 6.0: Diverse built from and uses A vibrant precinct characterised by diverse built form options (both commercial and residential), high quality design outcomes and human scale ground level experiences, that creates both a day and evening economy	
Action 6.1 - Develop built form and land use vision including principles.	The Planning Proposal establishes a land use and built form vision for the site having regard to the surrounding existing and future built form context.
Action 6.2 - Consider design excellence for key sites	The Urban Design Concept for has been prepared by BVN who have a proven track record in delivering design excellence, particularly in health and science related fields. This is outlined in the Urban Design Study. It is envisaged that a future DA would be considered by the Inner West Design Advisory Panel to ensure that it delivers design excellence for this gateway site.

Action	Consideration
Action 6.3 - Support night-time economy uses	The proposal is not expected to make a substantial contribution to the night-time economy. However, the proposed uses are consistent with the strategic direction of establishing a biotechnology hub in this location and would in general increase activation of this area.
Action 7.0: Sustainability Performance Camperdown is a net zero precinct by 2036, with a leading role in the development of a Circular Economy	
Action 7.1 – Implement LSPS actions to improve sustainability performance	The proposal includes commitments to the delivery of a sustainable building design through a 5 star Green Star rating.
Action 7.2 – Apply reduced car parking requirements for private developments	A detailed consideration of car parking rates is outlined in Section 9.1.3. The proposal seeks to deliver car parking at the lower end of the range of draft car parking rates released by TfNSW for this type of use within close proximity to transit.
Action 8.0: Local connectivity Improved local connectivity both within the precinct and to nodes within the broader Collaboration Area. Pedestrians and cyclists are prioritised over private vehicles.	
Action 8.1 – Identify street hierarchy through Movement and Place framework	The proposal responds to its surrounding context and the movement and place framework outlined in the PRCUTS.
Action 8.2 – Identify initiatives to support identified street hierarchy	The proposal supports the identified street hierarchy through establishment of appropriate setbacks and street widening to accommodate planned cycle links.
Action 8.3 – Implement initiatives to support identified street hierarchy	The initiatives outlined above would be implemented as a result of the Planning Proposal.
Action 9.0: Services and facilities Services and infrastructure that reflect the role of Camperdown as an innovation precinct including spaces for informal and formal collaboration.	
Action 9.1 - Identify appropriate locations for collaborative spaces	The project intends to ultimately offer world class health, education, and innovation users a place to collaborate, work, innovate and service the community.

5 The proposal

The site is unique in that it is a relatively large land holding that will allow relatively large, flexible floorplates suited to servicing world class health, education, and innovation user groups. The Urban Design Concept has been informed by a large health user group, who (subject to the approval of the rezoning and subsequent development application) will occupy the building, thus acting as a catalyst to realise genuine activation of the precinct. The project intends to ultimately offer world class health, education, and innovation users a place to collaborate, work, innovate and service the community.

5.1 Urban Design Concept

An Urban Design Concept has been prepared to inform the Planning Proposal. The Urban Design Concept envisages the site being redeveloped for up to eight storeys comprising floor space of 10,216sqm with:

- Medical uses such as a physiotherapist and hydrotherapy pool and ancillary retail uses including a café and pharmacy at the ground level
- Private hospital uses on levels 1 to 7
- Medical related consulting rooms on Level 8.

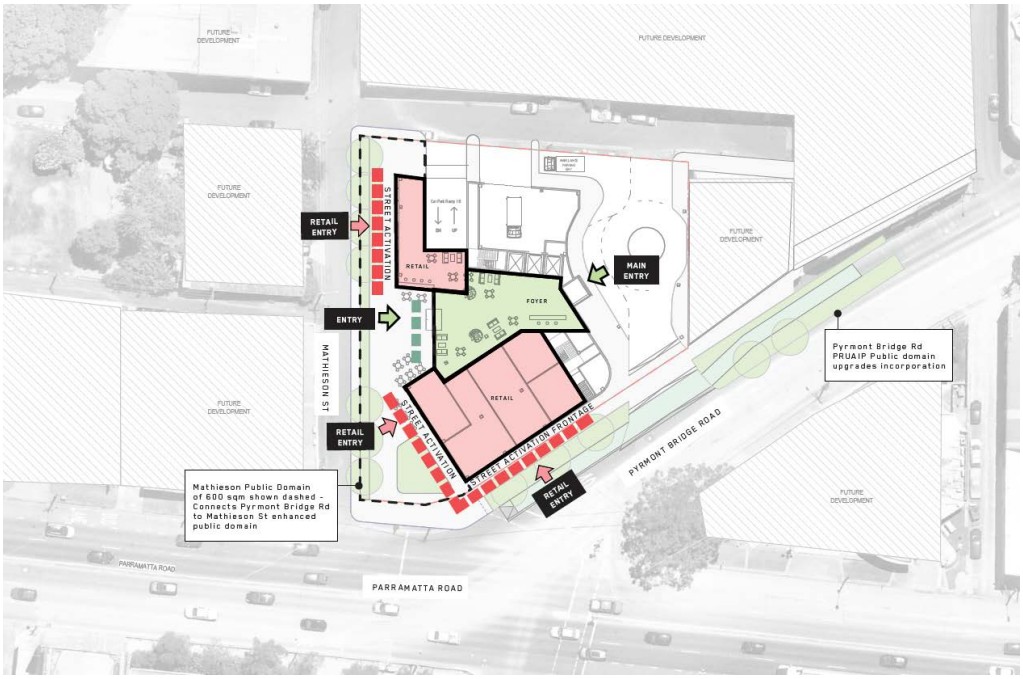

Figure 13: Urban Design Concept – Ground floor layout

The Urban Design Concept has been developed with input from Council and the Council commissioned Urban Design Study, prepared by Design Inc and provides for:

- Ground / L1 setbacks of 1.5m to Pyrmont Bridge Road, 6m to Cahill Street and Mathieson Street
- A new publicly accessible open space with a minimum area of 600sqm at the entrance to the new building adjacent to Mathieson Street

- Upper level setbacks to provide a highly articulated built form and massing to maximise human scale, increase daylight access and maximise outlook
- Potential for rooftop green spaces above the podium fronting Mathieson Street and at the corner of Parramatta Road
- Deep soil to Mathieson Street for street tree planting and landscaping to contribute to the 'green lung' and increase canopy cover on the site.

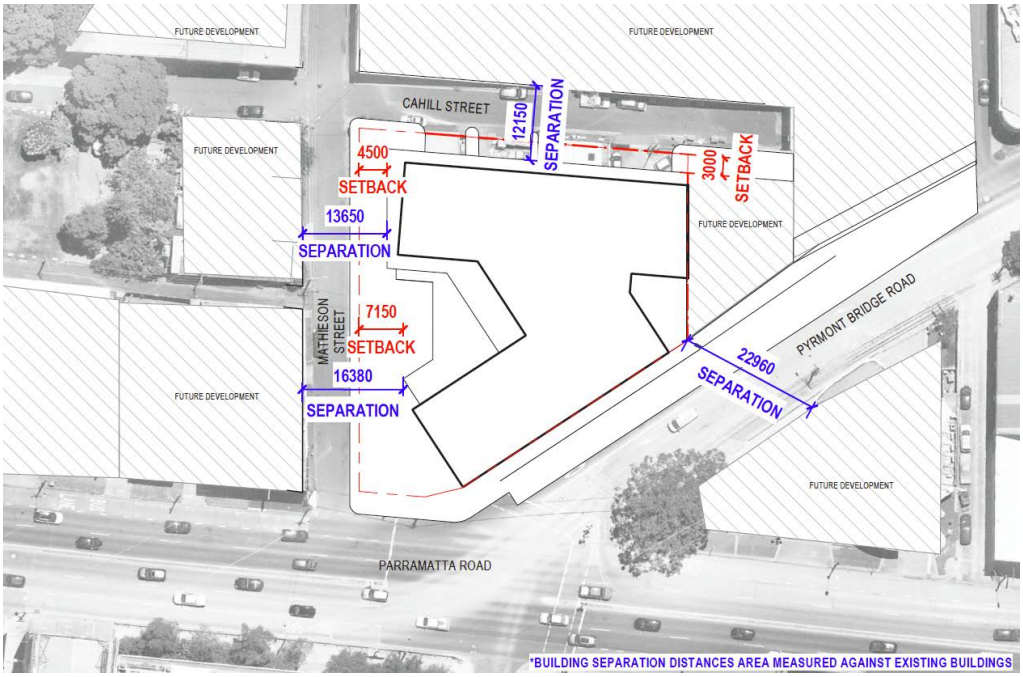

Figure 14: Urban Design Concept – Building setbacks and separation distances

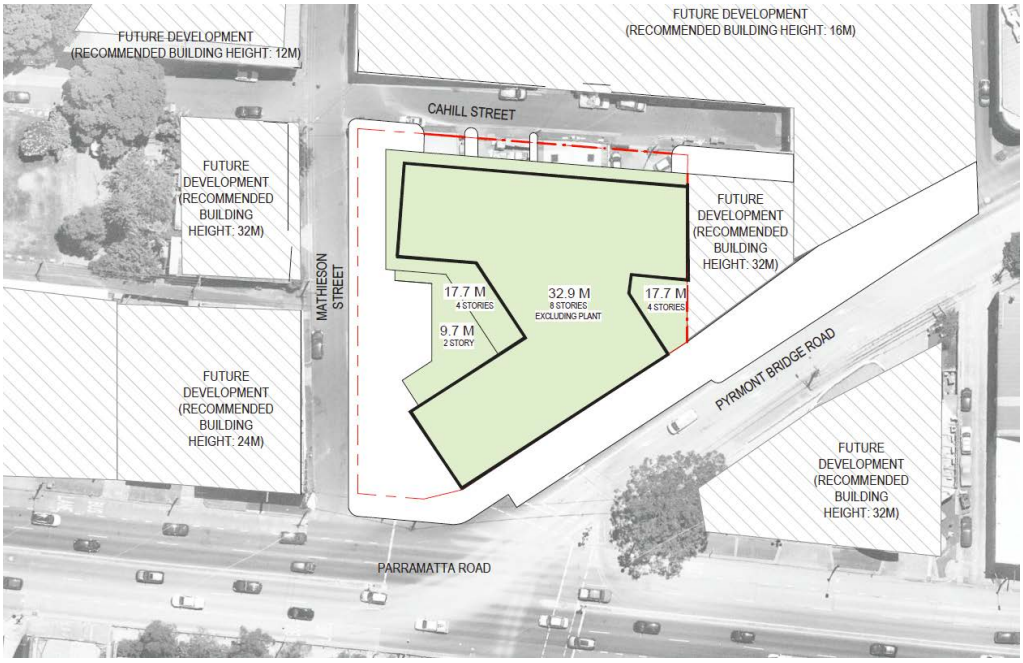

Figure 15: Urban Design Concept – Maximum building heights

The key aspects of the access and parking arrangements outlined in the Urban Design Concept include:

- Dedication of 3m width along Mathieson Street to provide for a shared zone with enhanced pedestrian and cycle access
- A 2-level basement car park with access from Cahill Street via a two way ramp
- Vehicular access/egress from Pyrmont Bridge Rd as per pre-lodgement advice received from TfNSW
- A through-site link/undercroft connection from Pyrmont Bridge Road to Cahill Street providing for all weather drop off car parking
- An on-site loading bay accessed directly from Cahill Street to accommodate all servicing requirements with capacity for an 8.8m long medium rigid vehicle with a truck turntable to allow vehicles to enter and exist in a forward direction
- An ambulance bay with access directly off Cahill Street
- Provision for a shareway with pedestrian and cycle access along Mathieson Street.

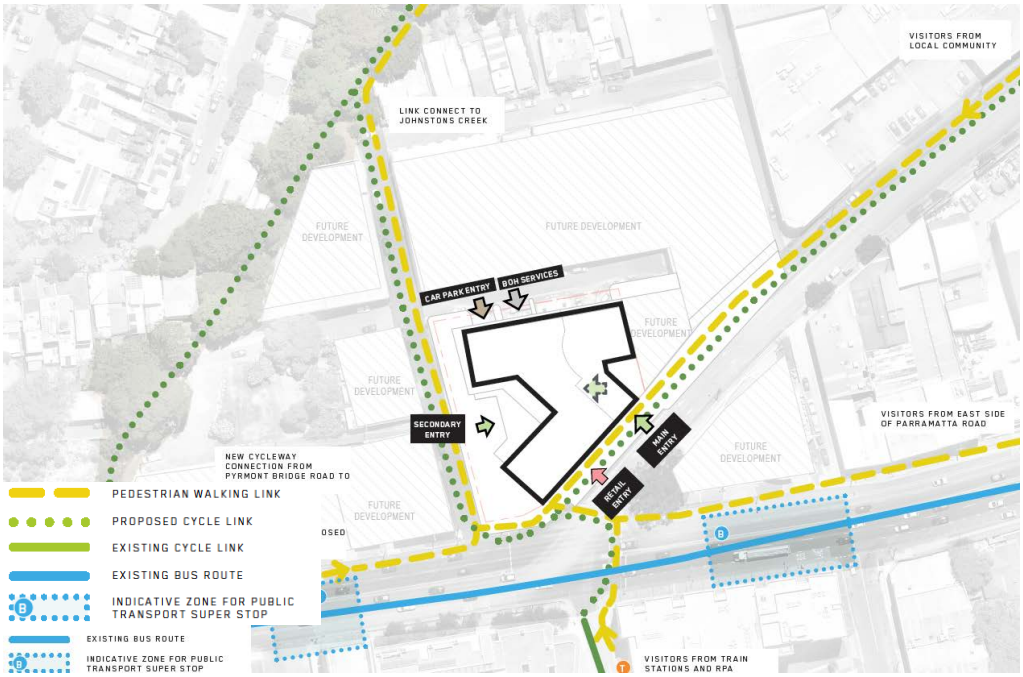

Figure 16: Access and circulation plan

Figure 17: View of building from Parramatta Road

5.2 Design excellence

The Urban Design Concept for has been prepared by BVN who have a proven track record in delivering design excellence, particularly in health and science related fields as outlined in the Urban Design Study.

An independent peer review of the urban design scheme was prepared by DesignInc on behalf of Council which has informed the updated Urban Design Concept and Site Specific DCP.

It is envisaged that a future DA would be considered by the Inner West Design Advisory Panel to ensure that it delivers design excellence for this gateway site.

5.3 Amendments to the Leichhardt Local Environmental Plan

To facilitate renewal of the site the Planning Proposal seeks to amend the Leichardt LEP as follows:

- Rezone the site from IN2 Light Industrial to B5 Business Development
- Allow retail premises at the ground level as an additional permitted use
- Introduce height and floor space ratio controls of 35m and 4:1 respectively
- Introduce a new local provision which outlines site specific controls including to provide greater certainty on permissible land uses
- Introduce a requirement for a site specific DCP to be in place prior to approval of development applications on the site.

This is discussed in further detail in Section 7.

5.4 Site Specific Development control plan

A draft site specific DCP (Appendix B) has been prepared to outline detailed built form controls which would guide future development on the site, and includes controls relating to the following:

- Land use
- Building layout height and form
- Building design
- Amenity and land use conflicts
- Landscaping and public domain
- Access and parking arrangements
- Built form and landscaping
- Sustainability.

The draft Site Specific DCP has been amended to respond to the recommendations of the independent peer review of the urban design scheme undertaken by DesignInc.

5.5 Local infrastructure contributions

A letter of offer to enter into a Planning Agreement with Council to make arrangements for local infrastructure contributions forms part of this Planning Proposal (Appendix O) which outlines the following requirements:

- Dedicate to Council a parcel of land that is 3m wide along the entire boundary with Mathieson Street with an area of approximately 160sqm

- Setback any future building at the ground level along Mathieson Street no less than 6m to provide an enhanced public domain and to embellish that public domain with a new footpath, cycleway, landscape zone and shared zone on Mathieson St at no cost to Council
- Setback any future building at the ground level along Pyrmont Bridge Road by no less than 1.5m and embellish that public domain with a new footpath at no cost to Council
- Setback any future building at the ground level along Cahill Street by no less than 3m and embellish that public domain with a new footpath and landscaping zones at no cost to Council
- Include end of journey facilities in the development to encourage walking and cycling
- Incorporate design mechanisms to reduce urban heat including green infrastructure
- Provide an economically viable environmentally sustainable building targeting 5 Star Green Star rated building that is suitable for its intended use
- Provide an enhanced public domain with setbacks and integration with the shared zone on Mathieson Street with an area of no less than 600sqm with an easement over this area to allow public access (if required).

These infrastructure items are consistent with the recommended Planning Proposal presented by Council.

5.6 State infrastructure contributions

The PRCUTS envisaged the preparation of a Special Infrastructure Contribution Plan to levy State Infrastructure Contributions, however this is yet to be prepared.

A draft Regional Infrastructure Contributions (RIC) Framework was exhibited in late 2021 which seeks to implement the recommendations of the Productivity Commissioner's Review of infrastructure Contributions in New South Wales. The Explanation of Intended Effect for the RIC SEPP sets out a contribution rate for commercial development (including retail) of $30 per sqm for new GFA.
If introduced this rates would apply to any future development on the site.

Council has requested that the Planning Proposal include a Requirement for the Secretary's concurrence to be obtained prior to granting development consent for the purposes of assessing the need for contributions towards designated State public infrastructure. The need for a State contribution would be further discussed with DPE at DA stage.

6 Objective or intended outcomes

The objectives and intended outcomes of this proposal are:

- To amend the planning controls which apply to the site to align with the recommendations of PRCUTS
- To establish site specific development controls to guide future development on the site
- To develop the site for a health services facility to support the strategic objectives for the Camperdown Ultimo Collaboration Area to establish a Camperdown Biomedical and Biotechnology Hub and to enhance medical innovation, research and health services to support the RPA Hospital
- To provide for ancillary café and retail uses at the ground floor to enhance street activation and passive surveillance
- To deliver design excellence for this important gateway site
- To enhance the streetscape and public domain and increase canopy cover and green cover through provision of new street trees along Mathieson Street and rooftop green cover at podium level
- To deliver infrastructure contributions appropriate to the proposed use.

7 Explanation of provisions

The proposal seeks to amend the controls which apply to the site as follows:

Land use

- Rezone the site to B5 Business Development zone consistent with the Draft Inner West Local Environmental Plan 2020 (as outlined in Table 4 below) by amending the Land Use Zoning Map (see Figure 18).
- Allow retail premises as an additional permitted use by amending Schedule 1 Additional Permitted Uses and the Additional Permitted Uses Map (Figure 22).

Built form controls

- Introduce height and floor space ratio controls of 35m (Figure 20) and 4:1 (Figure 19) respectively.

Local Provision

Introduce the following local provision which applies to the site which is to be identified on the Key Sites Map (Figure 21):

- The objective of the provision is to encourage health, education and cultural uses in the Camperdown-Ultimo Collaboration Area.
- Development consent can be granted for development on the site only where the consent authority is satisfied that the proposal would:
  - Deliver at least 75% of the floorspace as uses associated with health, education, research, technology, employment, and creative uses
  - Limit retail uses to the ground floor level
  - Not include any tourist and visitor accommodation
  - Apply to the entire site as amalgamated land parcel
  - Provide active frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road
  - Not significantly increase the amount of traffic on the adjoining street network including but not limited to Parramatta Road, Mathieson Street, Pyrmont Bridge Road, Cahill Street, Cahill Lane, Water Street and Gordon Street
  - Include end journey facilities to support walking and cycling.
- A site specific DCP is to be in place prior to approval of development applications on the site
- The Secretary's concurrence is to be obtained prior to granting development consent for the purposes of assessing the need for contributions towards designated State public infrastructure.

Figure 18: Proposed zoning map

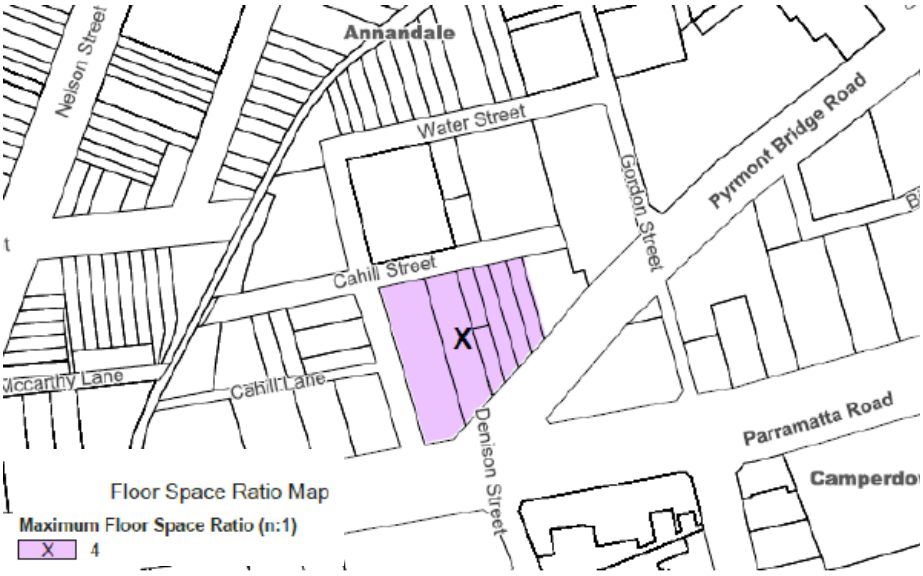

Figure 19: Proposed FSR map

Figure 20: Proposed Height of Buildings map

Figure 21: Proposed Key Sites Map

Figure 22: Additional permitted uses map

Table 4: Proposed B5 Business Development Zone

Item	Provisions
Zone objectives	• To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres. • To encourage innovative businesses and light industries to respond to changing markets. • To maintain the productivity and operation of nearby industrial areas, by promoting a pattern of land uses in the zone that provides a buffer between the industrial activities and uses such as residential, that are sensitive to amenity impacts. • To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.
Permitted without consent	Home occupations
Permitted with consent	Centre-based child care facilities; Commercial premises; Garden centres; Food and drink premises; Hardware and building supplies; Hotel or motel Accommodation; Industrial training facility; Landscaping material supplies; Light industries; Markets; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Specialised retail premises; Tank- based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4
Prohibited	Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional

Item	Provisions
	centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industries; Jetties; Marinas; Moorings; Mooring pens; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair station; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

Notes:

- *The requirement in the local provision for the Secretary's concurrence will ensure that future development will be subject to state/regional infrastructure contributions in accordance with the implementation actions in the Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021.*
- *The proposed provisions outlined in this section of the Planning Proposal will be subject to final drafting by Parliamentary Counsel Office.*

8 Justification of strategic merit

This section addresses key questions to consider when demonstrating the justification for strategic merit as outlined in *A Guide to Preparing Planning Proposals* (Department of Planning, Industry and Environment 2021).

8.1 Need for the planning proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Yes.

The planning proposal seeks to support the implementation of the PRCUTS which envisages the site being rezoned to B5 Business Development with an FSR of 4:1 and a maximum height of 32m. This is discussed in further detail in Section 4.4.

The proposed use being a health services facility is directly consistent with the State and local government strategic direction outlined for the Camperdown-Ultimo Health and Education Precinct as outlined in the Greater Sydney Region Plan, Eastern City District Plan, Camperdown Ultimo Place Strategy, Inner West Local Strategic Planning Statement and Inner West Employment and Retail Lands Strategy. The consistency with the strategic context is discussed in further detail in Section 4.

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

Yes, the Planning Proposal is the best means of achieving the objectives and intended outcomes.

The issues covered by this Planning Proposal relate to statutory issues under Part 3 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal is the only mechanism that can achieve the objectives and intended outcomes related to the Site.

8.2 Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited drafts)?

Yes. The Planning Proposal is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as outlined in Section 4.1 and 4.2 respectively.

Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal is consistent with the Inner West Local Strategic Planning Statement and Inner West Employment and Retail Lands Strategy as outlined in Sections 4.5 and 4.6.

Q5. Is the planning proposal consistent with any other applicable State or regional studies or strategies?

See response under Q1.

8.2.1 Consideration of State Environmental Planning Policies

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies

An analysis of the consistency of the proposed amendments with relevant State Environmental Planning Policies (SEPPs) is listed in **Table 5**.

Table 5: Analysis against State Planning Policies

Policy	Assessment
SEPP 55 – Remediation of Land	SEPP 55 introduces planning controls for the remediation of contaminated land. The provisions of SEPP 55 relating to Planning Proposal have been repealed and now form part of the Ministerial Directions. This is discussed in Table 6 below. The provisions of SEPP 55 relating to development applications will apply at the development stage.
Infrastructure SEPP	The Infrastructure SEPP sets out thresholds for Traffic Generating Development which requires referral to Transport for NSW. This includes hospitals of 100 or more beds if the site has access to classified road or to a road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road). Accordingly, the development would need to be referred to Transport for NSW at the development application stage. The Infrastructure SEPP establishes noise criteria that apply to hospitals within the vicinity of a busy road (daily traffic volume of > 20,000 vehicles). It also requires consideration of the Development Near Rail Corridors and Busy Roads Interim Guideline. This is considered and addressed in Section 9.1.6.
State and Regional Development SEPP	The State and Regional Development SEPP identifies development that is of State or regional significance and outlines the approval process for such development. The SEPP sets out that the following development that has a capital investment value of more than $30 million is State Significant Development: • Hospitals • Medical centres • Health, medical or related research facilities Accordingly future development of the site would be considered as State Significant Development if it meets the CIV threshold and would be assessed by the Department of Planning, Industry and Environment.
SEPP 65 – Design Quality of Residential Apartment Buildings	SEPP 65 seeks to promote good design of apartments through the establishment of the Apartment Design Guide. SEPP 65 does not apply to the proposed use, however the provisions of the Apartment Design Guide have been applied to consideration of impacts on surrounding residential flat buildings.

8.2.2 Consideration of Ministerial Directions

Q7. Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all relevant Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (previously Section 117).

An assessment of the proposal against the applicable Section 9.1 directions is supplied in Table 6.

Table 6: Analysis against Ministerial Directions

Ministerial Direction	Assessment
Focus Area 4: Planning Systems – Place Based	
1.5 Implementation of PRCUTS	This direction requires planning proposals to be consistent with the PRCUTS and Implementation Toolkit, Parramatta Road Corridor Urban Transformation Implementation Update 2022, and the relevant district plan. The proposal is generally consistent with the PRCUTS and relevant components of the Implementation Toolkit as outlined in Section 4.4 and Eastern City District Plan as outlined at Section 4.2. The Direction allows a Planning Proposal to be inconsistent with the Direction where it is justified by a study the clearly demonstrates that better outcomes are achieved or is of minor significance. The proposal seeks to exceed the recommend height of 32m for the site with a proposed height of 35m. This has been recommended by Council to to accommodate 8 storeys of employment use with higher eight storey floor to floor height and rooftop plant, whilst generating no additional adverse impacts compared to the 32m height by PRCUTS. Accordingly, it is considered that the proposed built form would be consistent with that envisaged under the PRCUTS. The increased height was supported by the independent study commissioned by Inner West Council, prepared by DesignInc. This was further tested and justified as acceptable by BVN Architecture as outlined in the Urban Design Report (Appendix A), including through confirmation that the increased height would generate no additional overshadowing. Any other inconsistencies with PRCUTS are considered to be of minor significance.
Focus Area 4: Resilience and hazards	
4.1 Flood Prone Land	The direction applies when a Planning Proposal alters a zone or a provision that affects flood prone land. The direction requires the RPA to ensure that the Planning Proposal gives effect to the NSW Flood Prone Land Policy and principles of the Floodplain Development Manual 2005. The site is not considered to be impacted by flood hazard.
4.4 Remediation of contaminated land	The direction applies to a Planning Proposal which seeks to rezone potentially contaminated land. The direction states that the planning authority must consider whether the land is contaminated, and if so that the land is suitable in its contaminated state for the permitted uses in the zone, or that the land requires remediation before the land is developed for that purpose.

Ministerial Direction	Assessment
	It requires the planning proposal authority to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. EI Australia have prepared a contamination study that concludes that the site can be made suitable for the proposed development. This is discussed in further detail in Section 9.1.7.
4.5 Acid Sulfate soils	The direction requires the RPA to prepare an acid sulfate soils study where it proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils. An Acid Sulfate Soils Management Plan has been prepared which outlines a series of acid sulfate soils management measures which would need to be carried out at the construction stage (see Section 9.1.8).
Focus Area 5: Transport and infrastructure	
5.1 Integrating land use and transport	The direction requires the Planning Proposal Authority to ensure that the Planning Proposal includes provisions consistent with the principles of Integrating Land Use and Transport as outlined in key polies and guidelines. The proposal meets these principles by locating a health services facility in a highly accessible location close to public transport services, and collocated with other health facilities.
Focus Area 7: Industry and employment	
7.1 Business and industrial zones	The direction requires a planning proposal to retain the areas and locations of business or industrial zones. The direction also outlines that a planning proposal may be inconsistent with the direction where it is in accordance with a relevant Regional Strategy or Sub-regional Strategy. The site is currently zoned IN2 Light Industrial. The proposal to rezone the site to B5 Business Development seeks to retain the site within employment generating zone. Further site proposal seeks to facilitate the implementation of the PRCUTS and is consistent with the Eastern City District Plan.

9 Justification of site specific merit

This section addresses key questions to consider when demonstrating the justification for site specific merit as outlined in *A Guide to Preparing Planning Proposals* (Department of Planning, Industry and Environment 2021).

9.1 Environmental, social and economic impacts

Q8. Is there any likelihood that critical habit or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal is contained within a site long used for industrial and commercial uses which is entirely cleared of vegetation. No critical habitat or threatened species will be affected as a result of this proposal.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed.

9.1.1 Overshadowing

The Urban Design Study has considered the potential overshadowing impacts on surrounding area.

It is noted that the existing residential terrace house uses in the surrounding the site are within an area which is envisaged to transition to a B5 Business Development zone and may be redeveloped in the short to medium term.

However there are existing recent mixed use / residential apartment developments adjacent to the site to the south of Parramatta Road. The sun eye diagrams at Figure 23 show that the proposal would result in some additional shadowing of the facades of the mixed use residential flat buildings to the south of Parramatta Road, however this is considered to maintain an acceptable level of amenity.

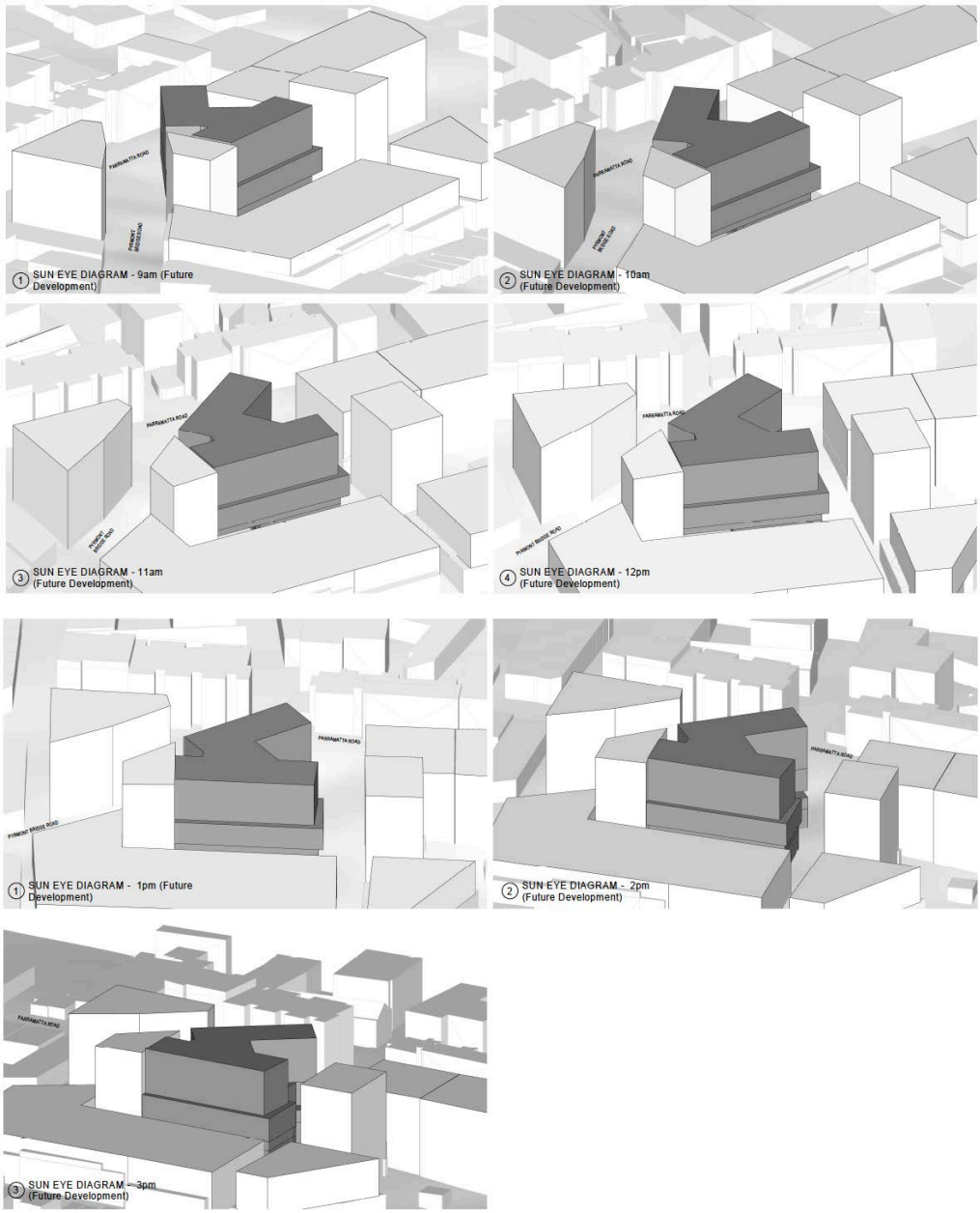

Figure 23: Sun Eye Diagrams (Future Context)

9.1.2 Visual impact and privacy

The proposal has been developed with consideration of the existing and future context surrounding the site and appropriate setbacks have been established to provide for adequate separation distances, particularly from existing residential uses.

It is noted that the existing residential uses adjacent to the site across Mathieson Street and Cahill Street include terraces houses which have their back gardens oriented away from the site and a live-work building with internal courtyards which do not directly face the site. The proposed separation distances and the existing built form orientation will minimise visual and overlooking impacts as a result of the proposal. Further it is highlighted that the terrace house uses are within an area which is envisaged to transition to a B5 Business Development zone and may be redeveloped in the short to medium term.

The residential apartments located on the southern side of Parramatta Road are located some distance from the site with separation distances well exceeding the requirements under the Apartment Design Guide. This along with the proposed building orientation will mitigate any significant overlooking or privacy issues and reduce visual impacts.

The highly modulated and articulated built form will minimise the apparent building bulk and scale and the delivery of a design excellence building will ensure that the development has a positive visual and streetscape impact.

9.1.3 Traffic and transport

A pre-lodgement meeting was held in September 2021 with TfNSW as outlined in Additional Traffic Information Statement prepared by Stantec (Appendix P). This has informed an amended vehicular access/egress arrangement solely from Pyrmont Bridge Road. This necessitated a new design with undercroft drop off area and internalised roundabout as shown in the amended plans.

A Transport Assessment Report has been prepared by MLA Transport Planning (Appendix D) which includes an assessment of the traffic impacts associated with the proposal. This included traffic modelling of the impacts on the intersections at Parramatta Road / Mathieson Street and Parramatta Road / Pyrmont Bridge Road.

Based on the proposed uses the proposed development is expected to generate 144 vehicle trips per hour during the busiest period.

The analysis found the intersections would continue to operate at a satisfactory level of service for the 2031 scenario when including the development. In 2031 the modelling indicated that the level of service (LoS) would be maintained at a LoS A. This is with the exception of the Parramatta Road / Pyrmont Bridge Road intersection where it would decrease from LoS B to LoS C in the evening peak, noting that this would require some minor re-allocation of the signal timing at this intersection. It is noted that the changing of the performance of the Pyrmont Bridge Road in the evening peak period is solely due to the future growth of the background traffic and would not be further impacted by the proposal.

The modelling concluded that the additional development traffic is not expected to create any material changes to the operation of the nearby intersections.

The Traffic Assessment Report also estimated car parking requirements in accordance with the Leichardt DCP, PRCUTS, TfNSW's Guide to Traffic Generating Developments 2002 and TfNSW's Draft Guide to Transport Impact Assessments March 2018, as shown in Table 7. This is based on the proposed private hospital with 170 staff and 120 beds.

Table 7: Car parking requirements

Issue	Minimum car parking requirement	Maximum car parking requirement
Leichhardt DCP – health consulting rooms: • minimum parking requirement – 2 spaces per 3 consulting rooms, and • maximum parking requirement – 2 parking spaces for every consulting room.	32	96
PRCUTS – commercial uses • Maximum one space per 150m2 GFA	NA	68
TfNSW 2002 Guideline – private hospitals: peak parking accumulation (PPA) can be estimated as follows: • PPA = -19.56 + 0.85B + 0.27ASDS where the number of beds (B) and the average staff per weekday shift (ASDS) are known, or • PPA = -26.52 + 1.18B where only the number of beds is known.	115/128	NA
TfNSW 2018 Draft Guideline – private hospitals in urban areas in close proximity to transit: • 0.7 to 1.2 car parking spaces per staff, or • 3.0 to 5.0 car parking spaces per bed.	119/360	204/850

At this stage, the concept plans that have been developed indicate that the proposed development with 2-level basement car park can accommodate parking for up to 100 vehicles. This is appropriate within the context of the car parking requirements.

As noted previously, the concept design contained in this planning proposal has been informed by a large health user group, which are generally supportive of the concept design including the proposed car parking provision.

The proposal would also comply with the accessible car parking rates outlined in the Leichhardt DCP as follows by providing two accessible spaces:

- non-outpatient area – 1 space per 100 car parking spaces
- non-patient area – 1 space per 50 car parking spaces.

Bicycle parking and motorcycle parking would also be provided in accordance with the requirements of the Leichardt DCP.

Provision has also been made for end of journey facilities, with the following requirements included in the draft Site Specific DCP which are consistent with the rates in the Sydney Development Control Plan 2012. These rates are considered to be more appropriate to the context than the rates specified in the PRCUTS:

- 1 personal locker for each bike parking space
- 1 shower and change cubicle for up to 10 bike parking spaces
- 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided
- 2 additional showers and cubicles for each additional 20 bike parking spaces or part thereof.

9.1.4 Heritage

The subject site is not listed as a heritage item or within a heritage conservation area. However, a Heritage Impact Assessment has been prepared (Appendix E) which identifies the site as being within the vicinity of a number of heritage items and heritage conservation areas including:

- C10 Camperdown Park Heritage Conservation Area
- I1 Camperdown Park
- I2 Cranbrook Group, including interiors
- I3 Australia Street Industrial Group, including interiors
- I5 Bridge Road School (Former Camperdown Public School), including interiors
- I613 Kerb and Gutter – Chester Street
- I614 Kerb and Gutter – Guihen Street
- I615 Former Police Station
- I616 Warehouse.

These heritage items and conservation areas are shown at Figure 24.

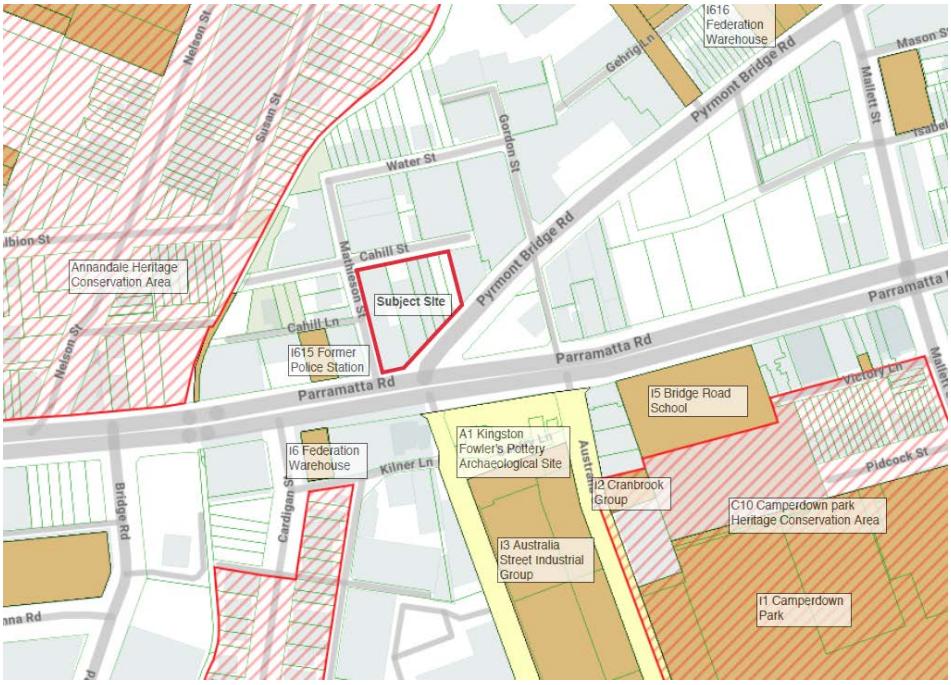

Figure 24: Heritage significance (Source: Mecone Mosaic)

The Heritage Assessment notes that all of the items are located some distance from the site and are either screened by buildings or other features of the landscape. Accordingly it concludes that there is no visual connection with these items and therefore no direct heritage impacts.

9.1.5 Ecologically sustainable development

A Sustainability Strategy has been prepared to support the Planning Proposal and to ensure that the future development of the site achieves a high level of ecological sustainability (Appendix F).

The Sustainability Strategy outlines the following sustainability objectives for the site:

- To reduce GHG emissions, with the goal of net zero emissions
- To support the health and wellbeing of building occupants, visitors and the community
- To dramatically reduce the use of non renewable resources and advance the circular economy
- To support the physical resilience of assets, and the resilience of the community, to manage shocks and stresses from climate change
- To contribute new green space to the city, supporting local habitat, connectivity for mobile species, water management, urban heat and local amenity
- To enable movement to and from the site with non vehicular transport, support better mobility options in the neighbourhood and support the adoption of emerging mobility options that supports sustainable outcomes
- To mitigate the consumption of potable water resources, seek more sustainable infrastructure solutions and provide best practice water quality leaving the site
- To embed Indigenous knowledge into the design and development process in support of our cultural heritage and recognition of the sustainability insight from Indigenous communities

To meet these objectives the project includes a commitment to deliver a building which achieves a 5 star Green Star buildings rating. The project will also seek to achieve Net Zero Certification from the Green Building Council of Australia, once the Net Zero program for each organisation has been released.

9.1.6 Acoustic impacts

An Acoustic Report has been prepared to consider the need for acoustic attenuation of the proposal and the potential acoustic impacts on the surrounding area.

The key noise sources in the vicinity are noted as being traffic noise from Parramatta Road and Pyrmont Bridge Road and aircraft noise noting the site is within the 20-25 ANEF contour.

The Acoustic report has been informed by noise monitoring and an analysis of the relevant noise criteria and has nominated construction attenuation requirements to ensure that future development can achieve relevant noise criteria. Further details of noise attenuation measures will be confirmed at the development application stage in accordance with the requirements of the Leichhardt DCP and the Infrastructure SEPP.

The Acoustic Report also noted that as building plant has not been identified at the Planning Proposal Stage, compliance with relevant noise criteria would need to be demonstrated at the DA stage.

9.1.7 Contamination

EI Australia (Appendix I) has provided advice on the potential contamination based on previous due diligence advice provided by JK Environments (Appendix J) which included historical review, site walkover and soil sampling.

EI Australia note the following in terms of the extent of contamination:

- Significant (gross / widespread) contamination does not occur on the site.
- Asbestos, heavy metal and TRH impacted soils are present however appear to be localised and limited to the near surface filling layers
- Volatile (chlorinated) hydrocarbon contaminated groundwater is evident, but not the extent that precludes commercial development

EI Australia concludes that the site can be made suitable for the proposed development in accordance with SEPP 55 subject to remediation. Given that the proposed development requires bulk excavation in order to construct a two level basement, EI Australia envisages that the remediation strategy shall involve offsite disposal of impacted toils to EPA licensed landfill facilities.

The contamination investigations carried out to date confirm that the site can be made suitable for the proposed use. A remediation action plan would be prepared at DA stage to address the requirements of SEPP 55.

9.1.8 Acid sulphate soils

The Leichhardt LEP identifies the site as being an area mapped as Clause 3 and Class 5 acid sulphate soils. Acid Sulphate Soils are naturally occurring sediments containing iron sulphides, which when exposed to air through excavation have potential to produce sulfuric acid.

An Acid Sulphate Soils Management Plan has been prepared (Appendix K) which highlights that based on borehole logs the potential for encountering acid sulphate soils on the site is considered extremely low. However it recommended that following demolition further investigations be carried out to determine whether Acid Sulphate Soils are present. The Management Plan outlines measures to be applied at the construction stage to manage disposal of potential acid sulphate soils, management of potential acid sulphate soils in situ and management and disposal of groundwater.

The Acid Sulphate Soils Management Plan would be implemented during the construction phase.

9.1.9 Utility services

A Utility Services Assessment Report has been prepared by Stantec (Appendix L) which outlines infrastructure upgrades to support the proposed development. The report indicates that the proposal can be serviced by surrounding utility infrastructure without the need for major upgrades.

Q10. Has the Planning Proposal adequately addressed any social or economic effects?

9.1.10 Economic impact

An Economic Impact Assessment has been prepared (Appendix M) which has considered the potential economic benefits of the proposal against the do nothing 'base case'. The assessment concluded the proposal would deliver the following economic benefits:

- Provision of 179 jobs on site, representing an increase of 145 jobs compared to the base case
- Approximately $17.1 million in staff remuneration, representing $16 million more than the base case
- Gross output (revenue) of around $37 million per year, representing an increase of around $28 million above the base case
- Gross value added to the GDP in the order of $20.1 million each year.

The Assessment also highlighted that the development proceeding has the potential to stimulate and attract further investment, raising the profile of the area and supporting a wide range of economic multipliers which would in turn support investment in associated industries.

9.1.11 Social impact

A Social Impact Assessment has been prepared (Appendix N) which outlines potential social impacts as a result of the proposal. The Social Impact Assessment has concluded that the proposed planning control changes, to facilitate a specialist private hospital, would deliver long term benefits to the socio-economic environment. It recommended a number of mitigation strategies to effectively manage any potential impacts and maximise the potential benefits to the local and wider community:

- Preparation and implementation of a construction management plan to effectively mitigate potential amenity, health and wellbeing impacts arising from construction.
- Preparation of a noise management plan to devise design mitigation strategies to minimise impacts to surrounding residents and businesses during operation.

- Preparation of light spill maps and appropriate design mitigations to mitigate light pollution impacts to surrounding residents, particularly at night.
- Preparation of a traffic and transport impact assessment and management plan to ensure that road, public transport and pedestrian network function is not adversely affected by the proposal, particularly with reference to the performance of the intersection of Pyrmont Bridge Road and Parramatta Road, which is a major east-west thoroughfare.
- Preparation of a Green Travel Plan to further minimise congestion impacts through encouraging modal shift amongst employees and visitors to the site to active or public transport
- Implementation of a community engagement strategy to ensure that surrounding businesses and residents are afforded input into the proposal from an early stage.

These matters have been addressed as follows:

- Preparation of a traffic impact assessment which has concluded that the surrounding road network would continue to operate at an acceptable level following the development
- Preparation of a noise impact assessment to consider potential noise impacts as a result of the proposal.

The recommendations of the Social Impact Assessment would be further addressed at Development Application Stage including through further traffic and noise impact assessment and preparation of a construction management plan, light spill assessment and Green Travel Plan. Community consultation would be carried out throughout the Planning Proposal and Development Assessment process.

Q11. Is there adequate social infrastructure for the Planning Proposal

9.1.12 Social infrastructure

The proposal will deliver new social infrastructure in the area through the provision of a major new health services facility.

An Infrastructure Delivery Plan has been prepared by Northrop (Appendix C) to consider the need for any additional infrastructure to support the proposal. It highlights the following in terms of infrastructure demand:

> *It would be reasonable to assume that the development has a significant positive influence on infrastructure requirements within the Camperdown Precinct. Whilst the supply of health services will positively contribute to community infrastructure, the increase in transient working population resulting from the development is quite small when compared to the projected population uplift of the entire corridor.*

Consultation was also carried out with State Government agencies to inform the Infrastructure Delivery Plan who have indicated that they have no infrastructure requirements as a result of the proposal. The State Infrastructure Contribution requirements are discussed further in Section 5.6.

The Infrastructure Delivery Plan concluded that the proposal would not generate demand for additional infrastructure, with the exception of utility services upgrades which would be required to be delivered as part of any future development of the site.

A letter of offer to enter into a Planning Agreement with Council to make arrangements for local infrastructure contributions forms part of this Planning Proposal (Appendix O) including public domain and streetscape upgrades. This is discussed further in Section 5.5.

10 Sydney Eastern Planning Panel recommendation

The rezoning review request was considered by the Sydney Eastern Planning Panel on the 30 November 2021. The Panel strongly recommended that the Planning Proposal to be exhibited is modified to be generally consistent with the document received from the Inner West Council (IWC) document titled '*Planning Proposal*' dated September 2021, with the exception of the built form controls that instead be those as contained within the recommendations of the *'Design Inc Urban Design Peer Review Report'*, dated 10 September 2021.

The Panel noted that:

- It is concerned that adoption of an unrestricted B5 zoning could lead to development that is inconsistent with the 'Camperdown/Ultimo Collaboration Area Place Strategy'. This identifies that the site is located within an area for broader medical and educational purposes as opposed to a hotel, motel or commercial uses that are also permissible in the B5 zone under the draft Inner West LEP 2020.
- The Panel considers the Planning Proposal must provide certainty with respect to permissible use in accordance with the priorities and actions as identified in the above Place Strategy, and supports a clause to require, say 75-80% of GFA, to be for the uses as identified in the Strategy, potentially by GFA/Height incentive provisions.
- The Panel considers that a draft design guideline/detailed built form outcomes document should be exhibited concurrently with the Planning Proposal.

This Planning Proposal has been updated to be generally consistent with the Planning Proposal as recommended by Council. The recommendations of Council are considered and addressed in **Table 8**.

Further, the Urban Design Report (Appendix A) and the Draft Site Specific DCP (Appendix B) have been updated to be consistent with the recommendations of the '*Design Inc Urban Design Peer Review Report*', dated 10 September 2021.

Table 8: Consideration of Planning Proposal provisions recommended by Council

Planning Provision Recommended by Council	Consideration
Land Use	
• Rezone the site to B5 Business Development. • Permit retail premises as an additional permitted use on this site. • Identify the site on Additional Permitted Use Map.	This is consistent with the recommended provisions outlined in Section 7 of this Planning Proposal.
Land Use	
• Retain the existing FSR control • Introduce additional FSR and HOB controls known as 'Incentive FSR' and 'Incentive HOB'. The proposed Incentive FSR is 4:1 and the proposed Incentive HOB is 35m. • Introduce a new local provision that requires the new development to satisfy certain criteria (see remainder of Section 2.3 below) to apply the incentive FSR/HOB controls.	A new local provision is outlined in Section 7 which outlines the criteria requested by Council, noting that a number of the criteria are now addressed in the Site Specific DCP and Planning Agreement offer.

Planning Provision Recommended by Council	Consideration
Additional local provision	
Identify the site on the Key Sites Map	This is consistent with the recommended provisions outlined in Section 7 of this Planning Proposal.
Introduce a new local provision to allow the site to access FSR and HOB incentives but only where the proposed development satisfies the relevant criteria below:	A local provision has been included with the recommended provisions outlined in Section 7 of this Planning Proposal. Consistency with the specific recommendations is outlined below.
• confirms the objective of the proposed amendments to encourage health, education and cultural sectors in the Camperdown-Ultimo Collaboration Area.	Consistent. This is addressed in the site specific LEP control.
• achieve the following mix of floorspace: – a minimum of 9,000 sqm of gross floor area for health services facilities; and – a maximum of 1000 sqm of gross floor area for retail uses.	The local provision provides for 75% of the floor space to be uses associated with health, education, research, technology, employment and creative uses. This is consistent with the recommendation of the Sydney Eastern Planning Panel. Retail uses would be limited to the ground floor level.
• does not include any residential accommodation, serviced apartments or tourist/visitor accommodation.	Consistent. This is addressed in the site specific LEP control.
• provides a maximum height of 8 storeys excluding lift over-runs and services.	Consistent. This is addressed in the site specific DCP.
• permits redevelopment of the land as an amalgamated site.	Consistent. This is addressed in the site specific LEP control.
• achieves an appropriate built form in terms of bulk, massing, height, separation, setbacks, amenity and modulation.	Consistent. This is addressed in the site specific DCP.
• achieves a high standard of architectural design, materials and detailing appropriate to the building type and location.	Consistent. This is addressed in the site specific DCP. It is also envisaged that the proposal would be assessed by the Inner West Design Advisory Panel to ensure design quality.
• provides publicly accessible setbacks of at least 6m to Mathieson Street and 3m to Cahill Street.	Consistent. This is addressed in the site specific DCP.
• provides active frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road.	Consistent. This is addressed in the site specific LEP control.
• creates a new publicly accessible open space with a minimum area of 600sqm at the entrance to the new building adjacent to Mathieson Street and immediately to the north of its intersection with Parramatta Road and Pyrmont Bridge Road.	Consistent. This is addressed in the site specific DCP and Planning Agreement letter of offer.
• provides walking and cycling connections along Mathieson Street between Cahill Street and	Consistent. This is addressed in the site specific DCP and Planning Agreement letter of offer.

Planning Provision Recommended by Council	Consideration
Parramatta Road and enhances safety through creation of a "Shared Zone".	
• ensures that development will not significantly increase the amount of traffic on the adjoining street network including but not limited to Parramatta Road, Mathieson Street, Pyrmont Bridge Road, Cahill Street, Cahill Lane, Water Street and Gordon Street.	Consistent. This is addressed in the site specific LEP control.
• incorporates minimum 6-star Green Star rating with achieving the climate positive pathway.	5-Star Green Star rating is proposed which is the highest rating delivered in the healthcare sector. This is addressed in the site specific DCP and Planning Agreement letter of offer.
• incorporates mechanisms to reduce urban heat impacts including green infrastructure and features such as deep soil gardens, vegetation, green roofs and green walls.	Consistent. This is addressed in the site specific DCP and Planning Agreement letter of offer.
• includes end of journey facilities to support walking and cycling.	Consistent. This is addressed in the site specific LEP control.
• contributes towards community infrastructure through public domain improvements along Cahill Street, Pyrmont Bridge Road, Parramatta Road and Mathieson Street including footpath widening, traffic calming, landscaping and water sensitive urban design.	Consistent. This is addressed in the site specific DCP and Planning Agreement letter of offer.
• Requires the Secretary's concurrence to be obtained prior to granting development consent for the purposes of assessing the need for contributions towards designated State public infrastructure.	Consistent. This is addressed in the site specific LEP control.

11 Consultation

11.1 Inner West Council

A pre-Planning Proposal meeting was held with Inner West Council on 29 April 2021. This was followed by written advice from Council dated 27 May 2021.

The letter advised that in principle it is supportive of employment uses related to health and education sectors in the Camperdown precinct, whilst strongly opposed to any commercial uses, residential or mixed-use developments which are not related directly to the health and education sectors. A number of issues were outlined to be addressed in the Planning Proposal. These are considered and addressed in Table 9.

Table 9: Consideration of Council pre-Planning Proposal advice

Issue	Consideration
1. INCONSISTENCY WITH PRCUTS	
The proposed density exceeds the maximum PRCUTS recommended FSR of 4:1.	The proposal has been revised to be consistent with the recommended FSR of 4:1.
Whilst the proposed 32m limit is consistent with PRCUTS recommendations, the architectural urban design report does not provide adequate section diagrams to demonstrate that the 8 storey development can be sufficiently accommodated within the proposed height limit, including provision of lift over-runs and topography allowances.	A 35m height limit is proposed at the recommendation by Council to accommodate higher floor to ceiling heights and lift over-runs.
Consistency with PRCUTS Action Plan	
Timing of release: Consistent. The site is within the 2016-2023 Implementation Area.	Noted.
Strategic Land Use Whilst the proposal is consistent with the PRCUTS recommended zoning, it intends to include serviced apartments which is considered to be a non-related commercial/ tourist use. Alternative means to rezone the site to achieve the desired health uses are discussed below.	Serviced apartments have been removed from the proposal and replaced with consulting suites.
Public Transport: The strategic initiatives of Sydney CBD to Parramatta Strategic Transport Plan and proposed rapid bus transport solution from Burwood to Sydney CBD have not yet been implemented by Transport for New South Wales (TfNSW). Consultation is required with TfNSW. The proposed location of a 'superstop' zone means that front building setbacks to the building line may be required to accommodate this future super-stop. You are advised to consult with TfNSW and Council in relation to provision of any future superstop.	The Traffic Impact Assessment notes that it is unlikely that any proposed superstop would be located in the middle of a signalised intersection, especially at a key strategic intersection like that at Pyrmont Bridge Road intersection with Parramatta Road and that typically bus stops are located downstream of a signalised intersection so to reduce the potential for buses to be stopped and delayed at traffic signals. Accordingly additional setbacks in this location are not considered necessary.

Issue	Consideration
	Further consultation will be carried out with TfNSW through the Planning Proposal process regarding this matter.
Active Transport PRCUTS P&DG identify two key new walking and cycling links immediately adjacent to your site: • Proposed E-W pedestrian and cycling link along Pyrmont Bridge Road • Proposed N-S cycling link along Mathieson Street. Delivery of these links may require adequate setbacks from building line of your proposed development as well as appropriate treatments (including materials, levels, landscaping etc.) at interface with future links.	The concept design outlined in the Urban Design makes allowance for these linkages including through street widening and building setbacks on Mathieson Street.
Open space and recreation Not directly related to your site; however, requires consideration of the proposed 'Green lungs' along Mathieson Street in your concept plan as indicated in the PRCUTS Planning and Design Guideline. Additionally, monetary contributions may be required towards medium to long term open space and recreation infrastructure in the precinct.	The proposal has responded to the proposed 'green lungs' on Mathieson Street through street widening and building setbacks which will accommodate new tree planting and landscaping. Landscaping at the podium level will also contribute to the 'green lung' concept.
Community facilities Adequate monetary contributions towards medium to long term community infrastructure/ facilities in Camperdown precinct may be required as a consequence of the increased number of employees from the proposed development.	This is addressed in the Infrastructure Delivery Plan, which indicates that the proposal will not generate any significant demand for additional community facilities, and will make a substantial contribution through providing a major new health facility in the area.
Education facilities Not relevant	Noted.
Health facilities Consultation with NSW Health should be undertaken during the preparation of the planning proposal and satisfactory arrangements entered into for health infrastructure contributions.	The applicant has contacted NSW Health in this regard but has yet to receive a response. NSW health would be consulted during the public exhibition of the proposal.
Road improvements and upgrades It is requested that you consult with Council at every step of the preparation of this Planning Proposal so that the proposal can be informed by the outcomes of the precinct-wide traffic and transport study including any draft recommendations.	Noted. This will be ensured throughout the Planning Proposal assessment process.
Funding framework and satisfactory arrangements As noted previously, the proposal should make appropriate funding contributions towards new and upgraded roads, community facilities and open space through Section 7.11/7.12 contributions, State Infrastructure Contributions levy and/or works in kind.	This is addressed in the Infrastructure Delivery Plan and in Sections 5.5 and 5.6.

Issue	Consideration
PRCUTS Out of Sequence Checklist Whilst an 'Out of sequence' checklist is not technically applicable, the checklist provides a useful set of criteria to consider for rezonings. It is suggested that the proposal should strive to meet the following criteria of the checklist, especially if a variation is to be sought from the PRCUTS recommended FSR and height controls: • Strategic objectives, land use and development • Integrated Infrastructure Delivery Plan • Sustainability • Feasibility • Market viability	These matters are addressed as follows: • Strategic objectives, land use and development (Section 4.4) • Infrastructure Delivery Plan (Appendix C) • Sustainability (Appendix F) The proposal has been developed to ensure feasibility and market viability through internal feasibility analysis and by input from a large health user group, who (subject to the approval of the rezoning and subsequent development application) will occupy the building.
2. POTENTIAL LOSS OF INDUSTRIAL LAND TO NON-RELATED COMMERCIAL OR RESIDENTIAL USES	
The rezoning of the site to B5 zone could potentially result in unintentional consequences such as introduction of non-related commercial uses including hotel or motel accommodation and serviced apartments (unrelated to the health and education sectors). This would conflict with Council's and the GSC's vision to safeguard business and industrial zoned land from non-related commercial and residential uses in the Camperdown precinct.	The proposal seeks to rezone the site to B5 Business Development to ensure consistency with the recommendations of PRCUTS. A site specific provision is proposed which would restrict tourist and visitor accommodation. The proposed rezoning approach is outlined at Section 7.
Your proposal also relies on the permissibility of 'tourist and visitor accommodation' to provide serviced apartments (approx.1,028.30m2) in the proposed development. Serviced apartments are considered to be non-complementary to the notion of Camperdown health and education precinct and are unlikely to be supported by Council.	Serviced apartments have been removed from the proposal and replaced with consulting rooms.
Site-specific zoning approaches could include: • Rezoning the land to B7 Development with site-specific clause to permit ancillary uses such as retail/ office services on ground floor (note: health service facilities are permitted under B7 in LLEP 2013) or • Retaining the existing IN2 Light Industrial Zoning with site-specific clause to permit health medial facilities and ancillary uses such as retail/office uses.	The proposed rezoning approach is outlined at Section 7 of this report, and has been developed to ensure consistency with PRCUTS.
In addition, the Department of Planning Industry and Environment is currently exhibiting a proposal to replace the existing Business (B) and Industrial (IN) zones with five new employment zones and three supporting zones under the Standard Instrument. The implications of this reform on Camperdown precinct are currently unclear and consideration should be given to this in your planning proposal.	The proposed employment zones have been adopted and exhibition of amendments to individual LEPs is planned for early 2022. The zone closest to the B5 Business Development zone is considered to be: *E3 Productivity Support — to provide a range of facilities and services, light industries, warehouses and offices (similar to the existing B5 Business Development, B6 Enterprise Corridor and B7 zones)* If the new zones included in the LEP prior to the finalisation of the Planning Proposal the appropriate zone would be used in place of the B5 zone.

Issue	Consideration
3. PREMATURITY IN RELATION TO HOLISTIC PLANNING OF THE PRECINCT	
Council is currently preparing a structure plan for the Camperdown Precinct. Consideration will only be given to progressing a proposal ahead of this work if it meets all relevant strategies and actions of the Employment and Retail Lands Strategy, Camperdown Land-use and Employment Study and the issues outlined in Council's letter.	This is addressed in Section 4.6 and 4.7, and by this table.
Efforts are required to support the establishment of affordable spaces for medical innovation and research/ start-ups in the Camperdown precinct.	The proposal will support affordability of health facilities floor space in the precinct through significantly increasing supply.
4. INNAPROPRIATE BUILT FORM RESPONSE	
Proposed design does not adequately demonstrate that the proposed FSR and height/ building envelope are suitable in the site's context and surroundings.	This is addressed in the Urban Design Study and in Section 5.1. The proposal has responded to the site's existing and future context and the recommendations of PRCUTS.
It also does not provide adequate setbacks to the surrounding existing/ potential future development. The proposed street wall heights and setbacks to Mathieson Street, Cahill Street and Pyrmont Bridge Road are incompatible with the existing and future desired character of the study. The following setbacks and street wall heights would be required to manage sensitive interfaces with the existing/new adjacent developments: • 3 storey street wall to Cahill Street with: – 4th storey setback by at least 6m from the boundary – 5th storey and above set back by additional 8m 4 storey street wall to Pyrmont Bridge Road with at least 8m setback to 5th and above stories.	A detailed analysis of the recommended setbacks has been provided in the Urban Design Study and is outlined in Section 5.1.
In addition, the proposed development should be designed in consideration of the following development guidelines) of the PRCUTS P&DG and Fine Grain Study: • New development must respond to existing heritage items and adjacent conservation areas whilst retaining the industrial character of the precinct. • Buildings with adaptive re-use opportunities to be developed in a way that retains their significant features, especially on industrial land. • The visual amenity of proposed buildings needs to preserve the existing streetscape character defined by heritage items and contributory buildings. • Development and street frontages to lanes do not exceed 9m. • A building height plane is introduced at 90 degrees to the site boundary, measured from RL1.5m (eye level)	The proposal has addressed the fine grain study as follows: • Consideration of the heritage context through a Heritage Assessment (Appendix E) • A detailed analysis of the building setbacks and street wall heights in the Urban Design Study and in Section 5.1. In terms of the building height plane, it is understood that this applies to low density areas at the edge of precinct boundaries, rather than low density development which is envisaged for renewal.

Issue	Consideration
at the footpath opposite the site, with a 45-degree projected angle.	
You should submit an urban design study with a thorough analysis of the site and its context and an appropriate design scheme in response to the surrounding context. The urban design study must provide a rationale for the proposed height, floor space ratio, building massing and modulation for the site and consider a response to: • Impacts on the surrounding development including but not limited to visual, overshadowing, future development potential etc. • PRCUTS Planning and Design Guidelines including Corridor Guidelines, Built form guidelines and Camperdown Precinct Guidelines. • PRCUTS Fine Grain Study including development guidelines for Camperdown Precinct. • Government Architect's New South Wales Design Policies including 'Greener Places' and 'Better Placed' which provides the seven design objectives for NSW (Better fit, Better performance, Better for community, Better for people, Better working, Better Value and Better look and feel). • Draft Design and Place State Environment Planning Policy including the Urban Design Guide. • Best practice urban design principles.	This is addressed in the Urban Design Study at Appendix A.
5. TRAFFIC AND TRANSPORT STUDY REQUIREMENTS	
A detailed traffic and parking assessment is required, including to address the requirements outlined by Council.	The Traffic and Transport Assessment is provided at Appendix D and includes specific responses to Council's issues. Additional Traffic advice is provided by Stantec at Appendix P.
Clarify contradictory information form the pre-planning proposal: • Either a drop off/pick up area or on-street parking on Mathieson Street • The access to car park and loading dock is different in both plans • Design plans appear to have a pedestrian access between the car park entrance and the loading bay.	These matters are clarified in the revised Urban Design Study.
6. LACK OF INFRASTRUCTURE COMMITMENT TO STATE AND LOCAL INFRASTRUCTURE	
An infrastructure assessment report is required to analyse the impact of the proposed development on existing community, open space and traffic infrastructure as the proposed development would result in additional number of residents/employees which could potentially burden the existing levels of infrastructure. The infrastructure report should establish how the development would contribute towards PRCUTS Infrastructure Schedule.	An Infrastructure Delivery Plan is provided at Appendix C.

Issue	Consideration
Council seeks 50% of any uplift in value facilitated by amendment of the planning controls for the site, to be secured through a Planning Agreement. A Planning Agreement offer is to be submitted with the planning proposal and is to contribute towards meeting local infrastructure/service demands.	This is addressed in Section 5.5.
Similarly, PRCUTS indicates that a SIC levy may be applicable to the precincts in the Corridor.	This is addressed in Section 5.6.
7. ADDITIONAL INFORMATION REQUIREMENTS	
• Site specific DCP • Economic Impact Assessment • Heritage Impact Assessment • Environmental Sustainability Report • Contamination • Acid Sulphate Soils study • Economic feasibility study • Acoustic report • Air quality assessment.	The additional information has been provided as Appendices to this report.

11.2 State and Commonwealth Government agency consultation

Q12. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination

A number of State Government authorities were consulted as part of the preparation of the Infrastructure Delivery Plan (Appendix C). The agencies indicated the proposal would not generate any demand for additional State infrastructure and DPIE have indicated that they will not be seeking a State Infrastructure Contribution for non-residential or non-industrial uses.

Further consultation has also been carried out with TfNSW which has informed the amended access arrangements to the site.

Further consultation would be carried out with relevant State and Commonwealth public authorities following a Gateway decision. Further, consultation would also be carried out with the community at this stage, through public exhibition of the Planning Proposal.

12 Project timeline

An indicative project timeframe is set out in Table 10 below.

Table 10: Anticipated project timeline

Task	Timing
Receive Gateway determination	May 2022
Completion of public exhibition and public authority consultation	June 2022
Completion of review of submissions received during public exhibition and public authority consultation	June 2022
Finalisation by Planning Proposal Authority	August 2022
Drafting of instrument and finalisation of mapping	September 2022
Amendment to Sydney LEP notified	September 2022

13 Conclusion

The Planning Proposal intends to deliver a major new health services facility which will offer world class health, education, and innovation users a place to collaborate, work, innovate and service the community. The urban design concept has been informed by a large health user group, who (subject to the approval of the rezoning and subsequent development application) will occupy the building, thus acting as a catalyst to realise genuine activation of the precinct.

The Planning Proposal is consistent with the strategic objectives for the Camperdown-Ultimo Health and Education Collaboration Area as set out in the Eastern City District Plan, the Camperdown-Ultimo Place Strategy and the Inner West Employment and Retail Lands Strategy including the protection of employment generating lands to support the collaboration area, and the transition of Camperdown into a health, education and innovation precinct including a biomedical and biotechnology hub.

The proposal will also implement the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) recommendations for the site.

This Planning Proposal has been updated to reflect the recommendations of the Sydney Eastern Planning Panel, including to be generally consistent with the Planning Proposal prepared by Council and the recommendations of the *'Design Inc Urban Design Peer Review Report'*.

It will deliver a significant public benefit in the form of a major new health services facility in the area, without creating additional demand for public infrastructure or generating any significant environmental, social or economic impacts. Further, it is supported by an offer to enter into a Planning Agreement with Council to make arrangements for local infrastructure contributions including enhanced streetscape, public domain and accessibility as agreed with Council.

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Appendix A Urban Design Study

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Appendix B Draft Site Specific DCP

Attachment 4

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Appendix C Infrastructure Delivery Plan

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Appendix D Traffic and Transport Assessment

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Appendix E Heritage Assessment

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Item 4

Appendix F Sustainability Report

Attachment 4

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Appendix G Acoustic Report

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Appendix H Air Quality Report

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Item 4

Appendix I Contamination Assessment

Attachment 4

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Appendix J Environmental Due Diligence Advice

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Appendix K Acid Sulphate Soils Management Plan

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Appendix L Utility Infrastructure Report

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Appendix M Economic Impact Assessment

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Appendix N Social Impact Assessment

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Appendix O Planning Agreement Letter of Offer

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Appendix P Additional transport advice

Item No: **C0323(1) Item 5**

Subject: **PLANNING PROPOSAL - ENMORE ROAD SPECIAL ENTERTAINMENT PRECINCT**

Prepared By: Daniel East - Acting Senior Manager Planning

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

1. **That Council supports the Planning Proposal to designate Enmore Road as Special Entertainment Precinct on a permanent basis and submit it to the Minister for Planning seeking a Gateway Determination under section 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979.***

2. **That Council place the Planning Proposal and draft DCP amendments on community consultation in accordance with Council's Community Engagement Framework to meet the requirements of the Gateway Determination, *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, should the Planning Proposal receive a favourable Gateway Determination.**

3. **That Council request delegation from the Minister for Planning to manage the plan making functions of the Planning Proposal.**

4. **That Council authorise the General Manager to make minor/technical modifications to the Planning proposal, Development Control Plan, and Special Entertainment Precinct Management Plan, prior to exhibition.**

DISCUSSION

The Enmore Road Special Entertainment Precinct (SEP) began as a 3-month pilot program and aims to revive live music and entertainment, activate local businesses and the nighttime economy; and create more places for our community to enjoy. Venues within the precinct are encouraged to provide live entertainment and will have an extension on both their trading hours and outdoor dining as an incentive to prioritise the arts.

Between September and November 2022, a survey was open for the public to indicate their support or opposition to the SEP; with a significant 91% of the 310 responses in support. As most responders were in support of the SEP continuing, the SEP was extended on a trial basis until 31 July 2023. The extension gives Council time to consult the community and venues about their experience of the precinct and to prepare a planning proposal to make the precinct permanent.

A survey of local businesses and residents gauged support and identified potential impacts. The survey closed 24 February 2023 and an engagement outcomes report has been provided in *Attachment 1*. The survey showed continued community support for the SEP.

A planning proposal must be submitted to the Department of Planning and Environment to amend the *Inner West Local Environmental Plan 2022* (*refer to Attachment 2)* for the SEP to become permanent. This would allow amplified music to be regulated by Council in accordance with the Special Entertainment Precinct Management Plan (*refer to Attachment 3*).

A new Development Control Plan (DCP) chapter (*refer to Attachment 4*) is also proposed to be added to the Marrickville DCP. This will:

- Require new or modified sensitive receivers such as residential accommodation and office premises to attenuate against entertainment noise in and around the precinct,
- Require new or modified venues to demonstrate they can operate without breaching set sound limitations, and
- Require future proofing of commercial tenancies within new or modified mixed use developments to allow them to be used as entertainment facilities without needing further attenuation.

It is intended to place the DCP on public exhibition alongside the planning proposal once a Gateway Determination has been received from DPE. It should also be noted that information will be included on planning certificates to inform existing and future residents that a property is located within a sound category area of a Special Entertainment Precinct.

As per accepted practice in the making of Planning Proposals, in the event minor or administrative changes are required to clarify a definition that does not materially alter the document, it is recommended the General Manager has the delegation to make said minor amendments.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the recommendations outlined in the report.

SUPPLEMENTARY INFORMATION AS AT 13 MARCH 2023

LOCAL PLANNING PANEL ADVICE

The planning proposal was considered by the Inner West Local Planning Panel on 9 March 2023. The panel resolved to advise Council that the planning proposal has strategic merit and should be submitted to the Minister of Planning for a Gateway Determination. They also suggested amendments to the Planning Proposal and the supporting DCP and precinct management plan. If the planning proposal proceeds to the next stage, these matters will be addressed by Council officers during the consultation phase. The minutes of the Local Planning Panel meeting are contained in *Attachment 5.*

ATTACHMENTS

1.⇩ Enmore Road Engagement Outcomes Report
2.⇩ Enmore Road SEP Planning Proposal
3.⇩ Special Entertainment Precinct Management Plan
4.⇩ Draft Development Control Plan Section 2.26 - Special Entertainment Precincts
5 Local Planning Panel meeting minutes

Item 5

Engagement outcomes report Enmore Road special entertainment precinct

Attachment 1

Contents

Summary 3
Background 3
Promotion 4
Stage one – visitor survey 4
Stage two – resident & business survey 4
Engagement methods 5
Stage one – visitor survey 5
Stage two – resident & business survey 5
Engagement outcomes 5
Stage one – visitor survey 5
Stage two – resident and business surveys 8
Residents survey 8
Businesses survey 9
Submissions received during the trial 10
Officer comments 11
Next steps 12
Appendix 1 - verbatim responses to stage one survey 13
Appendix 2 – verbatim responses to stage two survey 29
Appendix 3 – formal resident submissions 37
Appendix 4 – submissions received during trial 38

Summary

The Enmore Road special entertainment precinct has been in operation since 1 September 2022. It was meant to initially be run as a three-month trial, however this has been extended to July 2023 whilst Council considers its future.

Engagement for the precinct was carried out in two stages. Stage one included a survey open for Enmore Road visitors. Its purpose was to gauge support for the precinct amongst people experiencing it. Over 270 people completed the survey. There was an overwhelming level of support, with 91% of people in support of Enmore Road being designated as a special entertainment precinct.

Stage two of the engagement was specific for residents and businesses within the precinct. Local residents and businesses were invited to complete a survey on their experience with the precinct.

Of the eight local businesses that completed the survey, all were in support of the precinct being made permanent. Three noticed an increase in patronage during the trial and the remainder stated it was the same as before. One business also indicated that they put on live entertainment because of the trial.

Approximately 64 residents completed the survey. 63% of residents were supportive of the precinct being made permanent. Support was higher for residents that lived a block away from Enmore Road, as opposed to those living immediately adjacent Enmore Road, where support was 25%.

Availability of street parking was the number one issue raised by residents, followed by increased noise, anti-social behaviour and litter.

Background

New legislation made in 2020 enables Councils to designate areas as special entertainment precincts. Inner West Council resolved in 2021 to designate Enmore Road as the first such precinct in NSW.

The purpose of the precinct is to allow live music venues to make certain noise levels without compliance action. These levels are set to allow reasonable noise levels whilst still protecting the amenity of residents.

Promotion

Stage one – visitor survey

A survey open for all visitors to Enmore Road to gauge level of support for the precinct amongst people experiencing it.

- Coasters with a QR code at all Enmore Road live music venues
- Posters with QR codes in Enmore Road live music venue shopfronts
- Decals with QR codes on Council's Enmore Road street bins
- Your Say inner west webpage

The QR codes on the posters, decals and coasters proved very successful with over 270 unique responders.

Stage two – resident & business survey

A survey open to residents and businesses on and around Enmore Road to understand their experience with the precinct.

- Hand delivered letter to each business on Enmore Road directing them to complete the survey.
- Hand delivered letter to every resident on and within a few blocks of Enmore Road. Figure 1 below is a map of the included properties.
- Letter sent to all owners of residential properties that live elsewhere.
- Follow up email to Enmore Road businesses due to low survey response rate.
- Total of over 4,000 letters issued.

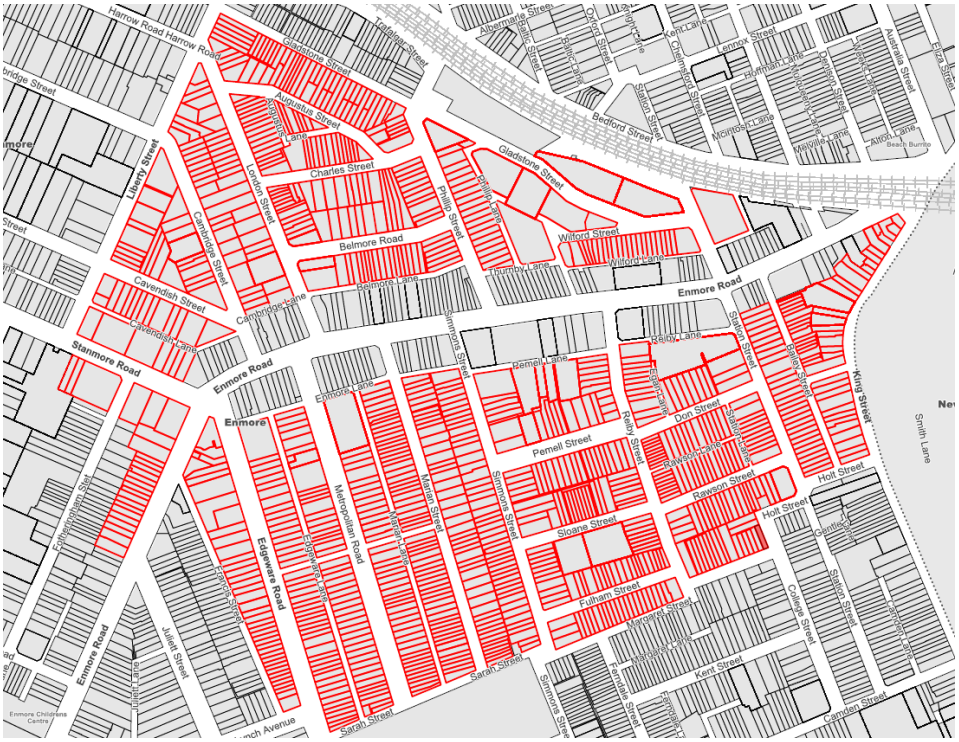


Figure 1: map of all properties hand delivered a letter inviting them to fill out a survey

Engagement methods

Stage one – visitor survey

- webpage on Your Say Inner West
- Online survey

Stage two – resident & business survey

- Online survey specific to either residents or businesses
- Ability to also submit a formal submission

Engagement outcomes

Stage one – visitor survey

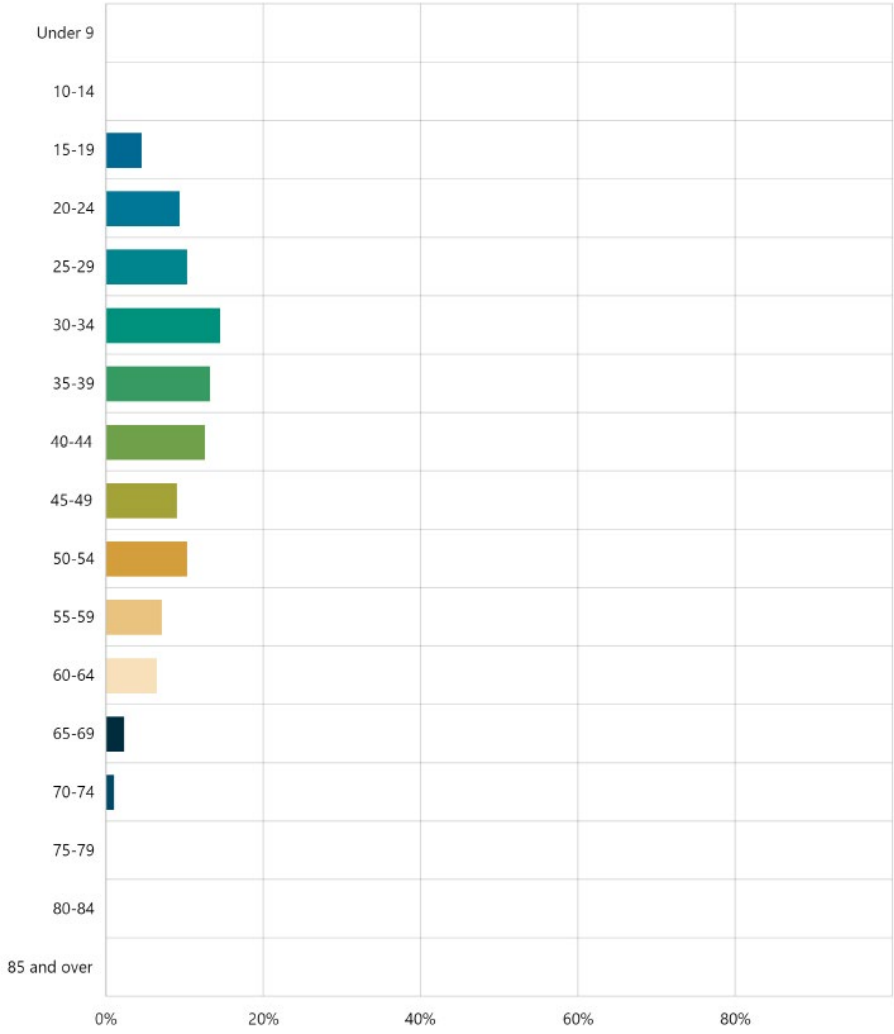
Key stats

- 2,293 unique visitors to the Your Say Inner West page
- 312 completions of the survey from 273 unique contributors

- 247 downloads of the draft precinct management plan

Demographics

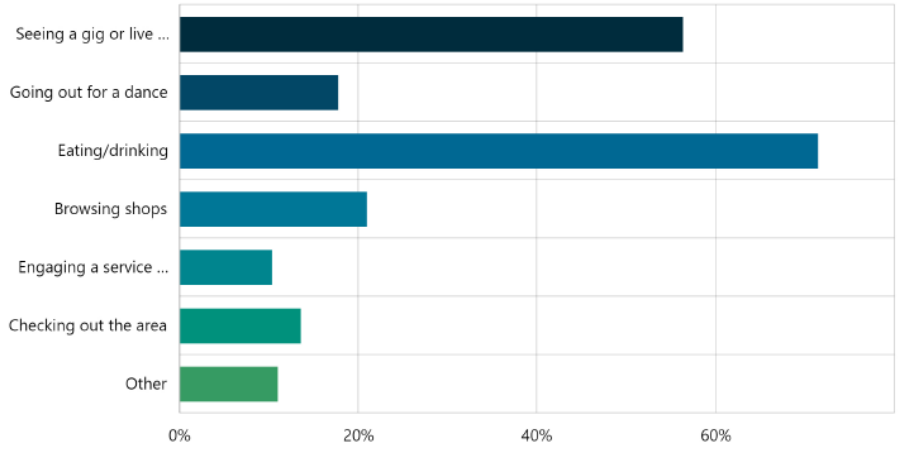
- Age spread of respondents:



Findings

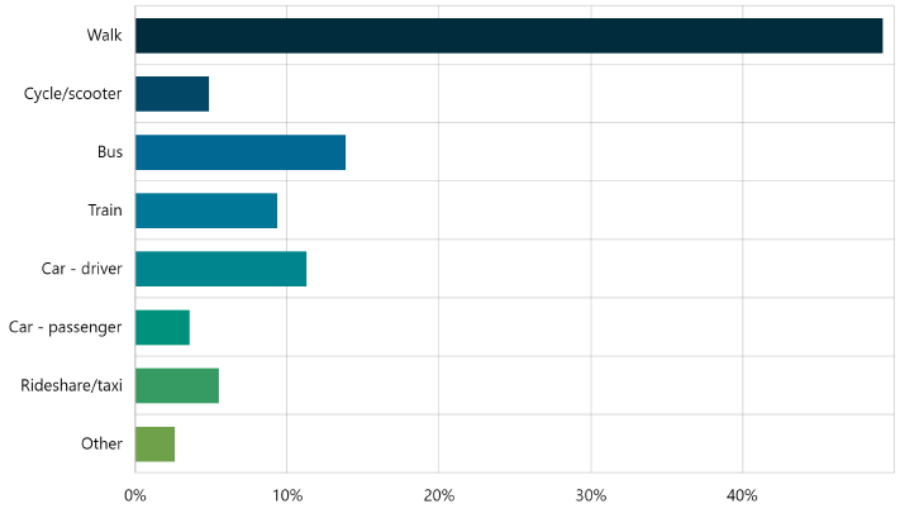
- 91.3% of surveys indicated support for Enmore Road to be designated as a special entertainment precinct
- Responders visited the area for a range of reasons, number one being eating/drinking followed by seeing a gig:

4. What are the reasons for your visit to Enmore Road today? (select all that are applicable) Required
Multi Choice | Skipped: 1 | Answered: 311 (99.7%)



- Most people walked (49.2%) to the precinct followed by bus (13.8%). 11.3% of people drove in their own car:

3. How did you get to Enmore Road today? Required
Multi Choice | Skipped: 1 | Answered: 311 (99.7%)



- Overall, there is a strong level of support for the precinct.
- Common comments among supporters include:
  - Sydney's night life is substandard and projects like this are required to revive and protect it
  - Enmore Road is a vibrant area with a great live music scene

- Comments from people not in support include:
  - Street parking is already difficult – this will make it worse
  - Traffic congestion in local streets
  - Crowds are rowdy and anti-social
  - Increased noise is disturbing residents
  - Street cleaning is substandard

Stage two – resident and business surveys

Residents survey

Key stats

- 64 residents completed the survey
  8 formal submissions were uploaded

Findings

- 40 (63%) of residents support Enmore Road being designated as a special entertainment precinct
- 20 (31%) do not support it being designated as a special entertainment precinct
- 4 (6%) are not sure of their support

- Support for the special entertainment precinct increases the further residents are located from Enmore Road:
  - Support for the precinct from residents who indicated they live "immediately adjacent" Enmore Road was 25%.
  - Support from residents who stated they live "within a block" or "more than a block" away from Enmore Road was 74%.
- Comments from supporters include:
  - The precinct has had a positive impact on Enmore Road businesses and night life vibrancy
  - Live music venues need to be protected
  - The precinct supports the artist and creative community
  - It created a great atmosphere on Enmore Road
  - Vacant shopfronts were more likely to be occupied
  - There has been no increase in traffic or noise

- Comments from people who do not support or are unsure about the special entertainment precinct include:
  - Street parking is already limited and has been made worse

- Excessive noise from venues has increased
- Noise has not been kept within the set levels
- Crowds on Enmore Road are not being properly managed
- Increased traffic congestion on local streets
- Anti-social behaviour from patrons has increased e.g., drug use, littering, alcohol related violence, public urination, grafitti
- Other areas should be considered instead e.g., King Street, Newtown
- Public transport use should be encouraged
- It is pointless – there has been no increase in patronage
- Businesses are not accountable for their impacts
- Additional trading hours and live music concessions subverts the development assessment process
- Safety in the area has decreased

Businesses survey

Key stat

- 8 businesses completed the survey

Findings

- All 8 (100%) businesses support Enmore Road being designated as a special entertainment precinct
- 3 businesses indicated an increase in patronage since the special entertainment precinct began operation. The remaining stated it was the same.
- 1 business provided live entertainment when they had not done so before. The reasons other businesses didn't include:
  - They never intended to have live music
  - Premises is too small
- 1 business utilised the additional 30 mins of trade, reasons why others didn't include:
  - Not a late night operation
  - Security arrangements after midnight were too expensive
  - More than 30 minutes is needed to make it viable
  - Tight labour market with no staff available
- Other comments from businesses include:
  - The precinct has been a success and made Enmore Road more vibrant
  - Indoor and outdoor trading should be extended further
  - Great initiative – additional allowances will continue to be utilised

- It gave businesses on Enmore Road a needed boost
- There has been a notable increase in street litter in rear lanes

Submissions received during the trial

During the trial Council also received a number of submissions via email and through our online portal. These submissions have been separated from noise complaints regarding specific venues as they were dealt with when received.

There were 13 submissions made during this time. 5 were supportive of the precinct, 6 made suggestions on how to better the precinct and 4 raised concerns or were against the precinct (some sit in multiple sentiment categories).

Reasons submissions supported the precinct include:

- A leaflet was received in the mail denouncing the special entertainment precinct. This is not the view of the majority of residents.
- There has been no increase in noise, parking, or other issues.
- I run a business of Enmore Road - I fully support this precinct.
- Glad to see an increase in activity on Enmore Road
- The precinct should become a permanent addition

Suggestions made include:

- The precinct management plan is difficult to read and largely ignores residents.
- The survey open during the trial was not for residents
- Signs should be erected at the top of streets reminding visitors to reduce noise in residential areas.
- Poorly implemented as there is no baseline info on footfall, vehicle traffic, venue patronage, venue turnover. Success can therefore not be determined.
- Consider traffic calming measures, enhanced footpaths, more beings, and more rubbish collection.
- Provide more parking in a multi-level car park
- Footpaths should be widened on Enmore Road, and it be made single lane each way.
- More outdoor dining

Issues raised in submissions against the precinct include:

- Gigs loudly spill into nearby streets
- Car parking is become scarce
- Streets are constantly blocked due to high traffic volumes

- Litter on the streets has increased
- Inadequate security at venues
- Anti-social behaviour including yelling, public urination, violence, damage to property and trespassing
- Queues lined down residential streets
- Excessive noise
- Footpaths are too narrow to cope
- Pedestrian and vehicular safety has been compromised

Redacted versions of these submissions are contained in Appendix 4

Officer comments

Overall, there has been a high level of support for the continuation of the special entertainment precinct from businesses, residents and visitors.

People living on or immediately adjacent Enmore Road, especially those directly adjacent live music venues, are the exception to this. They raise excessive noise, crowd management, car parking availability, safety concerns and anti-social behaviour such as alcohol related violence, drug use, littering and public urination as issues.

Council conducted three sound surveys during the trial to understand if businesses were operating within the set limitations. It was found that most were. Exceptionally loud businesses were notified of their breaches.

Misconceptions on the effect of the special entertainment precinct were also identified. Whilst Council allowed an additional 30 mins of trade, allowing businesses to host live music that would otherwise have been prohibited is not unique to Enmore Road. Recent changes to state planning legislation have made development consent and liquor licence conditions prohibiting live music invalid state-wide.

Parking and traffic issues have been discussed with the relevant units at Council. This includes individual requests that came through during the trial's operation. Street parking is a notoriously difficult issue to address, as kerbside space is limited and is a shared resource amongst residents, businesses, and visitors. The impacted area is slated for a parking review in 2026.

Stats from the visitor survey indicate that most Enmore Road visitors either walk, cycle, catch public transport or use rideshare services (82.6%). Driving to the precinct is limited to 14.75% of trips.

Council staff met with the local Police consistently throughout the precinct's trial operation. The purpose was to discuss local matters including significant incidents, trends, observations, and problem venues. This resulted in several actions being taken by Council to pull venues into compliance with the precinct management plan and remind businesses of their obligations in maintaining good neighbourhood amenity.

Whilst certain issues may persist into the future, it is expected that overtime businesses, residents, Council, and the Police will adapt to the new scheme and that the positives delivered from the Enmore Road special entertainment precinct outweigh the negative impacts.

Next steps

The Enmore Road Special Entertainment Precinct will be reported to Council in March 2023. This report will include a Planning Proposal to embed the precinct into local planning controls in perpetuity.

This community engagement report will be reported to Council alongside the planning proposal.

Appendix 1 - verbatim responses to stage one survey

Identifying details have been redacted

Stage one – visitors survey Q. "please explain your answer" follow up to question "do you support Enmore Road being designated as a Special Entertainment Precinct"	
1.	Proximity to Newtown means has long history of young, entrainment focus. Loss of other entertainment in area. Value of reinvigorating zone
2.	Does it extend the hours for the _____ also? How are crowds dealt with? It's not ok that queues for the theatre block access to peoples homes! What is being done to resolve parking issues with the extra visitors you are trying to attract to the area. More ques - no space
3.	i think enmore has potential for vibing buzz hub of the innerwest ! . REMOVE and clean up the area - and all that unsightly offensive graphic tagging !! and the potential is there !
4.	I love the vibrancy of the area but I am frustrated that there isn't more done to maintain cleanliness. I regularly have to collect rubbish from gutters because there is insufficient street sweeping.
5.	It's important to have live event and build community
6.	Happiness is so important this year out of all years and this just brings so many People happiness
7.	Everyone enjoys the music and events here
8.	It brings community together and allows a safe space to enjoy live local arts and entertainment in small intimate venues
9.	It's a fantastic space with great people, music and community
10.	Sydney is in desperate need of a live entertainment district and enmore/ newtown is the perfect location. As a Newtown resident I couldn't think of anything better than to have convenient access to live music and performances. We went out Friday night and it was amazing!
11.	Me, my friends, and my family really enjoy being able to enjoy a night out, especially if there is live music which sadly in the past few years has been affected (not just by covid). My only concern is about the possible rise in rent and house/property prices as a consequence

12.	It was so exciting to see a band play fantastic music. It really made me feel alive and brought home to me how little we get to see small gigs these days in our suburb. It truly brings a vibrancy to the area and makes it feel pretty special. Totally agree we need a music precinct
13.	Awesome plans and planning keep sydney alive
14.	It's a fun environment to enjoy live music
15.	___ Enmore road rocks
16.	Mad
17.	Absolutely awesome gigs
18.	I'm having the time of my life, i'm so glad i got the chance to see up and coming bands and i hope i can see more in the future
19.	_____, was amazing was so good to see live bands in the inner west
20.	Has a beautiful vibe in the area and brings people together
21.	Sydney needs more live music venues and a broader set of rules to encourage venues to remain open and provide this type of entertainment.
22.	Went to a live show a few weeks ago to see a local band, the crowd was friendly and the host was kind, really loved the night and made me want to come back to enmore to support the local shop owners and bands
23.	We need a hub for live music and entertainment, tape needs to be cut!
24.	Sydney needs this. I've just returned from 7 years in Melbourneâ€¦ the music and entertainment scene couldn't be more different. We need hubs for people to come, drink, dance and be with each other. Without it, Sydney will die a cultural death.
25.	Sydney is dying on its knees and has nothing to do eye with other cities and global cores where you can take friends, international guests to that isn't designed for rich boring farts who stay at home. This is the last chance saloon and as more is Jesus coming back to help us!
26.	The area has thrived without the need for additional flexibility of venues and does not need this extra flexibility to continue to do well. The trial is causing significant parking problems and other problems including drunks wandering noisily in residential streets all night.

27.	we don't want enmore to turn into halls gap where you can't get anything to eat past 8!
28.	We have lost so many live music venues, bars, restaurants over the past 20 years. It would be good to have a precinct that has a focus on these places to go out and enjoy.
29.	Some of the best hospitality and entertainment in Sydney. We've already lost the Sly Fox, small independent businesses need to be supported in order to thrive.
30.	Council has a role to play in balancing the needs of businesses and the night-time economy with those of local residents. Council is much better placed to achieve satisfactory outcomes in this regard than Liquor&Gaming.
31.	There has been no consultation with the local community about how noise, parking etc will be dealt with. It is not fair to tell residents that they will need to tolerate more noise and then not tell us limits on what this will be. It reeks of a policy that can't be trusted.
32.	Enmore has a history of being an entertainment centre. I would like to see more music and events for young people that are good quality and affordable. It's an element of life that Sydney lacks and enmore is a place that people look to to provide that resource.
33.	The local community really want this to be a more vibrant precinct, including a street fair since it can't be done on King St. Many people lament the loss of the Newtown Festival so making enmore road an entertainment precinct is exactly what we need. Also drives local business
34.	great for locals and visitors alike
35.	It's a great place for food and entertainment, unique is Sydney.
36.	Love it. I'm a local.
37.	great area for this type of thing. already exists and is merely an extension. as a local resident I welcome this.
38.	This initiative is great and should be continued and expanded. I favour outdoor dining and support to live music. Enmore Rd should be as pedestrian-friendly as possible. I think the next steps should be to reclaim driving space for walking and dining, and better ped crossings
39.	This is wonderful. We desperately need to bring back a vibrant arts and music culture to enmore and Newtown
40.	The inner west is a vibrant hub of creatives and building connections between our communities is literally life saving.

	_____ provides ACCESSIBLE gigs. Last night all monies raised by entry fees were donated directly to queer out reach program I showcased emerging artists
41.	Love it, Enmore Road has always been famous for its lively vibe and the fewer barriers to putting on a good time the better
42.	I have been so jealous of the city of sydney street side dining in Surry Hills. it's so difficult to eat outside anywhere and there are so few live music venues left. It would be a fantastic improvement to our suburb.
43.	Everything you could want for a night out exists on Enmore Road. Allowing businesses to operate with more freedom, encourages to visit and stay at these locations.
44.	I think a vibrant city is an alive city. That's where I want to live. I accept there is noise that comes with an alive city, and I'd rather that than a barren wasteland.
45.	I am a direct resident behind the _____. Council can not manage the rubbish and disturbance as it is. It is a restaurant precinct not a live entertainment area. I would like to know compensation details for existing residents before we have to involve lawyers.
46.	Having gone on a Wednesday, I was not expecting the street to be so pleasantly busy. I do not think I have ever seen the street so lively on weekday and this must be because of the Special Entertainment Precinct!
47.	Culture, nightlife, and vibrancy are at the heart of what makes a place and city so wonderful
48.	I live right next to Enmore rd at _____ and I love it this! The nightlife is amazing and it really creates a fantastic atmosphere. Its what Sydney needs and as a local living near these venues the noise has not been a problem!
49.	Its great! More night life please!
50.	I think it is great to support live performance and entertainment in Sydney. Especially after the Lockout Laws destroyed Sydney nightlife.
51.	I think this is a fantastic initiative that would do wonders for the area, especially if traffic management is included such as blocking access to turn into Simmons st so theatre queues are safer, restaurant dining extended areas instead of parking to ensure pedestrian access

52.	Pop up venue has been created with very loud music (intolerable). It is in the backyard of a shop premise and no regard for neighbours
53.	Would like clarity on location of live music- should only be allowed indoors. Some businesses eg _____ at ____ Enmore road are hosting live music at the rear of the premises opening out onto residential area which is so disruptive
54.	This is a inner city suburban street. Live music pushes the noise levels up this too far and makes the area unappealing to anyone with kids or over the age of 40.
55.	Will change fabric of the area. Parking and toilets already an issue. The crowds are getting rowdier and uncontrolled. Venues like hideaway and duke create messy drunk people that have stopped the area being family friendly already.
56.	Yes it brings culture back to a city which is dead. If you don't have culture then economics fail, employ suffers, house prices drop and social issues increase
57.	I moved to the area to live in a vibrant environment with a range of entertainment options. Was sad to see some of the venues (such as The Sly Fox) close down and believe that Sydney nightlife desperately needs revitalisation. Enmore Rd nightlife can be a big part of that
58.	Eating and drinking on the street would be great, especially with COVID still at large
59.	We need more live music and gig venues in Sydney and Enmore road is easy to get to and has some really cool spaces
60.	I support the creative arts industry and believe that the voices of the people need to be heard above opposing idealisms. I feel it's my duty to support the arts as a contributor to the creative arts in and around Sydney. We want to be able to party without looking over shoulder
61.	The night life in Sydney has been killed. We need more late night venues. We need to stop people moving in to an area only to complain about the noise and getting venues shut down.
62.	Restaurants need to be allowed to be open later and eat outside on the street until at least midnight. Makes for safe streets for women walking home at night.
63.	It's a fab, eclectic area and needs the conditions that accompany a Special Entertainment Precinct so visitors can get the most out of it.

64.	Sydney generally needs more of it. Having a dedicated precinct will boost it
65.	Flexibility on where music and arts can be shown will lead to diverse and more emerging acts pushing through. Set it up and people will come.
66.	I visited ___ Enmore Road last night to see djs perform, it was amazing. We shopped at local stores, bought beer from the local breweries, ate the biggest pizza slice I've ever found, and found a quirky t-shirt. I had an amazing time. Why can't we have more of this?
67.	After the Covid years and lockout years I'm in full support of later nights, love music etc - bring back the fun. Anyone who lives near these streets and venues should be open to an active nightlife.
68.	Live music is my favourite thing about the enmore area. The concessions to allow gigs to happen easily is so important. I believe it will allow the area to flourish and enriches our local identity, nighttime economy and enables local businesses to prosper.
69.	It's a great safe community! Local artists have more exposure and given a chance to showcase themselves, which I 100% support!
70.	The city needs entertainment precincts, it is essential
71.	Close to city, great restaurants and music
72.	It needs to maintain the vibrancy and eclectic vision of all great precincts across the globe. It is a little East Village meets Kreuzberg. I love it!
73.	I'm glad to see more entertainment and food being offered at later hours, it makes it worth travelling into Sydney.
74.	Enmore and it's surrounding locations are a natural hub for dance, art, music, live venues and general creativity. exploring these avenues rather than restricting them ultimately benefits everyone in the community and those who are not yet aware of it
75.	I have always enjoyed the entertainment in Enmore Road. Wether that be the _____ or the sly fox, I believe this a great place to socialise.
76.	Enmore road is surrounded by residential streets and young families. Live music is OK when its not intrusive into peoples homes as it has been. Music is being played in laneways,

	behind shop fronts, in courtyards along residential properties. This is not Enmore road.
77.	I live on enmore rd and love music
78.	Love to come to Newtown for the interesting shops and great vibe. Fantastic at night and lovely people
79.	No parking, noise from people walking streets trying to find a car and/or moving between venues is not managed. No infrastructure to support the initiative. Tafe car park requires walking down residential streets
80.	We need more areas where live music, entertainment and dinning is made more accessible to all. Enmore is in my community and I would love to see that here
81.	Perfect for the area. Revive the area
82.	EXTEND IT
83.	People who move into the area knowing It's a live entertainment precinct have no right to shut it down for the many thousands who enjoy the area every week.
84.	I love being able to walk the strip and choose the best place to spend time. I can peruse the funky shops, have a drink, eat a meal, listen to a DJ, or catch a live performance. I can meet up surf friends and we can decide what to do, or change our plans because of the options.
85.	It was impossible to find parking. When I finally found a park, I was 1 kilometre from the restaurant and subsequently 30 minutes late for dinner. Ruined my night.
86.	Entertainment and late night culture is critical, a designated area is the only solution to nimby'ism
87.	The more venues with live music the more vibrant an area
88.	Live music keeps it interesting and fun
89.	Sydney needs these areas, and Enmore has all the ingredients
90.	It's a wonderful idea and I believe it will invigorate the area. 30 minutes extension doesn't sound sufficient though, it should be permitted at least until 1-2am.
91.	Went to a great DJ Gig on Enmore road thanks to the entertainment precinct trial. Loving it.
92.	I have recently attended live music events in enmore and they were amazing and fun. Brought the community together through musics
93.	Its a perfect place in Sydney for more live music and later opening hours. Great initiative IWC!
94.	It's just such a unique and interesting chunk of Sydney.

95.	There is such a great range of food, drink, shops on the road, small venues that are not too crowded or loud.
96.	All live music is very professionally handled, lovely area that feels very homely
97.	Lots of fun great environment. So good to be away from pubs
98.	I like to boogie oogie oogie
99.	Great area for live music and entertainment in Sydney
100.	Fun, safe, responsible
101.	So much fun. Literally all I look forward to!!!!
102.	This is awesome I love these people and this entertainment precinct
103.	Fun!!!!
104.	Let's allow this area to be what it wants to be, a free, fun area for the youth + all ages to enjoy. All major cities globally have a diverse crowd of party goers. Let's allow Sydney to be part of the convo. Don't Shut this downâ€¦we're having funâ€¦
105.	It's awesome
106.	Fuxkijg sick love it here
107.	Fucking great night, love this place, yay Enmore ___ !! Love it hete go prefix
108.	absolutely great night! Love this place, such good vibe
109.	___ enmore has bustling live music!
110.	I think it's a great idea to make Enmore Rd a special precinct. So glad to live nearby and enjoy the ambience!
111.	I previously lived on ____ St, Newtown and having local establishments on my doorstep was fabulous. I did get some noise bleed from the Enmore Theatre & considerable foot traffic past the house, but knew this was to be expected being close to the action.
112.	The community needs an area designated for this. It's sadly deficient in Sydney.
113.	It's great to be able to see live music in a bar, I really enjoy having great food options outside of pubs where there is plenty of entertainment (besides the Enmore Theatre) to be had. The precinct has great variety.
114.	I encourage the efforts to support live music. I have lived in my home for 8 years and in the area another 7. The new owners of _____ and _____ have absolutely no regard for the locals. Live music is not the issue, blasting their hi-fi until 2.30 in the morning is.

115.	It's time to actually open sydney up. It's been vanilla for way to long. Please have the courage to take steps to let culture florish instead of piggy backing on it. A 30 minute extension to current licence times is insulting & limp. Do it properly, it's time.
116.	More live music and events is a good thing for the area, more for us to see and do. I'm sure it will be good for business too, as our nightlife recovers from the lockout laws
117.	It's so great to have the freedom to go to an area as diverse as Newtown and listen to the talent that Australia has while indulging in a drink or food pending what I choose. I love the vibe of the place!
118.	
119.	Lived in the area&visited Enmore Rd for 7 years now & have seen it gradually come to life. It has been slowly filling up with wonderful restaurants&bars with a really welcoming, friendly& inclusive feel. _____ is a fantastic venue with a great array of artists. Pls stay!
120.	The number of restaurants, cafes, bars, etc on Enmore Rd make the area extremely appealing to visit. Not as hectic as Newtown nor as preppy as the CBD. It has it's own uniqueness, welcoming vibe and acceptance of all members of the community.
121.	Enmore is a vibey and creative suburb. I love the variety of bars and restaurants. It is even better now that more venues have live music.
122.	Live music and the hospitality of the area are intrinsic to the identity of Enmore and we have to nurture and support the incredible and unique culture they bring
123.	With the arts being devastated by COVID-19 we need more places for bands to play.
124.	It'd a great way to protect the character of enmore and encourage more live music!
125.	Sydney's nightlife needs all the help that it can, support from local council for vibrant areas is a welcome development.
126.	It's a hub for social events and venues, the history of the _____ and adds such vibrance and life to the area, including businesses.
127.	Great to have well managed, diversified entertainment and dining options.
128.	I grew up in Europe and Sydney nightlife is absolutely shockingly boring by comparison. I strongly support the creativity a hot spot like this can bring to the community

129.	The area is getting more lively and there is a lot of great stuff to go see and enjoy. I live within a few blocks of enmore road and I am never bothered by noise or anything. Keep it up, more late night venues please!
130.	It is the perfect place for this. Very accesible and with the right restaurants and bars
131.	There aren't many places left where you can go for a late night drink or for socialising any more. The precinct again offers that option and stimulates our economy. I love it
132.	I think it is great to have this area given special attention to create a more vibrant and culturally diverse entertainment area. The trial is a huge success
133.	Now, more than ever, we need to encourage and support hospitality businesses and ake it easier and more fun for people to get out and enjoy them. Having a dedicated precent for this in a safe and friendly area is so important!
134.	It adds character to the area and supports local businesses
135.	Sydney needs Enmore Road, with the _____, _____ which is amazing, lots of yummy restaurants, other pubs and bars. We need the lifestyle for ever.
136.	Love the idea of extended hours on a space so walkable. As someone who doesn't work a traditional 9-5 job (and hence lives a non-9-5 schedule) I really appreciate having good social options later at night.
137.	Enmore rd is getting full of love the last couple of week. It's nice to see people enjoying the area
138.	Evenings are great on Enmore Road now. Very lively with all the music venues and such.
139.	It's a place where everything you need is only a short walk away
140.	Great area with so much to offer. Food and craft beers !
141.	Its a great atmosphere
142.	We need some life back in Sydney!!!! This area has the culture, dont waste it!
143.	Sydney has lost a lot of live music venues in recent years. We need more outlets for musicians to perform, and having a group of venues together promotes creativity and add culture.
144.	Need more live music venues
145.	â€œVisitorâ€ experience should not be at the cost of resident amenity.

146.	I live in the Inner West and I struggle to find somewhere to take international friends when they come to Sydney because everything closes so early.
147.	Great to see hospitality supported. need to keep culture alive
148.	I support live music. I want to see Sydney's live music scene revitalised. However, granting venues with inadequate sound-proofing permission to host live music until such late hours- even now at 11.15pm on a Monday!- is a poor solution that doesn't balance locals needs for sleep.
149.	Live Music has died in Sydney over the last three years because of covid. Enmore road is probably the best place to start in terms of reviving live music due to a few venues still open in this neck of woods. Hoping it will expand to other areas including Parramatta Road
150.	PLEASE YES MAKE IT PERMANENT. I am a resident, people are noisy, THAT'S A CITY. Please breathe some life into the late evening in this place. I would appreciate having more eyes on the street, later: more people out later, more businesses open to make me feel safe getting home.
151.	We have had too much of our night-life curtailed, leaving so little culture and colour in our neighbourhood. It's about time council recognised enmore for what it is; a colourful, fun and entertaining area for everyone.
152.	revive to survive
153.	It is one of the key entertainment hubs of the city. Vital. Should be open much much later than this extension but it is a nice start. More emphasis / relaxation of licensing must be placed on music venues.
154.	Sydney desperately needs this. As a local resident, I wholeheartedly support this initiative
155.	Over the last 3 nights, I've seen and noticed undesirable behavior, which is disgusting and not welcome, especially with kids and families around. I've seen 2 fights on the street, one including a female being king hit near _____ and another brawl outside the _____
156.	Sydney is a dead international joke. It's like we live under an 8pm curfew. Ridiculous for a supposedly 21stC international city.
157.	Sydney night life needs to be brought back to life, it should be a 24/7 city.

158.	So many dead old empty shops could be converted into little bars and venues and make it more lively like some of the areas city of Sydney have created..it strengthens the community and creates a positive Street vibe
159.	I support live music and musicians making a living
160.	Lively strips such Enmore Rd emerge through the entrepreneurial roll of the businesses knowing their market. A precinct needs to listen to the needs of the business to maintain the focus & support their capacity to attract and maintain their audience
161.	It's a great area that will benefit from extended trading hours
162.	Enmore used to be busy and vibrant at night. Hopefully some of these changes the council is suggesting will help. I can't see why everything especially venues that serve food as well as alcohol have to shut before midnight.
163.	There should be more entertainment and later hours during the week, not just on the weekends.
164.	It is a lovely area, full of warmth and happiness. Adding live music adds to the ambience. Would love to see the old Hub reinvented too.
165.	sydney needs more formal support for music performance at all levels
166.	It's a good location, and Sydney desperately needs more areas like this.
167.	Enjoying & supportive of live music & free entertainment with more reason & inspiration to go out has improved mental health & social ability
168.	Where you see all the Local and national gigs. _____
169.	We need to get Newtown and Enmore back to some of what it was!
170.	So glad to see some life back in the Inner West!
171.	Because going out for a dance is groovy! No body wants to be told by some square cat that it's too late and you have to go home! Or sorry there's no restaurant open because its after 9. What a drag daddio!
172.	Great to have a place close to home to go see a gig & catch up with friends
173.	Its great there is music but there should be more late night dining options and shops should be allowed to trade later .

174.	Love the fact the _____ I still being used and the area desperately needs an entertainment area which would bring life to the inner west and business and employment opportunities for those in the entertainment field.
175.	Need more late night options for eating out/drinking/music
176.	It shouldn't need bureaucratic crap like "Special whatever precinct". (Where are we, the Bronx or something?) Just leave people and businesses alone. Let them open whenever they want, ike it used to before it got gentrified. Geek politicians that don't drink there have no idea.
177.	It's ridiculous not to. It's a vibrant part of Sydney and it's music culture should be supported LATE NIGHT.
178.	It's already a great destination for food and hospitality. Exploring how the arts can be boosted in this area is a great idea. Parking is terrible but has been for years, so no real harm in doing more here.
179.	Enmore Road is a vibrant and active street and encouraging this as an entertainment precinct makes a lot of sense and would be a benefit to the community
180.	I Support increased activity on Enmore Rd itself. The _____, if managed well with guests exiting and remaining on Enmore rd is fine. Recently gigs at the Enmore have had inadequate security to move guests and artists on from _____ - excessive noise, rubbish results
181.	This area has always been a hive of activity. The crowd is generally respectful. We need to bring back live music and provide a culture set for rhe young and young at heart.
182.	Culture is life. Art is life. No art- No culture- No life
183.	Sydney needs. Oxford Street is envious of lovely hub. areas like Enmore Road, it brings vibrancy to the area and for a good night out. Such a great mix of pubs, bars, restaurants and shops. Plus Enmore theatre is an icon for live music and comedy
184.	Culture. It's dead in Sydney. Enmore is a last chance and has a strong history in it. We can't let people opposing it, who've only recently moved

	there, who don't understand its cultural impact, ruin it cos they want to enjoy they don't like noise at 11PM.
185.	Sydney desperately needs an area where people can stay out late, in a safe environment, with various food and entertainment options in the one area
186.	So great to be able to go locally to watch and listen to artists, and there needs to be more opportunities for artists to have paid opportunities. There's lots of local talent too why not showcase it!
187.	It's time to recreate the environment which served us so well in the past
188.	There are so few places for legitimate cultural showcasing in sydney. I would love Enmore road to be this, even more than it already is. It's the appeal of the area.
189.	Amazing that there finally is a vibrant pocket of Enmore that's close by, within walking distance and has food and drinks without being too policed! Finally someone has heard our prayers!
190.	Sydney has become so dull&soulless. The cbd is dead. The inner west needs to give the cultural nightlife experience we once had everywhere. It's become so boring and depressing living in Sydney. Having a designated area like this will only promote more life around other areas.
191.	The area needs a boost in night life outdoor precincts and support venues in the area, that being said the roads and surrounding lanes a very much car oriented, streets and lanes should be upgraded to shared pedestrian and car zones with wider footpaths and more pedestrian access
192.	It's a shame this didn't happen earlier as the Slyfox was one of the most popular venues in Newtown/Enmore and many businesses along Enmore Rd were affected by it's closure as there's a lot less foot traffic these days.
193.	Sydney desperately needs more urban life - and more culture and vibrancy. Having spent time in European cities, Sydney is embarresingly short of exciting interesting arty and cultural things to do at night. We need more small, quirky places doing interesting things.
194.	We live in the Street next to _____ and cannot ever park our car at all when there is an event on. People park their cars there the noise of them all coming back at night and early morning is

	just awful we get woken up many times during the night this will make it worse.
195.	Live music & entertainment industry needs to be supported more by all levels of government.
196.	It would be great if the road could be made more pedestrian friendly to better facilitate the Precinct.
197.	I live just five doors down, from _____ & multiple venues. I knew what I was getting into when I moved here, and I love the vibrancy of the street. Keep live music in Enmore! Great work IWC
198.	Enmore Road is a great example of cultural diversity, nightlife, great food and drink venue and great retail shops which is a rare mix. The eclectic mix of uses is what makes Enmore Road special.
199.	There is too much traffic. My street _____ is too narrow for easy flow of two lanes of traffic. Not enough parking. Rubbish left in gutters and footpath. Too much noise from passersby at night. Too many intoxicated people around at night. Lack of diversity of businesses.
200.	Music and the arts are good for mental health community connecting business etc
201.	Precinct is mainly about expanding types of activities and changing of noise restrictions. The area is already subject to aircraft noise, noise into night is not tenable. Enmore lacks infrastructure to deal with crowd e.g. parking, toilets, bins
202.	What about the residents? We can't park anywhere near our houses when there is a gig at the _____ already- this will just make it worse.
203.	Nees to be more of this everywhere. Enmore, Newtown and surrounding suburgs are relaxed oeacefulnareas with not alot of trouble on the steeets compared to some other areas. So why not allow rhese suburbs and area to stay open longer, enjoy music, dine on footpaths.
204.	I completely support this! It is bringing a vibrancy back to Sydney that had been frighteningly slaughtered.
205.	I think it's excellent but should go further - traffic calming in the area, reduced speeds on side roads and potentially pedestrian only areas or changed traffic flow to support Enmore rd
206.	Enmore Road has a thriving live music scene. This should be supported by the government to help bring Sydney's nightlife back where it's supposed to be.

207.	titly support this to make our suburb more vibrant and to allow people who like to go out later to have places to ho
208.	Sydney needs a light night district to maintain a social and cultural relevance
209.	With the obliteration of the arts community in Australia i see this as a really positive step forward
210.	It would help revitalise Sydney's culture and make the city fun to live in again
211.	- increased traffic leading to gridlocks and noise - Pedestrian danger - inadequate parking - increased rubbish on the streets, noise disurbance, intoxicated people, increased violence, drug dealing. - council refusing to police noise - venues disregarding residents
212.	Love any improvements to the Sydney night life!
213.	I like to go out for a dance and I enjoy live music
214.	This is the bloody heartland of live music. Embrace embrace embrace
215.	The back streets of Enmore cannot cope with more traffic congestion as the paths and streets are too narrow. The councils lack of clean up usually after any big weekend is pretty poor as vomit and rubbish is left on the streets for a good few weeks after.

Appendix 2 – verbatim responses to stage two survey

Business responses	
Q. Please explain why your business did not provide live entertainment during the trial.	
1.	Not enough space
2.	Because we are an architectural firm
3.	We are not equipped to provide live entertainment in our venue. We are focused on what we do wellâ€¦food and beverage
4.	We are an animal welfare shelter.
Q. Please explain why your business did not take advantage of the additional trading allowance.	
1.	No additional customers
2.	Liquor police notified us that we would require security on the door if we traded past midnight, so we decided the extra expense was not worth the extra 30 minutes of trade, and continued to close at midnight.
3.	1.Find me more staff that will work the extra hours. We struggle to cover regular hours 2.extending hours and increasing our labour costs forces our business to sink into the abyss that is payroll tax. With the recent forced increases to the restaurant awards- we have been forced into now paying payroll tax- despite our cost of goods(due to inflation) increasing by over 20% on overage within the last 12 months .
4.	needs to be longer not 30 mins is not enough
5.	Because we are an architectural firm
Q. Please leave any additional comments about the Enmore Road Special Entertainment Precinct trial here.	
1.	It's a great idea that would boost businesses on Enmore Rd.
2.	This is a great move forward for the area and we plan to continue utilising the new provisions to provide live music and entertainment for our guests. We hope it is made permanent
3.	As a rule of thumb..I will always be agreeable and support any initiate to further develop our suburb as an attractive go to destination

4.	i support it but would like restaurants and venues be allowed to be open on the street later and have outdoor areas open later.
5.	It improves the buzz and vibe of the place
6.	We have noticed an increase in garbage being dumped in Thurnby Lane, particularly at the start of the week. It would be greatly appreciated if Council could endure illegally dumped garbage is promptly cleaned up.

Resident responses Q. Please leave any additional comments about the Enmore Road Special Entertainment Precinct here	
1.	I support the Enmore Road Special Entertainment Precinct and its positive impact to the local businesses and the night lift in Enmore; however, request the service laneways behind EnmoreRd are cleaned and maintained on a more regular basis as there has been a significant increase in the rubbish and subsequent pests and pungent smells on these lanes - where I live. Could cleaning and rubbish removal (pvt/Council) also occur between 7AM-10AM as existing services are loud and a disturbance.
2.	I support the entertainment precinct, however associated parking issues for local residents need to be addressed. Please see attached submission
3.	I do not think that there has been enough consideration for the residents with regards to: adequate parking, excessive noise from venues on Enmore Road and people arriving and leaving those venues, increased vehicle traffic and noise from traffic, excessive crowds on Enmore Road not being managed, which blocks pedestrian access and creates dangerous situations with traffic, anti-social behavior from people attending venues ie: littering, drug taking/dealing or alcohol related violence.
4.	It is great for businesses, but the locals living within 5 blocks in any direction of Enmore Rd get to deal with the noise and damage to property of those arriving and leaving, the rubbish and vomit left behind, and the lack of car parking for locals (I have a permit, but as your council does not send parking inspectors to check, the permit is useless). I love where I live, as the neighbourly environment is fantastic & friendly, but a little cleanliness & privacy would be appreciated.

5.	Please see attached submission which explains that my support for this designation is qualified.
6.	As an owner/occupier of a business and residence in the Newtown precinct for the past 34 years, it is about time that this has happened. Countless music venues forced to shut, or cut their hours making them unviable, or the increase of antisocial, socially, morally bankrupt poker machines creeping in to keep businesses afloat, all because of the gentrification and nimby-ism of newcomers. The area remains a community of artists and musicians in spite of this, so I thank you with all my heart.
7.	We support a vibrant and busy Enmore with restaurants etc, but as we see no reason as to why Enmore Road should be specifically targeted as a â€œSpecial Entertainment Districtâ€, Given Newtown's King Street is also busy and vibrant, why target Enmore Road? Allowing nightclubs and more late night venues along Enmore Road results in increased pedestrian street noise after midnight, when we're trying to sleep.
8.	Brings activation and life to the street
9.	Please see letter attached in relation to the _____, and the impact of the trial on residents of _____ which back onto the back entrance to the _____including but not limited to, inadequate crowd management and security, excessive noise from performances and patrons well beyond limits, poor behaviour of patrons at the conclusion of events including excessive noise, blocking of the laneway, relieving themselves on residents fences/front gates.
10.	Updated our location to adjacent to the precinct for accuracy. Additional cars in the area mean properties adjacent to the precinct need additional parking support. That is, adjacent properties that already have restricted parking access need to be given additional parking permits. We are constantly getting parked in due to visitors to the area. We need additional parking permits.
11.	After the venues close to the public they continue with their operations generally outside. Late at night we are regularly disturbed by various venues banging around with their garbage in the street and undertaking other activities. Staff and patrons

	regularly loiter in the back streets behind venues talking loudly, drinking, yelling and generally disturbing the peace late at night. The _____ is particularly bad.
12.	I loved how lively it was and the buzz of people around for entertainment .. not just dining
13.	The noise has increased Graffiti has exploded around the area. I am tired of cleaning it off my walls. Rubbish has increased. More hoodlums latee at night and drunk
14.	I am incredibly disappointed in Council's approach to this scheme. I have lived in my apartment for eight years and in the area for 15 and no longer recognise Enmore. The local community had been decimated in the interest of chasing a dollar. It is now a drunk's playground. Live music is not a problem. Businesses without accountability to the locals is. As a member of the Labor party, I am ashamed that the party is putting profit before people. Constant noise and antisocial behaviour the result.
15.	We all choose to live in Enmore because it is a walkable, lively area. We support the precinct. Council and Govt should also invest in the local built environment to manage more pedestrians eg more street trees, less sign clutter, more street cleaning
16.	It has become a nightmare for parking. People park despite restrictions. Cars cruise the streets making it impossible to get home. I no longer feel comfortable walking along Enmore Road on Friday and Saturday evenings. It's become unpleasant, loud, drunken and crowded. It is a blight on those who actually live here.
17.	'The Enmore Entertainment Area' is an absolute disgrace. Broken footpaths, nothing is cleaned properly, graffiti on every building. Please can we improve to make this an area where we can all be proud instead of being disgusted. I attended a meeting prior to the precinct being opened and all the suggestions I made at that meeting and Council Officers agreed, have not been attended.
18.	I love the liveliness of having lots of people around and I'm a huge supporter of live music.
19.	This is a truly great initiative!! Let's make it permanent.
20.	I moved to the area for the food and entertainment and it has a real buzz since the trial came in!

21.	Think it's fantastic. Enjoy the vibrancy it has brought to a previously dull Enmore Road, with vacant shop spaces.
22.	Make sure area is kept safe. Do not tolerate drunken behaviour or violence as this would ruin the suburb.
23.	Haven't noticed any increase in traffic, street noise at all. Occasionally hear more live music, but not so much that it's a problem
24.	*Elevated noise that is not within the regulated levels. *Filthy, messy back streets that the council sweeps up once a month *Aggressive driving and blockages around narrow back streets. People insisting on walking up the street and not on the footpaths to and from the theatre. *Loud patrons walking back to their cars from the theatre often after 11pm on weeknights. *Increased aggressive behaviour outside venues
25.	We have more drunk people who wake me up by their shouting/groaning/crying after midnight/very early morning that disturb my sleep hence affect my health. Who wants to witness woman urinating on the street you live on in the civilised society? It's ridiculous. Please respect residents who live in this area.
26.	Thank you, to all involved. Enmore, now has a positive atmosphere. I'm thoroughly enjoying every moment.
27.	We do not support this as we feel there has been an increase in people urinating and vomiting on Pemell Lane since the extended trading hours have come in to effect. There need to be a way to support the local arts and hospitality industry without turning Enmore/Newtown into a pre-lockout laws Kings Cross where excessive drinking that would ruin the character of the neighbourhood.
28.	The best thing about Enmore is its thriving music and entertainment scene. It's why I live in Enmore ! The entertainment precinct trial should definitely be made permanent !!!
29.	Congratulations to Council on this initiative, but it would be significantly enhanced if some greenery/flora could be installed along Enmore Road, especially between Stanmore Road and the border with Newtown. These could be in boxes or hanging. The positive psychological effect of plants is well documented. This

	area is poorly served by greenery in the main streets compared to other parts of the InnerWest.
30.	Great for local business. Great energy on enmore road. It's what's needed in Sydney. Very proud about it.
31.	No provisions have been made to account for the increased need for affordable parking for patrons of restaurants and music venues. Local residents, most of whom do not have off-street parking options, are already bearing the brunt of increased number of vehicles wishing to park in the residential streets adjacent to Enmore Road.
32.	This is the beating heart of the inner west. It should be supported to continue to be a vibrant centre of arts, music and entertainment
33.	I do support Enmore Rd entertainment precinct as an important contributor to the culture of Newtown/ Enmore. As a resident however I consider it essential to protect residents ability to get parking so that they aren't stranded until closing time. I recommend Pemell st be angle parking and the residential parking on Sloane street be extended to both sides as currently it is very limited. Rangers policing is essential please.
34.	Makes it nice and busy on Friday/Saturday nights. I felt safer walking home after gigs at the enmore. I've stopped in at a shop I'd never been to because they had music on. I think it improved business post covid lockdowns
35.	It isn't for the benefit of local residents, leading to additional noise later in evenings, as well as extra rubbish being evident from patrons who load up prior to heading into these venues. Groups of younger people are regularly socialising on the street, with zero action in moving them on. Then of course, there is the pressure on parking, which surprise surprise, hasn't improved. I will not be voting for anyone supportive of this programme. This means you Darcy and I am a Labor voter.
36.	Because it has caused an increase in noise, particularly from the second hand store that was located next to _____ on Enmore road. It has caused an increase of loud drunks outside my home who pee in my doorway, leave food packaging outside my home and on my windowsill, bang on my windows, and sit in their cars for hours blasting music. It has become increasingly miserable and exhausting living in this neighbourhood.
37.	Where do i start ..... as a rate payer for multiple properties within the LGA.

	The rubbish around the streets is appalling, there is tagging war going on at the moment with tagging rampant above awnings that nothing is being done about.....what about the rat problem??? Every business I have to do with doesn't want to hear from council or your mignons , nobody knows what this is & doesn't equate to $$ in business accounts.....what's really going on ? Is commonly asked.....
38.	I support the trial as long as Council increases the number of rubbish bins on Enmore Road and street sweeping on adjacent streets such as Station and Reiby Streets.
39.	I don't have enough information about the impact on us. Currently I clean up lots of rubbish every day in Crescent Lane. And I also daily deal with the impact of illegal parking in the Lane. My unit directly faces the lane and there is noise and privacy implications when the lane is used illegally. Also people who come into the lane to take drugs, to urinate and to paint/ tag on our wall, plus homeless people. We need regular patrols to help reduce illegal and antisocial behaviour.
40.	I didn't see any difference in business, patron, vehicle or foot traffic during the trial period. So I can't see the point. It's already an internationally recognised entertainment precinct anyway, however if you're genuinely serious about promoting the area, I suggest including King St Newtown & King St to Alice St as well. I acknowledge that consultations with City of Sydney would therefore be necessary.
41.	Signage needed to encourage visitors to be quite & respectful within the residential areas adjacent to the entertainment precinct, especially after 10pm and when returning to their cars. Address safety for cars entering by Simmons St between Enmore Road & Enmore Lane - there is insufficient room to turn into Simmons with cars parked adjacent to The Duke & cars/trucks parking illegally in the no stopping zone adjacent to Cincotta Chemist. Noticeable increase in litter in street to be addressed
42.	Parking for locals is an issue that is exacerbated by this. My side of _____ has no restrictions- people park and walk up to Enmore rd - I see it all the time - they are dressed to go to the pubs, bars, restaurants, music venues. Lynch ave, Juliette st, Scouller st are all affected like this. I come home 6-8pm and cannot park anywhere near my house. If you want to encourage visitors, make them use

	public transport. Make out streets restricted parking like those behind Enmore theatre.
43.	I had some initial concern that there may be some more noise on Simmons St later than before but that hasn't been my experience. I think the vitalisation of Enmore Rd is excellent.
44.	I know there have been complaints about the sound - but even with extended opening hours I have not found it any more disruptive than usual. This has always been a lively area and I believe the special permissions are in line with Enmore's character.
45.	Great initiative. Only negative impact is there is more commercial garbage piled in Thurby Lane in violation of DA conditions attracting even more vermin and other illegal dumping. There has been no compliance enforcement of this contravention to commercial food premises DA conditions. This is a negative for residents but also for visitors to the precinct who need to walk past or through the rotting and stinking garbage.
46.	It's been a really great thing for local business and the community!
47.	I fully support this endeavour. Ignore NIMBYs.
48.	Support live music and local arts in the area. Live music in small venues brings people into the area respectfully and attracts business without disruption to residents.
49.	It makes enmore a more vibrant area, and during the trial we haven't had problems with noise.
50.	More tagging graffiti on Enmore Rd and side streets. More litter . Council needs to improve removal of these
51.	I have seen no increase in noise pollution, parking issues or evidence of drug usage compared to normal, but a significant increase in street litter and in graffiti tagging, both on buildings along Enmore Rd and in our side streets. Council needs increased street litter removal and a graffiti removal taskforce for Enmore Rd and adjacent streets.
52.	I see absolutely no difference on our end of the street ,I live _____, you can speak to all the local businesses everyone says the same thing on our forgotten end. The space on the corner of Enmore rd and metropolitan street should have some entertainment there ,such a waste of space .Please do something to help out side of the street ,Ive been living here for years and never seen it so bad

Appendix 3 – formal resident submissions

These submissions have been redacted

Inner West Council
PO Box 14
Petersham NSW 2049

17 Feb 2023

To whom it may concern,

Submission for the evaluation of the Enmore Special Entertainment Precinct

I write as a long-term resident and homeowner in Enmore. My home address is [redacted] which is very close to Enmore Road and the new Enmore Special Entertainment Precinct.

I support the Entertainment precinct and am happy to have more live music in the local bars and hotels assuming noise levels will be properly monitored.

My main concern is with the limited resident parking available on Edgeware Road which only has resident parking on one side of the road, which only cuts in after 6pm. As it stands now, I experience extreme difficulty in finding parking anywhere on Edgeware Road or surrounding streets from Wed-Sun from approx. 6pm. This situation is exacerbated when there is a performance on at the Enmore Theatre which is walking distance from Edgeware Road.

The resident parking scheme within the Enmore area should be reviewed as a priority given the extension of the Enmore Special Entertainment Precinct. At a minimum both sides of all roads in close proximity to Enmore Road should have resident parking availability on both sides of the road as occurs in a number of other precincts in the Inner West Council LGA.

Additionally, the Inner West Council needs to ensure that funds are provided for adequate monitoring of parking in resident parking zones so that some parking is still available for residents.

Enmore Road has become one of the most popular precincts in the Inner West due to the proliferation and range of high-quality restaurants and small bars and this is acknowledged by the Council through its project to create the Enmore Entertainment Precinct.

It's important that Council takes responsibility for the loss of resident's amenity due to this growth and I look forward to Council's response to this situation.

Thank you for your consideration of these issues.

Yours sincerely,

[redacted]

10:53

SEP Reply

12 February 2023 at 10:45 am

I would be more enthusiastic about the SEP if I thought that resident's amenity was being well guarded by Council.
What I find is that council makes these gestures with little consideration or concession for the locals who have to put up with increased traffic (road and foot).
I chose to live here because of the vibrant and diverse community but increasingly I'm finding the very thing that makes Enmore Road special is adversely affecting my quality of life. Having to trawl the streets to get a park after work and being woken at various times by loud pedestrians is caused by the SEP.
Enmore is well served by Public Transport - more effort to promote that would be very, very welcome. I know human nature is not Council's domain but better traffic and people management is needed here - it's sadly lacking.
I fear, the SEP will be shiny and new for a time and will then fall into the 'old hat' or 'not our problem' basket. Council will move onto another area and 'corporate memory' lost.

Item 5

3:38

Notlar

I have been living in Enmore over the years and I used to describe Enmore as home. Unfortunately, over the recent months, Enmore Rd pubs are failing to consider their neighbours in terms of the extreme noise from hifi systems and people (especially [redacted]). I live across bars and pubs (many did not exist when I moved in) and I'm unable to relax in my own home due to constant noise. I cannot even hear conservations in my own apartment. I work in the mental health sector and when I come home I just want to decomress, however, it is impossible due to the inconsideration of the new licencees emboldened by the "good neighbour" policy that only serves businesses. I cannot even study effectively anymore in my own home. It's affecting my personal life and professional development significantly. I cannot afford to move elsewhere and I have already discussed this problem with the bar management multiple times. Inner West Council is failing to provide a peaceful and considerate lifestyle for local and long term residents who call Enmore home.

Attachment 1

Although I support the precinct (we need to resurrect Sydney's night time economy) I hold reservations about the impact on the amenity of the residential area in respect to parking and precinct patron ingress.

I expect that council will monitor the situation and provide information and encourage visitors to use the ample public transport at Newtown's doorstep.

I do not wish Newtown to fall victim to the problems of other entertainment areas such as KX with rowdy behaviour and rubbish left through the on King and Enmore and the surrounding streets.

[redacted]

10 February 2023

Dear Local member, Councillor, Officer, Inner West Mayor,

I am writing to provide feedback on the Special Entertainment Precinct ('SEP') being trialled for the Enmore Theatre in September through to 30 November 2022, which has subsequently been extended until July 2023.

Newtown has always been a vibrant, creative cultural hub. It is what attracted us to the area in the first place. Whilst I understand the intent of the Special Entertainment Precinct is to support the live music industry and hospitality venues, unfortunately the plan lacks important details to ensure a successful trial and subsequent implementation.

Fortunately or unfortunately, my family spent our life savings on a property situated in [redacted] in 2014 which is now impacted by the SEP. As a rate payer to Council whom in part I pay to look after my interests, it seems unfair that the Inner West Council can change the rules of the game over night, directly impacting our quality of life and enjoyment of our family home. Since we purchased our home, we have happily lived almost immediately behind [redacted] – This was until the start of the trial period of the SEP where it appears the Enmore Theatre has been given license to do whatever they please, in addition to being able to have extended trading hours by 30 minutes. We, and other residents in [redacted] also have small children who are directly impacted by the conduct of the Enmore Theatre, and its patrons.

I trust you'll consider and respond to our feedback below which is **solely in relation to the Enmore Theatre and its patrons**, during the trial period and ongoing. We agree with the SEP's objective of supporting other smaller local hospitality venues along Enmore Road through longer trading hours, outdoor dining expansion etc.

1. **The Enmore Theatre does not have adequate security and crowd management;**
    - Enmore Theatre patrons are now regularly stretching down Pemell Lane blocking cars from using the lane and creating a very unsafe environment for patrons. In the past, patrons were directed to line up along Enmore Road rather than spilling into residential streets.
    - Post music events crowds of 50-100 people often now congregate behind the Enmore Theatre to meet artists or otherwise continue their evening. These crowds often linger until midnight or later and have no regard for local resident amenity and make it impossible to sleep. Previously the Enmore Theatre provided security guards to manage crowds (moving people on, encouraging people to stay on Enmore Road back to public transport) however rightly or wrongly these guards have been absent since the SEP trial began. The SEP zoning should not abdicate a venues responsibility to manage their patrons before or post an event. Blocking of laneways by patrons or their

vehicles, poses risk to patrons and locals who are unable to use the laneways in an emergency or even just in the normal use of their property.
- Patrons have recently been seen relieving themselves on residential bins, fences and gardens (including our own fence, garden and front gate) at the end of events at the Enmore Theatre. Patrons also leave rubbish.

2. **Traffic management and parking has not been considered;**
   - Pemell Lane is now often blocked by artist and event staff cars parked illegally behind the Enmore Theatre. I needed to take my wife to hospital one evening and was unable to leave my property due to the laneway being blocked by cars and people. This poses a risk to local residents and also prevents our normal and expected safe access to our own homes.
   - Parking is already insufficient in the inner west – the SEP is likely to bring more people to the area. With increased volumes comes the need for parking – motorists will often park across driveways and park illegally. Whilst these motorists will likely receive a fine – fines do not seem to deter the behaviours which occur frequently.

3. **The plan does not adequately consider the impact the changes may have on the local amenity, particularly around noise:** Suggesting that community members should "close their windows" (quote from Darcy Byrne) is not an adequate approach given the number of gigs held at the Enmore Theatre per annum. This also seems incongruent if the new plan seeks to limit venues to 50 decibels (which is equivalent to a quiet conversation, quiet suburb or office), as noise levels should never get loud enough to require residents to 'close their doors and windows". Residents have spent millions of dollars to purchase properties in Newtown and pay commensurate rates to the Council. These properties have windows that provide vital airflow during summer months. Asking residents to close their windows to manage increased sound levels is not the right management strategy and shows a disregard to those who have been paying rates for decades.

   - Has Council considered asking venues to install sound proofing?
   - Has Council required as part of DA consents that venues engage appropriately skilled sound technicians for gigs so that the base isn't only heard but felt in reverberations in several houses (windows and doors shake) in close proximity of the venue?
   - Has Council considered paying for sound proofing for residents?
   - As part of this trial was any noise monitoring actually performed to understand the noise coming from the Enmore Theatre, made worse by the extension of hours by 30 minute?
   - Is it reasonable to just give the Enmore Theatre the extension without them having to go through the normal due diligence of amending their consent?
   - Can Council stipulate in the Enmore Theatres DA, that they must have
     - Adequate security to keep patrons on Enmore Road when an event finishes, rather than allowing patrons to spill onto residential streets? This is what used to happen – why can't this practice be insisted upon going forward.

2

- Take reasonable steps to limit noise coming from the venue to 50 decibels (and Council actually seek to enforce this).

4. **Drug use and drinking in public seems to have increased;** an increased number of syringes, alcohol bottles, nang cartridges and rubbish has been left in streets, laneways and front yards on the day of, and post events at the Enmore Theatre. The Enmore does not have its own bins outside the theatre. Does Council have an approach to manage this? What are the Enmore Theatre's responsibilities to clean up the local amenity after events? Or are rate payers picking up the street cleaning bills?

5. **Lack of evidence that measures were actually used to test the draft precinct plan -** On the Inner West council it outlines that testing measures were in place, as part of the trial from 1 September - 30 November, under the draft Precinct Management plan, including "new compliance procedures", "fixed sound criteria for commercial premises". Based on our experience of living in [redacted] over the past 6 months since the trial began, there has been little evidence of the Enmore Theatre being under any new compliance procedures or fixed sound criteria. In fact, it appears they have been allowed to do whatever they please.

6. **Extension of the trial beyond 30 November 2022 to 31 July 2023 –** Allowing the trial to be extended again, in practice allow the venues to continue operating as they are, circumventing appropriate process and consultation with sensitive receivers indefinitely. This feels like a deceptive way to push through changes. The SEP is also allowing businesses to host live music without having to seek a formal amendment of their consent, thus bypassing all appropriate due process.

7. **Lack of confidence that Council will effectively deal with complaints in real time or subsequently if the SEP becomes permanent.** Darcy Byrne has been quoted as saying: "This groundbreaking change will give real incentives for venues to host live music instead of pokies, through late trading allowances and reduced avenues for noise complaints against music venues," and ""This Special Entertainment Precincts program will reduce the number of government agencies someone can lodge complaints to just one – the local council." Furthermore, in a letter dated 30 January 2023, Darcy Byrne is already claiming "The success of the Enmore Road Entertainment Precinct".

   The Enmore Theatre has continued to be allowed to hold events without adequate crowd management, and with performers and patrons emitting excessive noise and at times poor behaviour, throughout the past 6 months.

We have attached some photos below as evidence of our concerns, none of which truly give justice to the effect on the local amenity. We also have several videos which are too large to attach where you can hear the sound is clearly above 50 decibels, and you can hear/ feel the reverberations from the base/ sound, and you can observe the poor behaviour of patrons and the entourage of performers having no regard to neighboring residents simply wanting to enjoy living and sleeping in their own homes. I look forward to your response.

3

We ask you to consider for a moment that if you lived in [redacted] would you be happy with any of the following common incidents each time there is an event at the Enmore Theatre? Excessive noise (even with windows and doors closed); closing your windows and doors throughout summer every time there is a gig (which is very frequent); people relieving themselves on your front fence and gate and leaving rubbish on your property; having your windows/ doors shake from the vibrations of the base booming from the theatre; not being able to easily leave your property in foot or by car due the laneway being blocked with people?

Regards,

[redacted]

4

Wed 28 September 2022 - Cars associated with performers and patrons lined Pemell lane for hours during/ at end of the gig, loudly playing music, beeping horns. One security guard spotted as inadequate to manage the number of people and vehicles.	

5

Fri 14 October 2022 - Patrons line the laneway for hours before and after the gig	

6

Thurs 15 Dec 2023 - Patrons line the streets making it even difficult for Council garbage trucks to empty bins.	

7

Item 5

Fri 3 Feb 2023	

8

Attachment 1

My objections to the designation of Enmore Road as an Entertainment Precinct

Dear Planners of the Enmore Road Special Entertainment Precinct,

I have lived it [redacted] for 25 years and when I bought into the area there was no way of forseeing that it would become part of an 'Entertainment Precinct'. Since the lockout laws in the Kings Cross area there has been a steady growth of restaurants, bars, and live entertainment on Enmore Road. The influx of visitors to the area has changed the atmosphere of our back streets. Here is a list of how the increased night life on Enmore Road has adversely affected our streets:

1. I no longer feel comfortable when I go out at night because there are more drunk and rowdy people around. I am a [redacted] year old woman living on my own.
2. I am often woken up late at night when people return to their cars. They speak loudly and seem to have no regard for people who might be sleeping.
3. There is often no parking for residents. I sold my car because it was such a problem when coming home at night to find a parking spot.
4. There is increased traffic on our narrow streets. I often stop to watch as drivers coming from different directions face off to see who will reverse first. When I had a car my mirror was knocked off twice because cars attempted to pass each other rather than reverse.
5. The amount of rubbish dropped in my street has increased. Sometimes people even drop drink bottles or take-away containers in my garden, but more often in the gutter. I pick a lot of rubbish up because I hate to think of it ending up in our waterways. But I can't pick it all up myself and there is always the health consideration of touching other people's rubbish. It is also particularly annoying if people put rubbish in our bins without regard for whether it is garden or recycling. So I worry that maybe the garbage collectors will not take my bin because of incorrect items being dumped in it overnight.
6. In the last few weeks the noise from the Enmore Theatre has been louder than ever. Last week I could hear it when I was inside the house at night. It made me very nervous and stressed.

When I moved into the area there was the Enmore Theatre and a few pubs but that was nothing compared to the entertainment here now with so many bars and restaurants added to the mix. It seems unfair that residents have had this Entertainment Precinct imposed on them. The Mayor Darcy Byrne may well thank me for my support in his recent local area leaflet drop but let it be known that I do not in fact support the Enmore Road area becoming an 'Entertainment Precinct'.

Not happy,
[redacted]

Submission to Inner West Council re: Enmore Road Entertainment Precinct – February 2023

Re: Local Parking Permits

Dear Council,

As a resident / property owner / ratepayer at [redacted] since 1997.

I've seen Enmore Road grow into the bustling hive of activity it is today.

However, with the growth of the Enmore Road entertainment precinct over several years , with this growth I've witnessed a massive upsurge in visiting motor vehicles to visit entertainment premises on the Enmore Road strip this combined with an upsurge in local resident vehicle ownership.

Our property has 1 motor vehicle shared by myself and my wife. Outside our home there are 2 x 2 hour clearways Monday to Friday, essentially making on-street parking during the week very limited, I accept this as I bought the property knowing this before purchasing.

However, what has the Inner West council done to ensure ratepayers / property owners close to the Enmore Road Entertainment precinct done to ensure that I have priority for a car space close to / outside my home out of hours and on the weekends.

Nothing it appears. You try getting a car park at 6pm on a Saturday night near my property.

What is the council going to do to address this issue, I'm not against extending the Enmore Road entertainment precinct, even making it permanent.

However, in fairness to the local residents this Parking issue needs to be addressed.

Yours sincerely

[redacted]

[redacted]

[redacted]

ENMORE NSW 2042

24th February 2023

Appendix 4 – submissions received during trial

These submissions have been redacted

[redacted]

Attention Innerwest Council

We received the attached unsolicited and anonymous letter box drop in our letter box the evening of the 9th of November 2022.
We would like to confirm that we are in no way in agreement with this document and in fact we applauded the Innerwest council for taking the initiative to create the Enmore Entertainment Precinct.

My wife and I are older residence who have lived in [redacted] for nearly twenty years and we have not experienced any increases in noise, parking or any other issue related to the Entertainment Precinct.
This letter drop does not represent any discussion we have had with our community in our area, and I can only assume that this campaign is politically motivated or by a recent arrival who want to change the area to represent their own personal outcomes.

Enmore Road is the reason we live in the area, and I am sure that is the case for the vast majority of current residence.

If I can be of any further assistance in this matter, please contact me, my details are below.

regards,
[redacted]

[redacted]

From [redacted]
Sent: Thursday, 15 September 2022 1:16 PM
To: Billy Cotsis <billy.cotsis@innerwest.nsw.gov.au>
Subject: Re: Enmore Road SEP, photographer to venues and media coverage

> You don't often get email from [redacted]. Learn why this is important

Hi Billy,

I hope you are well,

My name is [redacted] and I own and operate [redacted] in Enmore. I wanted to reach out and say that I fully support the Entertainment Precinct Project. If you or your team have noticed that we have not applied to participate in the project and make use of the extension in trade. The key reason is our venue size/design, e have a rather narrow foot print and would loose too much seating to fit in live entertainment. If there is opportunity to be involved or offer feedback without offering live entertainment I would be happy to participate or offer feedback on the project.

And if it helps with your planning and pilot summary it's worth noting that as of last Wednesday night, We [redacted] A great result and worth noting that we are open 7 nights per week within the precinct. Again thanks for creating the pilot and let me know if I can help.

Kind regards,

[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, 28 September 2022 10:52 PM
To: Billy Cotsis <billy.cotsis@innerwest.nsw.gov.au>
Subject: Website enquiry - Enmore SEP

[You don't often get email from [redacted] Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Hi Billy,

Happy to see activity on Enmore Rd increase under the new proposed entertainment precinct. We also want to see Enmore Theatre and live music thrive however it's unpleasant for the surrounding neighbourhood when gigs loudly spill out into surrounding streets/lanes and go well past 11pm, blocking laneways with cars and people to the point residents can't leave their houses, and the streets and our front yard are littered with rubbish and bottles - this is a problem and surely not what Inner West Council had in mind with creating a special precinct.

On 28/9/22 Central Cee played. The security was inadequate, especially for the clientele that were attracted to this artist. There was many cars double parked and blocking the laneway, playing music loudly and not being moved on whilst they waited for the artist to leave the venue. Guests were sitting on our driveway, leaning over our fence, yelling profanities, there was altercations between attendees.

Since this trial period has come in for Enmore Theatre, this has been the case for many other gigs as well.

We have owned and lived in [redacted] for 7 years and never had an issue with the Enmore Theatre until now. We are aware of several families with young children that live in [redacted]. We love live music and support it. But we don't support poor event management by the Enmore Threate and it's promoters, and poor behaviour of attendees post events that go unhandled.

The survey requesting feedback on the new precinct did not allow me to adequately describe my concerns. Please direct this feedback as required.

Regards
[redacted]

Sent from my iPhone

From: [redacted]
Sent: Wednesday, September 7, 2022 8:23 AM
To: Clr Pauline Lockie <pauline.lockie@innerwest.nsw.gov.au>
Subject: Someone is going to get killed

> You don't often get email from [redacted]. Learn why this is important

Dear Pauline,

I am writing to you with great concern about the enmore entertainment precinct and the Enmore Theatre.

On Tuesday 6th September the theatre has lined up patrons down Simmons st stretching from Enmore Road to Pemell st and around. Simmons St is a residential st.

Residents are entitled to peace and quiet and shouldn't have to put up with noise coming from a licensed venue or patrons leaving from or arriving to that venue.
Residents or anyone for that matter cannot safely walk down Simmons st. Enmore Road is near impossible to walk on when the theatre is on.
We have cars zooming around fighting for parking and beeping horns trying to negotiate the narrow dimly lit streets.
The roads and footpaths cannot cope, it is a genuine safety issue and only a matter of time until someone gets killed or seriously hurt.
At the very least the theatre and any other venues should be restricted to lining patrons up on Enmore Road and allow them to enter the theatre/venue whilst they wait for the show/event to begin.

I would like to see all streets display 1hr parking residents exempt. Clears signs saying 'local traffic only'

The theatre acts as a law unto itself with no regard for residents.

The theatre actively puts bollards on the streets, both Enmore Road and Pemell lane blocking legitimate parking and security hounds anyone who tries to park there.
They are treating the lane as a performer entrance.
It also leaves its Bins in the lane 24/7 blocking parking too. Is that acceptable?

At night we have drunk patrons leaving the venues making a racket leaving glass bottles and rubbish on the footpaths and roads. Who is going to clean the rubbish up left behind?

The proposed Enmore Entertainment Precinct is only going to make things worse.

What is the council going to do about the theatre and venues disturbing the peace of residents?
What is the council going to do about the theatre blocking parking and leaving their bins in parking spaces?
What is the council going to do about pedestrian safety?

Regards
[redacted]

[redacted].

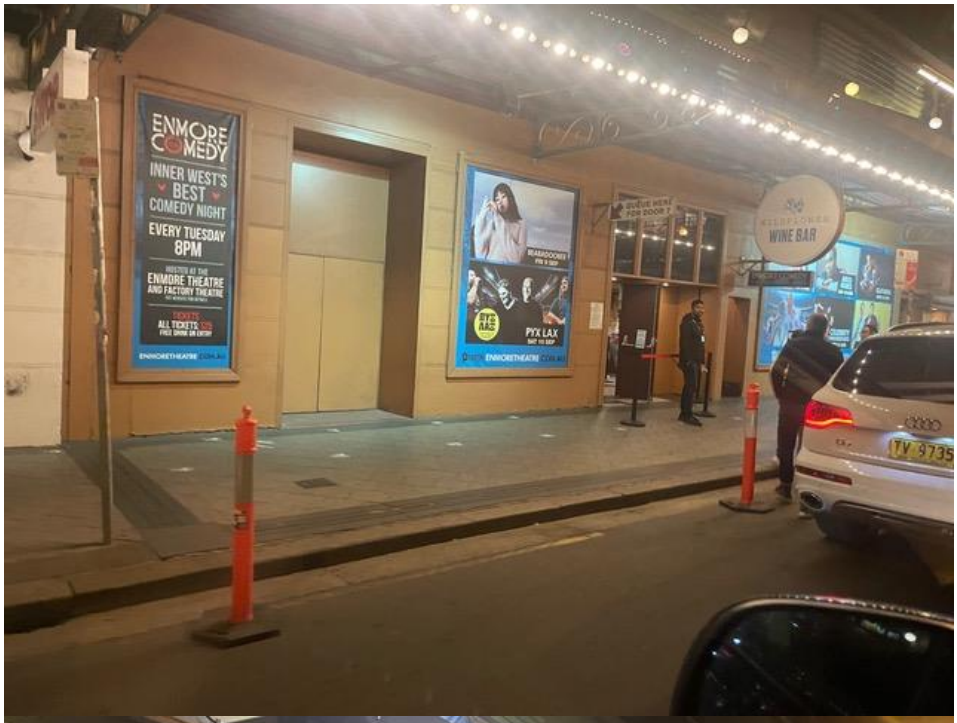
The photos below are the patrons lining up from the top of Simmons St all the way down to Pemell St and some photos of the bollards and bins.

REMONDIS

CA77WL

Regards

Item 5



Attachment 1

From: [redacted]
Sent: Wednesday, September 7, 2022 8:23 AM
To: Clr Pauline Lockie <pauline.lockie@innerwest.nsw.gov.au>
Subject: Someone is going to get killed

> You don't often get email from [redacted]. Learn why this is important

Dear Pauline,

I am writing to you with great concern about the enmore entertainment precinct and the Enmore Theatre.

On Tuesday 6th September the theatre has lined up patrons down Simmons st stretching from Enmore Road to Pemell st and around. Simmons St is a residential st.

Residents are entitled to peace and quiet and shouldn't have to put up with noise coming from a licensed venue or patrons leaving from or arriving to that venue.
Residents or anyone for that matter cannot safely walk down Simmons st. Enmore Road is near impossible to walk on when the theatre is on.
We have cars zooming around fighting for parking and beeping horns trying to negotiate the narrow dimly lit streets.
The roads and footpaths cannot cope, it is a genuine safety issue and only a matter of time until someone gets killed or seriously hurt.
At the very least the theatre and any other venues should be restricted to lining patrons up on Enmore Road and allow them to enter the theatre/venue whilst they wait for the show/event to begin.

I would like to see all streets display 1hr parking residents exempt. Clears signs saying 'local traffic only'

The theatre acts as a law unto itself with no regard for residents.

The theatre actively puts bollards on the streets, both Enmore Road and Pemell lane blocking legitimate parking and security hounds anyone who tries to park there.
They are treating the lane as a performer entrance.
It also leaves its Bins in the lane 24/7 blocking parking too. Is that acceptable?

At night we have drunk patrons leaving the venues making a racket leaving glass bottles and rubbish on the footpaths and roads. Who is going to clean the rubbish up left behind?

The proposed Enmore Entertainment Precinct is only going to make things worse.

What is the council going to do about the theatre and venues disturbing the peace of residents?
What is the council going to do about the theatre blocking parking and leaving their bins in parking spaces?
What is the council going to do about pedestrian safety?

Regards
[redacted]

[redacted]

Item 5

From: [redacted]
Sent: Friday, 11 November 2022 4:56 PM
To: Billy Cotsis <billy.cotsis@innerwest.nsw.gov.au>
Subject: Website enquiry - Enmore SEP

> You don't often get email from [redacted]. Learn why this is important

Hi Billy, my name is [redacted] and I live in [redacted] Enmore.

I wanted to understand the research, planning and objectives of the Enmore Entertainment Precinct so I read (or tried to) the draft Precinct Management Plan.

Firstly, there are large parts of it that are completely unintelligible. Particularly the analysis of sound. I'm not a sound engineer, nobody I know in my neighbourhood is a sound engineer. I'm not sure who the audience of this document is, but it's linked to the page so I assume it's for residents to read? There doesn't seem to be much else.

The thing that really concerns me though, is that it largely ignores anything to do with residents. It has information on businesses and the arts. But is silent on residents: demographics, the types of dwellings we live in, foot traffic, parking, policing. The only thing it seems to note is that there are reasonable amenities. (I had to google that and I still don't understand what it means in the context of this document).

The draft plan reads to me as here's shiny idea in a complete vacuum. It doesn't acknowledge that people live here - a lot of people live here. And we have a community which will be impacted.

I'm a governance expert by profession. This appears to be a poor piece of analysis from a resident's perspective. As a resident, I don't feel confident at all about this plan, it feels very much like a tick-a-box exercise.

I also had a quick look at the feedback survey, it's not even for residents.

This is a poor way to engage residents. I'm already getting alarming letters in my mailbox from neighbours. People are genuinely concerned that this will impact the quality of their lives.

I don't know if I'm for or against the Precinct. But what I do know is that this process feels very dodgy to me and the council needs to do better if it genuinely want to engage with residents.

Thanks

[redacted]

Attachment 1

-----Original Message-----
From: [redacted]
Sent: Friday, 2 September 2022 7:36 AM
To: Billy Cotsis <billy.cotsis@innerwest.nsw.gov.au>
Subject: Website enquiry - Enmore SEP

[You don't often get email from [redacted]. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Dear Billy,

I have just had a look at the enmore special entertainment precinct survey and I am disappointed that the survey seems to not have an option for 'residents' to express there concern.

In fact the survey seems to be pro precinct.

The biggest impact is upon the local residents whom are already suffering, yet the council seems to have no regard for them.

Regards

[redacted]

From: [redacted]
Sent: Monday, November 21, 2022 2:59 pm
To: Clr Pauline Lockie <pauline.lockie@innerwest.nsw.gov.au>; Clr Liz Atkins <liz.atkins@innerwest.nsw.gov.au>; Clr Chloe Smith <chloe.smith@innerwest.nsw.gov.au>; Mayor, Darcy Byrne <darcy.byrne@innerwest.nsw.gov.au>
Subject: Enmore Road live music precinct

> You don't often get email from [redacted] Learn why this is important

Dear Councilors,

As a constituent of Damun ward (closest house to Enmore Road) I would like to give some feedback about the Enmore Entertainment Precinct.

While I am not overall opposed to giving musicians a place to express their art, there needs to be checks and balances in place to ensure noise levels outside the venues do not impede on the quite enjoyment of people who live in the area.

Basically, if I can clearly hear the music over the explosive scenes of Die Hard and feel the music though my walls and floorboards, it's too loud.

One case in point is the dance party vibe coming out of [redacted] Enmore Road an many a Friday, or Saturday night. This is an unlicensed venue that basically operates as a night club on occasions with amplified music in an open courtyard. The highest level of sound we recorded (from our bedroom window) at one stage was 137dB which more than double the accepted levels outside venues approved for live music in greater Sydney. This along with the sale of drugs in the adjoining alleyway, smashed bottles and thee lack of bathroom facilities with people also using the adjoining alleyway etc.
As this is an unlicensed venue Police have no jurisdiction over noise complaints until after 12 on a Friday or Saturday night. The troubling this is this is being encouraged by IWC.

I am sure we will all come to a solution, maybe free triple glazing and soundproofing for all properties within a certain radius? Or possibly a buyout of affected properties by IWC before their values were depreciated by being in an entertainment district, or maybe one of you would kindly house swap for the night these events are on.

Or a cheaper and more permanent solution is to make venues keep within acceptable legislated noise levels, ensure they have adequate bathroom facilities in compliance to IWC's own rules (that are not being enforced) and make **all** venues with live music use Security at acceptable ratios to ensure unsociable behavior outside the venues is enforced.

Kind regards,

[redacted]
[redacted] Enmore
[redacted]

From: [redacted]
Sent: Sunday, 13 November 2022 3:13 PM
To: Clr Pauline Lockie <pauline.lockie@innerwest.nsw.gov.au>
Cc: Mayor, Darcy Byrne <darcy.byrne@innerwest.nsw.gov.au>; Clr Liz Atkins <liz.atkins@innerwest.nsw.gov.au>; Clr Chloe Smith <chloe.smith@innerwest.nsw.gov.au>; Simone Plummer <simone.plummer@innerwest.nsw.gov.au>; [redacted]
Subject: Enmore Entertainment Precinct

> You don't often get email from [redacted]. Learn why this is important

Dear Pauline,

Since the start of the trial of the new Enmore Entertainment Precinct (EEP) there have been some very undesirable consequences for local residents in Enmore, and particularly in our street, London Street.

The last two months have seen our lives disrupted in the following ways:

1. There has been an increase in the volume of loud, intoxicated pedestrian traffic late at night when we are trying to sleep;
2. There was an incident where an intoxicated person threw a neighbour's door mat from the footpath onto our upstairs balcony while we were trying to sleep;
3. There has been an increase in items of rubbish such as empty beer bottles and cans in our garden and on the verge garden;
4. There has been damage to plants on our verge garden;
5. The ability to find a park for ourselves and our visitors has been made even more difficult than it usually is since the EEP trial.

In short, these negative consequences flowing from the EEP trial have all adversely impacted life in our neighbourhood.

There may be some small economic benefit to a few of the local businesses, but there is no benefit for local residents in permanently introducing these tradings in our view.

Of course we would like to see our local businesses thrive, however, we do not think that this trial should be extended into a permanent arrangement in terms of the trading hours because it is detrimental to the quality of lives in our community.

Regards,

[redacted]

[redacted]
Enmore

Special Entertainment Precinct - Enmore Road

Request Summary

Reference Id:	[redacted]
Tracking Number:	[redacted]
Received:	12-Sep-2022 10:23:40
Priority:	Medium
Status:	Inactive
Recategorised From:	[redacted]
Stage:	Completed
Address:	[redacted] ENMORE NSW 2042
Additional Location Details:	All surrounding streets in Enmore
Detail:	I enjoy living in Enmore. It is lively, colourful & friendly & have now been here 7 years. After reading the article in the paper a couple of weeks ago suggesting that Enmore was becoming a burgeoning food & entertainment district, I would like to make a few suggestions. Due to all the foot traffic in the surrounding streets at night, noise levels can be high, would appreciate signs at the top of the streets reminding visitors to reduce the noise in consideration of local residents.

Categorisation

Request Type	Planning and Regulatory Services
Request Category	Special Entertainment Precinct
Request Sub Category	Special Entertainment Precinct - Enmore Road

Stage Updates

Date Completed	Stage
15-Sep-2022	Completed
12-Sep-2022	New Request

Resolution

Date Resolved	Resolution	Resolution Details	Possible Cause
15-Sep-2022 13:38:30	Resolved by Council	Emailed [redacted] thanking her for her suggestion, and that her request has been flagged as a submission to e considered at the conclusion of the trial period.	

Caller Details

Caller ID:	[redacted]
First Name:	[redacted]
Surname:	[redacted]
Email Address:	[redacted]
Phone Number:	[redacted]
Address:	[redacted] Enm NSW 2042
Notification By:	
Notify On:	

Special Entertainment Precinct - Enmore Road

Request Summary

Reference Id:	[redacted]
Tracking Number:	[redacted]
Received:	10-Nov-2022 10:54:08
Priority:	Medium
Status:	Active
Stage:	New Request
Address:	[redacted] ENMORE NSW 2042
Detail:	Hello. Despite how this reads, I am in favour of the special entertainment precinct on Enmore road. What I am not in favour of is how the council approaches it. For high streets and communities to grow culture and evolve, initivs such as this are important. But with improper planning and consideration, all they will do is divide. Let's compare this to my recent experience to make changes to my home. 2 assessment processes, 1 planning panel, countless consultants (heritage, acoustics..,) and 7 month later I was able to proceed with the changes. Now, for the special entertainment precinct, all that I am aware of that relates to planning was a virtual community consultation session - which only highlighted and raised the gaping holes in the implementation of the initiative. No baseline information on foot traffic, venue turnover, venue patronage, vehicle access, traffic flows - nothing. All of our questions were ignored under the guise that this is a pilot and we will learn from the process. This is flawed - with no baseline information, you cannot learn from what you do not know - this is hypocritical when compared to a simple DA request. Again, I am in favour of the initiative, but you must give back to the local community - Traffic calming measures, road access closures, speed limits of 40 that mirror Enmore Rd, enhanced footpaths, more bins, rubbish collection following weekends - anything that shows you are serious about this. Is Enmore Rd an arterial road or a community high street? If Crown street can pull off both I'm sure we can. Thanks [redacted]

Categorisation

Request Type	Planning and Regulatory Services
Request Category	Special Entertainment Precinct
Request Sub Category	Special Entertainment Precinct - Enmore Road

Stage Updates

Date Completed	Stage
10-Nov-2022	New Request

Caller Details

Caller ID:	[redacted]
First Name:	[redacted]
Surname:	[redacted]
Email Address:	[redacted]
Phone Number:	[redacted]
Address:	[redacted] ENMORE NSW 2042
Notification By:	Email
Notify On:	Lodgement, Completion

Item 5

Special Entertainment Precinct - Enmore Road

Request Summary

Reference Id:	[redacted]
Tracking Number:	[redacted]
Received:	23-Oct-2022 15:12:27
Priority:	Medium
Status:	Active
Stage:	New Request
Address:	[redacted] ENMORE NSW 2042
Additional Location Details:	My residential address
Detail:	As a resident located within the Special Entertainment Precinct Noise Areas, I'm fully supportive of this proposed initiative. I haven't noticed any difference in sound transmission at night. It has had no impact on my residential amenity. I'd love to see this become a permanent addition to Enmore, and even expanded further in the future.

Categorisation

Request Type	Planning and Regulatory Services
Request Category	Special Entertainment Precinct
Request Sub Category	Special Entertainment Precinct - Enmore Road

Stage Updates

Date Completed	Stage
23-Oct-2022	New Request

Caller Details

Caller ID:	[redacted]
First Name:	[redacted]
Surname:	[redacted]
Email Address:	[redacted]
Phone Number:	[redacted]
Address:	[redacted] Enmore NSW 2042
Notification By:	Email
Notify On:	Lodgement, Completion

Attachment 1

22/11/2022, 15:24 Summary

Special Entertainment Precinct - Enmore Road

Request Summary

Reference Id:	[redacted]
Tracking Number:	[redacted]
Received:	22-Oct-2022 12:10:09
Priority:	Medium
Status:	Active
Stage:	New Request
Address:	121 Enmore Road ENMORE NSW 2042
Additional Location Details:	[redacted]
Detail:	As a local resident, living just off Enmore Road, I think the special entertainment precinct is a brilliant idea! To really make this idea work, though, I think it needs more work: 1. More parking. The local streets are currently a game of "musical chairs" for people trying to park their car to visit local restaurants, bars and the theatre. Could council perhaps build a multi-storey car park somewhere nearby? For example, the Edgeware Road car park is ideally located to become a multi-storey car park. 2. In the evenings, the foot paths along Enmore road are choc-a-bloc full of pedestrians. Perhaps Enmore road could be changed to a two-lane (i.e. single lane each way) road, and remove street-side parking to instead widen the foot paths. This would also give the local restaurants and bars more space for outdoor seating and could create a really nice street atmosphere at night.

Categorisation

Request Type	Planning and Regulatory Services
Request Category	Special Entertainment Precinct
Request Sub Category	Special Entertainment Precinct - Enmore Road

Stage Updates

Date Completed	Stage
22-Oct-2022	New Request

Caller Details

Caller ID:	[redacted]
First Name:	[redacted]
Surname:	[redacted]
Email Address:	[redacted]
Phone Number:	[redacted]
Address:	[redacted] ENMORE NSW 2042
Notification By:	Email
Notify On:	Lodgement, Completion

https://innerwest.t1cloud.com/T1Default/CiAnywhere/Web/INNERWEST/RequestManagement/RequestEnquiry/GetNaturalView?f=%24P1.REQ.R… 1/1

Item 5

Inner West Council

Planning Proposal

Enmore Road Special Entertainment Precinct

IWC/PPAC/2023/0001

Attachment 2

Planning Proposal

Enmore Road Special Entertainment Precinct

IWC/PPAC/2023/0001

Date: 14 March 2023

Version: 1

PO Box 14, Petersham NSW 2049
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

ABN 19 488 017 987

Table of contents

Introduction 1
Background 2
Part 1 Objectives and intended outcomes 3
Part 2 Explanation of provisions 4
Part 3 Justification 7
Section A – Need for the planning proposal 7
Section B – Relationship to strategic framework 11
Section C – Environmental, social and economic impact 19
Section D – State and Commonwealth interests 21
Part 4 Mapping 22
Part 5 Community Consultation 24
Part 6 Project timeline 24

Introduction

The Inner West night-time economy makes a significant contribution to the local economy, employment, cultural identity, and recreation of Inner West. This includes a vibrant live music scene, a diverse creative and cultural economy, and a strong hospitality sector that benefits residents, workers and visitors to the area including domestic and international tourists.

Enmore Road is a premier night life destination in Sydney; where Inner West's culture, creativity and hospitality is on offer. This flourishing strip has evolved over decades of transformation in a creative and entrepreneurial ecosystem; however, its existence and continued growth are threatened by gentrification.

As is happening elsewhere in Sydney and cities around the world, inner city suburbs are gentrifying and new residents moving in. The live music and entertainment offerings that attracted people to the area often start to be considered a nuisance when residents circumstances change resulting in noise complaints against venues. Under current laws complaints relating to sound coming from these venues must by addressed by the venues themselves, whether or not the venue existed before the adjacent residential use, or cease trading.

Complicating matters further, noise complaints against venues are currently dealt with by three bodies depending on where they are directed; Council, Liquor and Gaming or the Police. There are also no requirements for new developments to recognise existing venues. For example, if a flat building is built next to an existing live music venue, they do not require sound proofing to ensure that the venue can continue to operate without disturbing the new residents, with the onus falling on the venue.

This planning proposal seeks to allow the Enmore Road Special Entertainment Precinct to continue on an ongoing basis. This initiative is aimed at making it clear to residents, businesses, Council staff, developers, and other stakeholders what the expectations are for entertainment sound levels in the area and create a consistent quantitative based approach to sound regulation and compliance.

This Planning Proposal has been made in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

Background

Section 202 of the *Local Government Act 1993* was gazetted on 30 April 2021 enabling Council's to establish Special Entertainment Precincts in NSW.

Inner West Council responded to this new legislation on 24 May 2021 by resolving to:

- Designate Enmore including the Enmore Theatre as the first Special Entertainment Precinct in NSW.
- Consult with live music and performance venues in the Inner West LGA about other appropriate locations and venues to designate as Special Entertainment Precincts.

While awaiting guidelines to be drafted and released by the Office of Local Government and/or the Department of Planning and Environment (DPE), Inner West Council was contacted by DPE officers with an offer to be part of a pilot program.

The Pilot

Council worked with DPE to develop a pilot special entertainment precinct (SEP) on Enmore Road to test the new approach to entertainment sound compliance permitted by the changes to the *Local Government Act 1993* in a real-life scenario. The pilot was developed to provide an opportunity for Inner West to effectively consult with the community regarding the establishment of a permanent precinct. That is, it would allow Council to trial a Noise Management Plan for licenced venues that have amplified music, and for Council, venues, and the community to experience the practical aspects of changes to noise management in the precinct.

An Explanation of Intended Effect (EIE) explaining the changes to planning controls required to trial the Inner West's special entertainment precinct in Enmore Road was exhibited by DPE from 10 June until 8 July 2022. The EIE received 95 submissions, with 88 in support (93%), 4 opposing (4%) and 3 providing suggestions for improvement (3%).

A State Environmental Planning Policy amended *Inner West Local Environmental Plan 2022* by inserting Clause 6.32 which established the temporary Inner West Special Entertainment Precinct and mapped the precinct boundaries. The pilot was initially proposed to operate for three months between 1 September 2022 and 30 November 2022.

During the pilot's operation Council ran a survey for visitors to the area asking if they supported Enmore Road continuing as a SEP. Most responders were in support of the SEP continuing (283 (91%) of the 310).

In response to this overwhelming support, Inner West Council requested an extension of its trial SEP on a section of Enmore Road until 31 July 2023. The purpose of this is to keep the SEP in

operation whilst Council works towards deciding on its future. The extension gives Council time to consult its community and venues about their experience of the precinct and to prepare a planning proposal if they decide to make the precinct permanent.

Post-trial consultation update

Local residents and businesses on and around Enmore Road were invited to complete a survey on their experience during the trial precinct. Over 4000 letters were sent to residents and businesses. The survey was open for 21 days between 3 February and 24 February 2023.

64 residents completed the survey and 63% of residents were supportive of the precinct being made permanent. Support was higher for residents that lived a block away from Enmore Road where support was 71%, as opposed to those living immediately adjacent Enmore Road, where support was 25%. Availability of street parking was the number one issue raised by residents, followed by increased noise, anti-social behaviour, and litter.

Eight local businesses completed the survey. All eight were in support of the precinct being made permanent.

A copy of the engagement outcomes report has been provided with this planning proposal.

Part 1 Objectives and intended outcomes

The objectives of this proposal are to:

- Support Enmore Road as a diverse mixed-use neighbourhood with a flourishing arts and cultural production economy, including live music.
- Strike a balance between reasonable amenity for residents in the neighbourhood surrounding Enmore Road and reasonable sound levels coming from the precinct
- Clearly define the roles of stakeholders including businesses, residents, industry, Council and Police to balance amenity and reasonable sound levels coming from the precinct.
- Implement a consistent and adaptable regulatory response to noise complaints in the precinct.

To achieve the objectives, it is proposed to amend Clause 6.32 of Inner West LEP 2022 by removing the end date.

Note: Clause 6.32 currently states:

6.32 Special entertainment precinct

(1) This clause applies to land identified as "Inner West Special Entertainment Precinct" on the Special Entertainment Precinct Map.

(2) For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies for the period commencing on 1 September 2022 and ending at the end of 31 July 2023.

Part 2 Explanation of provisions

This Planning Proposal seeks to amend Clause 6.32 of IWLEP 2022 by removing the end date, allowing the Enmore Road SEP to continue in perpetuity. The intended effect and suggested wording of the clause are detailed below.

1. Intended effect

The intent of the proposed amendment is to provide clarity to businesses, residents, developers, and Council enforcement officers, on sound level expectations in the precinct, specifically entertainment sound from venues along Enmore Road.

This is to support the continued operation of existing venues and the establishment of new venues in the precinct, whilst maintaining adequate amenity for the residents living on and around Enmore Road, as well as sound proofing new developments in the area from the impacts of entertainment sound.

To achieve this, Inner West Council propose to amend Clause 6.32 of the IWLEP 2022 by removing the end date, designating Enmore Road as a SEP in perpetuity.

2. Accompanying documents

To operate a SEP in accordance with Section 202 of the *Local Government Act 1993*, two documents are required to give effect to the LEP clause. They include a Special Entertainment Precinct Management Plan and a Development Control Plan. The purpose and effect of these documents are detailed below.

<u>Special Entertainment Precinct Management Plan (SEPMP)</u>

Clause 202(5)(a) of the *Local Government Act 1993* requires Council to "*prepare a plan for regulating noise from amplified music from premises in the special entertainment precinct and publish it on the council's website*". A SEPMP was proposed to manage the operation of the trial precinct. It has been updated for the future operation of the precinct.

The SEPMP contains the following information:

- The identified area on Enmore Road
- A position statement and set of objectives for the precinct
- Existing policy considerations and how the SEP sits amongst the framework
- Where and when the plan applies
- Compliance procedures for entertainment sound related complaints
- Sound criteria including allowable sound levels for varying times of the day as they effect different properties

The SEPMP is for the use of businesses, residents, Council, the Police and other relevant stakeholders in understanding their role and responsibilities in the management of entertainment sound in the precinct. It also gives residents an understanding of noise levels they should expect at various times of the day depending on their property's location.

It is the central tool that will be utilised in substantiating entertainment sound related complaints, as it not only contains the complaint handling procedures, but also the sound level criteria that complaints are measured against.

A draft version of the SEPMP is currently in operation on Enmore Road as part of the ongoing trial that is due to end in July 2023. The final version of the SEPMP has been updated in response to feedback received during the trial, as well as issues Council have noticed with the trial operation. Amendments made in the final version include:

- Simplifying the sound category area levels by removing sound category area level 3 and placing sound category area level 2 in its place.
- Introducing a new sound category level specific to properties at the rear of the Enmore Theatre. This sound category level recognises higher sound levels whilst the theatre is in operation and giving these properties reprieve after midnight.
- Minor changes to the compliance procedures and complaint handling so they are consistent with Council's online system.
- Removal of references to the trial period that will have ceased operation when the SEP is in force.

Council will monitor and update the SEPMP overtime to ensure it is current and fit-for-purpose.

<u>Development Control Plan</u>

A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan (LEP). In this instance, a DCP has been drafted to fulfill Clause 202(2)(b) of the *Local Government Act 1993*:

"(2) A special entertainment precinct is an area in which—

(b) requirements about noise attenuation apply to certain types of development in the area,"

The DCP sets out a series of objectives and controls that:

- Identify sensitive land uses (or certain types of development) that will require attenuation from entertainment sound
- Set out criteria for new or modified venues to demonstrate an ability to comply with
- Quantify the noise levels that sensitive land uses and new venues will need to comply with
- Detail when and acoustic report from an accredited acoustic specialist is required and what it needs to demonstrate

The DCP will be used by residents, developers, businesses and Council to ensure future development in the area is suited to the permitted sound levels in the precinct. This will ensure residents and inhabitants of other sensitive land uses are afforded reasonable amenity, and new venues can open in fit-for-purpose commercial tenancies.

3. Suggested wording

It's recommended that Clause 6.32 of the IWLEP 2022 be amended to remove the time limited period. The new suggested wording is as follows:

"6.32 Special entertainment precinct

(1) This clause applies to land identified as "Inner West Special Entertainment Precinct" on the Special Entertainment Precinct Map.

(2) For the *Local Government Act 1993*, section 202, a special entertainment precinct is established on the land to which this clause applies."

4. Mapping

The existing LEP map titled "Special Entertainment Precinct Map – Enmore Road Sheet SEP_001 should be retained. An extract of this map is contained in Figure 1 below.

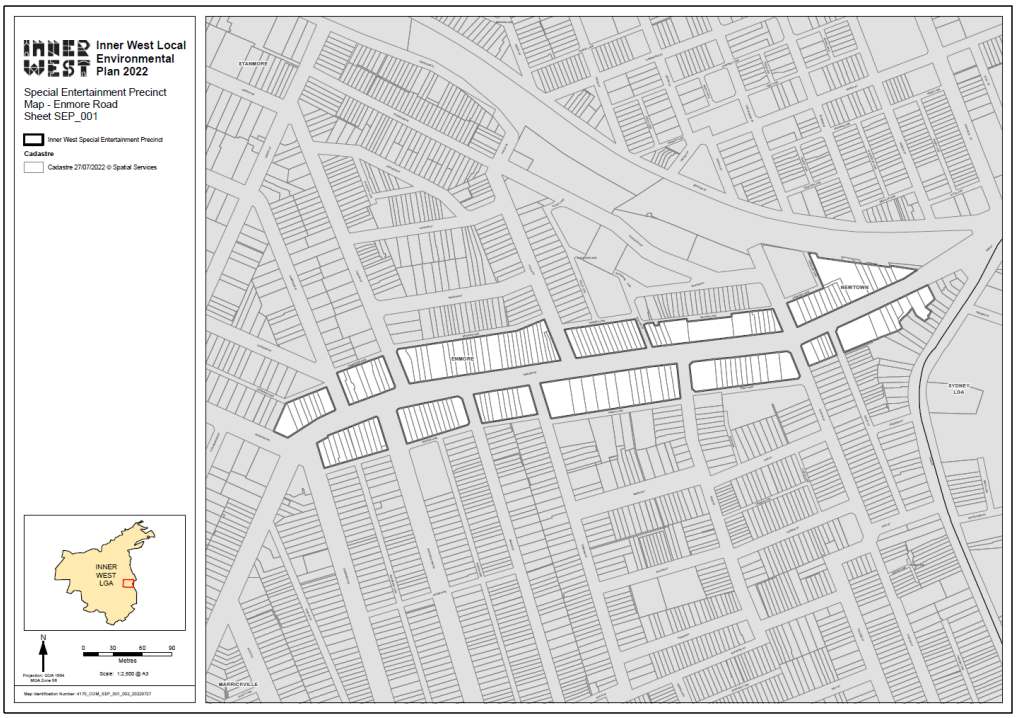


Figure 1: Special entertainment precinct map from the Inner West LEP 2022

DCP mapping is also included. It identifies each property on and around the SEP with a Sound Category Area (SCA). SCAs determine the exposure of entertainment venue sound to sensitive receivers at their property boundaries. This is then used to predict sound levels and attenuate premises accordingly through the development application process.

Part 3 Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is a response to recent resolutions by Council, new legislation made by the State Government, and to achieve actions under the endorsed Local Strategic Planning Statement (LSPS) and the endorsed Employment and Retail lands Strategy (ERLS)

It is also a result of interest from the Department of Planning and Environment (DPE), with the current trial of the SEP being a collaboration between DPE and Inner West Council.

Recent changes to the state legislation as well as Council strategies, resolutions and other triggers that support the planning proposal are discussed below.

Special Entertainment Precincts under the Local Government Act 1993

On 30 April 2021 Section 202 of the *Local Government Act 1993* was gazetted. It enables the establishment of Special Entertainment Precincts by a Council. This planning proposal has been developed in accordance with this legislation.

Council resolutions

There have been three Council resolutions to establish Enmore Road as a SEP. they are summarised in Table 1 below:

Resolution	Date	Content
Making the Inner West the Live Music and Performance Capital of Australia Again	24 May 2021	• Designate Enmore including the Enmore Theatre as the first Special Entertainment Precinct in NSW. • Consult with live music and performance venues in the Inner West LGA about other appropriate locations and venues to designate as Special Entertainment Precincts.
Art Summit	13 September 2022	• Note opportunities to support local artists and venues under the pilot Enmore Road SEP. Commence scoping to identify other SEP locations in the LGA.
Mayoral Minute: Enmore Road Special Entertainment Precinct	6 December 2022	• Note success of the Enmore Road SEP trial. • Welcome DPE decision to extend trial whilst a planning proposal is developed to make it permanent.

This planning proposal has been made to fulfill these Council resolutions.

Local Strategic Planning Statement (LSPS) & Employment and Retail Lands Strategy (ERLS)

Endorsed in March 2020 by Council and the Greater Sydney Commission, the LSPS sets out the vision for the Inner West in 2036 and lays out a set of actions that will be taken to achieve that vision. It is organised into 14 planning priorities. Planning Priority 9 – "a thriving local economy" directly supports this planning proposal. This planning priority is accompanied by a single action; "Action 9.1 to implement the ERLS". Under this it includes:

"Identifying areas for night-time economic activity and implement appropriate LEP/DCP controls that encourage a diverse night-time economy, including the provision of a clear policy position on the rights of existing venues and neighbouring residents that incorporates the 'agent of change' principle."

This is similarly contained under two actions of the ERLS, specifically:

- **Action 1.8.1** Embed the agent of change principle into Inner West planning regulations to protect live music venues and late-night precincts as well as employment and industrial areas. Note that this principle states that a person or business (the agent) introducing a new land use is responsible for managing the impact of that change, and
- **Action 1.8.2** Identify areas with existing and expected higher noise levels, including both industrial and entertainment noise. Implement a means of managing the expectations of noise amongst existing and future residents in and around these areas.

Establishing a SEP on Enmore Road will directly achieve all three of these actions. It identifies Enmore Road as an area with higher entertainment sound levels due to a concentration in night-time activity and live music venues. It seeks to protect these venues and residential amenity by quantifying acceptable noise levels from venues. This also has the effect of managing the expectations of existing and future residents.

The SEP will also require the attenuation of certain types of development within the area. Under the DCP accompanying this planning proposal, multiple sensitive land uses are required to attenuate against the allowable noise levels from venues within the precinct. Similarly, new venues will be required to demonstrate they can comply with the allowable noise levels. This is an agent of change approach to the management of entertainment sound.

Other external trigger – Spring 2022 Special Entertainment Precinct pilot

In October 2021 Inner West Council was contacted by DPE's (DPIE at the time) Strategy and Innovation unit to participate in a pilot Special Entertainment Precinct on Enmore Road. Council agreed to be part of this pilot.

The initial pilot operated between 1 September and 30 November 2022. This included having a draft precinct management plan in place for the management of entertainment sound throughout the precinct.

Due to the success of the pilot, it was continued through a Section 3.22 amendment to extend the conditions of the pilot until 31 July 2023 whilst Council worked on the future of the SEP.

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

Over the past decade there has been a gradual decline in the diversity, vibrancy and economic activity in Sydney's night-time economy. This is in part due to the controversial lockout laws, as well as Sydney's tarnished night life reputation.

Part of the decline is also the lack of confidence businesses have in navigating the planning system to establish venues, as well as the threat of compliance action from Council, Liquor and Gaming and Police from noise complaints.

An intended outcome of this proposal is to strike a balance between the amenity demands of businesses and residents. This planning proposal is considered the best means to directly achieve this.

The Special Entertainment Precinct quantifies entertainment sound levels businesses can emanate into the public domain and through shared partitions within buildings. With accredited acoustic advice, businesses can test if they can achieve the sound levels detailed in the Precinct Management Plan without having to consider fluctuating background noise levels that are utilised in the current management of noise in NSW.

Similarly, this will give residents assurances of the noise levels they can expect at their property boundaries or travelling through their building if they are attached to a venue.

The increased level of confidence for residents and businesses will have the flow on effect of achieving the remaining intended outcomes, including having a diverse mixed-use neighbourhood with a flourishing arts and live music scene, all stakeholders understanding their role in managing sound compliance and allowing Council to implement an adaptable approach to sound compliance.

The precinct also includes new development assessment measures in the form of a DCP. The DCP will guide the development of new sensitive receivers as well as upgrades to existing and establishment of new venues to lessen the impact of entertainment sound.

Section B – Relationship to strategic framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Regional Plan: A Metropolis of Three Cities

The Plan sets a 40-year vision (to 2056) and a 20-year plan to manage growth and change. It sets an overarching strategic planning policy to align land use, transport and infrastructure outcomes for Greater Sydney concurrently with Future Transport 2056 (Transport for NSW) and State Infrastructure Strategy (Infrastructure NSW). The Plan provides a set of objectives under the 10 Directions set out in Directions for a Greater Sydney 2017-2056.

Objective 9 of the Plan is directly relevant to this proposal. It states that "*Stimulating the night-time economy supports dynamic places and boosts local economies. This can generally occur in mixed-use centres with* ***adequate noise control****, locally appropriate operating hours and safe late-night travel options.*"

This objective seeks to foster and grow Sydney as a creative region with artistic and cultural expression encouraged alongside a strong night-time economy.

This planning proposal will assist in achieving this objective. Enmore Road is a premier night life destination in Sydney with a strong live music and cultural industry. This occurs within a mixed-use setting, creating a vibrant centre throughout the day and night. Designating Enmore Road as a Special Entertainment Precinct with adequate noise control measures in place will ensure Enmore Road continues to thrive.

Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney. It further explores the objectives of the Greater Sydney Regional Plan as discussed above.

Several Planning Priorities under the Plan are directly supported by this proposal. They include;

- E4 – Fostering healthy, creative, culturally rich and socially connected communities.

  The Inner West is specifically mentioned under this planning priority with relevance to this proposal. It states that "*…it is important that the capacity for creative industries, arts and cultural uses near to major cultural institutions be protected, for example in the areas of the Inner West…*".

The Enmore Theatre is located within the proposed SEP. It is a major cultural institution for the Inner West and Sydney. Since opening in 1912 it has hosted numerous major international and local artists including Bob Dylan, Coldplay, The Cranberries, Gang of Youths and The Rolling Stones. It provides a 2,500-person audience to acts across multiple creative disciplines including dance, comedy, live music, theatre, film and television recording as well as a venue for local community meetings.

The Enmore Theatre is a major anchor for not only Newtown and Enmore, but surrounding areas with strong transport links including St Peters, Stanmore, Petersham, Marrickville, Chippendale, and Camperdown.

A 2016 Study by the University of Tasmania analysed the value of live music venues in the City of Sydney area. It determined that for every dollar invested in live music, over three dollars are returned in economic activity. This is due to all the additional spending that compliments live music events, including transport, food and beverage, retail and often accommodation. Due to the Inner West's proximity and similar character to the City of Sydney, a venue like the Enmore Theatre would generate a similar economic multiplier.

The Enmore Theatre is also part of a larger ecosystem of venues that provide opportunities for smaller artists on Enmore Road to perform and build a fan base. Venues that will be similarly afforded protections include The Duke, HiWay Bikini Bar, The Enmore Hotel, Midnight Special, Jacoby's Tiki Bar, Queen Victoria Hotel, Bar Planet and Secret Garden Bar. These are all venues that were granted additional trading by Liquor and Gaming NSW throughout the pilot period due to their live music offerings.

- E6 – Creating and renewing great places and local centres and respecting the District's heritage.

Great places and local centres are identified in their unique character and distinctive mix of land uses and activities. They are culturally rich and diverse with ample opportunities for social connectivity.

Great places within the Inner West are mentioned under this planning priority, including Newtown which is within and adjacent to the subject area. Designating Enmore Road as a SEP will protect the existing cultural institutions from changing land use patterns, as well as support the growth of the creative industry.

- E11 – Growing investment, business opportunities and jobs in strategic centres, and
- E13 – Supporting growth of targeted industry sectors.

The planning proposal supports the night-time economy and encourages investment in a Local Centre with a flourishing cultural and creative industry.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Our Inner West 2036 - Council's Community Strategic Plan, 2022

The Inner West Community Strategic Plan identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards them. Strategic direction 3 of the plan regards creative communities and the local economy. This planning proposal makes progress towards achieving several outcomes identified under this direction, including the following:

- 3.1 Creativity and culture are valued and celebrated
    - Enmore Road is a centre of the creative and cultural industry. Venues are a place where people can enjoy creativity and culture.
    - Live music is part of Enmore Road's history that will be protected into the future due as a result of this planning proposal.
- 3.2 Inner remains the engine room of creative industries and services
    - Protecting live music venues on Enmore Road will ensure the Inner West retains places where artists can perform and interact with patrons.
    - The varied nature and size of venues will foster and ecosystem of creativity, supporting artists from a range of disciplines and stages in their growth.
- 3.5 Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained
    - Enmore Road will be retained as an enjoyable place with a plethora of entertainment venues.

Our Place Inner West - Local Strategic Planning Statement

The planning proposal gives partial effect to Planning Priority 9 – A thriving local economy, namely the following objectives under it:

- The local economy is diverse, strong, and resilient
- Inner West has a thriving and diverse evening and night-time economy
- Inner West continues to grow as a leading creative and cultural hub
- Main streets and centres are designed to be unique, lively, safe and accessible

There is a single action under this planning priority, to implement the Employment and Retail Lands Strategy (ERLS), when approved. The ERLS includes actions relevant to this proposal. They have been discussed within the answer to question one above.

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

The planning proposal is generally consistent with all the State Environmental Planning Policies in place. Consistency is demonstrated in the table below.

State Environmental Planning Policy (SEPP)	Consistency
SEPP (Housing) 2021	**Consistent** Higher noise attenuation standards will apply to all types of residential accommodation within and around the precinct. This will ensure housing is built to withstand current and future entertainment sound levels for the amenity of residents. The DCP controls proposed to give effect to this are not in conflict with the SEPP.
SEPP (Transport and Infrastructure) 2021	**Consistent** Enmore Road is a high traffic carriageway with peak hour clearways, buses, private vehicles and trucks. Residential accommodation and other sensitive receivers would already require acoustic attenuation to ensure sensitive receivers can co-locate with loud road noise. Proposed DCP controls to require attenuation of sensitive receivers will not conflict with the requirements under the SEPP. Although required anyway, the DCP controls specifically state that consideration of aircraft, road and rail noise must be considered and addressed separately to entertainment venue noise.
SEPP (Primary Production) 2021	**Consistent**

SEPP (Biodiversity and Conservation) 2021	**Consistent**
SEPP (Resilience and Hazards) 2021	**Consistent**
SEPP (Industry and Employment) 2021	**Consistent** Enmore Road and the surrounding neighbourhood are located within the 20-25 ANEF contour. This means development applications for sensitive receivers in this area must demonstrate compliance with *AS 2021:215 Acoustics – Aircraft noise intrusion – Building siting and construction.* Due to all sensitive receiver development applications already requiring submission of an acoustic report for aircraft noise in the area, addressing the criteria in the proposed DCP is not considered onerous. The proposal is not inconsistent with the application of this criteria.
SEPP (Resources and Employment) 2021	**Consistent**
SEPP (Planning Systems) 2021	**Consistent**

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Section 9.1 directions are directions to councils from the Minister for Planning, Industry and Environment that need to be considered or given effect to in the preparation of draft LEPs.

The planning proposal has been assessed against each Ministerial direction. The consistency of the planning proposal with these directions is shown in the table below.

Consistency with Ministerial Directions that apply to the LGA	
Directions under s.9.1 (2)	**Consistency**
1.1 Implementation of Regional Plans	**Not applicable**
1.2 Development of Aboriginal Land Council Land	**Not applicable**
1.3 Approval and Referral Requirements	**Yes** No provisions that will require referrals, concurrence or consultation with the Minister or public authority are contained within this planning proposal. No further development will be considered designated development as a result of this planning proposal.
1.4 Site Specific Provisions	**Yes** No additional land uses or changes to zoning are proposed under this planning proposal.
1.5 – 1.22 Place Based Directions	**Not applicable**
3.1 Conservation Zones	**Not applicable**
3.2 Heritage Conservation	**Yes** Enmore Road and some of the surrounding residential streets are heritage conservation areas and contain multiple heritage items. No changes are proposed that would result in negative impacts to heritage conservation. Supporting the continued use of the Enmore Theatre will protect the

	integrity of this heritage item.
3.3 Sydney Drinking Water Catchments	**Not applicable**
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	**Not applicable**
3.5 Recreational Vehicle Areas	**Not applicable**
3.6 Strategic Conversation Planning	**Not applicable**
3.7 Public Bushland	**Not applicable**
3.8 Willandra Lakes Region	**Not applicable**
3.9 Sydney Harbour Foreshores and Waterways Area	**Not applicable**
3.10 Water Catchment Protection	**Not applicable**
4.1 Flooding	**Yes** Enmore Road is not on flood prone land. Changes to compliance regimes and noise attenuation for new developments will not impact on flooding.
4.2 Coastal Management	**Not applicable**
4.3 Planning for Bushfire Protection	**Not applicable**
4.4 Remediation of Contaminated Land	**Yes** The proposal will not result in new land uses being permitted.
4.5 Acid Sulfate Soils	**Yes** The area is not identified as being affected by acid sulfate soils in accordance with the IWLEP 2022 mapping.

4.6 Mine Subsidence and Unstable Land	**Not applicable**
5.1 Integrated Land Use and Transport	**Yes** The proposal supports the continued growth of the B2/E1 Local Centre Zone in an area with a high level of public and active transport infrastructure.
5.2 Reserving Land for Public Purposes	**Yes** The proposal will not result in the alteration or reduction in public land.
5.3 Development Near Regulated Airports and Defence Airfields	**Not applicable**
5.4 Shooting Ranges	**Not applicable**
6.1 Residential Zones	**Yes** The zone (B2 / E1 Local Centre) permits resident accommodation in the form of shop-top housing. The proposal will not reduce the capacity of the land for residential development. It will ensure future residential accommodation developed in the area is designed to mitigate against entertainment sound in the area, preserving adequate amenity for the enjoyment of future residents.
6.2 Caravan Parks and Manufactured Home Estates	**Not applicable**
7.1 Business and Industrial Zones	**Yes** The proposal will add further protections to the operation of the B2 Local Centre (or E1 under the employment zone reform) zoned land, by making the acceptable

	sound levels coming from premises clear to businesses and residents. Council expects the SEP to increase business confidence and lead to new businesses opening along Enmore Road.
7.2 Reduction is non-hosted short-term rental accommodation period	**Not applicable**
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	**Not applicable**
8.1 Mining, Petroleum and Extractive Industries	**Not applicable**
9.1 Rural Zones	**Not applicable**
9.2 Rural Lands	**Not applicable**
9.3 Oyster Aquaculture	**Not applicable**
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	**Not applicable**

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The economic and social impacts resulting from the planning proposal are expected to be positive. The potential positive and negative outcomes are discussed below.

Economic impacts

Current regulations and compliance of noise from commercial premises are a user pays model. This meaning that any noise coming from a commercial premises and considered 'offensive' by the regulatory officer on duty needs to be mitigated by the premises immediately or they risk fines or other orders to cease their use.

This is layered with development consent and liquor licencing conditions that regulate sound by permitting a certain decibel level (usually 3 or 5 decibels) above background noise levels before midnight, and no level above background noise levels after midnight. This measure is problematic for several reasons:

- Background noise levels fluctuate overtime
- Specialised equipment and expertise are required to establish background noise levels
- If the density of venues in an area increases, so too will the background noise level
- Inaudibility after midnight is not conducive to vibrant night life

Due to these reasons, continuing down the path of the offensive noise test layered with the background noise level +X decibels lowers confidence for businesses that would trade into the night, as they fear their investment will be lost as the offensive noise test is subjective and the background noise level is unreliable.

Similarly, residents cannot be confident that appropriate neighbourhood noise levels will be maintained due to fluctuating background noise levels. It also leaves them at risk of being exposed to high levels of noise if background noise levels were to increase over time due to increased traffic, patronage, venue density etc.

An objective of this proposal is to change Council's approach to sound compliance for commercial premises on Enmore Road. Designating a SEP will mean that:

- Liquor and Gaming no longer play a role in sound related compliance matters, and
- Amplified sound is regulated by a plan made by Council

Specific sound levels are detailed in the new Precinct Management Plan that set a limit for businesses operating the in the SEP. This will create certainty for businesses on how loud they can be. Enabling them to make a considered decision as to whether they should invest in the area, and what kind of entertainment they can provide.

This is likely to lead to increased investment in the area, leading to a greater economic activity and employment of various staff across several industries including hospitality, the arts and retail.

Social Impacts

Renewed business confidence in the area will mean new venues for residents, workers and visitors to the area to experience live music and other performing arts hosted by venues. These will be new opportunities for social interaction and development of sense of place in the Enmore and Newtown area.

Supporting a growth in live music venues, may lead to an increase in the number of licenced venues and could lead to an increase in anti-social behaviour.

Impacts however are considered to be manageable as there are other mechanisms and laws to deal with issues including liquor licencing assessments, Responsible Service of Alcohol, individual security and management operations for premises and Policing.

Inner West staff maintain a strong working relationship with the local Police Area Command, specifically the licensing sergeant whom staff meet with regularly. Compliance in the area is a joint effort between Council and the Police, with information sharing to deal with problem areas and venues key to reducing impacts.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Enmore Road is serviced by frequent and late-night public transport. This includes buses, trains, and NightRide buses. Public transport available includes:

Trains

- Newtown Station is serviced by the T2 Inner West Line. Services to Central Station are available until half past midnight.

Buses

- Buses servicing Enmore Road include the; 355, 423, 426, 428 and 430. These are frequent bus services. The 423 runs every hour throughout the night.
- Further bus services are available at Newtown Station, including the: 352, 422 and 370. Services form these buses cease at half past midnight.

NightRide buses

- Late night bus's servicing the area include the: N10, N30 and N40. Services run throughout the night when other bus and train services are not in operation.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant State Government agencies and stakeholder groups to be consulted will be determined through the Gateway process.

It is considered that benefit would however be derived from consultation with the following:

- City of Sydney Council
- NSW Police
- NSW Live Music Office
- Liquor and Gaming NSW
- Office of the 24-Hour Commissioner

Part 4 Mapping

LEP and DCP mapping are required to fulfil the intended outcomes of the planning proposal. These maps have been included in Figures 2 and 3 below.

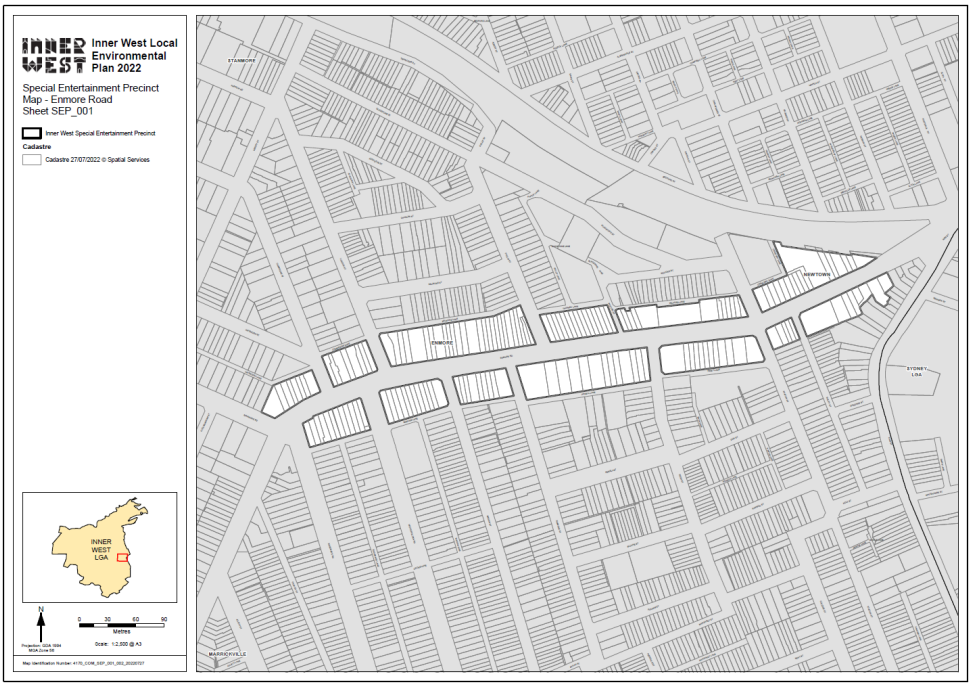


Figure 2: Special entertainment precinct map from the Inner West LEP 2022

Figure 3: Sound Category Area Map from the draft Section 2.26 of the Marrickville DCP 2011

Part 5 Community Consultation

Council has undertaken substantial consultation with the local community and industry prior to submission of this planning proposal. A summary of the consultation completed so far is below.

Spring 2022 Special Entertainment Precinct Pilot

DPE exhibited an EIE between 10 June and 8 July 2022 of the proposed LEP amendment to insert a temporary clause to allow the trial to occur. During exhibition 95 submissions were received. 88 were in support (93%) of the SEP, 4 opposed it (4%) and 3 provided neutral comments (3%).

The Enmore Road SEP was initially run as a pilot between September and November 2022. Once operational, Inner West Council opened a survey for the public. The intention of this was to understand the level of support in the general community, whether they be visitors, locals or tourists. 310 responses were made to the survey, with 283 (91%) answer "yes, support" to "Do you support Enmore Road being designated as a Special Entertainment Precinct?". 6% answered "do not support and 3% were neutral, unsure or required further information.

Post pilot consultation

Local residents and businesses on and around Enmore Road were invited to complete a survey on their experience during the trial precinct. Over 4000 letters were sent to residents and businesses. The survey was open for 21 days between 3 February and 24 February 2023.

64 residents completed the survey. 63% of residents were supportive of the precinct being made permanent. Support was higher for residents that lived a block away from Enmore Road where support was 71%, as opposed to those living immediately adjacent Enmore Road, where support was 25%. Availability of street parking was the number one issue raised by residents, followed by increased noise, anti-social behaviour, and litter.

Eight local businesses completed the survey. All eight were in support of the precinct being made permanent.

A copy of the engagement outcomes report has been provided with this planning proposal.

Further stakeholder and community consultation will be undertaken in accordance with the legislative requirements, any conditions of a Gateway determination and Council's Community Engagement Framework.

Part 6 Project timeline

With the temporary precinct set to end on 31 July 2023, Council is working to a compressed timeline with the assistance of DPE. The proposed timeline is therefore considered ambitious but achievable with commitment from both Council and DPE. The anticipated timeframe for the planning proposal is shown in the table below.

Action	Date
Submit Planning Proposal to DPE for Gateway consideration	March 2023
Receive Gateway determination	April 2023
Complete any changes required by Gateway Determination	April 2023
Public exhibition & government agency consultation	May 2023
Consideration of submissions	June 2023
Post-exhibition report to Council	June 2023
Submit to DPE for LEP drafting	July 2023
LEP made	July 2023
Plan notified by DPE	August 2023

INNER WEST

Special Entertainment Precinct Management Plan

March 2023

Contents

1. Introduction 1
2. The Identified Area 2
2.1 Location and Map 2
3. Precinct Objectives 3
3.1 Position Statement 3
3.2 Objectives 3
3.3 Approach to sound 3
4. Place-based Planning 4
5. Existing Policy Considerations 4
5.1 Local Environmental Plan 4
5.2 Development Control Plan 5
5.3 Development Consents and Conditions 5
5.4 Liquor Licenses 5
5.5 Protection of the Environments Operations Act 1997 (POEO) 5
5.6 Good Neighbour Policy 6
5.7 Local Approvals Policy ..... Error! Bookmark not defined.
6. Application of this plan 7
7. Compliance Procedures 7
7.1 Steps to take before lodging a complaint 7
7.2 Who to contact 9
7.3 Council procedures for complaint handling 10
7.4 Resolving complaints through mediation 11
7.5 Substantiating complaints 11
7.6 Police handling of complaints 11
7.7 How to use Council's online self service portal to make a complaint or provide feedback 12
8. Sound Criteria 13
8.1 Overview 13
8.2 Key principles of the technical criteria 13
8.3 External sound categories 13
8.4 Internal sound criteria 14
8.5 Technical parameters 15
8.6 Sound requirements for Venues 16
Glossary 18

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1. Introduction

Enmore Road is a diverse mixed-use neighbourhood. It provides a range of services to locals including cafes, restaurants, take away food and drink, retail and other commercial services. At night it comes alive as one of Sydney's premier entertainment and hospitality districts with pubs, small bars, restaurants and the historic Enmore Theatre.

Alongside this commercial mix are the homes of residents; living on, beside and behind Enmore Road. It is a dense residential neighbourhood made up of flats, shop top housing, Victorian terraces, and detached houses.

The vibrancy and offerings that attract residents and businesses to the area are unfortunately also sources of amenity conflict. Residents tend to prefer a quiet environment, whilst higher sound levels are a by-product of Enmore Road's vibrant mix of hospitality and entertainment offerings.

The purpose of this plan is to balance the approach to the management of entertainment sound within the Enmore Road Special Entertainment Precinct. It will identify the role of all stakeholders including residents, businesses, Council, and the Police in managing entertainment sound, as well as outline Council's approach to the resolution of entertainment sound related complaints from residents and businesses.

While the way Council approaches sound management will differ in this precinct, it is not intended to create a free-for-all situation where businesses are entitled to raise sound levels without limitation.

2. The Identified Area

2.1 Location and Map

Figure 1 below is a map identifying the extent of the Enmore Road Special Entertainment Precinct (ERSEP).

Figure 1: Map identifying the Enmore Road Special Entertainment Precinct

The Enmore Road Special Entertainment Precinct is centred along the commercial area of Enmore Road between the intersection of Enmore Road and Edgeware Road to the west and 2 Enmore Road, Newtown in the east. It includes all properties facing Enmore Road between these two points on both the northern and southern sides of the street.

A more detailed map is contained within the Inner West Local Environmental Plan 2022.

3. Precinct Objectives

3.1 Position Statement

"Enmore Road is a vibrant mixed-use precinct with a flourishing arts and live music scene. Activity takes place throughout the day into the night, with a range of offerings for local residents and visitors to the area.

Good neighbourhood amenity is maintained for residents, and any disputes are settled in a proactive and neighbourly fashion."

3.2 Objectives

The objectives of this plan and the Enmore Road Special Entertainment Precinct:

Objective 1 - Central objective

Enmore Road thrives as a diverse mixed-use neighbourhood with a flourishing arts and cultural production economy, including live music.

Objective 2 – Neighbourhood amenity

The neighbourhood surrounding Enmore Road is afforded with reasonable amenity and sound levels coming from precinct.

Objective 3 - Roles of stakeholders

The roles of stakeholders including, businesses, residents, industry, Council and Police are clear and committed to balance amenity and reasonable sound levels coming from the precinct.

Objective 4 - Compliance

Implement a consistent and adaptable regulatory response to complaints to balance amenity and reasonable sound levels coming from the precinct.

Objectives 5 – Ongoing evaluation

Monitor the operation of the Special Entertainment Precinct and adjust the management of the precinct as required.

3.3 Approach to sound

Entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct is subject to different sound compliance criteria than other premises throughout the Inner West.

Council has worked with an expert sound consultant to develop sound criteria that applies to the Enmore Road Special Entertainment Precinct. See Chapter 8 for further information, including detailed sound management criteria.

4. Place-based Planning

In 2021 the NSW Department of Planning and Environment developed the NSW Public Spaces Charter to promote the need for high-quality public spaces across the state:

> *The NSW Department of Planning, Industry and Environment has developed the NSW Public Spaces Charter to support everyone in NSW to have access to high-quality public space that allows them to enjoy and participate in public life. The charter identifies 10 principles for quality public space that distil and reflect evidence-based research, best practice and consultation with Aboriginal peoples, community members and representatives from state and local government, industry, the business and cultural sectors and a diverse range of public space experts.*

The Enmore Road Special Entertainment Precinct seeks to implement the values and principles of the NSW Public Spaces Charter in order to contribute to the production of high-quality public space within the Inner West LGA.

While all 10 principles are relevant to the precinct, the principles of Culture and Creativity, Local Character and Identity, and Local Business and Economies are particularly applicable to the Enmore Road Special Entertainment Precinct:

1. **Culture and Creativity**: The Enmore Road Special Entertainment Precinct is Council's way of playing our part in re-invigorating the live music industry after a difficult couple of years due to the pandemic. This in turn will foster the development of local artists across a variety of mediums.

2. **Local Character and Identity**: commitment to arts and culture has defined Enmore Road's local character and identity for decades. The Enmore Road Special Entertainment Precinct seeks to respond to this historical identity by encouraging a diversity of cultural events. Through this, Council hopes to build upon the rich cultural identity that defines Enmore.

3. **Local Businesses and Economies**: The precinct will incentivise businesses to provide services to the community in a dynamic and vibrant manner. This in turn will improve people's experience of the public space within the precinct.

Overall, the Enmore Road Special Entertainment Precinct seeks to create high-quality public space by encouraging cultural activities across the place. Furthermore, the precinct seeks to reinvigorate public interest in Enmore Road and therefore reinforce its identity of vibrancy, creativity, and culture.

5. Existing Policy Considerations

Several existing Council and NSW State plans and policies have interactions with or work alongside this document. These include:

5.1 Local Environmental Plan

A local environmental plan (LEP) is a piece of legislation that controls development in an area. It determines what can be built, where it can be built, and what activities can occur on land.

LEPs contain both a written instrument and maps. These should be viewed together to provide an understanding of zoning and development controls for an area or a particular property.

The Enmore Road Special Entertainment Precinct is legislated under the *Inner West Local Environmental Plan 2022* (IWLEP 2022). Mapping of the precinct is also contained under the IWLEP 2022, defining the commercial properties that are located within the precinct.

5.2 Development Control Plan

The primary purpose of a development control plan (DCP) is to guide development according to the aims of the corresponding local environmental plan (LEP). The DCP must be read in conjunction with the provisions of the relevant LEP.

Section 2.26 of the Marrickville DCP 2011 sets out controls for development within and around the Enmore Road Special Entertainment Precinct. This includes attenuation requirements for new *sensitive receivers* such as apartments, houses, health care facilities and tourist accommodation.

It also includes requirements for new or modified venues within the precinct, ensuring that they can operate without unreasonably impacting noise amenity in the neighbourhood.

Anyone researching development in the area or lodging a development application must read and understand their requirements under the DCP.

5.3 Development Consents and Conditions

Under the *Environmental Planning and Assessment Act 1979*, Council can issue consent for the use and development of land subject to conditions. Conditions deal with a range of matters including entertainment sound.

Development consents for premises on Enmore Road will typically have a condition restricting entertainment sound to a standard criterion. The background sound level +3db or +5db for sound coming from a specific premises are the conditions usually applied.

Maximum sound levels under this plan transitions from this background measurement +3/5db to fixed sound criteria. Further details of these criteria are contained in this plan at Section 8 – Sound Criteria.

With a Special Entertainment Precinct in place, noise conditions on development consents relating to maximum sound levels will not be enforced. Council will instead be utilising the fixed sound criteria contained within this plan at Section 8.

All other development consent conditions will continue to apply. This includes conditions related to the operation of outdoor areas, the closure of windows and doors, acoustic report recommendations, plan of managements, security requirements, staffing requirements, capacity of patrons, etc.

5.4 Liquor Licenses

Liquor licences are issued and regulated by Liquor & Gaming NSW. Any premises on Enmore Road that serves or sells alcohol is required to have a liquor licence in place. This does not include BYO premises.

Liquor licences contain a range of conditions that must be upheld whilst alcohol is being served and consumed. Conditions cover a range of matters including but not limited to security requirements, licencing boundaries, noise restrictions and hours of operation.

Noise conditions on a liquor licence have no effect while a Special Entertainment Precinct is in operation. This removes Liquor and Gaming from noise compliance relating to entertainment sound.

5.5 Protection of the Environments Operations Act 1997

Under the administration of the NSW Environmental Protection Agency (EPA), the objectives of the Act include protecting and enhancing the environment of NSW, as well reducing risks to human health from pollution and environmental degradation.

This Act is relevant to the Enmore Road Special Entertainment Precinct, as it defines 'offensive noise' and outlines the mechanism that Council, Police and the EPA can respond to and resolve noise complaints.

NSW Police utilise the offensive noise criteria when responding to a complaint. This will continue to be enforced whilst the precinct is in operation.

5.6 Good Neighbour Policy

Introduced in 2017 by Inner West Council, the Good Neighbour Policy embeds resolution of disputes between residents and businesses into compliance procedures. The Good Neighbour policy is not relevant to the Enmore Road Special Entertainment Precinct where complaints will be resolved using the procedures outlined in Part 7 of this plan.

6. Application of this plan

This plan applies to the operation of all commercial premises within the Enmore Road Special Entertainment precinct. It manages the regulation and compliance procedures for entertainment sound coming from commercial premises.

This plan does not apply to other sources of disturbance, including:

1. Vocal noise from people in public
2. Plant or machinery noise
3. Vehicular or traffic noise
4. Aircraft noise
5. Anti-social behaviour
6. Littering

For other disturbances, please follow existing complaint channels.

7. Compliance Procedures

This section details the procedures that Council will undertake in relation to the compliance of sound coming from venues located within the Enmore Road Special Entertainment Precinct

Compliance procedures for other types of complaints and feedback within the Enmore Road Special Entertainment Precinct such as dumped rubbish, anti-social behaviour and other noise disturbances should follow existing complaint channels. Table 2 below shows where such complaints should be directed.

7.1 Steps to take before lodging a complaint

Steps should be taken before lodging a complaint with Council to deal with the noise disturbance in a more timely and civil manner. Council recommends taking the following steps prior to making a formal complaint.

1. Identify the source

In dense urban environments it can be difficult to determine the source of a disturbance. Accurately identifying the source of the noise disturbance will assist with alleviating the impacts and approaching the venue.

2. Approach the venue

Council's experience shows that when neighbours approach one another with reasonable grievances, they tend to be resolved quickly. If possible you should contact the venue by phone, or by approaching them in person.

If a venue is an ongoing problem, requesting the number of the on-site manager will enable you to contact them directly in the event of a disturbance.

Resolutions may involve minor changes to the venues operation such as closing certain windows and doors, placing security in areas with loud patrons, lowering volume or advising a resident of when the entertainment is due to cease.

It's also expected in these discussions that certain concessions may need to be made by residents, including closing their windows or doors, and accepting occasional higher noise levels.

3. Re-evaluate disturbance

If you are not satisfied with the response from the venue, or the disturbance remains at an unreasonable level, feedback or a complaint should be lodged with Council and/or the Police.

7.2 Who to contact

Within a Special Entertainment Precinct, any complaints related to patron noise or entertainment sound from a commercial premises should first be made to Inner West Council. Please use the tables 1 & 2 below to determine where to make your complaint.

Table 1: Where to direct feedback and complaints related to sound from venues

		Council – online or by phone	Police – phoning station directly
General feedback related to entertainment sound in the precinct		X	
Reporting loud entertainment sound that does not require immediate attention		X	
Reporting loud entertainment sound from venues that requires immediate attention	Monday – Friday between 8:30am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday and public holidays	X*	X

Table 2: Where to direct other feedback and complaints

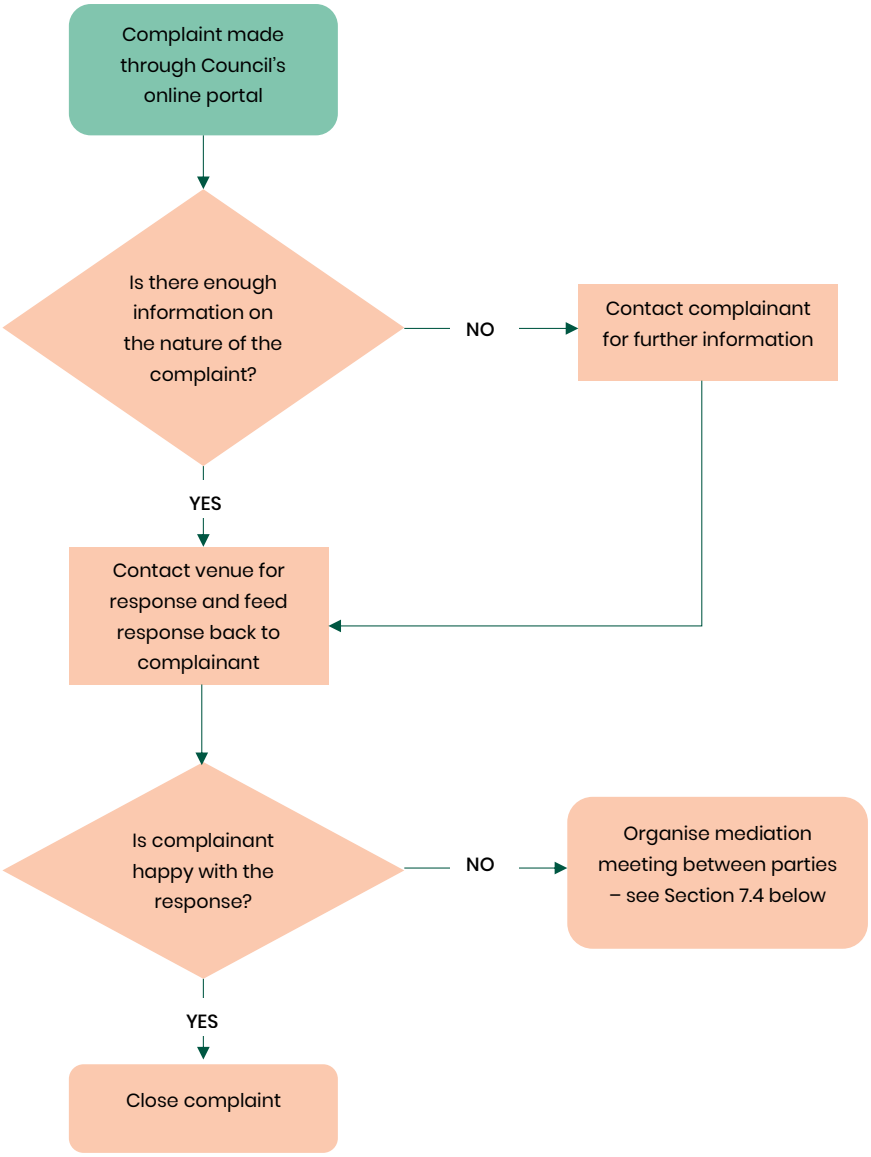
		Council – online or by phone	Police – phoning station directly
General feedback related to the precinct		X	
Anti-social behaviour that requires immediate attention			X
Reporting noise from public spaces that requires immediate attention, e.g. yelling, screaming.	Monday – Friday between 6am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday, and public holidays	X*	X
Complaints from other sources of noise e.g., air conditioners, refrigeration units, loading/unloading, deliveries		X	
Development consent condition breaches		X	

**Note: In many instances Council request that complaints made to the Police are also made to Council. This is for Council's understanding of what is happening in the precinct.*

7.3 Council procedures for complaint handling

Regardless of when it is made, complaints will be handled by Council through the same procedure. Serious breaches that require immediate attention may be expedited.

The below flow chart illustrates the typical complaint handling process.



7.4 Resolving complaints through mediation

Sound related complaints made to Council are expected to be resolved once Council has feedback from the venue for the complainant. Responses from venues should include a verbal commitment to lessening the disturbance in the future.

If the disturbance is an ongoing issue that has not been resolved through previous attempts, a meeting will be facilitated by Council, bringing the complainant and venue together to understand and resolve issues. These meetings will be attended by Council staff from relevant units, which may include Environmental Health, Compliance, Economic Development and/or Planning. The licensee and/or venue manager should also be present. The complainant(s) will also need to attend the meeting.

Such meetings will ideally be held face to face on site, either in the venue or on the street outside the venue. There may be circumstances with scheduling conflicts or public health concerns where an online meeting is favoured.

7.5 Substantiating complaints

Ongoing complaints that cannot be resolved through the processes outlined above will need to be substantiated against the sound criteria contained within this plan. This will involve the deployment of staff or a consultant to conduct sound monitoring at the premises at an undisclosed time and date.

The monitoring should be conducted at a time close to when the disturbances are being made. Fair weather will also be required for testing.

The results of monitoring will substantiate if the venue is operating within allowable limits. If it is found they are, this feedback will be given to both the venue and complainant.

If there is found to be a breach, a formal notice will be given to the venue to lower their sound levels to comply with the fixed level sound criteria outlined in Section 8.

7.6 Police handling of complaints

Police play a crucial role in compliance as they are a 24/7 operation and are granted powers under the *Protection of the Environment Operations Act 1997* to conduct offensive noise assessments.

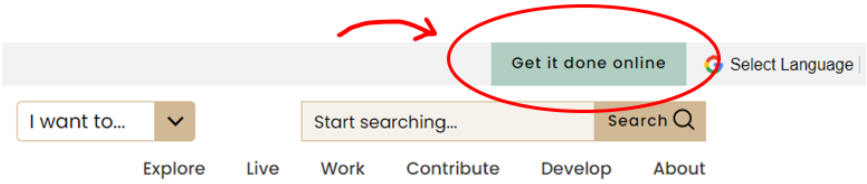
At times when Council is not available and immediate attention is required due to a noise disturbance, complaints will need to be made directly to the Police by phoning the Newtown Police station directly.

Police will attend a noise complaint as soon as possible. They will undertake an assessment of the disturbance against the offensive noise criteria on site to determine if the sound is offensive. If considered offensive, Police will attempt to resolve the issue directly with the venue. They will then contact the complainant to relay the venues response.

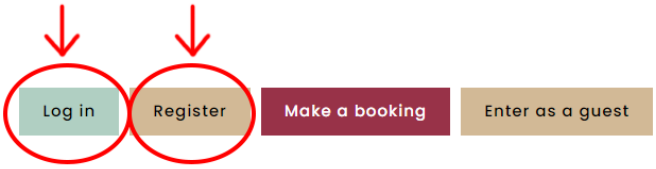
When making a complaint to Police, it is requested that a complaint is similarly lodged through Council's online portal. This will assist Council in understanding the location of disturbances.

7.7 How to use Council's online self service portal to make a complaint or provide feedback

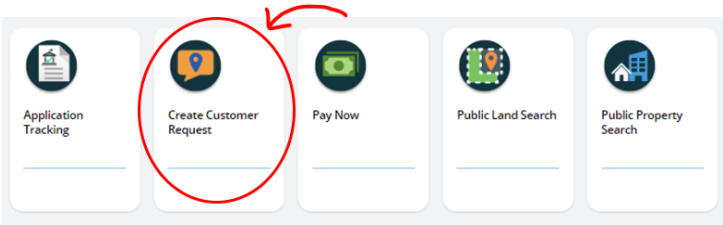
Complaints and feedback regarding the Special Entertainment Precinct should initially be made through Council's online self-service portal. The link to this portal is located at the top of Council's webpage titled 'get it done online'.



Customers must then log in as a registered user. This may require you to register.



When within the portal click the icon labelled "Create Customer Request".



From the drop-down menu on the next page, select "Special Entertainment Precinct". This will create another drop down menu below where you can select from a range of sub-categories. Please select the one relevant to your request.

Attachments can also be uploaded. Submitting photographic, video or other evidence will assist Council in understanding the nature and impact of the complaint or feedback.

Fill out all required fields below and submit. This will be sent to the relevant team to be addressed as soon as is practicably possible.

8. Sound Criteria

8.1 Overview

This part outlines new sound criteria for entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct. This section works in tandem with Section2.26 of the Marrickville DCP which guides the design of new sensitive receivers and venues within and around Special Entertainment Precincts.

The proposed approach to sound management within and surrounding the Precinct has been informed by the following key factors:

1. Acknowledgement of the existing activation, vibrancy and positive contribution entertainment venues provide to the area and community
2. The need to balance this activation with the reasonable amenity expectations of co-located and nearby sensitive receivers, such as residential premises
3. To provide greater consistency and certainty for businesses, community, and compliance officers regarding allowable sound emissions and amenity expectations
4. Provide opportunity for managed growth of entertainment venues within the Precinct, minimising potential cumulative impact
5. The current minimum noise mitigation standards for sensitive development related to road and aircraft noise exposure

This Plan serves to replace existing development consent noise criteria with one simplified overarching approach that can be applied holistically across the Precinct and surrounding streets. In addition, the Plan will allow for clearer communication regarding expectations of venue operators and the community.

To provide greater consistency and certainty across the Precinct, predetermined fixed sound level criteria have been defined, rather than sound criteria relative to the background level. The fixed sound levels vary by time of day, day of week and geographic location to reflect the desired balance of activation and amenity across the Precinct. Derivation of this approach has been informed by extensive review of current conditions, licenses, national and international literature review, acoustic measurements across the precinct, and community expectations.

8.2 Key principles of the technical criteria

The primary components of the technical criteria that apply within the Enmore Road Special Entertainment Precinct are:

- External Sound Category Areas (SCAs) defined across the Precinct and boundaries.
- Fixed internal noise criteria for noise sensitive receivers that are attached to venues by a common wall or floor/ceiling.

8.3 External sound categories

The Sound Category Areas have been informed by the desired character and levels of vibrancy within the Precinct and immediate surrounds. In determining appropriate sound levels both the desired vibrancy to the street and the amenity of residents have been considered.

Three criteria Sound Categories have been defined, generally assigned to:

6. Enmore Road frontage (SCA 1)
7. Side streets and rear lanes (SCA 2)
8. Properties behind the Enmore Theatre (SCA ET)

The Sound Category Areas have been defined and assigned having consideration of the existing sound environment and where entertainment sound and patron activity are expected to be focused. The Enmore Road properties are exposed to higher levels of ambient sound from road traffic and general activity on the street. Rear lanes and side streets are expected to be partially shielded from the noise levels on Enmore Road. Similarly, venue sound emissions tend to be directed towards the Enmore Road frontage with far less entertainment sound being experienced in the back lanes due to orientation of the venues. Properties to the rear of the Enmore Theatre are an exception, with higher sound levels experienced during the Theatres operation, and dropping off significantly when it closes. These considerations have been taken into account when defining the Sound Category Areas.

Figure 2: Enmore Road Special Entertainment Precinct sound category areas

The Sound Category Areas consider that entertainment sound is a desirable aspect of the Precinct, compared with industrial or mechanical sound. The Sound Category Areas vary by time of day, day of the week and geographic location. Varying assessment periods have been developed to be in keeping with existing time profiles and in recognition of varying levels of activation and sensitivity based on time of day and day of the week. Relative targets per time of day and day of the week are presented for each assessment area below in Table 3.

The Sound Category Areas have been informed by existing approval conditions, license conditions, receiver building design standards, available venue and receiver acoustic assessments, and independent surveys undertaken throughout the Precinct.

To supplement the detailed review of historical data and conditions, attended surveys were undertaken across three representative nights throughout the week to capture a snapshot and profile the existing soundscape across the Precinct. This included a focus on sounds from currently operational entertainment venues.

8.4 Internal sound criteria

While the primary sound criteria are to apply when receivers are separated from venues by streets, lanes or other open spaces, internal criteria are required to address situations where sound transfer is within the same or an adjoining building i.e. predominantly via a shared partition such as a wall or floor/ceiling. In this situation, compliance with the external Sound Category Area level may be insufficient to appropriately address potential impact on sensitive receivers.

Unlike external sound criteria, the internal sound criteria does not change by day of the week. This is due to how sound transfers through a building and the difficulty in ameliorating impacts as a receiver of internal sound transmission.

The derivation of internal criteria has been based on various global standards, criteria and literature.

8.5 Technical parameters

The following summarises key technical parameters and principles that were taken into account in the process of deriving the Precinct criteria:

Parameter	Discussion of principle followed
Fixed vs relative to background criteria	Although relative criteria, such as 'background + 5 dB', are a fundamental component of current IWC/NSW policy, they are complex to implement, create uncertainty, do not future proof or factor a changing environment. Fixed criteria have therefore been adopted.
Measurement descriptor	Current conditions of consent vary between use of the L_{eq} and L_{10} noise parameter. L_{10}, being the sound level that is exceeded for 10% of the time, is currently adopted by Liquor and Gaming NSW. However, L_{eq}, being the average exposure level, is considered a good representation of on-going noise exposure over the course of an activity and is most widely correlated with the subjective effect of noise. L_{eq} has been broadly adopted in NSW policy for assessment of most environmental sound, including road and rail traffic, construction, industrial premises, and more recently, large scale entertainment events held at Western Sydney Stadium and the Sydney Opera House. The L_{eq} sound measurement parameter has been adopted.
Measurement time period	The logarithmic averaging nature of the L_{eq} parameter means that isolated loud events (e.g. entry doors opening, patrons leaving and gathering temporarily, etc) will influence the L_{eq} however it will depend on their cumulative duration. While a shorter measurement period, e.g. 5 mins vs. 15 mins, could more readily evaluate the influence of these short term events, setting an assessment period that is inconsistent with existing NSW policy was not considered to provide an overall benefit. A 15-minute period has been adopted for consistency with other NSW noise policy.
Broadband / Octave band criteria	Broadband dB(A) criteria are proposed to be supplemented by criteria in octave bands 31.5 Hz–125 Hz. The octave bands relate to low frequency 'bass' content. The low-frequency criteria have been defined for two primary purposes: • For the assessment of low frequency 'bass' content of music, as the broadband 'dB(A)' criteria does not appropriately respond to a person's level of annoyance, and • To enable the assessment and design of sound insulation for receiver buildings, as it is the low-frequency content that more often determines the sound insulation construction requirements of a building. It is noted that the L&GNSW criteria include an octave band requirement for low and high frequencies (31.5 Hz to 8 kHz), however none of the reviewed literature suggested a need for high frequency octave band criteria. It is noted that research related to low-frequency noise often considers more detailed 1/3 octave band frequencies, however 1/1 octave bands have been utilised to reduce complexity of design, assessment, and compliance. In the application of criteria for new receiver development, much of the research factors masking effects of background noise, which can reduce the audibility and annoyance of low-frequency sound. However, in the case of encroaching development, future internal background levels cannot be readily predicted.
Time of day / days of the week	Criteria, particularly fixed criteria, often vary by time of day. There is limited consistency across existing policy, for example: • Liquor and Gaming NSW use 7am to midnight, and midnight to 7am

Parameter	Discussion of principle followed
	• NSW Noise Policy for Industry have day, evening and night periods, generally being 7am to 6pm, 6pm to 10pm, and 10pm to 7am respectively, and • The Environmental Protection Agency's road and rail criteria adopt 7am to 10pm and 10pm to 7am. Where existing criteria are relative to the background level criteria will also vary accordingly. Fixed criteria often seek to follow a similar approach that different criteria will be set for each period. With consideration to operating hours of entertainment venues and the community's sensitivity to entertainment noise, it is recommended to utilise a period representing the day and evening together, with two night periods. These periods address the need for varying entertainment noise profiles, with a focus on providing adequate resolution during the night to allow changing noise environments in different areas of the precinct and across different days of the week. Further, different targets have been set for different days of the week in recognition of varying levels of activation and tolerance at different times of the week. Period definitions are presented below:

Days	Period 1 'Day/Evening'	Period 2 'Early night'	Period 3 'Late night'
Sunday 7am to Thursday 7am	7am to 10pm	10pm to midnight	Midnight to 7am
Thursday 7am to Sunday 7am			

8.6 Sound requirements for Venues

The criteria in this Section are proposed to apply to all entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct. Assessment of 'offensive noise' under the POEO Act shall remain in place, the assessment of which should be informed by the criteria in this plan.

1. Entertainment Sound from Venues within the Special Entertainment Precinct must not exceed the Venue Sound Criteria, equivalent to the Sound Category Area Levels specified in Table 3 by reference to Figure 2.
   a. The Sound CategoryArea Levels apply at the identified frontages of the receiver at the lot boundary, 1.5 metres above the floor level of all floors up to the maximum LEP building height or existing if higher than LEP.
   b. The Sound Category Areas will apply to all uses emitting Entertainment Sound, defined as music or patron noise emanating from activities associated with the entertainment and hospitality venues within the Special Entertainment Precinct.

Table 3: Sound category - venue external levels

Sound category Area (SCA)	Days of the week	Venue external assessment criteria, $dBL_{Aeq(15minute)}$											
		Day / Evening (7am to 10pm)				Early Night (10pm to midnight)				Late Night (midnight to 7am)			
		Overall	Octave bands - dB			Overall	Octave bands - dB			Overall	Octave bands - dB		
		dB(A)	31.5	63	125	dB(A)	31.5	63	125	dB(A)	31.5	63	125
SCA 1 Enmore Road	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	50	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	55	59	58	56
SCA 2 Side streets and rear lanes	Sun 7am to Thurs 7am	55	59	58	56	50	54	53	51	45	54	53	51
	Thurs 7am to Sun 7am	60	64	63	61	60	64	63	61	50	54	53	51
SCA ET sites behind the Enmore Theatre	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	45	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	45	54	53	51

Entertainment Sound from Venues with an adjoining Receiver, that may be affected by noise transfer via the common partition shall be evaluated against the Receiver Internal Sound Criteria specified in 4, at the most-potentially affected location (no less than 1 metre) from the common partition.

Table 4: Internal venue criteria for adjoining premises, LAeq(15 minute)

Receiver[1]	Period[2]	Broadband, dBA	Octave band centre frequency, dB		
			31.5 Hz	63 Hz	125 Hz
Residential accommodation - bedrooms	7am – 10pm	30	54	47	41
	10pm – 7am	25	49	42	36
Residential accommodation – other habitable rooms	7am – 10pm	35	54	47	41
	10pm – 7am	30	54	47	41
Tourist and visitor accommodation (bedrooms & sleeping areas)	7am - midnight	35	54	47	41
Place of Public Worship	Midnight – 7am	30	54	47	41
Information and education facilities	All times	30	54	47	41
Place of public worship	All times	30	54	47	41
Health services facility	All times	25	49	42	36
Office premises	All times	40	59	52	46
Residential accommodation - bedrooms	7am – 10pm	30	54	47	41

Receiver[1]	Period[2]	Broadband, dBA	Octave band centre frequency, dB		
			31.5 Hz	63 Hz	125 Hz

Notes:

- Internal criteria apply to entertainment sound only.
- Habitable room is defined as a room used for normal domestic activities, and—
  - includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
  - excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Glossary

Entertainment sound refers to music or patron noise emanating from Venues in the Precinct.

Existing use is a venue or premises that has an activated development consent for a specific location.

Habitable room is a room that is intended for occupation and normal domestic activities, including:

- A bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom;
- Excludes any other space not specified above of a specialised nature not occupied frequently or for extended periods including a bathroom/water closet, balconies, laundry, pantry, walk-in wardrobe, corridor, lobby, and clothes-drying area.

Sound Category Area Level is the external Venue Sound limit from Venues in the Precinct.

Venue refers to a premise in the Precinct that generates Entertainment Sound.

***Receiver* refers** to the following uses: residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Receiver Internal Noise Criteria is the Internal noise level to be achieved through Receiver building envelope noise attenuation of the external Sound Category cumulative level.

Suitably qualified acoustic consultant is a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

Venue Sound Criteria is the external entertainment sound limit from a single Venue, equal to the Sound Category level.

2.26 Special Entertainment Precincts

Application

Section 2.26 applies to land identified as a Sound Category Area in the following map:

Figure 2.26.1 – Applicable Land

Definitions

Sensitive receivers – land uses that could be adversely impacted by entertainment venue sound, including; *residential accommodation, tourist and visitor accommodation, places of public worship, information and education facilities, health services facilities* and *office premises.*

Entertainment venues – land uses that are likely to host live entertainment, including; *entertainment facilities, restaurants, cafes, small bars, pubs, artisan food and drink premises, creative industries, function centres, community facilities* and *registered clubs*

Sound Category Areas – classifications of land in and around a Special Entertainment Precinct.

Section Objectives

O1. To support a thriving, diverse, inclusive, and safe night-time economy.

O2. To support creative and cultural industries that rely on the night-time economy, including the entertainment and live music sector.

O3. To manage amenity expectations in and around Special Entertainment Precincts and maintain reasonable amenity for sensitive receivers.

2.26.1 Sound Category Areas and applicable sound levels

Objectives

O1. To define the maximum exposure to entertainment venue sound for each property located within a Sound Category Area.

O2. To future proof new sensitive receivers and entertainment venues within and around Special Entertainment Precincts with appropriate noise amelioration measures to enable them to co-exist.

Controls

C1. Sound Category Areas apply at the property boundary of a property identified in Figure 2.26.1 at a height of 1.5m above the finished floor level for each floor of a building.

C2. Sound levels for each of the Sound Category Areas are detailed in Figure 2.26.2 below

Sound category Area (SCA)	Days of the week	Venue external assessment criteria, $dBL_{Aeq(15minute)}$											
		Day / Evening (7am to 10pm)				Early Night (10pm to midnight)				Late Night/Early Morning (midnight to 7am)			
		Overall		Octave bands - dB		Overall		Octave bands - dB		Overall		Octave bands - dB	
		dB(A)	31.5	63	125	dB(A)	31.5	63	125	dB(A)	**31.5**	63	125
SCA 1	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	50	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	55	59	58	56
SCA 2	Sun 7am to Thurs 7am	55	59	58	56	50	54	53	51	45	54	53	51
	Thurs 7am to Sun 7am	60	64	63	61	60	64	63	61	50	54	53	51
SCA ET	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	45	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	50	54	53	51

Figure 2.26.2 venue external assessment criteria

2.26.2 Acoustic requirements for sensitive receivers

Objective

O3. To ensure sensitive receivers are designed to attenuate against noise from existing and future *entertainment venues*.

Controls

C3. Submit a noise impact assessment prepared by a suitably qualified acoustic consultant demonstrating that the proposal is able to comply with the sound levels identified in Figure 2.26.3 below with any application for a new or modified sensitive receiver located within a Sound Category Area. The noise impact assessment must consider the sound levels specified in Figure 2.6.1 above when determining any attenuation required, including vibration.

Sensitive receiver	Period	Broadband dBA	Octave band centre frequency criteria, dB		
			31.5Hz	63Hz	125Hz
Residential accommodation - bedrooms	7am – 10pm	30	54	47	41
	10pm – 7am	25	49	42	36
Residential accommodation – other habitable rooms	7am – 10pm	35	54	47	41
	10pm – 7am	30	54	47	41
Tourist and visitor accommodation (bedrooms & sleeping areas)	7am - midnight	35	54	47	41
	Midnight – 7am	30	54	47	41
Information and education facilities	All times	30	54	47	41
Place of public worship	All times	30	54	47	41
Health services facility	All times	25	49	42	36
Office premises	All times	40	59	52	46

Figure 2.26.3. sensitive receiver internal noise criteria

C4. Modified sensitive receiver applications include:

a. External and internal alterations to *sensitive receivers* including alterations and additions to *residential accommodation*,

b. Operational changes to *sensitive receivers*

C5. Where noise attenuation measures impact the provision of natural ventilation, alternative ventilation must be provided to ensure the proposal complies with the National Construction Code.

C6. Noise impact from other sources, such as road and rail must be assessed separately in accordance with relevant Standards and policies.

2.26.3 Acoustic requirements for entertainment venues

Objective

O4. To ensure new and modified entertainment venues do not unreasonably impact on the amenity of sensitive land uses

Controls

C7. For the purposes of this section of the DCP a modified venue includes Section 4.55 applications that:

a. Increase patron capacity by 15% or more from the original approval, or

b. Increase trading hours beyond midnight if currently restricted to midnight or earlier, or

c. include new or modified external openings (e.g., windows and doors), or

d. Any amendments to operational controls in an approved Plan of Management that manages sound.

A modified venue does not include Section 4.55 applications for:

e. Internal alterations, unless within a mixed-use building, or

f. The renewal of trial hours, unless otherwise requested by Council.

C8. Submit a noise impact assessment prepared by a suitably qualified acoustic with applications for a new or modified venue. It must:

a. Detail physical noise attenuation measures to demonstrate the venue can operate within the 'venue external assessment criteria' as specified in Figure 2.26.2 above.

b. Demonstrate compliance with the 'venue external assessment criteria' (Figure 2.26.2) at the boundary of all sites containing a sensitive receiver within 15m of the subject site.

c. Demonstrate that the venue can operate without breaching the sensitive receiver internal noise criteria specified in Figure 2.6.3. This is of particular relevance for new or modified venues within the same building as a sensitive receiver.

2.26.4 Mixed-use developments

Objective

O5. To future proof commercial tenancies in new mixed-use developments containing *sensitive receiver*s so that the commercial tenancies can be easily adapted to entertainment venues.

Controls

C9. Submit a noise impact assessment with any application for mixed use developments containing a *sensitive receiver*. It must:

a. Demonstrate that non-residential floor space within the building could be used as an entertainment venue and still meet the sensitive receiver internal noise criteria for *sensitive receivers* (Figure 2.26.3).

b. Specify attenuation measures to be designed into the building, future proofing the non-residential floorspace as a potential entertainment venue. Note: Noise attenuation measures required by the noise impact assessment must be incorporated into the design of the building at its initial construction.

Item 5

INNER WEST LOCAL PLANNING PANEL MEETING

9 March 2023

MINUTES

Attachment

MINUTES of the **INNER WEST LOCAL PLANNING PANEL MEETING** held via Zoom Teleconference on 9 March 2023

Present:	Adjunct Professor David Lloyd KC, Ms Lindsey Dey, Mr Kenneth Hawke and Mr Brian Kirk.
Staff Present:	Denise Benger - Team Leader Planning Policy, Louise Higginson - Senior Strategic Planner, Jarrad Sheather - Senior Strategic Planner and Thy Huynh - Administration Officer.

Meeting commenced: 12:00pm and finished at 12:04pm

**** ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past, present and emerging.

**** DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

There were no declarations of interest.

Agenda Item 1	PPAP/2023/0001 - Enmore Road Special Entertainment Precinct
Description	Planning proposal to amend the *Inner West Local Environmental Plan 2022 (IWLEP 2022)* to designate part of Enmore Road, Enmore as a Special Entertainment Precinct.

DECISION OF THE PANEL

THAT the Inner West Planning Panel resolved as follows:

1. That it supports the Planning Proposal prepared by Inner West Council in principle.

2. That it supports the Planning Proposal prepared by Council officers dated February 2023 to amend the Inner West LEP 2022 to include part of Enmore Road, Enmore as a Special Entertainment Precinct as having sufficient strategic and site specific merit to be submitted to the Minister for Planning for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.

3. The Panel, however, also recommends that the following changes be made to the Planning Proposal Report to provide more complete information in support of the Proposal and better inform the public.
   a. Additional background information explaining how the geographic boundaries of the Precinct were determined.
   b. Further details explaining how, and under what powers, amplified music is to be regulated by Council in accordance with The Special Entertainment Precinct Management Plan, and what enforcement regime and penalties may apply to repeat offenders.
   c. A full explanation of the legislation that has triggered the declaration of the Special Entertainment Precinct, including gaming laws, the 24-hour economy and related legislation should be included. Hyperlinks to relevant legislation should be included throughout the report.
   d. Consultation with Transport for NSW should be undertaken, not only because the area includes a Classified Road, but the precinct will be reliant on late night public transport.
   e. A review of both the current and projected waste management and servicing should be undertaken.
   f. The social and economic impacts on the SEP and interface areas should be further considered.

4. The Panel recommends the following changes to the proposed DCP or POM.
   a. These need to go beyond noise control and include vibration, disturbance by patrons leaving venues late at night, security and safety, CCTV, lighting, signage and wayfinding, security guard to patron ratio, crowd management, shopfront vacancy management, landscaping, wall treatments (street art), support for art forms other than live music such as art galleries and “pop up” venues.
   b. The requirement for venues within the Special Entertainment Precinct be similar to those for boarding houses and other entertainment facilities (such as the display of a 24 hour contact number, complaints register, regular review of the relevant POM, amongst others).

c. Methods of communication in addition to the online options presented in the Planning Proposal should be included.
d. The management (including monitoring) of noise and hours of operation needs to be specified, to ensure that the Planning Proposal remains current and fit-for-purpose. This should be compared with the results of monitoring and surveys undertaken.
e. The title of section 7.6 should be amended to read "Police handling of noise complaints."

5. The Panel suggests that the following matters be considered by staff in the implementation of the Special Entertainment Precinct.
   a. Council consider the appointment of a Place Manager to co-ordinate the implementation of the Special Entertainment Precinct and provide liaison with the Council, businesses and the local community.
   b. Notes on section 10.7 planning certificates should cover a wider area than those properties within the Precinct.
   c. FAQs should be provided in any community consultation regarding anticipated hours of operation.
   d. Further consideration be given to the frequency and hours of operation of waste management.
   e. Consultation with Transport for NSW, noting the status of Enmore Road as a Classified Road.
   f. There be an annual review of the operation of the Precinct and its impacts, including an analysis of all complaints, non-compliances, submissions, and consultations with interested parties including stakeholders and the Police.
   g. Council conduct a review of the residential parking scheme surrounding the Precinct as a priority.
   h. Council undertake regular evening and night parking patrols in the vicinity of the Precinct.
   i. Minor editing of the Planning Proposal document to achieve clarification.

Reasons for the recommendation

1. The Planning Proposal gives effect to the positive public responses during the initial trial of the Special Entertainment Precinct.
2. The Planning Proposal fulfills the Council's resolution of 24 May 2021, 13 September 2022, and December 2022 supporting the establishment of the Enmore Road Special Entertainment Precinct.
3. The Planning Proposal assists in achieving the objectives of the following strategic plans:
   - The Greater Sydney Regional Plan: a metropolis of three cities.
   - The Eastern City District Plan: Planning Priority E4.
   - Our Inner West 2036 – Council's Community Strategic Plan 2022.
   - Our Place Inner West - Local Strategic Planning Statement.
4. The Planning Proposal is generally consistent with all relevant State Environmental Planning Policies.
5. The Planning Proposal is consistent with all applicable s.91 Ministerial Directions.
6. Any potential adverse impacts can be satisfactorily controlled by the adoption of the proposed DCP, By the adoption of the proposed Special Entertainment Precinct Management Plan, And by the imposition of conditions of consent on individual development applications.

The decision of the panel was unanimous.

Agenda Item 2	
Description	1. Recommendation on whether the following matters are better addressed in *Inner West LEP 2022* (LEP) or Inner West Comprehensive Development Control Plan (DCP) a. Landscaped area b. Dwelling mix c. Minimum lot size 2. Recommendation on whether or not carrying over the existing building envelope controls currently contained within Leichhardt DCP 2013 into the Inner West Comprehensive DCP is likely to result in an adverse planning outcome; noting that the former Leichhardt area does not currently contain controls for the maximum height of buildings in the R1 – General Residential zone on the Height of Buildings Map.

DECISION OF THE PANEL

THAT the Inner West Planning Panel resolved as follows:

1. Landscaped area and site coverage are to be retained as an LEP matter for the former Leichhardt area. The provisions should be reviewed and extended to apply across the entire LGA (all residential zones) as part of future amendments to the Inner West LEP 2022.

2. Dwelling mix is to be included as a DCP matter within the Comprehensive DCP. Further investigations should be carried out to rationalise the existing controls and determine the requirements for when dwelling mix controls should be applied.

3. Minimum subdivision lot size should be retained as a LEP control. The provisions should be reviewed and extended to apply across the entire LGA (all residential zones) as part of future amendments to the Inner West LEP 2022.

4. The building envelope controls for the former Leichhardt area should be retained as an interim measure within the Comprehensive DCP until such time that a review of the LEP height of building controls has been undertaken. The provisions regarding height of building should be reviewed and potentially extended to apply across the LGA as part of future amendments to the Inner West LEP 2022.

The decision of the panel was unanimous.

The Inner West Planning Panel Meeting finished at 12:04pm.

CONFIRMED:

Adjunct Professor David Lloyd KC
Chairperson
20 December 2022

Item No: **C0323(1) Item 6**

Subject: **LITTLE VILLAGES SIGNAGE**

Prepared By: Daniel East - Acting Senior Manager Planning

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

1. **That Council proceed on the:**
   a) **development of designs for the Little Village Gateway and Wayfinding Signs in Petersham, Marrickville and Leichhardt; and**
   b) **development of designs for the Little Village pole mounted signs in Leichhardt.**
2. **That funding to implement Clauses 1a and b above, being $285,000, form part of the draft budget consideration for 2023/24 Financial Year.**

DISCUSSION

At its Extraordinary Council meeting on 13 December 2022 Council resolved in part that:

1. *A further report be provided by March 2023 for Council's consideration following completion of an analysis of appropriate locations, designs and costs for the large scale "little villages" signs;*
2. *Upon provision of a cost estimate being provided to Council, this will form part of the budget consideration for 2023-24 financial year;*

A site specific approach proposes alternate solutions for each village centre, that responds to specific local opportunities and is illustrated at *Attachment 1* with

- The location of each proposed sign
- An illustrative graphic of the proposed signage
- An illustrative graphic of other concepts considered that require further investigation, budget and/or risk.

During the investigations the following spatial constraints were identified and considered,

- The need to accommodate pedestrian movement to and from shops;
- Consideration of visual site lines; and
- The existence of existing trees, planting, banners and furnishings.

Consideration of these led to the identification of the following range of signage types as illustrated in *Attachment 1*, although not all of them have been recommended to process as per the evaluation below and further identified in *Attachment 2.*

1. Gateway and Wayfinding Signs – All villages
2. Pole Mounted Signs in Marrickville and Leichhardt
3. Large scale signs in Petersham, Marrickville and Leichhardt
   - Little Portugal: Perfect Match opportunity at the landmark Petersham reservoir;
   - Little Vietnam - A giant lettering sign on the corner of Illawarra Road and Calvert Street; and
   - Little Italy - A giant lettering sign on the corner of Norton and Marion Streets.

Attachment 2 includes detailed comments on issues with each of the sign types proposed, as well as an indicative breakdown of costs.

Evaluation of Proposed Signs

Gateway and wayfinding signs

The Little Village gateway and wayfinding signs are the key sign type for conveying the village message and are derived from the core wayfinding sign to be installed in Leichhardt under the Parramatta Road Urban Amenity Improvement Program (PRUAIP). It is proposed that these core wayfinding signs are extended to other villages, with distinctive graphics and colours adopted to convey the local cultural theme. *Attachment 2* indicates the estimated budget required to proceed with these signs in Petersham, Marrickville and Leichhardt is $255,000.

It is recommended that Council proceed.

Pole mounted signs

The second sign type is the pole mounted sign proposed for Norton Street (Little Italy), to be located on the existing poles Council owns and is considered to be cost effective and practical to install.

Attachment 2 indicates the estimated budget required to proceed with these signs in Leichhardt is $30,000. It is recommended that Council proceed.

The design study also investigated pole mounted signs in the median of Marrickville Road (Little Greece), however proceeding on these signs is not recommended at this time, due to the significant investment required to replace the poles for a ole type that supports the signage. However this item will be incorporated into investigations as a part of the Marrickville Town Centre master plan process .

Attachment 2 indicates the estimated budget required to proceed with these signs in Marrickville is $200,000. It is not recommended that Council proceed at this stage.

Large scale signs

A number of options were investigated for large scale signage and three options are included in *Attachment 1* for Petersham (Little Portugal), Marrickville (Little Vietnam) and Leichhardt (Little Italy).

Water tower mural - the proposal for a large Perfect Match mural at the Sydney Water reservoir in Petersham has permissibility (heritage and ownership) and feasibility (scale) issues and requires further investigation. It is reminiscent of the silo art seen in country NSW.

The potential cost of this has not been explored.

Giant lettering signs - the proposals for giant lettering signs at Marrickville (Little Vietnam) and Leichhardt (Little Italy) require further and extensive design development in consultation with respective communities and Leichhardt Public School. With refinement of the concept design proposals, it is expected that both of these signs could deliver an attractive landmark although with some significant cost.

Attachment 2 indicates the estimated budget required to proceed with these signs in Marrickville and Leichhardt is $180,000. It is not recommended that Council proceed at this stage but further investigation through the town centre master plan process will occur.

Next Steps

If the Little Village signage is supported, the next steps would be for Council to:

- Procure artists to assist with community engagement and finalising the imagery to be used
- Prepare a quotation package with a signage inventory and sign design details, enabling Council to procure construction of the works.

FINANCIAL IMPLICATIONS

The report recommends proceeding with the development of Little Village signage in Petersham, Marrickville and Leichhardt, requiring funding of $285,000. This funding has formed part of the draft budget consideration for 2023/24 Financial Year.

ATTACHMENTS

1.⇩ Little Villages Identification
2.⇩ Little Villages Design Evaluation and Budget

vt

Inner West Council

Little Villages

Variation 1A: Little Villages Identification Project
February 2023

STATUS	DELIV
ISSUE	B
DATE	24.02.2023
PREPARED BY	MB / SK
APPROVED BY	SK

This Stamp is for issue control during Draft Phase, and will be removed for Final Issue.

INNER WEST | ASPECT Studios

Contents

Section 1
Little Portugal 3

Section 2
Little Vietnam 7

Section 3
Little Greece 11

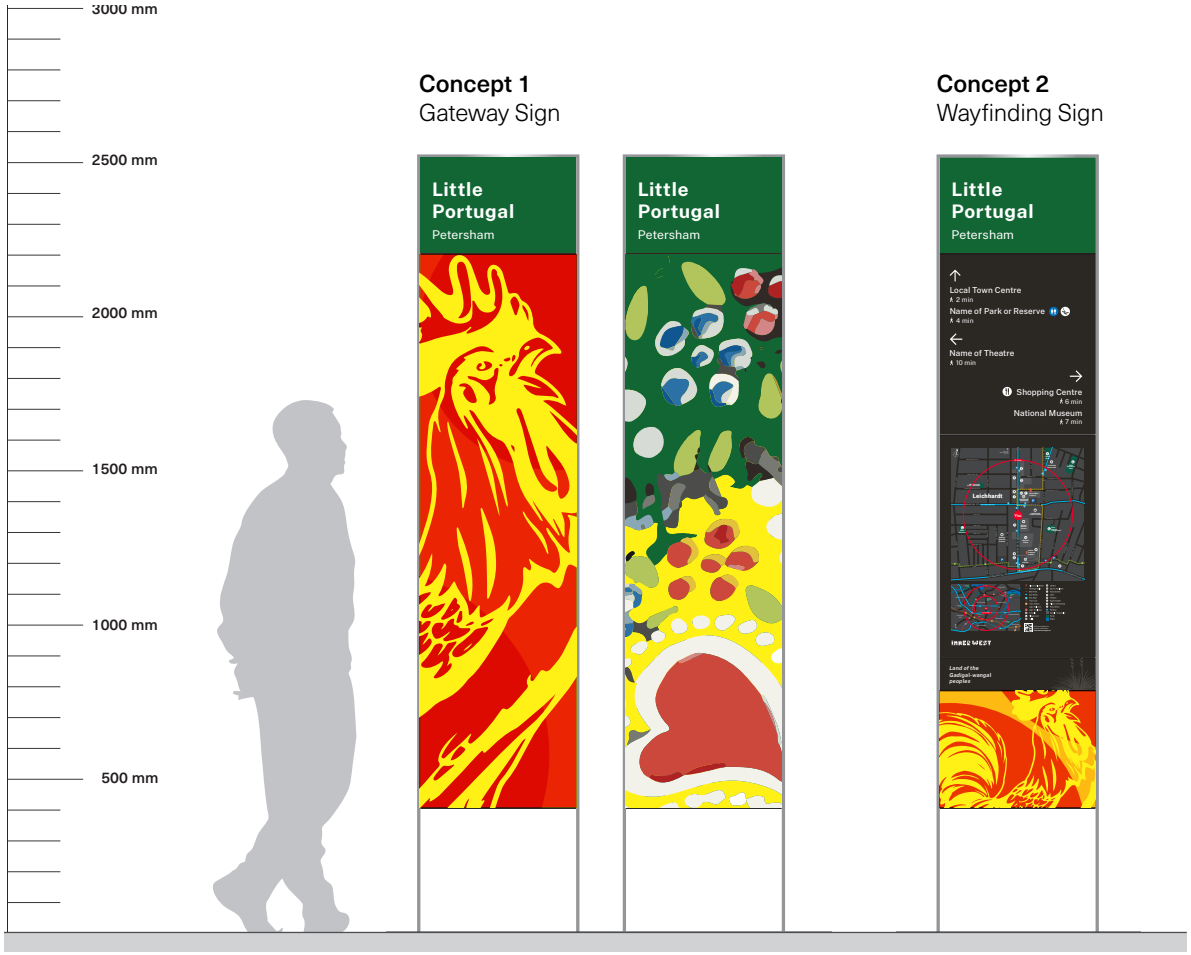
Section 4
Little Italy 14

Section 1

Little Portugal

1 LITTLE PORTUGAL

Little Portugal Signage Overview



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Little Portugal Signage Overview

Concept 3
Water Tank Artwork

Note:
Mural Concept requires further investigations to determine feasibility.

Will include consultation with Sydney Water, and require evaluation of heritage and engagement with stakeholders.

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1 LITTLE PORTUGAL

DATE 24.02.2023 | INNER WEST LITTLE VILLAGES SIGNAGE REPORT | P 6

PETERSHAM

Little Portugal

NOTES

PRELIMINARY LOCATIONS ONLY
All locations are approximate and should be used as a guide only.

All dimensions and existing conditions shall be checked and verified by contractor before proceeding with the work.

Drawing not to scale.

Little Portugal Precinct as approved by Geographic Names Board

KEY

- Little Portugal Entry Marker
- Little Portugal Wayfinding Sign
- Water Tank Perfect Match Mural
- Extent of Little Portugal

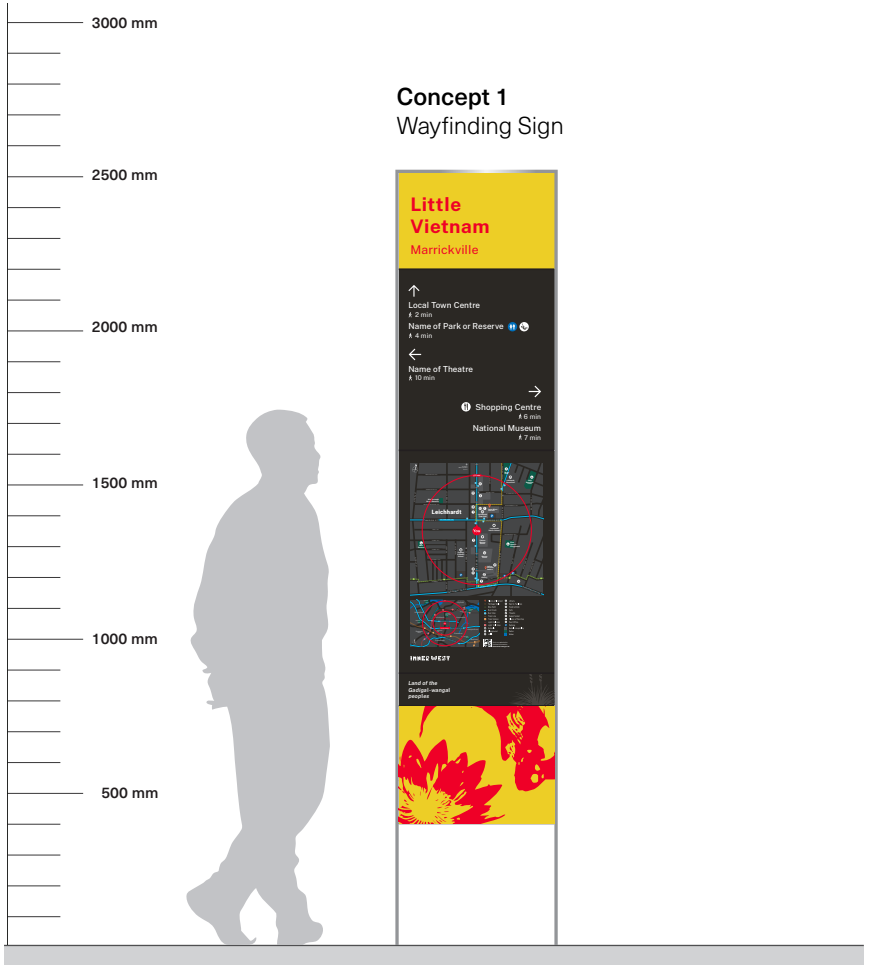
ASPECT Studios

Section 2

Little Vietnam

2 LITTLE VIETNAM

Little Vietnam Signage Overview



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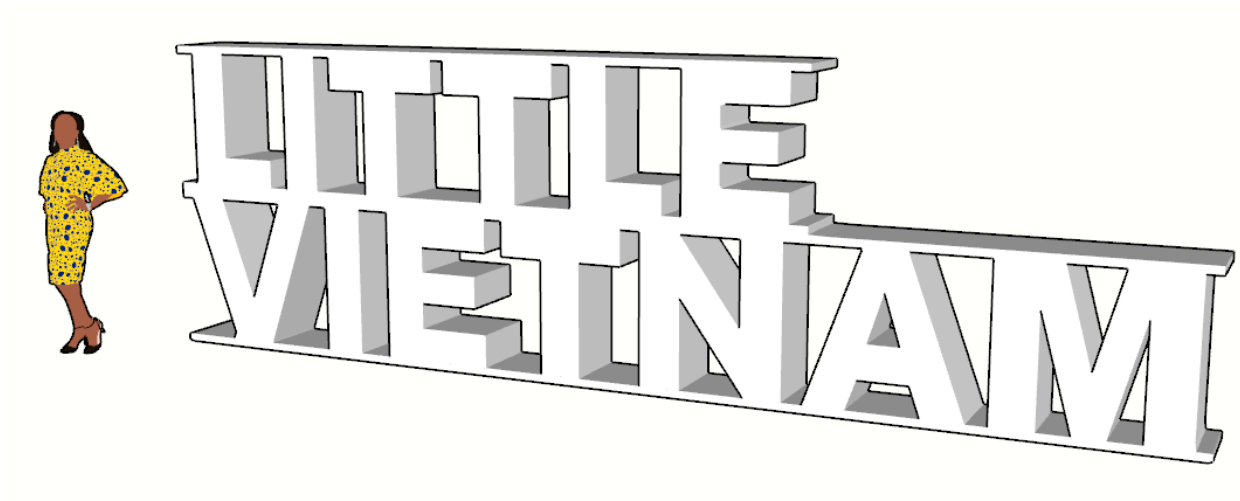
Little Vietnam Signage Overview



ASPECT Studios

2 LITTLE VIETNAM

DATE 24.02.2023 | INNER WEST LITTLE VILLAGES SIGNAGE REPORT | P 10

MARRICKVILLE

Little Vietnam

NOTES

PRELIMINARY LOCATIONS ONLY
All locations are approximate and should be used as a guide only.

All dimensions and existing conditions shall be checked and verified by contractor before proceeding with the work.

Drawing not to scale.

Little Vietname Precinct as approved by the Geographic Names Board.

KEY

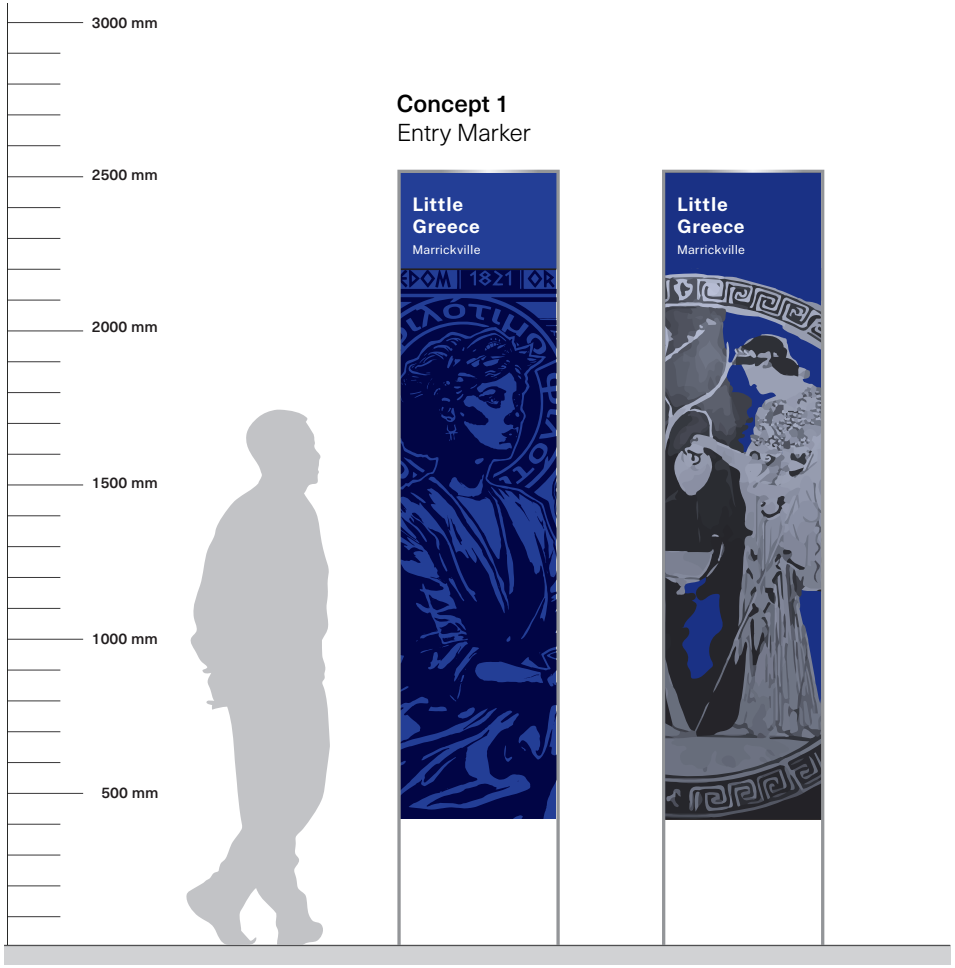
- Calvert Street Giant Letter Sign
- Little Vietnam Wayfinding Sign
- Extent of Little Vietnam

ASPECT Studios

Section 3

Little Greece

Little Greece Signage Overview



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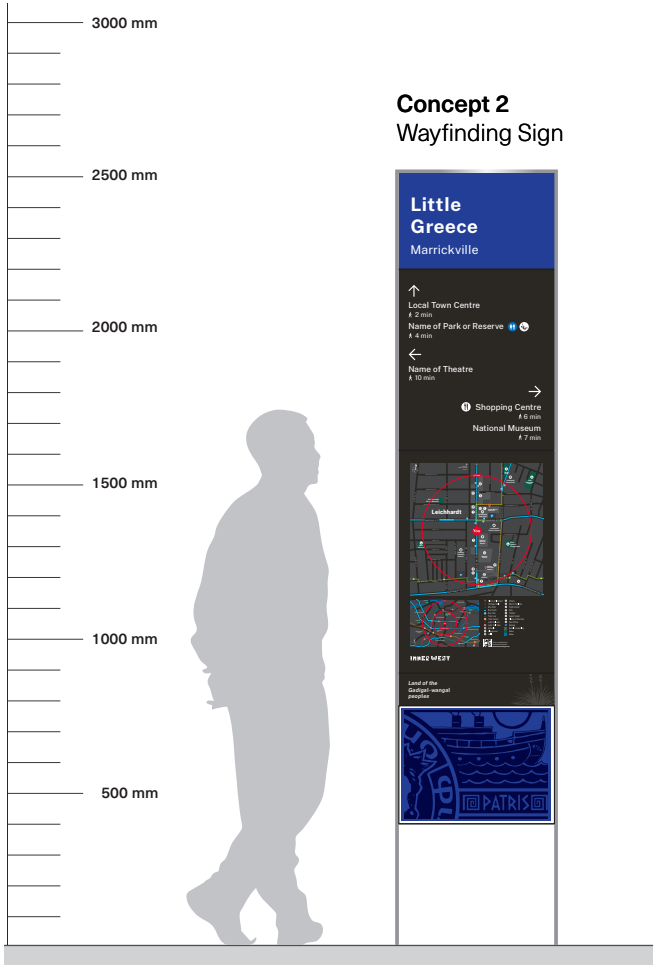
3 LITTLE GREECE

Little Greece Signage Overview



Concept 2
Wayfinding Sign

Concept 3
Pole Mounted Flags

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3 LITTLE GREECE

MARRICKVILLE

Little Greece

NOTES

PRELIMINARY LOCATIONS ONLY
All locations are approximate and should be used as a guide only.

All dimensions and existing conditions shall be checked and verified by contractor before proceeding with the work.

Drawing not to scale.

Little Greece Precinct as approved by Geographic Names Board.

KEY

- Pole Mounted Flag Sign
- Little Greece Wayfinding Sign
- Little Greece Entry Marker
- Extent of Little Greece

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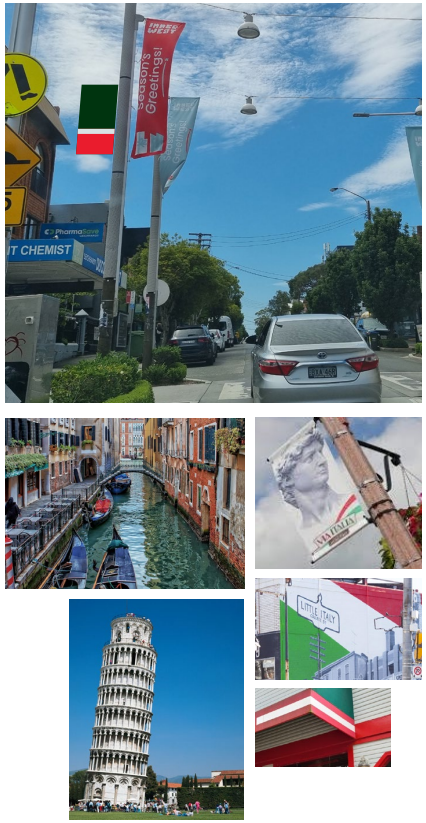
Section 4

Little Italy

Little Italy Signage Overview



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4 LITTLE ITALY

DATE 24.02.2023 | INNER WEST LITTLE VILLAGES SIGNAGE REPORT | P 17

Little Italy Signage Overview

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4 LITTLE ITALY

DATE 24.02.2023 | INNER WEST LITTLE VILLAGES SIGNAGE REPORT | P 18

LEICHHARDT

Little Italy

NOTES

PRELIMINARY LOCATIONS ONLY
All locations are approximate and should be used as a guide only.

All dimensions and existing conditions shall be checked and verified by contractor before proceeding with the work.

Drawing not to scale.

Little Italy Precinct as approved by Geographic Names Board.

KEY

- Additional Little Italy Wayfinding Sign
- Little Italy Wayfinding Signs in PRUAIP Delivery Package for install in 2023
- Pole Mounted Flag Signs
- Little Italy Giant Lettering Sign
- Extent of Little Italy

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Attachment 2: Sign Design Evaluation and Budget Requirements

Sign type and location	Sign Design Evaluation	Budget requirement
Petersham - Little Portugal		
Concept 1 & 2 **Gateway and Wayfinding signs**	Utilises standard sign design developed in the Leichhardt PRUAIP wayfinding work. Community consultation required for selection of artwork.	**$75k**
Concept 3 **Water Tank Artwork** Perfect Match mural at Sydney Water reservoir	Permissibility issues associated with status as a State heritage item. Requires Sydney Water support for the proposal. Feasibility: Needs further investigation of site access and painting requirements. Community consultation required for selection of artwork.	**NA**
Marrickville - Little Vietnam		
Concept 1 Wayfinding sign	Utilises standard sign design developed in the Leichhardt PRUAIP wayfinding work. Community consultation required for selection of artwork.	**$60k**
Concept 2 **Giant lettering sign** Cnr of Illawarra and Calvert	Requires significant design development in consultation with community. May be aligned with current design investigations at Calvert Street carpark area. Significant cost but would be an attractive landmark.	**$90k**
Marrickville - Little Greece		
Concept 1 and 2 **Entry Marker and Wayfinding signs**	Utilises standard sign design developed in the Leichhardt PRUAIP wayfinding work. Community consultation required for selection of artwork.	**$75k**
Concept 3 **Pole mounted sign** Marrickville Road median	New poles required to replace existing flag poles. Significant investment in median when Council is developing a public domain masterplan for the area, that may conclude the median should be removed. Will require street closure during construction, disruption to local business.	**$200k**
Leichhardt - Little Italy		
Concept 1 **Wayfinding sign**	Utilises standard sign design developed in the Leichhardt PRUAIP wayfinding work. Community consultation required for selection of artwork. Note six (6) signs are funded separately and will be installed in 2022/23 FY.	**$45k**
Concept 2 **Pole mounted sign**	Pole mounted flag sign located on existing poles in Norton Street, complementing existing banner arrangement.	**$30k**
Concept 3 **Giant lettering sign** Cnr of Norton and Marion	Requires significant design development in consultation with community and school. Significant cost but would be an attractive landmark.	**$90k**

Item 7

Item No: **C0323(1) Item 7**

Subject: **LOCAL TRAFFIC COMMITTEE MEETING - FEBRUARY 2023**

Prepared By: Manod Wickramasinghe - Traffic and Transport Planning Manager

Authorised By: Ryann Midei - Director Infrastructure

RECOMMENDATION

1. **That the Minutes of the Local Traffic Committee meeting held on 20 February 2023 be received and the recommendations be adopted.**

2. **That the Minutes of the Extraordinary Local Traffic Committee meeting held on 28 February 2023 be received and the recommendations be adopted.**

ITEMS BY WARD

Ward	Item
Baludarri (Balmain)	Darling Street between Mort Street and Curtis Road, Balmain - Road Occupancy - ANZAC Day Dawn Service
	The Terrace, Birchgrove - Proposed Kerb Extension and Landscaped Garden Bed
	Gow Street at Punch Street and Fitzroy Avenue, Birchgrove - Proposed Kerb Extension and New Footpath
	Nelson Street, Rozelle - Proposed 'Motor Bike Only' Parking Restrictions
	Missing ‘No Stopping’ sign on Charles Lane, Lilyfield
	Request for more ‘Kiss and Ride’ spaces outside Balmain Public School
Gulgadya (Leichhardt)	Balmain Road, Leichhardt (At Hill Street) - Proposed Pedestrian Improvement Works
	Balmain Road, Leichhardt (At Stanley Street) - Proposed Pedestrian Improvement Works
Midjuburi (Marrickville)	Challis Avenue at Albermarle Street, Dulwich Hill – Proposed Kerb Extension and New Footpath (Design Plan No.10225)
	Church Street, St Peters – Proposed Marked Parking Bays
	437 – 439 Illawarra Road, Marrickville – ENR1/2020/0157 Condition 3 – Signs and Line Markings Plan - DA 201800560
	Harriet Street, Marrickville - Resident Parking Scheme Proposal
	Pedestrian safety at the intersection of Edgeware Road, Alice Street and Llewellyn Street, Newtown
	Wardell Road, Dulwich Hill – Proposed Temporary Pedestrian (Zebra) Crosssing
Djarrawunang (Ashfield)	Intersection of Edward Street and Mungo Scott Place/ Wellesley Street, Summer Hill - Proposed Kerb Blister Islands and New Pram Ramps
	Update on improvements to the Frederick Street, Ashfield crossing
	Parking on Kensington Road at Liverpool Road, Summer Hill
	Wardell Road, Dulwich Hill – Proposed Temporary Pedestrian (Zebra) Crosssing
Damun (Stanmore)	Kingston Road, Camperdown – proposal to formalize ‘Mail Zone’ outside 21-25 Kingston Road
	Pedestrian safety at the intersection of Edgeware Road, Alice Street and Llewellyn Street, Newtown

	Request for 'No Stopping' zone in rear lane of Edgeware Road, Newtown
	Impacts to residential permit parking around Enmore Road Special Entertainment Precinct
	Pedestrian crossing button on Station Street at Enmore Road, Newtown
All Wards	Traffic Management Investigation Policy
	Pedestrian Crossings Review
	Converting one-way streets to two-way for cyclists
	Change of TfNSW representative on Traffic Committee

DISCUSSION

The Local Traffic Committee was held on 20 February 2023 at Ashfield Service Centre. The minutes of the meeting are shown at **Attachment 1**.

The Extraordinary Local Traffic Committee was held online by email on 28 February 2023. The minutes of the meeting are shown at **Attachment 2**.

FINANCIAL IMPLICATIONS

Projects proposed for implementation are funded within existing budget allocations.

PUBLIC CONSULTATION

Specific projects have undergone public consultation as indicated in the respective reports to the Traffic Committee.

ATTACHMENTS

1.⇩ Local Traffic Committee Meeting Minutes - 20 February 2023
2.⇩ Extraordinary Local Traffic Committee Meeting Minutes - 28 February 2023

Minutes of Local Traffic Committee Meeting
Held on 20 February 2023 at Ashfield Service Centre

Meeting commenced at 11.03am

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

Manod Wickramasinghe	IWC's Traffic and Transport Planning Manager (Chair)
Bill Holliday	Representative for Jamie Parker MP, Member for Balmain
Graeme McKay	Representative for Jo Haylen MP, Member for Summer Hill
Patricia Arcilla	Representative for Jenny Leong MP, Member for Newtown
Sgt Charles Buttrose	NSW Police – Leichhardt Police Area Command
John Begley	Transport for NSW (TfNSW)

OFFICERS IN ATTENDANCE

Solon Ghosh	Transport for NSW (TfNSW)
Colin Jones	Inner West Bicycle Coalition (IWBC)
Sunny Jo	IWC's Coordinator Traffic Engineering Services (North)
George Tsaprounis	IWC's Coordinator Traffic Engineering Services (South)
Jason Scoufis	IWC's Traffic and Parking Planner
Mohammed Haque	IWC's Civil Engineer
Jalal Uddin	IWC's Civil Engineer
Christina Ip	IWC's Business Administration Officer

VISITORS

Helen Russell	Resident – Item 4

APOLOGIES:

Mayor Darcy Byrne	Councillor – Baludarri-Balmain Ward
Cr Chloe Smith	Councillor – Damun-Stanmore Ward

DISCLOSURES OF INTERESTS:

Nil.

CONFIRMATION OF MINUTES

The Minutes of the Local Traffic Committee meeting held on 5 December 2022 were confirmed.

MATTERS ARISING FROM COUNCIL'S RESOLUTION OF MINUTES

The Local Traffic Committee recommendations of its meeting held on 21 November 2022 were adopted at Council's meeting on 13 December 2022 subject to the following amendment:

a) LTC1122(1) Item 3 (5) be amended to 'Council will retain the no-left turn restriction from Wardell Road onto Riverside Crescent, installed in early 2021 as part of the Greenway Project, and will investigate further measures that protect pedestrian and cyclist safety and alleviate traffic on Wardell Road.'

The IWBC representative requested that cyclists be excepted at the no left turn restriction from Wardell Road. Council Officers will investigate this request separately.

The Local Traffic Committee recommendations of its meeting held on 5 December 2022 were adopted at Council's meeting on 14 February 2023 subject to the following additions to Item 2 Tempe Reserve, Tempe – Temporary Road Closures for Sydney IGLFA Soccer Tournament 20-23 February 2023 – (Midjuburi - Marrickville Ward/Heffron Electorate/Newtown LAC):

That:

1. no objection be raised to the Soccer Tournament over the four day period between 11 February to 5 March 2023 subject to the applicant complying with the following conditions:

   a) the Traffic Management Plan (TMP) be reviewed and updated accordingly to address issues raised in this report.
   Reason – to ensure the event runs safely and efficiently throughout this period and to address any unforeseen issues arising;

   b) the applicant is to provide an estimate of expected traffic volume figures attending the event. This shall include details about the average arrivals/departures per day as well as peak hour arrivals/departures. Furthermore, direction(s) of traffic flow needs to be included in this analysis (ie. of where traffic is going to and coming from).
   Reason - This information is required for each day to assess the impact of any possible traffic congestion at the signalised intersection of Holbeach Avenue and Princes Highway;

   c) an updated TMP be sent to TfNSW for their review and comment. Reason – to ensure TfNSW is aware of the event series and can provide comment on any impact(s) on the operation of the signalised intersection of Highway and Holbeach Avenue, Tempe;

   d) notification of the proposed event be forwarded to the NSW Police, Transit Systems and State Transit Authority (Kingsgrove Depot), the NSW Fire Brigade and the NSW Ambulance Services.
   Reason – so emergency services and transport services are aware of the event series and can plan around the event;

   e) affected residents and/or businesses are notified in writing at least two weeks prior to event and the event organiser and traffic control company contact details and names be included in the notification letters.
   Reason – so residents and businesses are aware of the event series and can plan around event;

   f) adequate vehicular traffic control shall be provided for the protection and convenience of pedestrians and motorists including appropriate signage and flagging. TCP must be implemented on the day(s) by an appropriate certified traffic controller (designer of TCP or similar certification). 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. Reason – to ensure that the management of pedestrians, cyclists, vehicles and road other users is undertaken in a safe and efficient manner.

2. additional traffic controllers to be situated at:

   a) the western end of South Street;

   b) Bay Street east of Princes Highway;

   c) Station Street east of Princes Highway; and

   d) Hart Street east of Princes Highway.

3. the above comments of the Local Traffic Committee be received and noted;

4. note the request from ten or more residents for a resident parking scheme in the area bounded by the Princes Highway and South Street, Smith Street and Holbeach Avenue, Tempe, and commence investigation of such a scheme; and

5. at the conclusion of that investigation, commence a Parking Study of the area around Tempe Reserve as noted in the Tempe Reserve Plan of Management.

LTC0223(1) Item 1 Darling Street between Mort Street and Curtis Road, Balmain - Road Occupancy - ANZAC Day Dawn Service (Baludarri - Balmain Ward/ Balmain Electorate/ Leichhardt PAC)

SUMMARY

In preparation to mark the ANZAC Day Dawn Service 2023 on Tuesday, 25 April 2023, Inner West Council is organising the ANZAC Day dawn Service at the Loyalty Square War Memorial, Balmain. To facilitate the event, it is proposed to close Darling Street between Mort Street and Curtis Road between 2:30am and 9:30am.

Officer's Recommendation

That the temporary road closure of Darling Street (Mort Street to Curtis Road), Balmain on Tuesday, 25 April 2023 between 2.30am – 9.30am be supported, subject to the following conditions:

1. All affected residents and businesses, including the NSW Police Local Area Commander, Fire & Rescue NSW and NSW Ambulance Services be notified in writing, by the applicant, of the proposed temporary road closure at least 14 days in advance of the closure with the applicant making reasonable provision for stakeholders;

2. That an unencumbered passage minimum 3.0m wide be available for emergency vehicles through the closed section of Darling Street, Balmain; and

3. The occupation of the road carriageway must not occur until the road has been physically closed.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the temporary road closure of Darling Street (Mort Street to Curtis Road), Balmain on Tuesday, 25 April 2023 between 2.30am – 9.30am be supported, subject to the following conditions:

1. **All affected residents and businesses, including the NSW Police Local Area Commander, Fire & Rescue NSW and NSW Ambulance Services be notified in writing, by the applicant, of the proposed temporary road closure at least 14 days in advance of the closure with the applicant making reasonable provision for stakeholders;**

2. **That an unencumbered passage minimum 3.0m wide be available for emergency vehicles through the closed section of Darling Street, Balmain; and**

3. **The occupation of the road carriageway must not occur until the road has been physically closed.**

For motion: Unanimous

LTC0223(1) Item 2 The Terrace, Birchgrove - Proposed Kerb Extension and Landscaped Garden Bed (Baludarri - Balmain Ward/ Balmain Electorate/ Leichhardt PAC)

SUMMARY

Council is planning to improve the streetscape in The Terrace Birchgrove by formalising the existing kerb blister constructed from temporary materials by constructing a new landscaped and integrated kerb blister island. The proposal aims to improve pedestrian and motorist safety by better defining the existing traffic lane and parking arrangements in the street, providing a more accessible footpath and improve the visual amenity by providing additional landscaping.

Officer's Recommendation

That the attached detail design plan (Design Plan No.10217-A) for the proposed kerb extension and garden bed at the entrance of Birchgrove Oval on The Terrace, Birchgrove be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the attached detail design plan (Design Plan No.10217-A) for the proposed kerb extension and garden bed at the entrance of Birchgrove Oval on The Terrace, Birchgrove be approved.

For motion: Unanimous

LTC0223(1) Item 3 Balmain Road, Leichhardt (At Hill Street) - Proposed Pedestrian Improvement Works (Gulgadya - Leichhardt Ward/ Balmain

Electorate/ Leichhardt PAC)

SUMMARY

Council is planning to improve pedestrian safety in Balmain Road, Leichhardt by reconstructing and relocating the existing raised pedestrian (zebra) crossing and providing a landscaped footpath to better align the pedestrian crossing point in Hill Street where it intersects with Balmain Road. The proposal aims to improve pedestrian and motorist safety by relocating the pedestrian crossing away from the intersection which is intended to reduce conflicts with traffic movements and improve pedestrian safety at this location.

Officer's Recommendation

That the attached detailed design plan (Design Plan No.10237) for the proposed pedestrian crossing improvements on Balmain Road, Leichhardt at Hill Street be approved.

DISCUSSION

Council Officers tabled a late submission from a resident who supported the proposal.

The TfNSW representative asked if bus operators have commented on the design. Council Officers advised that they were provided an opportunity to comment but have not provided any. Council Officers will follow up with Transit Systems to confirm if there are any issues.

The IWBC representative requested 'Bicycles May Use Full Lane' signage on Balmain Road. Council Officers will investigate this request.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the attached detailed design plan (Design Plan No.10237) for the proposed pedestrian crossing improvements on Balmain Road, Leichhardt at Hill Street be approved.

For motion: Unanimous

LTC0223(1) Item 4 Balmain Road, Leichhardt (At Stanley Street) - Proposed Pedestrian Improvement Works (Gulgadya - Leichhardt Ward/ Balmain Electorate/ Leichhardt PAC)

SUMMARY

Council is planning to improve pedestrian safety in Balmain Road by upgrading the existing at-grade crossing to a raised (zebra) pedestrian crossing. The proposal aims to improve pedestrian and motorist safety by replacing the existing two speed cushions on each approach with a single raised crossing and reduce vehicle speeds.

Officer's Recommendation

That the attached detail design (Design Plan No.10238) for the proposed raised pedestrian (zebra) crossing on Balmain Road, Leichhardt at Stanley Street be approved.

DISCUSSION

Public speaker: Helen Russell entered at 11.07am.

Ms Russell supported the recommendation and suggested that Council consider:

- more traffic calming measures to slow vehicles on approach to the Balmain Road pedestrian crossing, particularly to slow traffic coming from the Marion Street intersection;
- extending the Leichhardt Public School and Sydney Secondary College school zones to the section of Balmain Road between Wetherill Street and the Derbyshire Road intersection; and
- making signage more visible by trimming trees obstructing signs, and making signs larger and higher.

(Ms Russell left at 11.12am.)

In response to Ms Russell's suggestions, Council Officers advised that speed cushions on approach to the pedestrian crossing was previously installed to slow approach traffic. This treatment for the crossing has not had the desired traffic calming effect which has led to the current proposal being considered.

Council Officers can investigate increasing visibility of signage on Balmain Road and check whether any trees require maintenance. It was noted that Council Officers were on site recently and did not observe any trees obstructing pedestrian crossing signage.

TfNSW will assess whether the school zones can be extended as suggested by the resident. The TfNSW representative advised that the length of the 'No Stopping' zone from the departure side of the pedestrian crossing should be 10m rather than 7.5m as per technical directions.

Committee members asked why the height of the raised pedestrian crossing is proposed to be 90-100mm even though Balmain Road is part of a bus route. Council Officers advised that the design was constrained due to site conditions as the footpath level needs to transition to the height of the pedestrian crossing. A crossing height of 75mm would create a steep and inappropriate transition which is not desirable to pedestrians. To accommodate the 90-100mm pedestrian crossing, the design also lengthened the ramps on each side of the crossing to 2m to provide an appropriate ramp grade for buses. Council Officers will discuss this further with Transit Systems.

Council Officers also tabled an amended design plan (Attachment 1) which incorporates a kerb extension on the north east corner of the Balmain Road / Stanley Street intersection to create a narrowing prior to the intersection, as requested by a resident and the IWBC, to keep cyclists central to the carriageway and shorten the crossing distance for pedestrians across Stanley Street.

The IWBC representative asked if the garden bed could be widened so that the narrowing of the intersection could start further up in Balmain Road. Council Officers advised that the garden beds have been widened as much as possible and further widening is restricted by turn movements from Short Street.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the attached detail design (Design Plan No.10238-A) for the proposed raised pedestrian (zebra) crossing on Balmain Road, Leichhardt at Stanley Street be approved.

For motion: Unanimous

LTC0223(1) Item 5 Gow Street at Punch Street and Fitzroy Avenue, Birchgrove - Proposed Kerb Extension and New Footpath (Baludarri - Balmain Ward/ Balmain Electorate/ Leichhardt PAC)

SUMMARY

Council is planning to improve pedestrian safety by constructing a new landscaped kerb extension and footpath in Punch Street and Gow Street, Birchgrove. The proposed works is intended to improve pedestrian and motorist safety in the area.

Officer's Recommendation

That the attached detail design plan (Design Plan No.10224-A) for the proposed kerb extension and footpath on Gow Street at Fitzroy Avenue and Punch Street, Birchgrove be approved.

DISCUSSION

Council Officers advised that a late submission was received from a resident who did not support the proposal with comments similar to those already provided to the Committee.

The TfNSW representative requested for the 'No Stopping' line to be extended into Gow Street. Council Officers stated this may impact parking so consultation would need to be undertaken to extend the line.

TfNSW representatives also stated that the existing School Zone sign has been twisted to face the wrong direction. They requested that Council turn the sign back 90 degrees when they are undertaking the kerb extension and footpath works.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the attached detail design plan (Design Plan No.10224-A) for the proposed kerb extension and footpath on Gow Street at Fitzroy Avenue and Punch Street, Birchgrove be approved.

For motion: Unanimous

LTC0223(1) Item 6 Challis Avenue at Albermarle Street, Dulwich Hill – Proposed Kerb Extension and New Footpath (Design Plan No.10225) (Midjuburi – Marrickville Ward / Summer Hill Electorate / Inner West PAC)

SUMMARY

A design plan has been finalised for the proposed kerb extension and new footpath in Challis Avenue, Dulwich Hill, at its intersection with Albermarle Street. The proposal includes the construction of a new concrete kerb and gutter, new concrete footpath with associated kerb ramps and a new kerb blister island with low level plantings. It is anticipated that this proposal will improve pedestrian and motorist safety by defining the existing traffic lanes and

traffic movements and will provide a more accessible footpath and safer crossing facility.

Officer's Recommendation

That the design plan for the proposed kerb extension and new concrete footpath in Challis Avenue at the intersection of Albermarle Street, Dulwich Hill (Design Plan No.10225) be approved.

DISCUSSION

The representative for the Member for Summer Hill commented that while residents are generally supportive of the proposed kerb extension, there are concerns with its impact to parking and suggested that Ausgrid be requested to remove the power poles obstructing the pathway. Council Officers advised that submissions have been made to remove the poles and stated that even with the provision of kerb extension, the poles will still be in the way.

The IWBC representative commented that dark coloured power poles, signposts and bollards obstruct pedestrians and cyclists as they are not visible in low light and requested that they be marked in colours more visible in low light. Council Officers noted this request.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the design plan for the proposed kerb extension and new concrete footpath in Challis Avenue at the intersection of Albermarle Street, Dulwich Hill (Design Plan No.10225) be approved.

For motion: Unanimous

LTC0223(1) Item 7 Church Street, St Peters – Proposed Marked Parking Bays (Midjuburi – Marrickville Ward / Heffron Electorate / Inner West PAC)

SUMMARY

Council is proposing to formalise the existing footpath parking in the cul-de-sac section of Church Street east of Victoria Street, St Peters to allow this parking behaviour to occur whilst retaining adequate travel lane width for emergency service vehicles and adequate footpath width for pedestrians.

Officer's Recommendation

That:

1. 'Park in Bays Only' restrictions be approved and installed in Church Street, east of Victoria Street, St Peters; and

2. Parking bay line marking be installed on Church Street, St Peters, east of Victoria Street, as shown on the signposting and linemarking plan, including:
    a. The 5-space section of footpath parking on the north side of Church Street, St Peters, between the school entrance opposite Victoria Street and eastern boundary of property No.95 Church Street;
    b. On street parking on the south side of Church Street in front of property Nos. 138-148, 150,154,156.

DISCUSSION

The TfNSW representative raised concerns that the proposed footpath parking will reduce the footpath width to 1.2m which does not comply with technical directions for a 1.8m path on both sides of the street and creates unsafe parking behaviour close to the school.

Council Officers advised that the proposed footpath parking is in the cul-de-sac section of Church Street that receives low vehicle and pedestrian volumes as it was also located away from the school gate and does not include any of the drop-off/pick-up restrictions. It was noted that St Peters Public School was consulted and did not raise any issues with the proposal.

The TfNSW representative requested that because the footpath width is not compliant with technical directions, Council review the parking six months after installation. The Committee members agreed to incorporate this request in the recommendation.

COMMITTEE RECOMMENDATION

That:

1. **'Park in Bays Only' restrictions be approved and installed in Church Street, east of Victoria Street, St Peters;**

2. **Parking bay line marking be installed on Church Street, St Peters, east of Victoria Street, as shown on the signposting and linemarking plan, including:**
   a. **The 5-space section of footpath parking on the north side of Church Street, St Peters, between the school entrance opposite Victoria Street and eastern boundary of property No.95 Church Street;**
   b. **On street parking on the south side of Church Street in front of property Nos. 138-148, 150,154,156; and**

3. **The changes be reviewed six months following installation and the outcome be reported to the Traffic Committee.**

For motion: Unanimous

LTC0223(1) Item 8 **437 – 439 Illawarra Road, Marrickville – ENR1/2020/0157 Condition 3 – Signs and Line Markings Plan - DA 201800560 (Midjuburi - Marrickville Ward / Summer Hill Electorate / Inner West PAC)**

SUMMARY

A detailed signs and line marking plan for 437-439 Illawarra Road, Marrickville has been submitted as part of ENR1/2020/0157 approval special condition 3 "Loading Zone" prior lodgement of the 'Roadworks – Step 2 Permit to Construct'. It is recommended that the submitted plan be supported in principle subject to Transport for NSW's (TfNSW) concurrence.

Officer's Recommendation

That:

1. The detailed line marking and signage plan for the proposed 437-439 Illawarra Road development located on Illawarra Road at its corner with Warren Road, Marrickville

showing new 'No Stopping' restrictions and amended loading zone restrictions (as per the attached Plan B) be approved, subject to TfNSW's concurrence; and

2. The costs of the supply and installation of the associated signage are to be borne by the applicant in accordance with Council's Fees and Charges.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That:

1. **The detailed line marking and signage plan for the proposed 437-439 Illawarra Road development located on Illawarra Road at its corner with Warren Road, Marrickville showing new 'No Stopping' restrictions and amended loading zone restrictions (as per the attached Plan B) be approved, subject to TfNSW's concurrence; and**

2. **The costs of the supply and installation of the associated signage are to be borne by the applicant in accordance with Council's Fees and Charges.**

For motion: Unanimous

LTC0223(1) Item 9 **Intersection of Edward Street and Mungo Scott Place/ Wellesley Street, Summer Hill - Proposed Kerb Blister Islands and New Pram Ramps (Djarrawunang-Ashfield Ward/Summer Hill Electrorate/Ashfield PAC)**

SUMMARY

Council has finalised design plans to construct new landscaped kerb blister islands and kerb ramps in Edward Street, Summer Hill (at its intersection with Mungo Scott Place & Wellesley Street). The proposal aims to further improve pedestrian and motorist safety by better defining the existing traffic and parking lanes through the provision of constructed landscaped islands which also provides safer refuge/shorter distance width for pedestrians wishing to cross Edward Street.

Officer's Recommendation

That the detailed (amended) design plan for new kerb blisters and pram ramps with associated signs and line marking, with the provision to accommodate any future proposed pedestrian crossing at the intersection of Edward Street and Wellesley Street/Mungo Scott Place, Summer Hill be approved as per the amended plan 10228 in Attachment 2.

DISCUSSION

Council Officers tabled a late submission from a resident requesting the existing 'No Parking' on Flour Mill Way be changed to a loading or pick-up/drop-off zone. It was noted that the existing 'No Parking' zone is located on a private road.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the detailed (amended) design plan for new kerb blisters and pram ramps with associated signs and line marking, with the provision to accommodate any future proposed pedestrian crossing at the intersection of Edward Street and Wellesley Street/Mungo Scott Place, Summer Hill be approved as per the amended plan 10228 in Attachment 2.

For motion: Unanimous

LTC0223(1) Item 10 Traffic Management Investigation Policy

SUMMARY

This is a report recommending endorsement of the Traffic Management Investigation Policy.

Council has prepared a Traffic Management Investigation Policy to be used when assessing the suitability of locations on local and regional roads for traffic management devices. This policy as detailed in **Attachment 1** provides guidance regarding when to initiate investigation and assistance in assessing the need for traffic calming measures to control speeding.

Council has recently undertaken public exhibition of the draft Traffic Management Investigation Policy. The response results indicate that the community generally support the policy. After considering the comments, a review of the draft policy was undertaken with some adjustments to finalise the Traffic Management Investigation Policy.

The Policy aligns with the Strategic Plan Objective 2: Unique, liveable, networked neighbourhoods.

Officer's Recommendation

That the Traffic Management Investigation Policy be supported and adopted.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the Traffic Management Investigation Policy be supported and adopted.

For motion: Unanimous

LTC0223(1) Item 11 Harriet Street, Marrickville - Resident Parking Scheme Proposal (Midjuburi - Marrickville Ward/ Summer Hill Electorate/ Inner West PAC)

SUMMARY

In response to a community petition received by Council from several residents of Harriet Street, Marrickville, Council has investigated the proposal for a Residential Parking Scheme. This report provides the result of the residential parking scheme investigation in Harriet Street, Marrickville.

Officer's Recommendation

That a proposed '2P 8am -4pm Mon -Fri Permit Holders Excepted Area M2' Residential Parking Scheme in Harriet Street, Marrickville, be approved for the north side of Harriet Street between Charlotte Ave and no's 22-26 Harriet Street to provide increased opportunities for residents to park within Harriet Street.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That a proposed '2P 8am -4pm Mon -Fri Permit Holders Excepted Area M2' Residential Parking Scheme in Harriet Street, Marrickville, be approved for the north side of Harriet Street between Charlotte Ave and no's 22-26 Harriet Street to provide increased opportunities for residents to park within Harriet Street.

For motion: Unanimous

LTC0223(1) Item 12 Nelson Street, Rozelle - Proposed 'Motor Bike Only' Parking Restrictions (Baludarri - Balmain Ward/ Balmain Electorate/ Leichhardt PAC)

SUMMARY

Council has received concerns regarding obstructed resident access in George Street for No.58 and No.60 Nelson Street, Rozelle. In order to prevent vehicles impeding resident access whilst making use of this redundant space it is proposed to install 3.7m of 'Motor Bike Only' parking.

Officer's Recommendation

That a 3.7m length of 'Motor Bike Only' parking be installed on the southern side of Nelson Street between the driveways of No.58 and No.60 Nelson Street, Rozelle.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That a 3.7m length of 'Motor Bike Only' parking be installed on the southern side of Nelson Street between the driveways of No.58 and No.60 Nelson Street, Rozelle.

For motion: Unanimous

LTC0223(1) Item 13 Kingston Road, Camperdown – proposal to formalize 'Mail Zone' outside 21-25 Kingston Road (Damum - Stanmore Ward / Newtown Electorate / Inner West PAC)

SUMMARY

Australia Post have requested that Council formalise an existing Mail Zone adjacent to their Street Post Box (SPB) on Kingston Road, Camperdown outside property No. 21-25 Kingston Road to allow Australia Post staff to safely park to clear mail from their SPB. They have specified operational hours for clearing the SPB as 12pm to 3pm Monday to Friday. The proposal to formalise the 'Mail Zone 12pm - 3pm Mon – Fri' restrictions and 'P30 8.30am-12pm 3pm-6pm Mon – Fri 8.30am-12.30pm Sat' restrictions will provide a space for Australia Post vehicles to safely continue to service their post box and also open the space for additional short term parking for the public.

Officer's Recommendation

That a 6.0 metre length 'Mail Zone 12pm - 3pm Mon – Fri' restrictions and 'P30 8.30am-12pm 3pm-6pm Mon-Fri 8.30am-12.30pm Sat' restrictions be installed outside No.21-25 Kingston Road, Camperdown.

DISCUSSION

The TfNSW representative commented that the existing 'No Stopping' distance on the departure side of the adjacent pedestrian crossing is not compliant, noting that it is not part of the proposal.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That a 6.0 metre length 'Mail Zone 12pm - 3pm Mon – Fri' restrictions and 'P30 8.30am-12pm 3pm-6pm Mon-Fri 8.30am-12.30pm Sat' restrictions be installed outside No.21-25 Kingston Road, Camperdown.

For motion: Unanimous

LTC0223(1) Item 14 Pedestrian Crossings Review - All Wards

SUMMARY

This report summarises the audit undertaken on existing pedestrian crossings on public roads examining signage and gutter guards that can provide a level access for all pedestrians from the footpath to the platform of the raised pedestrian crossing.

Officer's Recommendation

That the report be received and noted.

DISCUSSION

The representative for the Member for Summer Hill requested that the sign on the corner of Bland Street and Denman Avenue indicating there is a pedestrian crossing 25m down Bland Street be made larger. Council Officers will investigate the matter.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

That the report be received and noted.

For motion: Unanimous

General Business

LTC0223(1) Item 15 Update on improvements to the Frederick Street, Ashfield crossing

The TfNSW representative advised that they are working through the early design for the Frederick Street and John Street signalised intersection. The speed zone change on Frederick Street is tentatively set for mid-March. Formal notifications will go out when the date is confirmed.

LTC0223(1) Item 16 Pedestrian safety at the intersection of Edgeware Road, Alice Street and Llewellyn Street, Newtown

The representative for the Member for Newtown asked for an update on pedestrian safety improvements at the Edgeware Road/Alice Street/Llewellyn Street signalised intersection. The TfNSW representative advised that the traffic signal design for the red arrow pedestrian protection proposed for the intersection is in the design review process.

LTC0223(1) Item 17 Request for 'No Stopping' zone in rear lane of Edgeware Road, Newtown

Residents of Edgeware Road, Newtown have raised concerns with vehicles parked in Edgeware Lane obstructing access to their properties, and the lack of enforcement from Council Rangers in the area. The representative for the Member for Newtown asked if there was any recourse for this issue. Council Officers advised that 'No Parking zones for the laneway can be investigated. It was noted that enforcement in laneways can be triggered on request; however, the comments about enforcement will be passed onto Council's Rangers.

LTC0223(1) Item 18 Impacts to residential permit parking around Enmore Road Special Entertainment Precinct

Residents around the Enmore Road Special Entertainment Precinct have raised concerns with the unintended impacts its extension has had on resident permit parking, particularly on Edgeware Road. The representative for the Member for Newtown stated that residents are concerned that when they leave between 6pm-10pm, they cannot find parking when they return and requested special parking provisions for residents in affected streets. Council Officers will investigate the matter.

LTC0223(1) Item 19 Pedestrian crossing button on Station Street at Enmore Road, Newtown

The representative for the Member for Newtown requested TfNSW review the location of the pedestrian crossing button for the southern side of Station Street (at Enmore Road) crossing in the direction of the Enmore Theatre. Residents have commented that the button is difficult to find as it shares the same pole as the button for the perpendicular crossing on Enmore Road. TfNSW will investigate this issue.

LTC0223(1) Item 20 Missing 'No Stopping' sign on Charles Lane, Lilyfield

The representative for the Member for Balmain stated that a statutory 'No Stopping' sign is missing from Lilyfield Road at the north-western side of Charles Lane and requested that the sign be replaced. Council Officers will investigate this matter.

LTC0223(1) Item 21 Request for more 'Kiss and Ride' spaces outside Balmain Public School

The representative for the Member for Balmain received a request from a resident asking for more 'Kiss and Ride' spaces outside Balmain Public School. The resident had suggested 'Kiss and Ride' spaces be on Darling Street and Curtis Road. It was noted that the suggested streets are in a residential area and further away from the school. Council Officers will review the existing 'Kiss and Ride' zone outside the school.

LTC0223(1) Item 22 Converting one-way streets to two-way for cyclists

The representative for the Member for Balmain commented that City of Sydney has proposed 158 one-way streets becoming two-way for cyclists only. The representative suggested that a lot of one-way streets in the Inner West LGA can also be made two-way for cyclists and he can provide a list of suggested streets in the former Leichhardt LGA that can be made two-way for cyclists using only signage. Council Officers advised that this can be reviewed on a street-by-street basis and that during LATM studies, one-way streets are made two-way for cyclists where appropriate.

LTC0223(1) Item 23 Parking on Kensington Road at Liverpool Road, Summer Hill

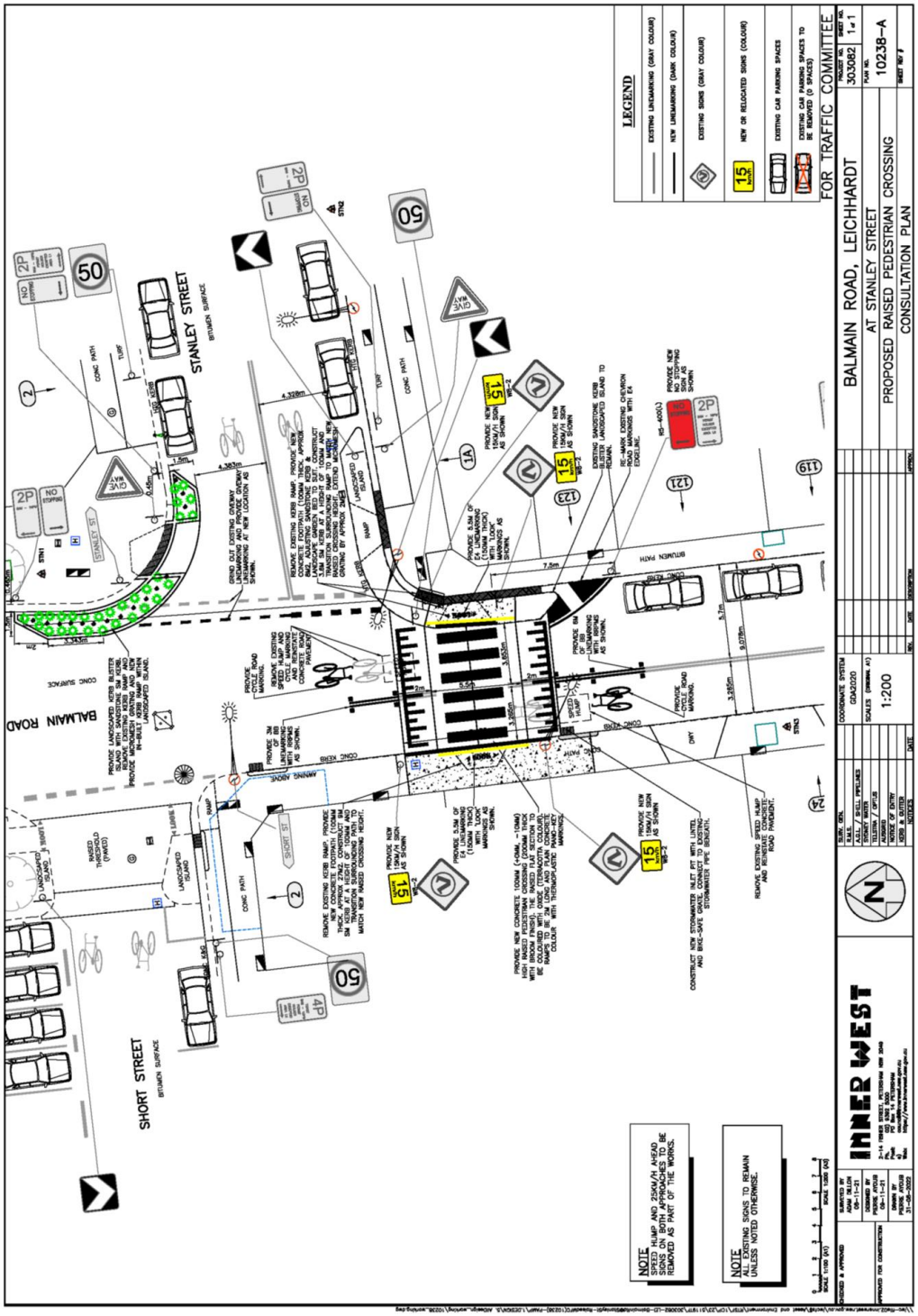
The IWBC representative requested that statutory 'No Stopping' be signposted on Kensington Road at Liverpool Road, Summer Hill to prevent vehicles parking too close to the corner. Council Officers are currently investigating a part-time ban on right turns from Kensington Road into Liverpool Road during peak hours. The IWBC representative suggested also removing the 'No Right Turn' from Liverpool Road into Kensington Road.

LTC0223(1) Item 24 Change of TfNSW representative on Traffic Committee

The Committee thanked Solon Ghosh for his advice to Council and the Committee during his time as TfNSW representative and wished him well in his new role. The Committee welcomed the new TfNSW representative, John Begley.

Meeting closed at 12.11pm.

Attachment 1



Minutes of Extraordinary Local Traffic Committee Meeting held electronically on 28 February 2023

COMMITTEE REPRESENTATIVES PRESENT

Manod Wickramasinghe	IWC's Traffic and Transport Planning Manager (Chair)
PC Ben Walters	NSW Police – Inner West Police Area Command
John Begley	Transport for NSW (TfNSW)
Graeme McKay	Representative for Jo Haylen MP, Member for Summer Hill

NON VOTING MEMBERS IN ATTENDANCE

George Tsaprounis	IWC's Coordinator Traffic Engineering Services (South)

VISITORS

Nil.

APOLOGIES:

Nil.

DISCLOSURES OF INTERESTS:

Nil.

LTC0223 Item 1 Wardell Road, Dulwich Hill - Proposed Temporary Pedestrian (Zebra) Crossing (Midjuburi-Marrickville Ward and Djarrawunang-Ashfield/Summer Hill Electorate/Inner West PAC)

SUMMARY

Council has received an application from its contractor CA&I Pty Ltd for the temporary full closure of Dudley Street at Wardell Road, Dulwich Hill for a 5 week period from 1st March, 2023 to 7th April 2023 in order for them to undertake signalisation works to the intersection of Wardell Road and Dudley Street. The works will necessitate the relocation of a pedestrian crossing on Wardell Road, south side of the railway bridge (Dulwich Hill Railway Station) to the north side. It is recommended that Council endorse a proposal for a temporary pedestrian crossing with conditions.

Officer's Recommendation

That Council endorse the installation of a temporary pedestrian (zebra) crossing on Wardell Road, immediately south of Bedford Crescent (north side of railway bridge) with the following conditions;

1. The new temporary pedestrian crossing to be signposted and delineated as per Australian Standards;

2. Statutory No Stopping restrictions to be provided;

3. Street lighting at the temporary crossing be reviewed and upgraded to if required to provided satisfactory lighting for the use of the crossing in the evenings and night by pedestrians;

4. Access to the temporary crossing to be provided for all class of users through the provision of pram ramps;

5. Changed Traffic Conditions Ahead signage to be provided on both approaches;

6. Pedestrians exiting from Dulwich Hill Station to be directed to use the new temporary crossing;

7. Pedestrian crossing on the southern side of bridge to be removed entirely;

8. Kerb blister island on the east side of the road be cut back in line with the pedestrian crossing bar and dish grate on the western side of the road be covered adequately so that it does not create a trip hazard whilst allowing for water to drain;

9. At completion of intersection improvement works, the temporary pedestrian crossing and all accompanying signage and line marking be removed; and

10. All above conditions to be completed to the satisfaction of Council.

DISCUSSION

The TfNSW representative and NSW Police indicated support for the proposed temporary crossing.

The Officer's recommendation received majority support.

COMMITTEE RECOMMENDATION

That Council endorse the installation of a temporary pedestrian (zebra) crossing on Wardell Road, immediately south of Bedford Crescent (north side of railway bridge) with the following conditions;

1. **The new temporary pedestrian crossing to be signposted and delineated as per Australian Standards;**

2. **Statutory No Stopping restrictions to be provided;**

3. **Street lighting at the temporary crossing be reviewed and upgraded to if required to provided satisfactory lighting for the use of the crossing in the evenings and night by pedestrians;**

4. **Access to the temporary crossing to be provided for all class of users through the provision of pram ramps;**

5. **Changed Traffic Conditions Ahead signage to be provided on both approaches;**

6. **Pedestrians exiting from Dulwich Hill Station to be directed to use the new temporary crossing;**

7. **Pedestrian crossing on the southern side of bridge to be removed entirely;**

8. **Kerb blister island on the east side of the road be cut back in line with the pedestrian crossing bar and dish grate on the western side of the road be covered adequately so that it does not create a trip hazard whilst allowing for water to drain;**

9. **At completion of intersection improvement works, the temporary pedestrian crossing and all accompanying signage and line marking be removed; and**

10. **All above conditions to be completed to the satisfaction of Council.**

For motion: TfNSW and NSW Police

Item No: **C0323(1) Item 8**

Subject: **1 - 13 PARRAMATTA ROAD, ANNANDALE - VPA APPROVAL TO NOTIFY**

Prepared By: Scott Mullen - Strategic Investments and Property Manager

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

That the amended Voluntary Planning Agreement (VPA) for 1-13 Parramatta Road, Annandale be placed on public exhibition for a minimum of 28 days and reported back to Council after public exhibition.

DISCUSSION

1-13 Parramatta Road, Annandale (**Property**) is located on the northern side of Parramatta Road to the east of Nelson Street. There is frontage to both Parramatta Road and McCarthy Lane. The total site area is approximately 1,765 square metres and it is located within a predominantly residential area, characterised by one and two storey developments.

The Property falls within the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) which identifies Johnstons Creek as a pedestrian and cycle corridor to connect Parramatta Road with Rozelle Bay.

The Property is a key link in the creation of the pedestrian and cycle path throughout the Inner West Local Government Area (LGA) as part of the strategy.

In conjunction with the PRCUTS, Council developed a draft masterplan for the Parramatta Road Urban Amenity Improvement Program (PRUAIP) for various projects to be undertaken in the LGA which included the Johnstons Creek pedestrian and cycle corridor (Masterplan).

Development Consents

DA 2017/161 relates to the Property and is for a mixed-use development comprising of retail shops and 41 residential units.

In 2019 a modification to DA 2017/161 was lodged and given application M/2019/53.

M/2019/53 was subject to Land and Environment Court (LEC) proceedings which resulted in the LEC making orders by consent. Part of the s.34 conciliation conference negotiations during 2020 and 2021 included a Voluntary Planning Agreement (VPA) which would deliver the public benefits of a pedestrian and cycle through link at the Property that was identified in the Masterplan as well as a pedestrian pathway at McCarthy Lane, Annandale. The entering into the VPA was a condition of consent.

In 2022 a further modification to the DA 2017/161 was lodged and given application MOD/2022/0143. This modification requires amendments to the VPA regarding the pedestrian and cycle through link adjacent to Johnstons Creek.

Original Voluntary Planning Agreement

Between June 2020 and March 2021, a VPA was negotiated as part of M/2019/53 with Eranna Developments Pty Ltd (Developer) and E&R Property Pty Ltd (Owner).

At the 23 June 2020 Council meeting, Council resolved to:

1. *Endorse the recommendations in Confidential Attachment 1; and*
2. *Place the Voluntary Planning Agreement on public exhibition for a minimum of 28 days and receive a further report after the exhibition period.*

The 23 June 2020 Council Report (*refer to Attachment 1*) and Confidential Report – VPA Details (*refer to Attachment 2*) are attached.

Note that whilst the original VPA Details Report was tabled as Confidential at the time, the contents have been publicly exhibited and there is no need to treat it as confidential in this report.

After the granting of MOD/2019/53 public exhibition of the VPA and explanatory note was conducted in June 2021. There were two submissions with neither objecting to the proposed VPA. A post exhibition report on the VPA has not been provided to Council.

Amended Voluntary Planning Agreement

A condition of MOD/2019/53 required the developer of the Property, Eranna Development Pty Ltd (Developer), to obtain Sydney Water consent for the construction of the pedestrian and cycle pathway adjacent to the Sydney Water assets at Johnstons Creek. Sydney Water's consent was not given as its building clearance requirements of one metre from Sydney Waters asset could not be met.

On 17 May 2022 the Developer lodged an application MOD/2022/0143 to modify the modified development consent D/2017/161 to address Sydney Water's requirements. This required a minor redesign of the pedestrian / cycle pathway by relocating the landscaping to the boundary with Sydney Water. The redesign also moved the pedestrian / cycle pathway so that sections will be limited in height and depth to accommodate some balconies of the development. The modification was approved on 16 December 2022.

As a result of MOD/2022/0143 (*refer to Attachment 4*) with the adjustment of the pedestrian and cycle path location, the following amendments have been agreed between the Developer, new owner Eranna Pty Ltd (Owner) and Council in the draft amended VPA (*refer to Attachment 3*).

In summary those amendments are:

1.) Owner Eranna Pty Ltd
2.) Clause 3.1, Clause 5.3 and Clause 10.6.2(a) – Requirement for Construction Certificate to be obtained prior to any works being carried out above basement level
3.) Schedule 1 Item 2 – 2 ground floor retail shops changed to retail shops
4.) Schedule 1 Item 5A – Updated to reflect MOD/2022/0143
5.) Schedule 1 Item 7 – Guarantee to be provided on issue of a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier)
6.) Schedule 3 Public Benefits 1 Transfer Land (a) – McCarthy Lane pedestrian footpath increased from approximately 22.8 to 34 sqm. The length of the pedestrian footpath has been corrected to reflect 45 metres.

7.) Schedule 3 Public Benefits 1 Transfer Land (b) – Pedestrian Cycleway adjacent to Johnstons Creek increased from approximately 157.5 to 187.3 sqm A portion of the aforementioned land will be limited in height as detailed below (c), (d) and (e).

c. On the northern portion of the pedestrian / cycle pathway approximately 11.13 square metres will be limited to between RL7.6 and RL10.88.

d. On the middle portion of the pedestrian/cycle pathway approximately 4.6 square metres will be limited to a depth of RL7.6.

e. On the southern portion of the pedestrian / cycle pathway approximately 10 square meters will be limited to RL15.60.

The draft amended VPA attached shows the detailed amendments made as tracked changes.

The Explanatory Note has also been revised (*refer to Attachment 5*).

FINANCIAL IMPLICATIONS

It is considered that the modifications to the pedestrian and cycle path do not represent a material change in the value of the public benefit as detailed in *Confidential Report – 1-13 Parramatta Road Annandale 23 June 2020* (*refer to Attachment 2*).

The total VPA value is estimated as $1,270,000 as per the 23 June 2020 Council report.

ATTACHMENTS

1.⇩ 23 June 2020 Council Report
2.⇩ 23 June 2020 Council Report VPA Details
3.⇩ Amended VPA showing mark ups
4.⇩ MOD20220143 - 1-13 Parramatta Road Annandale - DA801 - DA802 - DA803
5.⇩ Explanatory Note - 1-13 Parramatta Road Annandale

Item 8

Council Meeting
23 June 2020

Item No: **C0620(3) Item 17**

Subject: **1-13 PARRAMATTA ROAD, ANNANDALE - VOLUNTARY PLANNING AGREEMENT**

Prepared By: Bojan Sodic - Strategic Investments Manager

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development & Recreation

RECOMMENDATION

THAT Council:

1. **Endorse the recommendations in Confidential Attachment 1; and**
2. **Place the Voluntary Planning Agreement on public exhibition for a minimum of 28 days and receive a further report after the exhibition period.**

DISCUSSION

The site is located at 1-13 Parramatta Road, Annandale. The total site area is approximately 1,765 square metres. The site is located within a predominantly residential area, characterised by one and two storey developments. The Development Application involves a mixed use development comprising of two shops and 42 residential units.

The Development Application (D/2017/161) was approved through Land and Environment Court. More recent history is:

- S4.55 modification application lodged in 4th April 2019
- S4.55 modification application class 1 appeal deemed refusal lodged in 14th November 2019
- Conciliation conference held 30th January 2020. Conference adjourned several times as they parties worked collaboratively in attempt to resolve the matter by agreement.
    - The parties have reached a point where the design of the proposed modified development has essentially been resolved.
    - However, any agreement between the parties to resolve the proceedings will involve a voluntary planning agreement ("**VPA**"), relating to the embellishment and dedication of land for road widening and a through site link for improved pedestrian and cyclist access and amenity along Johnston's Creek. Council requires a VPA to be entered into prior to any agreement to resolve the proceedings (the Applicant had proposed this be a condition of consent as to not delay the parties from entering into a s34 agreement).
    - S34 Conference was terminated on 26 May 2020 and the matter has been listed for directions on 25 June 2020.

An internal assessment of the VPA was undertaken and involved several key internal stakeholders. The internal consultation identified a strategic need for the items shown in the offer to Council. Details of the offer and the VPA Agreement are provided in the Confidential Attachment. The VPA will be placed on Public Exhibition for 28 days and reported back to Council for endorsement.

ATTACHMENTS

1. 1 - 13 Parramata Road, Annandale - VPA details - *Confidential*

Attachment 1

RECOMMENDATION

THAT the proposed Voluntary Planning Agreement for 1-13 Parramatta Road, Annandale be:

1. **Endorsed in principle, subject to the proponent providing:**
   a) **Land dedication (McCarthy Lane) – 67.991m2**
   b) **Pedestrian Corridor (Johnston's Creek) 3500mm wide dedication stratum of 168.04 square metres**
   c) **Works in kind which include public stairs, a lift and embellishments works**

2. **Placed on public exhibition for a minimum of 28 days; and**

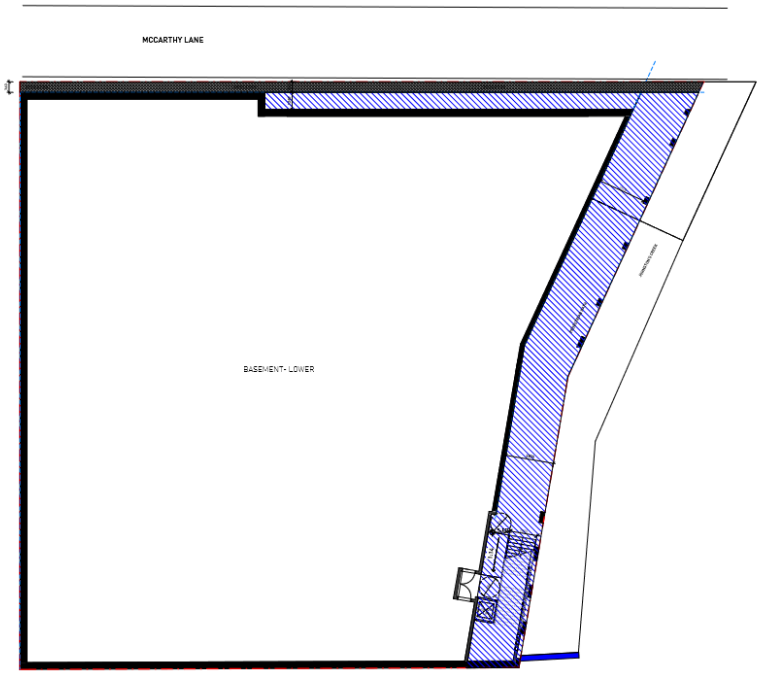
3. **Reported back to Council after public exhibition.**

DISCUSSION

Voluntary Planning Agreement (VPA)
As part of the court hearing for the development application Council has proposed to widen the Pedestrian Corridor (Johnston's Creek to 3500mm wide) so it is better accessible to the public. The link Council's Parramatta Road Urban Amenity Improvement Program Public Domain Master Plan as a key corridor connecting Parramatta Road to Booth Street by the creation of improved pedestrian and cyclist amenity along Johnston's Creek.

There is no uplift in land value as this is a development application and falls within the planning regulations, but Council has increased the width and size of the land dedication to achieve the optimal outcome for the public. The public benefit and associated value have been assessed and below is the assessment:

- **Land dedication (McCarthy Lane) – 67.991m2**
- **Pedestrian Corridor (Johnston's Creek) 3500mm wide dedication stratum of 168.04 square metres - $1,000,000 worth of land dedication**
- **Works in kind which include public stairs, a lift and embellishments works - $270,000**
- **Total VPA value = $1,270,000**



E&R Property will be providing $1,270,000 worth of public benefit within the Voluntary Planning Agreement.

An Internal VPA assessment was undertaken and involved several key internal stakeholders. Parramatta Road Corridor Urban Transformation Strategy identifies Johnstons Creek as a pedestrian and cycle corridor to connect Parramatta Road with Rozelle Bay. This site is a key link in the creation of a pedestrian and cycle path throughout the LGA as part of the strategy

The VPA will be placed on Public Exhibition for 28 days and reported back to Council for endorsement.

FINANCIAL IMPLICATIONS

The VPA value is approximately $1,270,000. This does not include any Section 94 Developer Contributions that may be required to be paid by the Proponent.

E & R Property Pty Ltd ATF E & R Property Trust v Inner West Council *LEC No: 2019/358521*

Annexure 1 to Determination Notice

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Planning Agreement

Inner West Council

ABN 19 488 017 987

and

Eranna Development Pty Ltd

ABN 44 638 578 588

and

~~E&R Property~~Eranna Pty Ltd

ACN ~~610 778 648~~ 638 515 349

CONTENTS

CLAUSE **PAGE**

1. INTERPRETATION 1
   - 1.1 Definitions 1
   - 1.2 Rules for interpreting this Planning Agreement 6
2. APPLICATION OF THE ACT AND THE REGULATION 7
   - 2.1 Application of this Planning Agreement 7
   - 2.2 Public Benefits to be made by Developer ....7~~8~~
   - 2.3 Application of sections 7.11, 7.12 and 7.24 of the Act 8
   - 2.4 Council rights 8
   - 2.5 Explanatory note 8
3. OPERATION OF THIS PLANNING AGREEMENT 8
   - 3.1 Commencement 8
4. WARRANTIES 8
   - 4.1 Mutual warranties 8
   - 4.2 Developer warranties 9
5. PUBLIC BENEFITS 10
   - 5.1 Developer to provide Public Benefits 10
6. COMPLETION 10
   - 6.1 Date of Completion 10
   - 6.2 Developer completion notice 10
   - 6.3 Inspection by Council ....11~~10~~
   - 6.4 Non-completion of Public Benefits 11
7. INDEMNITY 12
8. DEFECTS LIABILITY 12
   - 8.1 Security for Defects Liability Period 12
   - 8.2 Defect in the Public Benefits 12
9. REGISTRATION AND CAVEAT 13
   - 9.1 Registration of this Planning Agreement 13
   - 9.2 Release of this Planning Agreement 13
10. ENFORCEMENT 13
    - 10.1 Developer to provide Guarantee 13
    - 10.2 Adjustment of Guarantee Amount ....14~~13~~
    - 10.3 Right of Council to claim on Guarantee 14
    - 10.4 Expenditure by Council 15
    - 10.5 Top-up and return of Guarantee 15
    - 10.6 Compulsory acquisition ....16~~15~~
11. DISPUTE RESOLUTION 16
    - 11.1 Application 16
    - 11.2 Negotiation 16
    - 11.3 Not use information 17
    - 11.4 Condition precedent to litigation 17
    - 11.5 Summary or urgent relief 17
12. TAXES AND GST ....18~~17~~

DRAFT

12.1 Responsibility for Taxes ..... 18~~17~~
12.2 GST free supply ..... 18~~17~~
12.3 Supply subject to GST 18

13. DEALINGS ..... 19~~18~~

13.1 Dealing by Council ..... 19~~18~~
13.2 Dealing by the Developer 19
13.3 Extinguishment or creation of interests on Transfer Land ..... 20~~19~~

14. TERMINATION ..... 20~~19~~

15. CONFIDENTIALITY AND DISCLOSURES 20

15.1 Use and disclosure of Confidential Information 20
15.2 Disclosures to personnel and advisers ..... 21~~20~~
15.3 Disclosures required by law 21
15.4 Receiving party's return or destruction of Planning Agreements ..... 22~~21~~
15.5 Security and control ..... 22~~21~~
15.6 Media releases 22

16. NOTICES 22

17. GENERAL 22

17.1 Governing law 22
17.2 Access to information ..... 23~~22~~
17.3 Liability for expenses ..... 23~~22~~
17.4 Relationship of parties 23
17.5 Giving effect to this Planning Agreement 23
17.6 Time for doing acts 23
17.7 Severance ..... 24~~23~~
17.8 Preservation of existing rights ..... 24~~23~~
17.9 No merger ..... 24~~23~~
17.10 Waiver of rights 24
17.11 Operation of this Planning Agreement 24
17.12 Operation of indemnities 24
17.13 Inconsistency with other Planning Agreements ..... 25~~24~~
17.14 No fetter ..... 25~~24~~
17.15 Counterparts 25

1. PUBLIC BENEFITS - OVERVIEW ..... 30~~29~~

2. TRANSFER LAND ..... 32~~30~~

2.1 Dedication of land – decision ..... 32~~30~~
2.2 Obligations on dedication ..... 33~~30~~
2.3 Obligations on transfer ..... 33~~30~~

3. FINAL DESIGN OF THE DEVELOPER'S WORKS ..... 33~~31~~

3.1 Scope of Developer's Works ..... 33~~31~~
3.2 Final design of Developer's Works ..... 34~~31~~
3.3 Preparation of and changes to construction design drawings ..... 35~~32~~

4. CONSTRUCTION OF DEVELOPER'S WORKS ..... 36~~33~~

4.1 Insurance ..... 36~~33~~
4.2 Approvals and consents ..... 36~~34~~
4.3 Construction work ..... 37~~34~~
4.4 Inspections by Council ..... 37~~34~~

5. STANDARDS ..... 37~~35~~

Schedules

1 Agreement Details 26

DRAFT

2 Requirements under the Act and Regulation (clause 2) ..... 28~~27~~
3 Public Benefits (clause 5) ..... 30~~29~~

DRAFT

THIS PLANNING AGREEMENT is made on 2021

BETWEEN:

(1) **Inner West Council** ABN 19 488 017 987 of Leichhardt Service Centre, 7-15 Wetherill Street, Leichhardt NSW 2000 (**Council**); and

(2) **Eranna Development Pty Ltd** ABN 44 638 578 588 of 447-451 Parramatta Road, Leichhardt NSW 2040 (**Developer**).

(3) ~~**E&R Property**~~**Eranna Pty Ltd** ACN ~~610 778 642~~638 515 349 of 447-451 Parramatta Road, Leichhardt NSW 2040 (**Owner**)

BACKGROUND

(A) The Developer intends to undertake the Development on the Land.

(B) The Owner is the registered owner of the Land and has authorised the Developer to undertake the Development on the Land.

(C) The Developer and the Owner have offered to enter into this Planning Agreement with Council to provide the Public Benefits on the terms of this Planning Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this Planning Agreement.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Adverse Affectation has the same meaning as in Part 3 of Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2010* (NSW).

Attributed Value means the value Council, the Developer and the Owner agree are to be attributed to each element of the Public Benefits as at the date of this Planning Agreement, as set out in clause 1 of Schedule 3 of this Planning Agreement.

Authorisation means:

(a) an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it; and

(b) in relation to anything that could be prohibited or restricted by law if a Government Agency acts in any way within a specified period, the expiry of that period without that action being taken,

including any renewal or amendment.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

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Completion means the point at which the Developer's Works are complete except for minor defects:

(a) the existence of which do not prevent the Developer's Works being reasonably capable of being used for their intended purpose;

(b) which the Developer has grounds for not promptly rectifying; and

(c) rectification of which will not affect the immediate and convenient use of the Developer's Works for their intended purpose.

Completion Notice means a notice issued by the Developer in accordance with clause 6.2.

Confidential Information means:

(a) information of a party (**disclosing party**) that is:

(i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and

(ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this Planning Agreement.

Confidential Information does not include information that:

(a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;

(b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or

(c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

Council's Personal Information means Personal Information to which the Developer, or any third party engaged by the Developer, has access directly or indirectly in connection with this Planning Agreement, including the Personal Information of any personnel, customer or supplier of Council (other than the Developer).

Council's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by Council in writing to the Developer and the Owner.

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Council's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Public Benefits or any other matter which prevents the Public Benefits from complying with the terms of this Planning Agreement.

Defects Liability Period means:

(a) in relation to the Public Benefits other than the Essential Infrastructure, the period of 12 months from the date on which the Developer's Works reach Completion; and

(b) in relation to the Essential Infrastructure, the period of 12 months from the date on which the Essential Infrastructure reaches Completion.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means those parts of the Public Benefit described as "Developer's Works" and "Essential Infrastructure" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this Planning Agreement.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means the consent granted to the Development Application for the Development and includes all modifications made under section 4.55 of the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this Planning Agreement, including any dispute or difference as to the formation, validity, existence or termination of this Planning Agreement.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

(a) the *Work Health and Safety Act 2011 (NSW)*;

(b) the *Protection of the Environment Operations Act 1997 (NSW)*; and

(c) the *Contaminated Land Management Act 1997 (NSW)*.

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Essential Infrastructure means that part of the Public Benefit described as "Essential Infrastructure" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this Planning Agreement.

Government Agency means:

(a) a government or government department or other body;

(b) a governmental, semi-governmental or judicial person; or

(c) a person (whether autonomous or not) who is charged with the administration of a law.

Gross Floor Area has the meaning given to that term in the *Leichhardt Local Environment Plan* 2013 in effect at the date of this Planning Agreement.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Guarantee means an irrevocable unconditional bank guarantee or documentary performance bond for the Guarantee Amount which must:

(a) be denominated in Australian dollars;

(b) be an unconditional undertaking;

(c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:

    (i) BBB + (Standard & Poors and Fitch);

    (ii) Baa 1 (Moodys); or

    (iii) Bbb (Bests);

(d) be issued on behalf of the Developer;

(e) have no expiry or end date;

(f) state the beneficiary as Council;

(g) be irrevocable;

(h) state the Guarantee Amount as the minimum amount required by this Planning Agreement to be lodged as security;

(i) state the purpose of the security as required in accordance with this Planning Agreement; and

(j) be on such other terms approved by Council.

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Guarantee Amount(s) means a Guarantee or Guarantees for the total amount listed in Item 6 of Schedule 1 of this Planning Agreement.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to Council, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

(a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;

(b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property

(c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;

(d) an application being made to a court for an order for its winding up;

(e) an order being made, or the person passing a resolution, for its winding up;

(f) the person:

    (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or

    (ii) being unable to pay its debts or otherwise insolvent;

(g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;

(h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or

(i) any analogous event under the laws of any applicable jurisdiction,

unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Land means the land described in Item 1 of Schedule 1 of this Planning Agreement.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Modification Application means the application to modify the Development Consent identified in Item 5A of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended) submitted to the consent authority before the determination of that application.

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Occupation Certificate has the same meaning as in the Act.

Owners Representative means the person named in Item 4A of Schedule 1 or his/her delegate.

Personal Information has the meaning set out in the *Privacy Act 1988* (Cth).

Personnel means the Developer's officers, employees, agents, contractors or subcontractors.

Privacy Laws means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW), the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and any other applicable legislation, principles, industry codes and policies relating to the handling of Personal Information.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in Schedule 3.

Quantity Surveyor means a qualified independent and practising quantity surveyor with at least five years' experience in the assessment of building and construction costs.

Quantity Surveyor's Assessment means the assessment by the Quantity Surveyor of the cost to deliver the Developer's Works.

Regulation means the *Environmental Planning and Assessment Regulation 2000 (NSW)*.

Standards means the policies, procedures and standards for carrying out the Developer's Works, listed non-exhaustively at clause 4 of Schedule 3.

Subdivision of Land has the same meaning as in the Act.

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

Transfer Land means land forming part of the Public Benefit that is to be either dedicated or transferred to Council in accordance with Schedule 3 of this Planning Agreement.

1.2 **Rules for interpreting this Planning Agreement**

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this Planning Agreement, except where the context makes it clear that a rule is not intended to apply.

(a) A reference to:

(i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;

(ii) a document (including this Planning Agreement) or agreement, or a provision of a document (including this Planning Agreement) or

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agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;

(iii) a party to this Planning Agreement or to any other document or agreement includes a permitted substitute or a permitted assign of that party;

(iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and

(v) anything (including a right, obligation or concept) includes each part of it.

(b) A singular word includes the plural, and vice versa.

(c) A word which suggests one gender includes the other genders.

(d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.

(e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.

(f) A reference to **including** means "including, without limitation".

(g) A reference to **dollars** or **$** is to an amount in Australian currency.

(h) A reference to **this Planning Agreement** includes the agreement recorded by this Planning Agreement.

(i) Words defined in the GST Act have the same meaning in clauses about GST.

(j) This Planning Agreement is not to be interpreted against the interests of a party merely because that party proposed this Planning Agreement or some provision in it or because that party relies on a provision of this Planning Agreement to protect itself.

2. APPLICATION OF THE ACT AND THE REGULATION

2.1 Application of this Planning Agreement

This Planning Agreement is a planning agreement within the meaning of section 7.4 of the Act and applies to:

(a) the Land; and

(b) the Development.

2.2 Public Benefits to be made by Developer

Clause 5 and Schedule 3 set out the details of the:

(a) Public Benefits to be delivered by the Developer;

(b) time or times by which the Developer must deliver the Public Benefits; and

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(c) manner in which the Developer must deliver the Public Benefits.

2.3 **Application of sections 7.11, 7.12 and 7.24 of the Act**

(a) The application of sections 7.11, 7.12 and 7.24 of the Act are set out in Items 5 and 6 of Schedule 2 to this Planning Agreement.

(b) For the avoidance of doubt, a condition of consent imposed on the Development Consent for the Development requiring payment of contributions under section 7.11 or 7.12 of the Act remains in force and is not impacted by this Agreement.

2.4 **Council rights**

This Planning Agreement does not impose an obligation on Council to:

(a) grant approval to the Modification Application; or

(b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 **Explanatory note**

The explanatory note prepared in accordance with clause 25E of the Regulation must not be used to assist in construing this Planning Agreement.

3. **OPERATION OF THIS PLANNING AGREEMENT**

3.1 **Commencement**

(a) This Planning Agreement will commence on the date of:

(i) execution of this Planning Agreement by all parties to this Planning Agreement which must be completed within 2 months after the resolution of Council to enter into the Planning Agreement.

(b) Clauses 5, 6, 8, 9.2, 10, 13.1 and Schedule 3 commence 1 month prior to the application for a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent.

4. **WARRANTIES**

4.1 **Mutual warranties**

Each party represents and warrants that:

(a) (**power**) it has full legal capacity and power to enter into this Planning Agreement and to carry out the transactions that it contemplates;

(b) (**corporate authority**) it has taken all corporate action that is necessary or desirable to authorise its entry into this Planning Agreement and to carry out the transactions contemplated;

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(c) (**Authorisations**) it holds each Authorisation that is necessary or desirable to:

(i) enable it to properly execute this Planning Agreement and to carry out the transactions that it contemplates;

(ii) ensure that this Planning Agreement is legal, valid, binding and admissible in evidence; or

(iii) enable it to properly carry on its business as it is now being conducted,

and it is complying with any conditions to which any of these Authorisations is subject;

(d) (**Planning Agreements effective**) this Planning Agreement constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;

(e) (**solvency**) there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and

(f) (**no controller**) no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 **Owner's warranties**

(a) The Owner warrants to Council that, at the date of this Planning Agreement:

(i) it is the registered proprietor of the Land.

4.3 **Developer's warranties**

(a) The Developer warrants to Council that, at the date of this Planning Agreement:

(i) it is legally entitled to obtain all consents and approvals that are required by this Planning Agreement and do all things necessary to give effect to this Planning Agreement;

(ii) all work performed by the Developer and the Personnel under this Planning Agreement will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and

(iii) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this Planning Agreement.

(b) The Developer warrants to Council that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances

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required under any Law to carry out its obligations under this Planning Agreement.

5. **PUBLIC BENEFITS**

5.1 **Developer to provide Public Benefits**

Subject to clauses 3.1 and 14, the Developer must, at its cost and risk, provide the Public Benefits to Council in accordance with this Planning Agreement.

5.2 **Owner to provide Public Benefits**

Subject to clauses 3.1 and 14, the Owner must, at its cost and risk, transfer the Public Benefits to Council in accordance with this Planning Agreement.

5.3 For the avoidance of doubt, nothing in this Planning Agreement requires the Developer or Owner to provide any Public Benefits prior to the Developer obtaining a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent ~~and physically commencing the Development~~ in accordance with Section 4.53(4) of the Act.

6. **COMPLETION**

6.1 **Date of Completion**

The Developer must ensure that the Developer's Works reach Completion on or before the date or milestone referred to in clause 1 of Schedule 3 of this Planning Agreement.

6.2 **Developer completion notice**

When, in the reasonable opinion of the Developer, the Developer's Works have reached Completion, the Developer must notify Council's Representative in writing and must include in that notice:

(a) a statement from the person with direct responsibility and supervision of that work that in their opinion the Developer's Works have reached Completion;

(b) copies of any warranties, guarantees, maintenance information or other material reasonably required for Council to assume responsibility for the Developer's Works; and

(c) at least three sets of the "as built" drawings of the Developer's Works, including one set in electronic format,

(**Completion Notice**). For the avoidance of doubt, the Developer can issue separate Completion Notices at separate times for different elements of the Developer's Works, however the Developer must ensure that Completion is achieved for the Developer's Works before the due date specified in Item 1 of Schedule 3.

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6.3 **Inspection by Council**

(a) Council's Representative must inspect the Developer's Works within 5 Business Days of the date that the Completion Notice is received by Council. Council's Representative may refuse to complete the inspection until the Completion Notice has been issued with all required documentation attached in accordance with clause 6.2. Within 10 Business Days of the date of the inspection by Council's Representative, Council must by written notice to the Developer:

(i) state that Completion has been achieved;

(ii) state that Completion has not been achieved and, if so, identify the Defects, errors or omissions which, in the opinion of Council's Representative, prevent Completion; or

(iii) issue a notice under clause 6.4(a).

(b) Nothing in this clause 6.3, or any notice issued under this clause 6.3, will:

(i) reduce or waive in any manner the Developer's responsibility to:

(A) deliver the Developer's Works in accordance with this Planning Agreement; or

(B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by Council; or

(ii) create any liability for Council in relation to any defective aspect of the Developer's Works.

6.4 **Non-completion of Public Benefits**

(a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):

(i) Council may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice is not required to fulfil the Developer's obligations under this Planning Agreement; and

(ii) Council may make a claim on the Guarantee in such amount as Council considers necessary to complete the portion of Public Benefit not being delivered by the Developer.

(b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this Planning Agreement then Council may either:

(i) complete the Public Benefits itself; or

(ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this Planning Agreement,

DRAFT

and may recover all costs of and reasonably incidental to that work from the Developer. Council can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that Council's costs exceed the amount of the Guarantee, Council can recover this amount from the Developer as a debt due and owing to Council.

(c) If Council exercises its rights under this clause 6.4 to complete the Public Benefits, the Developer grants Council a licence for the period necessary for Council to access the Land to carry out, or procure the carrying out, of the Public Benefits.

7. **INDEMNITY**

The Developer and the Owner indemnify Council against all damage, expense, loss or liability of any nature suffered or incurred by Council arising from any act or omission by the Developer and / or the Owner (or any Personnel) in connection with the performance of the Developer's and / or the Owner's obligations under this Planning Agreement, except where the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of Council (or any person engaged by Council).

8. **DEFECTS LIABILITY**

8.1 **Security for Defects Liability Period**

Until the expiry of the relevant Defects Liability Period, Council may retain from the Guarantee an amount equal to 10% of the Attributed Value of the Developer's Works as security for the Developer's performance of its obligations under this clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

8.2 **Defect in the Public Benefits**

(a) If:

(i) the Developer is in breach of clause 4.3of this Planning Agreement; or

(ii) Council notifies the Developer of a Defect in the Public Benefits within the Defects Liability Period,

then, following written notice from Council, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.

(b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect within three months of receiving notice from Council under clause 8.2(a), Council may:

(i) rectify the Defect itself;

(ii) make a claim on the Guarantee in accordance with clause 10 for the reasonable costs of Council in rectifying the Defect; and

DRAFT

(iii) to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to Council.

(c) If Council requires access to the Land to rectify any Defect, the Developer grants Council and its contractors a licence for such period as is necessary for Council and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. **REGISTRATION**

9.1 **Registration of this Planning Agreement**

(a) The Owner:

(i) consents to the registration of this Planning Agreement at the NSW Land Registry Services on the certificate of title/s to the Land;

(ii) warrants that it has obtained all consents to the registration of this Planning Agreement on the certificate of title/s to the Land; and

(iii) must within 10 Business Days of a written request from Council do all things necessary to allow Council to register this Planning Agreement on the certificate of title/s to the Land, including but not limited to:

(A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services;

(B) providing the production slip number when the Owner produces the certificate of title/s to the Land at the NSW Land Registry Services; and

(C) providing Council with a cheque for registration fees payable in relation to registration of this Planning Agreement at NSW Land Registry Services.

(iv) The Owner must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this Planning Agreement.

9.2 **Release of this Planning Agreement**

If Council is satisfied that the Developer and the Owner have provided all Public Benefits and otherwise complied with this Planning Agreement then Council must promptly do all things reasonably required to remove this Planning Agreement from the certificate of title/s to the Land.

10. **ENFORCEMENT**

10.1 **Developer to provide Guarantee**

The Developer must deliver the Guarantee for the Guarantee Amount to Council by the Guarantee Amount Due Date.

DRAFT

10.2 **Adjustment of Guarantee Amount**

On each anniversary of the date of the Guarantee (the "Adjustment Date"), the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

RGA = GA x (A/B)

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date
GA is the Guarantee Amount that is current on the relevant Adjustment Date
A is the Index Number most recently published before the relevant Adjustment Date
B is the Index Number most recently published:

(i) before the date of the Guarantee for the first Adjustment Date; and

(ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

10.3 **Right of Council to claim on Guarantee**

(a) The Developer agrees that Council may make an appropriation from the Guarantee in such amount as Council, acting reasonably, thinks appropriate if:

(i) the Developer fails to comply with clause 2.2 of Schedule 3 of this Planning Agreement (provision of detailed design drawings and detailed costs estimate);

(ii) Council allows the Developer not to complete the Public Benefits, or any part of them, in accordance with clause 6.4(a)(ii);

(iii) an Insolvency Event occurs in respect of the Developer;

(iv) the Developer fails to deliver the Public Benefits in accordance with clause 6.4(b);

(v) the Developer fails to rectify a Defect in accordance with clause 8.2 of this Planning Agreement;

(vi) the detailed designs for the Developer's Works are not finalised between Council and the Developer within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;

(vii) the Developer's Works do not reach Completion within 36 months of the date of issue of the first Construction Certificate in respect of the Development (or such later time as agreed by Council in writing); or

DRAFT

(viii) Council incurs any other expense or liability in exercising its rights and powers under this Planning Agreement.

(b) Any amount of the Guarantee appropriated by Council in accordance with clause 10.2 must be applied only towards:

(i) the costs and expenses incurred by Council rectifying any default by the Developer under this Planning Agreement; and

(ii) carrying out any works required to achieve the Public Benefits.

10.4 **Expenditure by Council**

If Council claims on the Guarantee to Complete the Developer's Works, then Council:

(a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works to ensure that those works can be carried out for an amount equal to or less than the Guarantee Amount; or

(b) may expend more than the Guarantee Amount. If Council expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to Council by the Developer.

10.5 **Top-up and return of Guarantee**

(a) If Council calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to Council a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), Council is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.

(b) If:

(i) the monies secured by the Guarantee have not been expended;

(ii) Council has concurred with Completion in accordance with clause 6.3(a)(i) of this Planning Agreement, taking into account any approved non-completion of Public Benefits approved by clause 6.4(a) of this Planning Agreement; and

(iii) Council has been provided with the security for the Defects Liability Period in accordance with clause 8.1,

then Council will promptly return the Guarantee to the Developer following the issue of a notice pursuant to clause 6.3(a)(i) of this Planning Agreement.

(c) If, following expiry of the Defects Liability Period, Council is satisfied that all defects have been rectified in accordance with clause 8 then Council must promptly return to the Developer the portion of the Guarantee retained by Council as security for the Defects Liability Period.

DRAFT

10.6 **Compulsory acquisition**

10.6.1 Subject to clauses 3.1 and 14, if the Owner fails to transfer or dedicate the Transfer Land or any land forming part of the Essential Infrastructure to Council in accordance with Schedule 3 of this Planning Agreement then Council may compulsorily acquire that land for the amount of $1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*. Council and the Owner agree that:

(a) this clause 10.6.1 is an agreement between the Owner and Council for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*;

(b) subject to clause 10.6.2, in this clause 10.6.1 the Owner and Council have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition; and

(c) the Owner must pay Council, promptly on demand, an amount equivalent to all costs incurred by Council in acquiring the whole or any part of the Transfer Land or land forming part of the Essential Infrastructure as contemplated by this clause10.6.

10.6.2 Clause 10.6.1 is subject to:

(a) the Developer or Owner activating the Development Consent by obtaining a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent ~~and physically commencing the Development~~ in accordance with Section 4.53 (4) of the Act;

(b) the Developer or Owner not surrendering the Development Consent;

(c) the acquisition of the dedicated land being subject to a plan of subdivision; and

(d) the Developer and the Owner being granted a licence for exclusive possession over the acquired land until such time as an Occupation Certificate is issued, subject to the ability for Council to enter the land if Public Benefits are not completed by the Developer within an agreed timeframe.

11. **DISPUTE RESOLUTION**

11.1 **Application**

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 **Negotiation**

(a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**) refer the Dispute to the Developer's Representative, the Owner's Representative and Council's Representative for resolution. The Dispute Notice must:

(i) be in writing;

(ii) state that it is given pursuant to this clause 11; and

DRAFT

(iii) include or be accompanied by reasonable particulars of the Dispute including:

(A) a brief description of the circumstances in which the Dispute arose;

(B) references to any:

(aa) provisions of this Planning Agreement; and

(bb) acts or omissions of any person,

relevant to the Dispute; and

(C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.

(b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative, the Owner's Representative and Council's Representative must meet at least once to attempt to resolve the Dispute.

(c) The Developer's Representative, the Owner's Representative and Council's Representative may meet more than once to resolve a Dispute. The Developer's Representative, the Owner's Representative and Council's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

11.3 **Not use information**

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. None of the parties to this Planning Agreement may use any information or documents obtained through any dispute resolution process undertaken under this clause 11 for any purpose other than in an attempt to settle the Dispute.

11.4 **Condition precedent to litigation**

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

(a) a Dispute Notice has been given; and

(b) the Resolution Period has expired.

11.5 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

DRAFT

12. **TAXES AND GST**

12.1 **Responsibility for Taxes**

(a) The Developer and the Owner are responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this Planning Agreement or the Public Benefits.

(b) The Developer and the Owner must indemnify Council in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer or the Owner is responsible for under clause 12.1(a).

12.2 **GST free supply**

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this Planning Agreement:

(a) no additional amount will be payable by a party on account of GST; and

(b) no tax invoices will be exchanged between the parties.

12.3 **Supply subject to GST**

To the extent that clause 12.2 does not apply to a supply made under this Planning Agreement, this clause 12.3 will apply.

(a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.

(b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.

(c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.

(d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.

(e) The Developer will assume Council is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.

DRAFT

(f) In this Planning Agreement:

(i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and

(ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. **DEALINGS**

13.1 **Dealing by Council**

(a) Council may Deal with its interest in this Planning Agreement without the consent of the Developer and the Owner if the Dealing is with a Government Agency. Council must give the Developer and the Owner notice of the Dealing within five Business Days of the date of the Dealing.

(b) Council may not otherwise Deal with its interest in this Planning Agreement without the consent of the Developer and the Owner, such consent not to be unreasonably withheld or delayed.

13.2 **Dealing by the Developer**

(a) Prior to registration of this Planning Agreement in accordance with clause 9, the Developer and the Owner must not Deal with this Planning Agreement or the Land without:

(i) the prior written consent of Council; and

(ii) Council, the Developer, the Owner and the third party the subject of the Dealing entering into a deed of consent in the form of a deed of novation to the Dealing on terms acceptable to Council.

(b) On and from registration of this Planning Agreement in accordance with clause 9:

(i) the Developer may register a plan of strata subdivision, and Council consents to this Planning Agreement remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and

(ii) the Developer and the Owner must not otherwise Deal with this Planning Agreement to a third party without:

(A) the prior written consent of Council; and

(B) Council, the Developer, the Owner and the third party the subject of the Dealing entering into a deed of consent in the form of a deed of novation to the Dealing on terms acceptable to Council.

(c) The Developer must pay Council's costs and expenses relating to any consent or Planning Agreementation required due to the operation of this clause 13.2.

DRAFT

13.3 **Extinguishment or creation of interests on Transfer Land**

(a) Prior to the dedication or transfer of the Transfer Land to Council, the Owner or Developer must:

(i) extinguish all leases and licences over the Transfer Land; and

(ii) use their best endeavours to extinguish all redundant encumbrances and those that, in Council's opinion, would unreasonably impede the intended use of all or any part of the Transfer Land.

(b) The Owner must comply with any directions by Council relating to the Transfer Land, including but not limited to the creation of any encumbrances over the Transfer Land.

14. **TERMINATION**

(a) Any of the parties to this Planning Agreement may terminate this Planning Agreement by notice in writing if the Modification Application is refused, the Development Consent lapses or the Development Consent ceases to have effect (for example, if the Development Consent is surrendered, provided Council has consented to the surrender).

(b) If this Planning Agreement is terminated under clause 14(a) then:

(i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;

(ii) the Developer and the Owner must take all steps reasonably necessary to minimise any loss that each party may suffer as a result of the termination of this Planning Agreement;

(iii) Council will return the Guarantee to the Developer after first deducting any amounts owing to Council or costs incurred by Council by operation of this Planning Agreement. If in exercising its rights under this Planning Agreement Council expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to Council by the Developer; and

(iv) Council will, at the Council's cost, do all things reasonably required to remove this Planning Agreement from the certificate of title /s to the Land.

15. **CONFIDENTIALITY AND DISCLOSURES**

15.1 **Use and disclosure of Confidential Information**

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

(a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this Planning Agreement; or

DRAFT

(b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 **Disclosures to personnel and advisers**

(a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:

(i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this Planning Agreement; and

(ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this Planning Agreement and obtains an undertaking from the person to comply with those obligations.

(b) The receiving party:

(i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and

(ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 **Disclosures required by law**

(a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:

(i) by law or by order of any court or tribunal of competent jurisdiction; or

(ii) by any Government Agency, stock exchange or other regulatory body.

(b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:

(i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;

(ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and

(iii) if disclosure cannot be avoided:

(A) only disclose Confidential Information to the extent necessary to comply; and

(B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

DRAFT

15.4 **Receiving party's return or destruction of documents**

On termination of this Planning Agreement the receiving party must immediately:

(a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and

(b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

15.5 **Security and control**

The receiving party must:

(a) keep effective control of the Confidential Information; and

(b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 **Media releases**

The Developer and / or the Owner must not issue any information, publication, document or article for publication in any media concerning this Planning Agreement or the Public Benefits without Council's prior written consent.

16. **NOTICES**

(a) A notice, consent or other communication under this Planning Agreement is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received when the addressee actually receives it in full and in legible form.

(b) A person's mail and email address are those set out in Schedule 1 for Council's Representative, the Developer's Representative and the Owner's Representative, or as the person notifies the sender in writing from time to time.

17. **GENERAL**

17.1 **Governing law**

(a) This Planning Agreement is governed by the laws of New South Wales.

(b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this Planning Agreement, and waives any right it might have to claim that those courts are an inconvenient forum.

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17.2 **Access to information**

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer and the Owner agree to allow Council immediate access to the following information contained in records held by the Developer and the Owner:

(a) information that relates directly to the delivery of the Public Benefits by the Developer and the Owner;

(b) information collected by the Developer and / or the Owner from members of the public to whom the Developer and the Owner provides, or offers to provide, services on behalf of Council; and

(c) information received by the Developer and the Owner from Council to enable the Developer and the Owner to deliver the Public Benefits.

17.3 **Liability for expenses**

(a) Other than as set out in this Planning Agreement, each party to this Planning Agreement must pay their own expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this Planning Agreement.

17.4 **Relationship of parties**

(a) Nothing in this Planning Agreement creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and

(b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

17.5 **Giving effect to this Planning Agreement**

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this Planning Agreement.

17.6 **Time for doing acts**

(a) If:

(i) the time for doing any act or thing required to be done; or

(ii) a notice period specified in this Planning Agreement,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

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17.7 **Severance**

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this Planning Agreement without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

17.8 **Preservation of existing rights**

The expiration or termination of this Planning Agreement does not affect any right that has accrued to a party before the expiration or termination date.

17.9 **No merger**

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this Planning Agreement for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

17.10 **Waiver of rights**

A right may only be waived in writing, signed by the party giving the waiver, and:

(a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;

(b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and

(c) the exercise of a right does not prevent any further exercise of that right or of any other right.

17.11 **Operation of this Planning Agreement**

(a) This Planning Agreement contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this Planning Agreement and has no further effect.

(b) Any right that a person may have under this Planning Agreement is in addition to, and does not replace or limit, any other right that the person may have.

(c) Any provision of this Planning Agreement which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this Planning Agreement enforceable, unless this would materially change the intended effect of this Planning Agreement.

17.12 **Operation of indemnities**

(a) Each indemnity in this Planning Agreement survives the expiry or termination of this Planning Agreement.

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(b) A party may recover a payment under an indemnity in this Planning Agreement before it makes the payment in respect of which the indemnity is given.

17.13 **Inconsistency with other documents**

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

(a) this Planning Agreement;

(b) any Schedule to this Planning Agreement; and

(c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this Planning Agreement having the highest level of precedence.

17.14 **No fetter**

Nothing in this Planning Agreement in any way restricts or otherwise affects Council's unfettered discretion to exercise its statutory powers as a public authority.

17.15 **Counterparts**

This Planning Agreement may be executed in counterparts.

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SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	**Land**	Lot 50 in Deposited Plan 456784, Lot 52 in Deposited Plan 1248353 and Lot 53 in Deposited Plan 1248353, being 1-13 Parramatta Road Annandale NSW 2038
2.	**Development**	Mixed use development comprising ~~2~~ ground floor retail shop~~s~~ and 42 residential units at 1-13 Parramatta Road, Annandale NSW 2038 The total Gross Floor Area of the Development on the Land is approximately 4313 square metres.
3.	**Council's Representative**	Name: David Paton – Engineering Services Manager Address: 7-15 Wetherill Street, Leichhardt NSW 2040 Email: council@innerwest.nsw.gov.au
4.	**Developer's Representative**	Name: Mitchell Favaloro Address: 447-451 Parramatta Road Leichhardt NSW 2040 Email: Mitchell.favaloro@ceerose.com.au
4A.	**Owner's Representative**	Name: Mitchell Favaloro Address : 447-451 Parramatta Road, Leichhardt NSW 2040 Email: Mitchell.favaloro@ceerose.com.au
5.	**Development Application**	D/2017/161
5A	**Modification Application**	~~M/2019/53~~MOD/2022/0143
6..	**Guarantee Amount**	A total amount of $270,000.00 plus GST.
7.	**Guarantee Amount Due Date**	On issue of a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent.

26

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SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this Planning Agreement complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS PLANNING AGREEMENT
1.	**Planning instrument and/or development application** (section 7.4(1) of the Act) The Developer has: (a) sought a change to an environmental planning instrument; (b) made, or proposes to make, a Development Application; or (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) No (b) Yes (c) No
2.	**Description of land to which this Planning Agreement applies** (section 7.4(3)(a) of the Act)	Item 1 of Schedule 1.
3.	**Description of change to the environmental planning instrument to which this Planning Agreement applies and/or the development to which this Planning Agreement applies** (section 7.4(3)(b) of the Act)	The Development as described in item 2 of Schedule 1.
4.	**The nature and extent of the provision to be made by the developer under this Planning Agreement, the time or times by which the provision is to be made and the manner in which the provision is to be made** (section 7.4(3)(c) of the Act)	Schedule 3 and Annexure A.
5.	**Whether this Planning Agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development** (section 7.4(3)(d) of the Act)	Section 7.11 not excluded Section 7.12 not excluded Section 7.24 not excluded

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ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS PLANNING AGREEMENT
6.	**Applicability of section 7.11 or 7.12 of the Act** (section 7.4(3)(e) of the Act)	The application of section 7.11 and s7.12 of the Act is not excluded in respect of the Development and contributions (if any) under section 7.11 be required to be paid.
7.	**Consideration of benefits under this Planning Agreement if section 7.11 or 7.12 applies** (section 7.4(3)(e) of the Act)	Planning Agreement benefits are not to be taken into consideration in determining any contribution under section 7.11 or 7.12 of the Act.
8.	**Mechanism for Dispute Resolution** (section 7.4(3)(f) of the Act)	Clause 11
9.	**Enforcement of this Planning Agreement** (section 7.4(3)(g) of the Act)	Clause 10
10.	**No obligation to grant consent or exercise functions** (section 7.4(9) of the Act)	Clause 2.4
11.	**Registration of this Planning Agreement** (section 7.6 of the Act)	Clause 9
12.	**Whether certain requirements of this Planning Agreement must be complied with before a construction certificate is issued** (clause 25E(2)(g) of the Regulation)	Clauses 2.1, 2.2 and 2.3 of Schedule 3
13.	**Whether certain requirements of this Planning Agreement must be complied with before a subdivision certificate is issued** (clause 25E(2)(g) of the Regulation)	Clauses 6.1, 6.2 and 6.3
14.	**Whether certain requirements of this Planning Agreement must be complied with before an occupation certificate is issued** (clause 25E(2)(g) of the Regulation)	Clauses 1.1, 1.2 and 1.3 of Schedule 3
15.	**Whether the explanatory note that accompanied exhibition of this Planning Agreement may be used to assist in construing this Planning Agreement** (clause 25E(7) of the Regulation)	Clause 2.5

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SCHEDULE 3

Public Benefits (clause 5)

1. **PUBLIC BENEFITS - OVERVIEW**

The Developer must provide the Public Benefits in accordance with Schedule 3 and this Planning Agreement. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below

	Public Benefit	Attributed Value	Due date	Additional specifications
1	Transfer Land	$ 1,000,000	After Completion but before the issue of the first Occupation Certificate for the Development.	a. An area of approximately ~~22.8~~34 square metres at McCarthy Lane Annandale being a pedestrian footpath 760mm wide by 45~~30~~ metres long; and b. a pedestrian / cycle pathway corridor through the site adjacent to Johnston's Creek 3500mm wide and 45m (length), incorporating 2 metre wide stairs, 1.5 metre wide access ramp to the public lift and the public lift approximately ~~157.5~~187.3 square metres. A portion of the aforementioned land will be limited in height as detailed below (c), (d) and (e).

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				c. On the northern portion of the pedestrian / cycle pathway approximately 11.13 square metres will be limited to between RL7.6 and RL10.88. d. On the middle portion of the pedestrian/cycle pathway approximately 4.6 square metres will be limited to a depth of RL7.6. ~~b.~~e. On the southern portion of the pedestrian / cycle pathway approximately 10 square meters will be limited to RL15.60 Plans showing the location of the Transfer Land are contained in Annexure A to this Planning Agreement.
2.	Developer's Works Being a pedestrian / cycle path 3500mm wide and 45 metres long adjacent to Johnsons Creek and lighting. Being the construction of a pedestrian	$135,000	Before the issue of the first Occupation Certificate for the Development.	Plans and specifications showing the nature and extent of the required Developer's Works as at the date of this Planning Agreement are contained in Annexure A to this Planning Agreement.

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	footpath 30 metres long McCarthy, Lane, Annandale. Being the construction of a shared pedestrian space and vehicular turning bay at the eastern end of McCarthy Lane Annandale			
3.	Essential Infrastructure Being the construction of public stairs 2 metres wide, an access ramp 1.5 metres wide providing access to the public lift and public lift adjacent to Parramatta Road, Annandale.	$135,000	Before the issue of the first Occupation Certificate for the Development.	Plans and specifications showing the nature and extent of the required Essential Infrastructure as at the date of this Planning Agreement are contained in Annexure A to this Planning Agreement.

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1.TRANSFER LAND

1.1 **Dedication of land – decision**

The Owner must, at its cost, take all steps required to transfer the Transfer Land to Council by the due date specified in clause 1 of Schedule 3. As part of this obligation, the Owner must confirm with Council whether the Transfer Land is to be:

(a) dedicated to Council on registration of a plan of subdivision; or

(b) transferred to Council on registration of a transfer instrument arising from the plan of subdivision.

1.2 **Obligations on dedication**

The requirement for the Owner to dedicate the Transfer Land to Council is satisfied where a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* (NSW) or creates a public reserve or drainage reserve under the *Local Government Act 1993* (NSW).

1.3 **Obligations on transfer**

(a) The requirement for the Owner to transfer the Transfer Land to Council is satisfied where:

(i) Council is given:

(A) an instrument in registrable form under the *Real Property Act 1900* (NSW) duly executed by the Owner as transferor that is effective to transfer the title to the Transfer Land to Council when executed by Council as transferee and registered;

(B) the written consent to the registration of the transfer of any person whose consent is required to that registration; and

(C) a written undertaking from any person holding the certificate of title/s to the production of the certificate of title for the purposes of registration of the transfer.

(b) The Owner is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.

(c) The Owner must ensure that the Transfer Land is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except for any encumbrances agreed in writing by Council in its absolute discretion.

(d) The Owner must indemnify and agree to keep indemnified Council against all claims made against Council as a result of any Contamination in, over, under or migrating from the whole or any part of the Transfer Land but only in relation to Contamination that existed on or before the date that the Transfer Land is dedicated to Council in accordance with the requirements of this clause.

(e) The Owner warrants that as at the date of this deed the Transfer Land is not subject to any Adverse Affectation and warrants as to those matters in Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2010* (NSW), unless otherwise notified to and agreed by Council in writing in its absolute discretion.

2. **FINAL DESIGN OF THE DEVELOPER'S WORKS**

2.1 **Scope of Developer's Works**

As at the date of this Planning Agreement, the nature and extent of the required Developer's Works is set out in Annexure A to this Planning Agreement. The parties agree that further design refinement of the Developer's Works may be necessary, having regard to:

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(a) the extent to which the design of the Developer's Works has been approved by Council;

(b) conditions affecting the Developer's Works that were not reasonably capable of identification prior to the date of this Planning Agreement;

(c) the extent of any refinement of the design of the Developer's Works permitted by this clause 2 of Schedule 3;

(d) any modification to the Development Consent made and approved under section 4.55 of the Act or any other development consent granted that relates to the Developer's Works; and

(e) the reasonable requirements of Council, including in regard to the Standards.

2.2 **Final design of Developer's Works**

(a) At least 1 month prior to the application for ~~the first~~ a Construction Certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent~~for the Development~~, the Developer must submit to Council's Representative for approval:

(i) detailed design drawings of the Developer's Works that reflect the plans and specifications set out in Annexure A; and

(ii) a detailed costs estimate (certified by a Quantity Surveyor) setting out the estimated cost of the Developer's Works.

(b) Within 30 Business Days after Council's Representative has received the detailed design drawings and detailed costs estimate, Council will inform the Developer in writing as to whether the detailed design drawings and costs estimate are approved. If the detailed design drawings or costs estimate are not approved, Council will inform the Developer in writing of what further information or modifications are required and the Developer will have a further 15 Business Days to re-submit the required information, following which the process outlined in this paragraph (b) will apply again.

(c) Regarding the costs estimate, the Developer agrees that Council may:

(i) reject items included within the Quantity Surveyor's Assessment which are not directly related to the Developer's Works;

(ii) require substantiation for the costs of items where the amount estimated is considered by Council to be excessive;

(iii) require an adjustment to the costs estimate to reflect a variation to the design required under this clause 2.2 of Schedule 3.

(d) If the Developer:

(i) fails to prepare the detailed design drawings or detailed costs estimate; or

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(ii) does not provide further information or modify the detailed design drawings or detailed costs estimate,

in accordance with this clause 2.2~~2.2~~ of Schedule 3, then Council may exercise its rights under clause 10 of this Planning Agreement in order to carry out the Developer's Works itself at the cost of the Developer.

(e) The Developer agrees that the value of the Developer's Works may be adjusted following completion of the process set out in this clause 2.2~~2.2~~ of Schedule 3. The Developer acknowledges that the scope of the Developer's Works will not change or reduce if the costs required to complete those works is greater than the amount estimated at the date of this Planning Agreement.

2.3 **Preparation of and changes to construction design drawings**

(a) Following approval of the detailed design drawings by Council in accordance with clause 2.2~~2.2~~ of Schedule 3, the Developer must promptly:

(i) prepare construction design drawings that comply with the detailed design drawings; and

(ii) provide Council with a copy of the construction design drawings.

(b) Council, acting reasonably, may by written notice to the Developer at any time, approve, vary or direct the Developer to vary the construction design drawings so that the Developer's Works reflect:

(i) the Standards;

(ii) a departure or discrepancy from the plans approved under clause 2.2~~2.2~~ of Schedule 3; or

(iii) any other standard or specification for materials or methodology for carrying out works that is adopted by Council from time to time, provided that any direction given under this clause 2.3(b)(iii)~~2.3(b)(iii)~~ of Schedule 3 does not significantly increase:

(A) the cost of that element of the Developer's Works; or

(B) the complexity of implementation of the Developer's Works that may lead to a significant delay in the completion of the Developer's Works.

(c) Within 20 Business Days of receiving a notice from Council under clause 2.3(b) of Schedule 3, the Developer must:

(i) to the extent practicable, use reasonable endeavours to comply with the notice given by Council; or

(ii) if the Developer determines that the notice given by Council is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this Planning Agreement.

If the Developer does not provide any response during the 20 Business Days after receiving a notice from Council under clause 2.3(b) of Schedule 3, it is

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deemed that the Developer accepts the notice given by Council and will take all steps required to comply with the notice.

(d) Council does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 2f Schedule 3 or for any errors, omissions or non-compliance with this Planning Agreement.

(e) No participation by Council in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this Planning Agreement or constitute an acknowledgement by Council that the Developer has complied with its obligations under this Planning Agreement.

3. **CONSTRUCTION OF DEVELOPER'S WORKS**

3.1 **Insurance**

(a) From commencement of the Developer's Works until expiration of the Defects Liability Period, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:

(i) worker's compensation insurance or registrations as required by Laws;

(ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than $20,000,000 covering all aspects of the Developer's Works;

(iii) construction works insurance in relation to the Developer's Works; and

(iv) motor vehicle third party cover with a limit of indemnity of not less than $20 million for each and every occurrence.

(b) The Developer must submit a copy of all certificates of insurance to Council:

(i) prior to commencing construction of the Developer's Works; and

(ii) promptly following a written request by Council, provided that such a request is not made more than twice in any 12 month period.

3.2 **Approvals and consents**

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works, whether from Council or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Works, the Developer must give to Council copies of all approvals and consents for the Developer's Works, other than the Development Consent.

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3.3 **Construction work**

The Developer must, at its cost:

(a) carry out and complete the Developer's Works in accordance with all approvals and consents relating to the Developer's Works, including any approval given by Council under this Planning Agreement;

(b) ensure that all Developer's Works are constructed in a good and workmanlike manner, in accordance with the plans approved under this Planning Agreement so that the Developer's Works are structurally sound, fit for purpose and suitable for their intended use;

(c) ensure that the Developer's Works are Complete by the due date specified in Item 1 of Schedule 3 and promptly after becoming aware advise Council's Representative of any significant delays in completing the Developer's Works or delays that may impact the delivery of the Public Benefits by the due date specified in Item 1 of Schedule 3; and

(d) comply with all reasonable directions of Council in respect to construction of the Developer's Works.

3.4 **Inspections by Council**

Council, as a party to this Planning Agreement and not in its role as a Government Agency, may:

(a) inspect the Developer's Works during the course of construction at reasonable times and on reasonable notice; and

(b) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the Developer's Works identified during or as the result of an inspection.

Any failure by Council to identify a Defect, error or omission will not be construed as amounting to an acceptance by Council of the Defect, error or omission.

4. **AUSTRALIAN STANDARDS**

The following list of Australian Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works in this Planning Agreement. Council makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures

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- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500.3 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility
- AS 4454 Composts, soil conditioners and mulches
- WSA 05-2013

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500.3 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

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EXECUTED as a deed.

Signed, sealed and delivered for **INNER WEST COUNCIL** (ABN 19 488 017 987) by its duly authorised officer, in the presence of:

Signature of officer

Signature of witness

Name of officer
Authorised delegate pursuant to section 377 of the Local Government Act 1993

Name of witness

Position of officer

7-15 Wetherill Street, Leichhardt NSW 2040

Address of witness

EXECUTED by **Eranna Development Pty Ltd** ABN 44 638 578 588 in accordance with s127(1) of the Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

DRAFT

EXECUTED by ~~**E&R Property**~~**Eranna Pty Ltd** ACN ~~610 778 648~~638 515 349 in accordance with s127(1) of the Corporations Act 2001 (Cth):

Signature of director	Signature of director/secretary
Name	Name

DRAFT

ANNEXURE A

Public Benefits – additional plans and specifications

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NOTES:
- ALL WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
- CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.- SHOULD A DISCREPANCY BE IDENTIFIED PLEASE CONFIRM WITH ARCHITECT PRIOR TO PROCEEDING (DO NOT SCALE FROM DRAWINGS)
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- WHEN PROPRIETARY PRODUCTS ARE REFERRED TO, INSTALL IN ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY.- FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED
- REFER TO BASIX REPORT FOR FURTHER DETAILS

LEGEND:

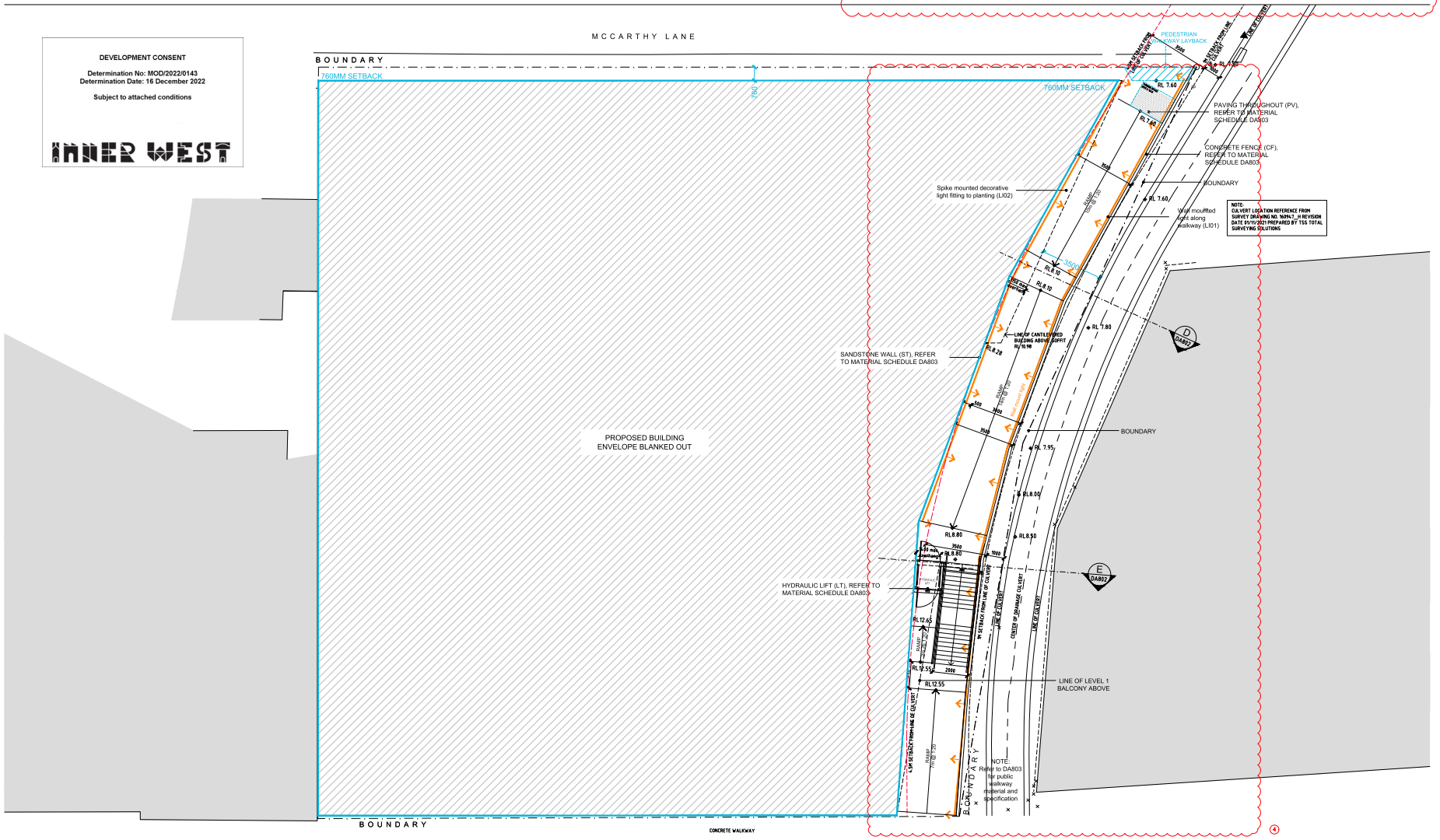
AW	AWNING	LV	LOUVRED PANELS	PB	PLANTERBOX LANDSCAPING TO LANDSCAPE ARCHITECTS DETAILS
FG	FIXED GLAZING	MA	ROOF HATCH ACCESS	RW	RENDERED WALL /SELECTED PAINT FINISH
FH	FIRE HYDRANT	MF	ALUMINUM SLATTED FENCE & GATE	SK	SKY LIGHT
FHR	FIRE HOSE REEL	OP	OPAQUE GLAZING		
FS	FIRE STAIRS	PC	PANEL CLADDING TO FUTURE SELECTION		
FT	TILES TO FUTURE SELECTION	PS	SLIDING PRIVACY SCREEN		
GB	FRAMELESS GLASS BALUSTRADE	PS2	PRIVACY SCREEN BATTENS		
HL	HIGHLIGHT WINDOW				

AMENDMENT LEGEND:

PROPOSE AMENDMENT ITEM NUMBER SHOWN IN AMENDMENT LIST

AMENDMENT LIST:

1. Relocate services room includes residential & commercial bin rooms, waste holding room, bulky waste room and retail store room
2. Rearrange basement general storage and bicycle storage cages
3. Relocate parking spaces
4. Amend boundary wall to suit Sydney Water sewer diversion and stormwater culvert setback requirements
5. update internal driveway ramp to suit Amendment Item 4 & Item 7
6. Update external works on ground floor to suit Amendment Item 4
7. Propose ground floor retail amalgamation, reduce basement level 1A & 2A directly below retail
8. Update ground floor circulation to suit Amendment Item 7
9. Update internal unit layout and glazing location
10. Consolidate building services and spatial requirements
11. Increase Northern building level 4 floor levels and roof above to provide minimum ADG head height requirement on level 3
12. Update communal open space layout
13. Propose roof plants and solar panels
14. Update parapet height and balustrade added to comply with BCA



DEVELOPMENT APPLICATION

PROJECT:
1-13 PARRAMATTA ROAD, ANNANDALE

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	27.01.2021	ISSUE FOR S34 AMENDMENT			
B	05.03.2021	RESPONSE TO STATEMENT OF FACTS AND CONTENTIONS			
C	25.03.2021	JOINT CONFERENCE AMENDMENT			
AA	28.02.2022	ISSUE FOR S4.56			
BB	25.08.2022	REISSUE FOR S4.56 IN RESPONSE TO COUNCIL COMMENTS			

CLIENT:

DA801

VOLUNTARY PLANNING AGREEMENT (VPA) PLAN
ISSUE: BB
JOB No. 2021

SCALE 1:100 @ A1
SCALE 1:200 @ A3

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Document Set ID: 37118395
Version: 1, Version Date: 28/12/2022

NOTES:
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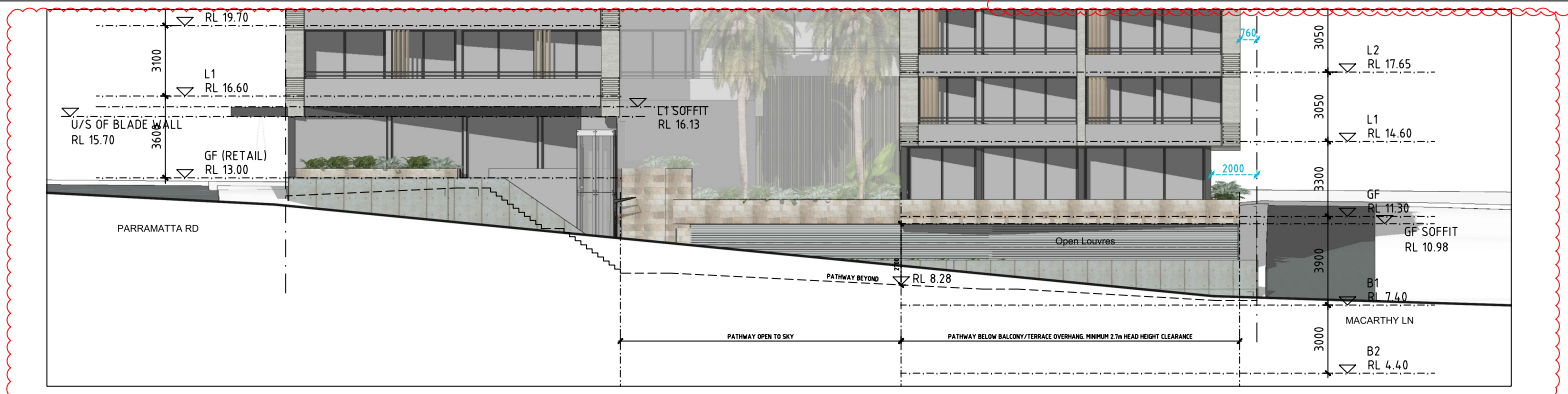
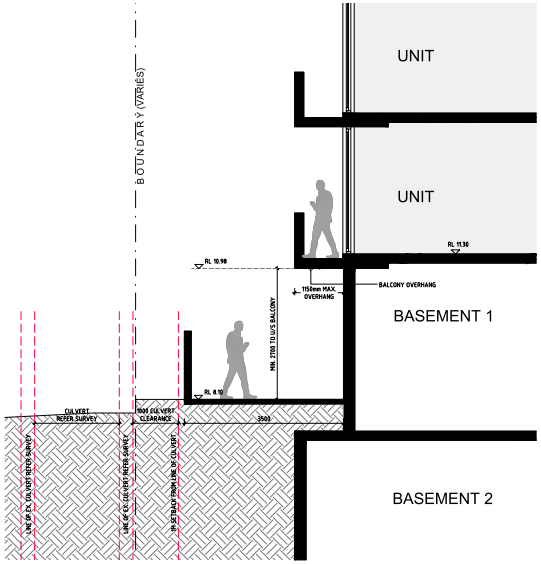
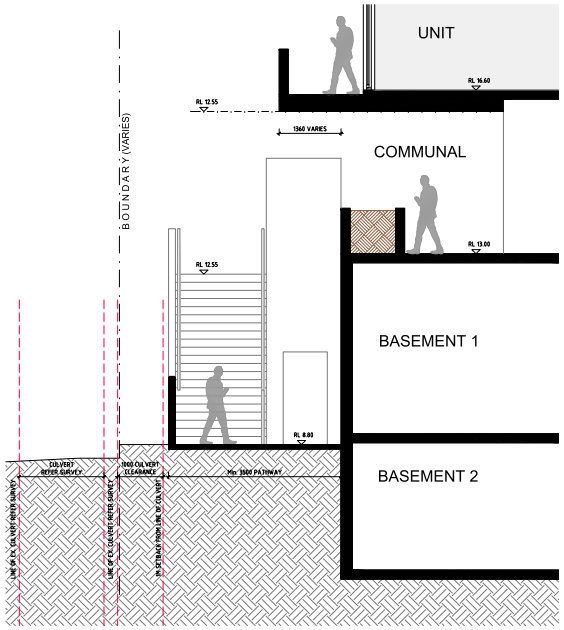


EAST ELEVATION
SCALE 1:100 @ A1



PUBLIC DOMAIN SECTION D
SCALE 1:50 @ A1



PUBLIC DOMAIN SECTION E
SCALE 1:50 @ A1

DEVELOPMENT CONSENT

Determination No: MOD/2022/0143
Determination Date: 16 December 2022

Subject to attached conditions

INNER WEST

DEVELOPMENT APPLICATION

PROJECT:
1-13 PARRAMATTA ROAD, ANNANDALE

AMENDMENTS

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N

SCALE AS NOTED

DA802

VPA ELEVATION AND SECTIONS

ISSUE: BB
JOB No. 2021

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CLIENT:

Document Set ID: 37318395
Version: 1, Version Date: 28/12/2022

NOTES:
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- WHEN PROPRIETARY PRODUCTS ARE REFERRED TO, INSTALL IN ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED
- REFER TO BASIX REPORT FOR FURTHER DETAILS

LEGEND:

AW	AWNING	LV	LOUVRED PANELS				
FG	FIXED GLAZING	HA	ROOF HATCH ACCESS			RW	ARCHITECTS DETAILS
FH	FIRE HYDRANT	MF	ALUMINUM SLATTED FENCE & GATE			SK	RENDERED WALL /SELECTED PAINT FINISH
FHR	FIRE HOSE REEL	OP	OPAQUE GLAZING				SKY LIGHT
FS	FIRE STAIRS	PC	PANEL CLADDING TO FUTURE SELECTION				
FT	TILES TO FUTURE SELECTION	PS	SLIDING PRIVACY SCREEN				
GB	FRAMELESS GLASS BALUSTRADE	PS2	PRIVACY SCREEN BATTENS				
HL	HIGHLIGHT WINDOW	PB	PLANTERBOX LANDSCAPING TO LANDSCAPE				

CF | CONCRETE FENCE

PV | BLUESTONE PAVER

300x600mm Australian-sourced bush hammered finished Bluestone pavers by Bamstone or equivalent.

LT | HYDRAULIC PUBLIC LIFT

Carrying Capacity:	350kg
Car Size:	Single Entry - 1100W x 1400D x 2100Hmm Dual Entry - 1100W x 1400D x 2100Hmm
Door Size:	970W x 2040Hmm
Maximum Travel:	7150mm (4 levels)
Lift Speed:	Standard - Rated speed 0.185 m/sec with hydraulic valve stop with an up stop
Max No. of Stops:	4 Stops
Drive System:	Oil hydraulic chain over with indirect acting cylinders on each side of the lift car. 1:2 ratio
Minimum Pit Depth:	100mm
Cylinder Extension:	Contained within lift tower
Machine Cabinet:	605W x 335D x 1800Hmm
Controls:	Automatic operation & key isolation
Standards:	Meets or exceeds requirements of the Australian Standards Lift code AS1735 Part 16, BCA E3.6 and E3.3 compliant
Usage:	Commercial
Application:	External or internal
Installation:	Crane in, dismantle or manoeuvred
Lift Tower:	Inclusive. Self supporting - no structural walls required. Cladding can be attached directly to the lift structure
Supply Voltage:	240volt. 20amp RCD breaker

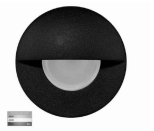
PUBLIC LIFT SPECIFICATION
(INDICATIVE ONLY,TBC. AT CC STAGE)

ST | SANDSTONE WALL

LI01 | WALL MOUNT STEP LIGHT

Finish - Powdercoat

LI02 | SPIKE MOUNTED DECORATIVE LIGHT



Input Voltage	12v
Lumen Output:	270lm 285lm 300lm
Dimensions	D x 87mm, H x 125mm
Warranty	2 Years Replacement Warranty
Voltage	2V DC or 240V

PUBLIC DOMAIN LIGHTING SPECIFICATION
(INDICATIVE ONLY,TBC. AT CC STAGE)

DEVELOPMENT APPLICATION

PROJECT:
1-13 PARRAMATTA ROAD, ANNANDALE

CLIENT:

AMENDMENTS

ISSUE	DATE	DESCRIPTION	ISSUE	DATE	DESCRIPTION
A	27.01.2021	ISSUE FOR S34 AMENDMENT			
B	05.03.2021	RESPONSE TO STATEMENT OF FACTS AND CONTENTIONS			
C	25.03.2021	COORDINATION ISSUE			

DA803

N

VOLUNTARY PLANNING AGREEMENT (VPA)
MATERIAL SCHEDULE AND SPECIFICATIONS
ISSUE: C
JOB No. 2021

PBD | ARCHITECTS
ABN 36 147 035 550
Level 2, 52 Albion Street, Surry Hills NSW 2010
P - (02) 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au

Environmental Planning and Assessment Regulation 2021 (Section 205)

Explanatory Note for planning agreement under section 7.4 of the Environmental Planning and Assessment Act 1979

1-13 Parramatta Road, Annandale

1 Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft Planning Agreement (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**), prepared in connection with a development at 1-13 Parramatta Road, Annandale (D/2017/161) (**Development Consent**).

This Explanatory Note has been prepared jointly by the parties to the Planning Agreement as required by clause 205 of the *Environmental Planning and Assessment Regulation* 2021 (**Regulation**). The parties have considered the Planning Agreements Practice Note dated February 2021 issued by the Planning Secretary under clause 25B(2) of the Environmental Planning and Assessment Regulation 2000 (NSW) (now section 203(6) of the Regulation).

This explanatory note explains what the Planning Agreement is proposing and how it delivers public benefit.

In this Explanatory Note, capitalised terms have the meaning given to those terms in the Planning Agreement unless otherwise defined.

This Explanatory Note must not be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

(a) Inner West Council ABN 19 488 017 987 (**Council**);

(b) Eranna Pty Ltd ACN 638 515 349 (**Registered Owner**); and

(c) Eranna Development Pty Ltd ABN 44 638 578 588 (**Developer**).

3 Land subject to the Planning Agreement

The Planning Agreement applies to:

(a) Lot 50 in DP 456784

(b) Lot 52 in DP 1248353

(c) Lot 53 in DP 1248353

and known as 1-13 Parramatta, Annandale (**Land**).

The Planning Agreement is to be registered on the title to the Land.

4 Description of the Planning Agreement

The objectives of the Planning Agreement are to facilitate the delivery by the Developer and the Registered Owner of:

(a) the construction on the eastern boundary of the site adjacent to Johnston's Creek of a 3.5 metre wide, 45-metre-long pedestrian and cycle pathway that in part is limited in height and depth, incorporating 2 metre wide concrete stairs, a 1.5 metre wide ramped access to a public lift and an accessible public lift giving access to Parramatta Road and lighting within the pedestrian / cycle pathway;

(b) the dedication to Council of a cycle / pedestrian pathway which contains a 3.5 metre wide, 45-metre-long pedestrian / cycle pathway that in part is limited in height and depth and which incorporates a 2-metre-wide concrete stairs, a 1.5 metre wide ramped access to a public lift and an accessible public lift giving access to Parramatta Road and lighting within the pedestrian and cycle pathway. The north portion of 11.13m2 is limited in height to RL7.6 – RL10.88, the middle portion of 4.6m2 is limited in depth to RL7.6 and the south portion of 10m2 is limited in height to RL15.60;

(c) the construction of a 760mm wide, 45-metre-long pedestrian footpath along McCarthy Lane, Annandale and a vehicular turning bay and pedestrian space at the eastern end along McCarthy Lane, Annandale to link with the pedestrian / cycle pathway; and

(d) the dedication to Council of the 760mm wide, 45-metre-long pedestrian footpath along McCarthy Lane, Annandale and a vehicular turning bay and pedestrian space at the eastern end along McCarthy Land Annandale to link with the pedestrian / cycle pathway.

(Together **Contributions**).

The Planning Agreement is a binding commitment by the Developer and the Registered Owner to provide the Contributions which will also bind any future owners of the land because it will be registered on the title.

The effect of the Planning Agreement will be to oblige the Developer and the Registered Owner to provide the Contributions before its development of the Land is completed.

The Contributions required by the Planning Agreement will be provided in addition to contributions under the Contributions Plan.

To secure the obligations of the Developer and the Registered Owner under the Planning Agreement, the terms of the Planning Agreement require the provision of security in the form of bank guarantee or performance bond for the amounts stipulated in the Planning Agreement.

The public benefits to be provided under the Planning Agreement are summarised as follows:

(a) A link to the broader pedestrian and cycle network linking Annandale to the surrounds;

(b) The construction and dedication to Council of a through site pedestrian and cycle pathway 3.5 metres wide that in part is limited in height and depth linking McCarthy Lane to Parramatta Road at Annandale;

(c) The construction and dedication to Council of public stairs, a 1.5-metre-wide ramped access to a public lift and a publicly accessible lift providing access to Parramatta Road at Annandale;

(d) The construction of a shared pedestrian space and vehicular turning bay at the eastern end of McCarthy Lane, Annandale; and

(e) The construction and dedication to Council of an upgraded pedestrian footpath 760mm wide and 45 metres long on the southern side of McCarthy Lane, Annandale.

5 Assessment of the merits of the Planning Agreement

5.1 How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement provides a pedestrian and cycle pathway that is a link in the NSW Government's Parramatta Road Corridor Urban Transformation Strategy which Council's Urban Amenity Improvement Program is part of.

In doing so, the Planning Agreement promotes the following objects of the Act:

(a) to promote the social welfare of the community (section 1.3(a));

(b) to promote the orderly and economic use and development of land (section 1.3(c));

(c) to promote good design and amenity of the built environment (section 1.3(g)).

The delivery of the Contributions under the Planning Agreement will be in the public interest because they will result in the provision of social public infrastructure. The provision of these items will promote the social and economic welfare of the community.

5.2 How the Planning Agreement promotes the objects of the Local Government Act 1993 (LG Act) and the elements of the Council's charter

The Planning Agreement promotes the exercise by Council of its functions in accordance with the guiding principles set out in Chapter 3 of the LG Act because it will assist Council to provide infrastructure for the benefit of the community in the area of the Land and the wider community through access to the cycle / pedestrian pathway and pedestrian footpath.

The Planning Agreement will help Council deliver its Urban Amenity Improvement Program.

5.3 The impact of the Planning Agreement on the public or any section of the public

The scope of the Planning Agreement will benefit the local and wider community as it will create a pedestrian and cycle link between McCarthy Lane and Parramatta Road, Annandale, and provide a pedestrian footpath along McCarthy Lane, Annandale.

5.4 Whether the Planning Agreement conforms with Council's capital works program

The works forming part of the Contributions in the Planning Agreement are not part of Council's capital works program.

5.5 The planning purpose or purposes of the Planning Agreement

The public purpose of the Planning Agreement is the provision of infrastructure that will provide a public benefit in terms of improving a pedestrian and cycling access between McCarthy Lane and Parramatta Road, Annandale, and a pedestrian footpath along McCarthy Lane, Annandale. The Contributions to be delivered under the Planning Agreement will ensure that there is pedestrian and cycling infrastructure for the local and wider community, producing a good planning outcome from the future development of the Land.

5.6 Compliance of certain requirements prior to issue of construction, occupation, or subdivision certificates

The Contributions under the Planning Agreement must be provided in accordance with the timing provisions as set out in the Planning Agreement being:

5.6.1 Provision of instrument enabling public access to the pedestrian / cycle pathway, stairs, access ramp, public lift and footpath and dedication to Council as a freehold lot and public road respectively prior to the first occupation certificate for a residential apartment on the Land that relies on the Development Consent.

5.6.2 The construction of a pedestrian / cycle path 3.5 metres wide and 45 metres long limited in height and depth adjacent to Johnson's Creek

and associated lighting prior to the first occupation certificate for a residential apartment on the Land that relies on the Development Consent.

5.6.3 The construction of shared pedestrian space and vehicular turning bay at the eastern end of McCarthy Lane, Annandale, enabling public access before the issue of the first occupation certificate for a residential apartment on the Land that relies on the Development Consent.

5.6.4 The construction of a 760mm wide, 45 metres long pedestrian footpath along McCarthy Lane, Annandale.

5.6.5 The construction of stairs 2 metres wide, an access ramp 1.5 metres wide to the public lift and a public lift adjacent to Parramatta Road, Annandale, enabling public access before the issue of the first occupation certificate for a residential apartment on the Land that relies on the Development Consent.

5.6.6 The Developer is to submit to Council for approval detailed drawings of the Developer's Works and a detailed costs estimate (certified by a quantity surveyor) for the Developers Works at least 1 month prior to obtaining a construction certificate for any construction works located above the basement levels or for any public domain works (whichever is earlier) in relation to the Development Consent.

Item No: **C0323(1) Item 9**

Subject: **INTERNAL OMBUDSMAN RENEWAL OF CONTRACT**

Prepared By: Beau-Jane De Costa - Senior Manager Governance and Risk

Authorised By: Peter Gainsford - General Manager

RECOMMENDATION

That Council endorse the renewal of the Internal Ombudsman Shared Service arrangement.

BACKGROUND

At its Ordinary Council meeting on 27 June 2017, Council resolved:

That:

1. *Council approves in principle the establishment of an Internal Ombudsman service for the Inner West Council;*
2. *the General Manager be authorised to establish the Internal Ombudsman service which is either a shared service with other partner Councils or as a role dedicated only to the Inner West Council;*
3. *the General Manager be authorised to sign agreements necessary to both appoint an Internal Ombudsman and commit to the commercial terms of a shared arrangement with partner Councils; and*
4. *the estimated costs of the Internal Ombudsman service be provided for in the 2017/2018 Budget.*

Council has now had an operational Internal Ombudsman Shared Service (IOSS) since the aforementioned resolution, structured as an impartial overseer for Council's activities. The service is open to residents, staff, local businesses, ratepayers, community groups and Councillors who have concerns or complaints about unethical behaviour by Council, misconduct, corrupt conduct or maladministration.

The IOSS is shared between Inner West, Cumberland, and City of Parramatta Councils, conducting independent investigations and reviews into administrative processes and services provided by member Councils. The IOSS is underpinned by the principles of fairness, accountability and transparency reflecting the commitment of each member Council in operating at the highest of standards of ethical conduct and decision-making; administrative conduct; corporate governance; and being corruption free.

The IOSS also assists Council with its ongoing endeavor to improve services and process with its proactive education activities regarding continuous improvement in administrative processes resulting in better practices for our community.

The joint arrangement with Cumberland and City of Parramatta Council also allows Inner West to collaborate and utilise learnings that are provided by the IOSS, keeping Council ahead of the curve with emerging issues, risks and better practice processes, ultimately providing Council with an ongoing environmental scan of the NSW Local Government landscape.

DISCUSSION

The Internal Ombudsman Shared Service arrangement is now due for renewal, which is supported on the same contractual terms as originally agreed.

The IOSS continuous to provide important assistance to Council in line with the Triple Track of: prevention, education and investigation of complaints allowing Council to continually improve its operational landscape which inevitably equates to better practices and processes for our Community.

The IOSS also continuous to increase its work in the prevention and education space to raise awareness, assist with building staff capacity and improve overall administrative conduct with a 98% percent high rating of satisfaction received by staff that have participated in training delivered by the IOSS.

The IOSS continuous to assist Council in identifying areas for improvement in Council's administrative conduct and decision making and assists in achieving high standards of probity and governance. This includes the delivery of services to our community and ensuring Council operates fairly, with integrity and at all times in the communities' best interests, including working to improve Council's complaint handling systems and processes and Child Protection Framework.

Inner West Council received in excess of 82,000 requests for service from the community from 1st July 2022 until the 28th February 2023 and 73% of these were completed within our service standards and should residents not be satisfied with Council's response or whether they are concerned about a delay in responding to their matter they are able to contact the IOSS.

Throughout the previous contract term the IOSS has undertaken the following activities for Council:

Activity	**First IOSS contract term (01/09/2017 – 30/06/2020)**	**Second IOSS contract term to date (01/07/2020 – 28/02/2023)**	**Total – IWC (01/09/2017 – 28/02/2023)**
Total activities: Prevention, education and investigation	361	386	747
Average utilisation of the service	43%	30%	37%
Number of investigations	276	246	522
Number of recommendations made	39	105	144
Percentage of recommendations accepted	100%	100%	100%
Prevention: Advice	51	90	141
Prevention: Policy review	17	20	37
Education: Training – development and delivery	17	30	47

The IOSS is a significant risk mitigation tool for Council, providing an additional level of oversight on Council activities, assisting in the prevention and education strategies Council employs to ensure a fair, ethical and corrupt free workplace. The IOSS also has a major focus on improvement strategies, directly aligning to Council's continuous endeavour to improve services provided to our Community.

If the IOSS was discontinued, Council would need to increase internal resources across a range of departments in order to maintain the prevention, education and improvement

activities currently delivered by the IOSS, this would also come at an additional financial cost for Council.

FINANCIAL IMPLICATIONS

There are no additional financial implications associated with the renewal of the IOSS outside the adopted annual budget.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 10**

Subject: **COUNCILLOR AND STAFF INTERACTION POLICY**

Prepared By: Beau-Jane De Costa - Senior Manager Governance and Risk

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

1. **That Council place the draft Councillor and Staff Interaction Policy, as attached to the report, on public exhibition for a period of 28 days.**

2. **That Council consider the results of the public exhibition process when adopting the final Councillor and Staff Interaction Policy.**

BACKGROUND

The Office of Local Government (OLG) in consultation with key NSW Government agencies identified below have developed the Model Councillor and Staff Interaction Policy:

- Independent Commission Against Corruption;
- the Information and Privacy Commission;
- the State Archives and Records Authority, and
- Resilience NSW.

At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions, in a fair and consistent manner,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

DISCUSSION

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities as defined in the *Local Government Act 1993* (the LGA) and the Code of Conduct.

The proposed policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

The policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically, fairly and respectfully. It applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing. It also complements the Inner West Council Code of Conduct.

The implementation of the model Councillor and Staff Interaction Policy is also a form of risk mitigation, ensuring appropriate processes and controls are in place for activities undertaken by Council. These processes and controls reduce the likelihood of risks occurring in relation to interactions between Councillors and staff and also demonstrate Council's commitment to best practice governance.

FINANCIAL IMPLICATIONS

Council's endorsement to place the Councillor and Staff Interaction Policy on public exhibition has no financial implications for Council.

ATTACHMENTS

1.⇩ Draft Councillor and Staff Interaction Policy

Item 10

Councillor and Staff Interaction Policy

V1

Attachment 1

Title	Councillor and Staff Interaction Policy
Summary	The Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
Document Type	Policy
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference	• *Local Government Act 1993* • *Government Information (Public Access) Act 2009.* • *State Records Act 1998.* • *Work Health and Safety Act 2011*
Related Council Documents	• Code of Conduct
Version Control	See last page

Contents

Contents 3

1 Introduction 4

2 Application 4

3 Policy objectives 4

4 Principles, roles and responsibilities 5

5 Councillor Request System 7

6 Access to Council staff 9

7 Councillor access to council buildings 10

8 Appropriate and inappropriate interactions 10

9 Breach of this policy 11

10 Administrative Changes 12

11 Version Control – Policy History 13

Schedule 1 Authorised staff contacts for councillors 14

DRAFT

1 Introduction

1.1 The Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

1.2 The Policy complements and should be read in conjunction with the Inner West Code of Conduct (the Code of Conduct).

1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

2 Application

2.1 This Policy applies to all councillors and council staff.

2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

3 Policy objectives

3.1 The objectives of the Policy are to:

a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
c) ensure that councillors receive advice in an orderly, courteous and

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appropriate manner to assist them in the performance of their civic duties

d) ensure councillors have adequate access to information to exercise their statutory roles

e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations

f) maintain transparent decision making and good governance arrangements

g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties

h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

4 Principles, roles and responsibilities

4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

4.3 Section 232 of the Local Government Act 1993 (the LGA Act) states that the role of a councillor is as follows:

a) to be an active and contributing member of the governing body

b) to make considered and well-informed decisions as a member of the governing body

c) to participate in the development of the integrated planning and reporting framework

d) to represent the collective interests of residents, ratepayers and the local community

e) to facilitate communication between the local community and the governing body

f) to uphold and represent accurately the policies and decisions of the governing body

g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

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4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 15 people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding

b) staff are not accountable to them individually

c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA

d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions

e) they must not contact a member of staff on council-related business unless in accordance with this Policy

f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

4.9 Council staff need to understand:

a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body

b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors

c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner

d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties

e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

5 Councillor Request System

5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.

5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

5.3 The Senior Manager Governance and Risk is the delegated officer under this Policy for the management of requests from councillors.

5.4 Councillors can use the councillor requests system to:

a) request information or ask questions that relate to the strategic position,

performance or operation of the Council

b) bring concerns that have been raised by members of the public to the attention of staff

c) request ICT or other support from the Council administration

5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within ten business days, or proactively advise if the request will exceed the ten business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality or privacy requirements.

5.9 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.10 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.11 The General Manager may refuse access to information requested by a councillor if:

a) the information is not necessary for the performance of the councillor's civic functions, or

b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or

c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or

d) the General Manager is prevented by law from disclosing the information.

5.12 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.13 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.11 (a) or (b), the councillor may instead

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request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.11 (c) or (d).

5.14 Nothing in clauses 5.11, 5.12, and 5.13 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009.*

5.15 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, *resolve to limit the number of requests the councillor may make.*

5.16 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998.*

6 Access to Council staff

6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time, without a Council resolution, and will advise councillors promptly of any changes.

6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

6.3 Councillors should as far as practicable, only contact staff during normal business hours.

6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must request permission from the General Manager.

6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Senior Manager Governance and Risk who will provide advice about which authorised staff member to contact.

6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member listed in Schedule 1 to contact councillors to provide specific information or clarification relating to a specific matter.

6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

DRAFT

7 Councillor access to council buildings

7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), facilities identified in the Councillor Expenses and Facilities Policy and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

8 Appropriate and inappropriate interactions

8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

a) councillors and council staff are courteous and display a positive and professional attitude towards one another

b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies

c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public

d) council staff, including Council's executive team members, document councillor requests via the councillor requests system

e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties

f) councillors and council staff feel supported when seeking and providing clarification about council related business

g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

a) councillors and council staff conducting themselves in a manner which:

i. is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety

ii. constitutes harassment and/or bullying within the meaning of the Code

DRAFT

of Conduct, or is unlawfully discriminatory

b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

d) subject to clause 5.11, staff refusing to give information that is available to other councillors to a particular councillor

e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council

f) councillors being overbearing or threatening to staff

g) staff being overbearing or threatening to councillors

h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media

i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make

j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

9 Breach of this policy

9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).

9.2 Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

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9.3 Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

9.4 Clause 9.1 does not operate to prevent matters being reported to OLG, NSW Ombudsman, NSW Independent Commission Against Corruption or any other external agency.

10 Administrative Changes

10.1 From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes are considered minor in nature and not required to be formally endorsed.

10.2 Any amendments to the Schedule 1 do not require formal endorsement but must be approved by the General Manager and distributed to Councillors as soon as practicable.

DRAFT

11 Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	**Councillor and Staff Interaction Policy**	***Uncontrolled Copy When Printed***	
Custodian	Snr Mgr Governance and Risk	**Version #**	Version 1
Adopted By	Council	**ECM Document #**	xxxxxxxx
Next Review Date	TBC		

Amended by	Changes made	Date
Governance and Risk	Creation of Policy	(Day TBC)

DRAFT

Schedule 1

Authorised staff contacts for councillors

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Senior Manager Governance and Risk who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member identified below, to contact councillors to provide specific information or clarification relating to a specific matter.

DRAFT

Item No: **C0323(1) Item 11**

Subject: **RESCHEDULING OF JUNE 2023 COUNCIL MEETING**

Prepared By: Beau-Jane De Costa - Senior Manager Governance and Risk

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

That Council reschedule the Ordinary Council Meeting on 13 June 2023 to 20 June 2023 and publish these changes to the Meeting Schedule on Council's website.

BACKGROUND

At its Extraordinary Council meeting on 13 December 2022, Council resolved in part the following:

That Council:

1. *Endorse the following Ordinary Council Meeting Schedule in 2023:*

Council recess – January
Tuesday 14 February
Tuesday 14 March
Tuesday 11 April
Tuesday 9 May
Tuesday 13 June
Council recess - July
Tuesday 8 August
Tuesday 12 September (Mayor and Deputy Mayor Election)
Tuesday 10 October
Tuesday 14 November
Tuesday 5 December

DISCUSSION

Since adopting the 2023 Council meeting schedule in December 2022, the Australian Local Government Association (ALGA) National General Assembly 2023 Conference dates have been amended to now be held on 13 – 16 June 2023.

As a result, the Council meeting scheduled for 13 June 2023 needs to be rescheduled in order for Councillors to attend the National General Assembly.

It is further noted that the LGNSW Conference finishes on the day of the scheduled November council meeting (14 November 2023), however this conference concludes at lunch time and is being held in Parramatta this year, allowing Councillors time to attend the Council meeting that evening.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the recommendations outlined in the report.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 12**

Subject: **PEDESTRIANISATION OF MAIN STREETS**

Prepared By: Michael Daly - Events Manager

Authorised By: Ruth Callaghan - Director Community

RECOMMENDATION

That Council receive and note the report.

BACKGROUND

At its Ordinary Council meeting on 8 November 2022, Council resolved the following:

1. *Write to the organisers of The Norton Street Festival and the Stanmore Music Festival to congratulate them on the success of their events;*

2. *Note the recurrent support that Council has budgeted for both events and thank Council officers for the collaboration and coordination they provided to the community for each event;*

3. *Propose to the NSW Government a pilot main street pedestrianisation program in the Inner West, to allow bi-monthly or quarterly use of sections of main streets for events, activations and cultural activity;*

4. *Seek expert advice on how the current costs of street closures can be addressed through improved local and state regulation, selection of locations and simplified approval processes;*

5. *Consult chambers of commerce, main street businesses and residents about whether there are main street locations they would like to propose for more regular pedestrianisation;*

6. *Write to the Minister for Transport and the Shadow Minister for Transport seeking their assistance in the design of the program; and*

7. *Prepare a report for the February 2023 Ordinary Council meeting with finalised plans for the launch of the program.*

DISCUSSION

Operational costs for road closures, resulting from regulatory requirements, are significant and impact on the delivery of events and activations in Inner West main streets. Regulatory requirements are in place to ensure a road closure is safe and that all stakeholders are informed.

When closing a road there is a regulatory requirement to apply to the Local Traffic Committee through the presentation of a Traffic Management Plan (TMP) and/or a Traffic Guidance Scheme (TGS). Operational costs are a result of activities and equipment required to adhere to the approved TMP or TGC and mostly consist of the provision of traffic controllers and road barrier equipment, to ensure public safety. Council also briefs local police on large scale events that involve road closures and ensures any feedback is addressed in relation to closures.

The Local Traffic Committee must consider whether a road closure application has considered all relevant traffic management impacts including emergency service access, resident/business access, cyclist and pedestrian access, vehicle detour routes, impact to public transport and advanced notification of the event. All stakeholders' requirements including local business, residents and stakeholder agencies who are affected by closures need to be considered. There is an opportunity for these stakeholders to provide feedback on the impact of the road closure. This approval process has been reviewed and streamlined in recent years by Council's Traffic team, in consultation with Transport for NSW, resulting in reduced approval times and requirements for low impact events.

Traffic management operational costs for road closures make up a significant percentage of overall event budgets. Traffic controllers are required on most road barriers to manage traffic impacts which then leads to significant staffing costs. The requirement to have water filled or concrete barriers at major road closure points also has a significant impact on costs. The larger the event footprint the higher the costs, as more side street closures and alternative traffic routes are required. Traffic controllers play a key role in road closures as they are able to assist with any traffic congestion problems, that arise at a road closure point and mitigate impacts on traffic flow and protect public safety. Non-operational costs such as the development of traffic management plans and road closure application fees also contribute to overall costs.

Consultation

Consultation regarding this report was undertaken with the following stakeholders.

- City of Sydney is currently running their Sydney Streets program, where main streets are closed in six main street locations across the LGA.
- Traffic management providers.
- Local business chambers and individual businesses in Summer Hill, Haberfield, Newtown/Enmore, St Peters and Balmain/Rozelle.
- Correspondence has been submitted to both the NSW Minister for Transport, Minister for Veterans, and Minister for Western Sydney and also to the opposition minister for Transport, seeking advice and assistance in identifying how regulations can be streamlined.
- Internal senior Council staff.

Potential Long-Term Solutions

NSW Police currently require any road closure to consider Hostile Vehicle Mitigation (HVM) plans as part of a road closure approval to mitigate acts of terrorism. These mitigation strategies lead to significant costs as they require equipment such as water filled barriers, concrete barriers or vehicles to block roads to ensure safety against a potential hostile vehicle. The introduction of semi-permanent traffic mitigation equipment, despite an initial high cost, could amortise costs over time and provide savings when offsetting against hire and transport costs. Examples of this semi-permanent equipment could be the incorporation into urban design of in-built bollards or Council assets such as moveable garden beds, to reduce hire costs on traffic mitigation equipment and still comply with police expectations. In the short term, Council heavy vehicles can be used as an interim measure and in the long term.

Council officers are currently preparing design guidelines and a proposed suite of street furniture that will include solutions for HVM requirements, as part of Council's Main Streets Strategy resolution (25 October 2022). This work would complement other current Council initiatives such as Outdoor Dining and Live Entertainment initiatives. The six public domain master plans that are currently underway (Public Domain Master Plan resolution 06 December 2022) will seek further opportunities for pedestrian-priority and pedestrianisation of our road spaces in the future.

Temporary road closures are an opportunity to demonstrate the benefits of new public open space to the community and enable longer term implementation – this is a strategy that has been employed by many councils, such as the City of Yarra to deliver eight new parks and plazas and this approach could be considered by Council to encourage pedestrianisation of Inner West streets, where there is a demand.

Potential Improvements

Proposed improvements to assist pedestrianisation of Main Streets, making these activations more affordable and achievable could include:

- Installation, through urban design projects, of semi-permanent and permanent traffic mitigation barriers worked into streetscape design.
- In the short term, use Council assets such as heavy vehicles to create barriers at road closure points could keep down costs.
- Look at Traffic Management Plan design that;
    - Has site footprints that do not include multiple side streets or require significant re-routing of traffic flows.
    - Avoid impacts on existing bus routes.
    - Alternatively, consider streets that lead into main streets (rather than the main street itself) for pedestrianisation.

Proposed Next Steps

It is suggested that further consideration be given to the potential cost of implementing the proposed solutions, as well as the timing that may be required to make changes to urban design and Traffic Management Plans. Council officers can progress this work and report back to Council in June.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the recommendations outlined in the report

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 13**

Subject: **COMPLYING DEVELOPMENT IN INNER WEST COUNCIL UNDER THE LOW-RISE HOUSING DIVERSITY CODE**

Prepared By: Daniel East - Acting Senior Manager Planning

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council receive and note the report.

DISCUSSION

At its Ordinary Council meeting held on 13 December 2022, Council resolved:

> *That Council receive a report outlining the uptake of new dwellings and the areas in the Inner West Local Government Area that permits fast tracked complying development under the Low-Rise Housing Diversity Code and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*

The Department of Planning and Environment has provided statistics showing that 105 Complying Development Certificates (CDCs) were issued for residential accommodation in Inner West Council local government area between 1 July 2021 and 7 February 2023. These are as follows:

- 89 – residential single dwelling
- 10 – residential secondary dwelling
- 4 – subdivision of land
- 1 - residential dual occupancy
- 1 – residential multi dwelling

Note: dual occupancies are not a permitted land use in *Inner West LEP 2022* thus it is no longer possible to approve dual occupancies under a complying development certificate in Inner West.

The construction of new dwellings as complying development under the Low-Rise Housing Diversity Code can't occur on land identified in Clause 1.19 of the Codes SEPP. The land excluded through this clause includes:

- Heritage
- Significantly contaminated land
- Class 1 or 2 acid sulfate soils
- 25 or higher ANEF (aircraft noise)
- Coastal hazard

In addition, any proposed new dwelling must meet criteria specified in Part 3B – the Low-Rise Housing Diversity Code; which excludes some flood affected land and lots less than 200 m^2.

Data from DPE demonstrates that the use of complying development across the LGA is limited, although when a CDC is issued it may not be compatible with the local character of the Inner West. This is because the because the controls apply to the entire state and there is no requirement for CDCs to consider local streetscape. The use of complying development is limited as many attributes of the Inner West do not facilitate complying development – such as aircraft noise, flooding, contamination, heritage. This means that landowners must follow the development application approval pathway which requires a merit-based assessment by

Council staff and can achieve a better outcome for applicants and the community in terms of context and local streetscape.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation the proposed recommendations outlined in the report

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 14**

Subject: **UPDATE REPORT ON THE IMPLEMENTATION OF PUBLIC SPACES (UNATTENDED PROPERTY) ACT 2021**

Prepared By: Michael Davies – Parking & Rangers Services Manager

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council receive and note the report.

BACKGROUND

Following the introduction of the *Public Spaces (Unattended Property) Act 2021* (PSUP) on 1 November 2022 and at the Extraordinary Council meeting held on 13 December 2022, Council resolved in part the following:

That Council:

2. *Receive a report on the roll out of the Public Spaces (Unattended Property) Act 2021 in March 2023.*

This report satisfies that resolution.

DISCUSSION

The *Public Spaces (Unattended Property) Act 2021*, was designed to *"repeal and replace the outdated Impounding Act 1993 to create much stronger incentives for people to be responsible for their property in public ... Where property is left unattended in public, those responsible must attend to it within reasonable timeframes or face enforcement action, including strong penalties.*

There are now much stronger regulatory and enforcement powers for authorities to deal with property left unattended in public as well as recover regulatory costs" extract from Public Spaces (Unattended Property) Guidelines For councils and other authorities 1 November 2022.

One of the most significant changes is the legislation allows for an increased scope of what can be considered unattended, this new definition now identifies that under certain stringent circumstances registered vehicles can be considered unattended and are then subject to enforcement.

Education

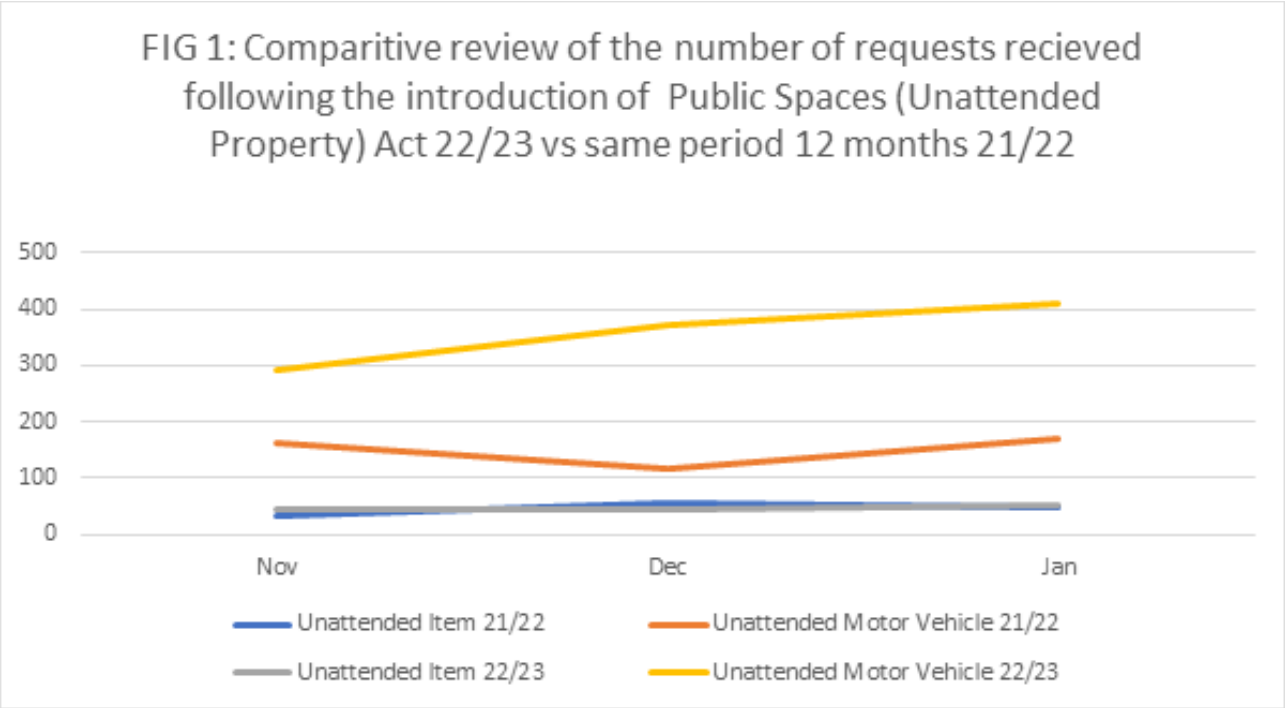
To raise community awareness, Inner West Council supported the Department of Planning and Environments education campaign through updating Councils website to reflect the new legislation (see **Attachment 1** infographics – also available on Council website). Council's customer service team were briefed to assist them in responding to questions and concerns raised by the community. A social media campaign was resourced from within Council and included Facebook posts and a quiz to raise community knowledge (see **Attachment 2**).

There were 1,076 responses to the questionnaire and a story was featured in the Inner West Council newsletter which is distributed to across the LGA.

The Department of Planning and Environment provided a centralised shared resource via its social pinpoint sites which included sections for the public, industry and Councils containing infographics, factsheets, guidelines and code of conduct.

Customer Requests and reporting

Following the introduction of the legislation, unattended motor vehicle requests, which include caravans and trailers, increased to 240% of the number of reports (from 445 to 1070), when compared with the same period (November through January) for the previous year. There was no discernible change in requests for unattended items (non-motor vehicle) such as shopping trolleys, ride share bikes. [Fig 1] The increase in the number of requests received is illustrated below [Fig 1] and demonstrates increased community awareness indicating the education campaign has been successful.



Proactive programs and procedure

To facilitate Council's use of the changes to regulatory powers under PSUP, staff developed a new investigation process. Letters and written directions have been updated to reflect the changes, and both staff authorised under the legislation and critical ancillary staff such as the customer service steam have attended a range of internal workshops and briefings on the new powers and investigation process,

Council's officers also ran targeted proactive programs at known problem sites for shopping trolleys and trailers, to be better able to monitor the effectiveness of the legislation as well using any feedback for refining the procedures, documentation and strategies.

Shopping Trolleys

Hercules St Ashfield was selected for a proactive pilot monitoring shopping trolleys. From mid-December into January 2023, over a six week period, daily patrols were conducted with unattended trolleys tagged for identification. The amendment to the legislation was not observed to have any discernible impact on the number of shopping trolleys being deposited or abandoned by users. Nevertheless, officers identified that local supermarkets were collecting their trolleys within the legislative time frames. When called the trolley must be

collected within 3 hours. Council rangers continue to work proactively with supermarkets and their collection agencies toward timely collection of trolleys.

Ad hoc proactive audits at random locations or where there is significant reporting of non-compliance continues to ensure patrol schedules by supermarkets are ensuring timely collection.

Caravans and Trailers

Proactive monitoring of caravans and trailers was undertaken in Hawthorne Parade Haberfield, Balmain and Lilyfield Rd Lilyfield Darley Rd Leichhardt as a pilot for the implementation of the new legislation. Table 1 below identifies the number of trailers monitored in each of the pilot areas, to ascertain the effectiveness of the new legislation.

To pilot the new legislation stickers were placed on all trailers in the nominated streets advising that under the new legislation, and at a specific date, the trailer was eligible for removal and impounding by Council if it was not moved. As a consequence in each area over 80% of stickered trailers were moved to another location. The remainder were impounded. However, in each street new trailers moved in, although in each instance the number of trailers was reduced compared to the number pre-pilot.

Area	# trailers originally identified	# voluntarily removed during process	# impounded by Council	Post pilot trailer occupancy
Hawthorne Pde	11	9	2	7
Balmain Rd	25	24 (inc. 3 Claimed but not moved due to extensions granted)	1	17
Lilyfield Rd	7	6	1	2
Darley Rd	20	19	1	18

Table 1 - outcomes of Trailer pilot under PSUP. The table above illustrates - that in Hawthorne Parade for instance, originally 11 trailers were identified and stickered by Council rangers as “unattended” in accordance with the new PSUP legislation. Following this 9 of the 11 were moved by owners to another location voluntarily. Two were impounded by Council and a subsequent inspection reveals that 7 new trailers have moved into the street, and the process has recommenced.

Regarding the impounding, these vehicles are transported by Council’s contractor to an impounding facility where they rest for a minimum of 28 days to be claimed by the owner. After this period, they may be sold by auction and funds returned to Council.

From the proactive program several improvements to the process have been adopted including revised information stickers being placed on the vehicles to notify the owner and the broader community of Council’s interest in the item. Further refinement and improvement in clarifying correspondence, and other minor tweaks to the investigation process has also occurred.

Conclusion

The trolley and trailer pilots have demonstrated that the changed legislation has not of itself changed behaviour. This is not unexpected as Council officers understand that a successful change in behaviour will result as a consequence of compliance action when the powers under

the legislation are enacted. As trailers are moved following compliance action, the space they leave may be filled with new tailers. This is likely to continue for a period and hence there is a commitment to a continuous focus on compliance action.

FINANCIAL IMPLICATIONS

The Act contains new penalties, that can be applied to non-compliance, which are designed to offset Council's costs incurred though this new enforcement regime. Currently these fines are part of a state-wide 'grace period' that extends until 1 May 2023, that is no fines are currently being issued under the PSUP legislation. For noting however there are other fines available for Council use under other related legislation (e.g., Road Transport Act, Road Rules 2014). Fines continue to be issued where appropriate under these other legislations.

From available data, it appears that the costs associated in resourcing will not be fully recouped by the penalties issued. This is due to the high level of voluntary compliance once owners are made aware of Council's interest. However, this was also true under the previous Impounding Act and the new activity can be supported through existing resources.

ATTACHMENTS

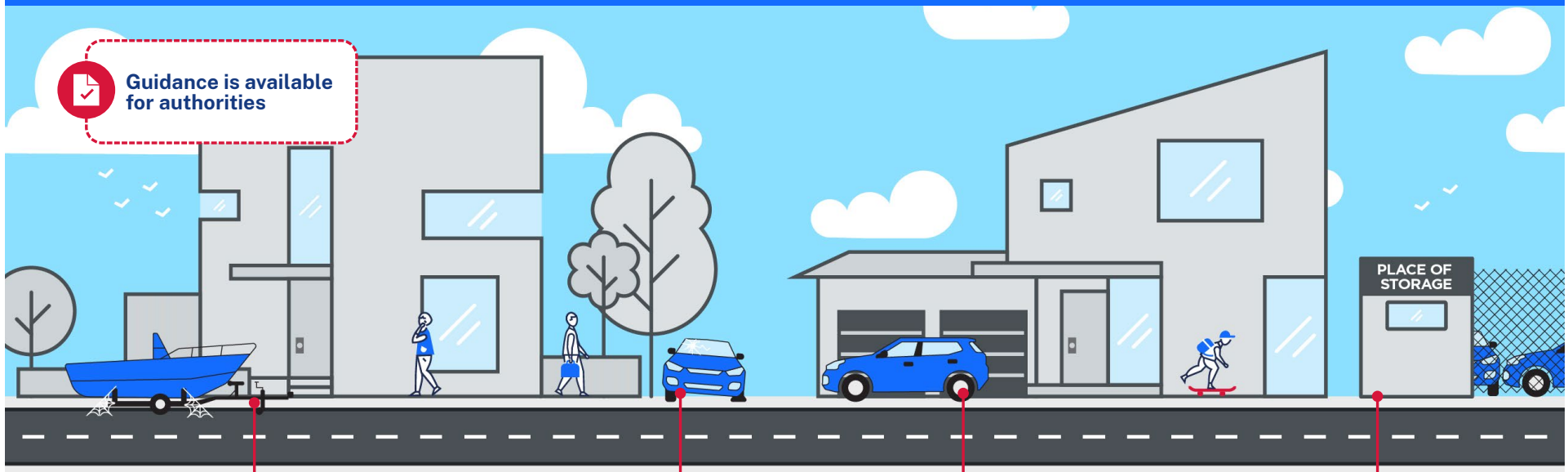
1.⇩ Infographics
2.⇩ Facebook Quiz

New rules for vehicles

This includes (class A) motor vehicles e.g. caravans, boat trailers, and cars.

INNER WEST

NSW GOVERNMENT



Registered vehicle parked safely

Unattended in same place for 28 days or unattended and interfering with amenity

After 28 days, notice given to remove vehicle

Owner has 15 days to act after which authority can take possession of vehicle

Owner may be fined $660

Maximum court-imposed penalty, $2,750

Unregistered vehicle parked safely

Unattended in same place for 15 days or unattended and interfering with amenity

After 15 days, notice given to remove vehicle

Last known owner has 3 days to act after which authority can take possession of vehicle

Owner may be fined $660

Maximum court-imposed penalty, $2,750

Obstruction / Safety Risk

Unattended and obstructing access or posing safety risk

Authority can take possession immediately

No notice period for owner to comply

Owner may be fined $660

Maximum court-imposed penalty, $2,750

After vehicle is taken possession of

Authority may quickly dispose of vehicle valued under $1,500

Owner has 28 days to reclaim vehicle if valued over $1,500

If not reclaimed, owner may be fined, and authority may sell or dispose of vehicle

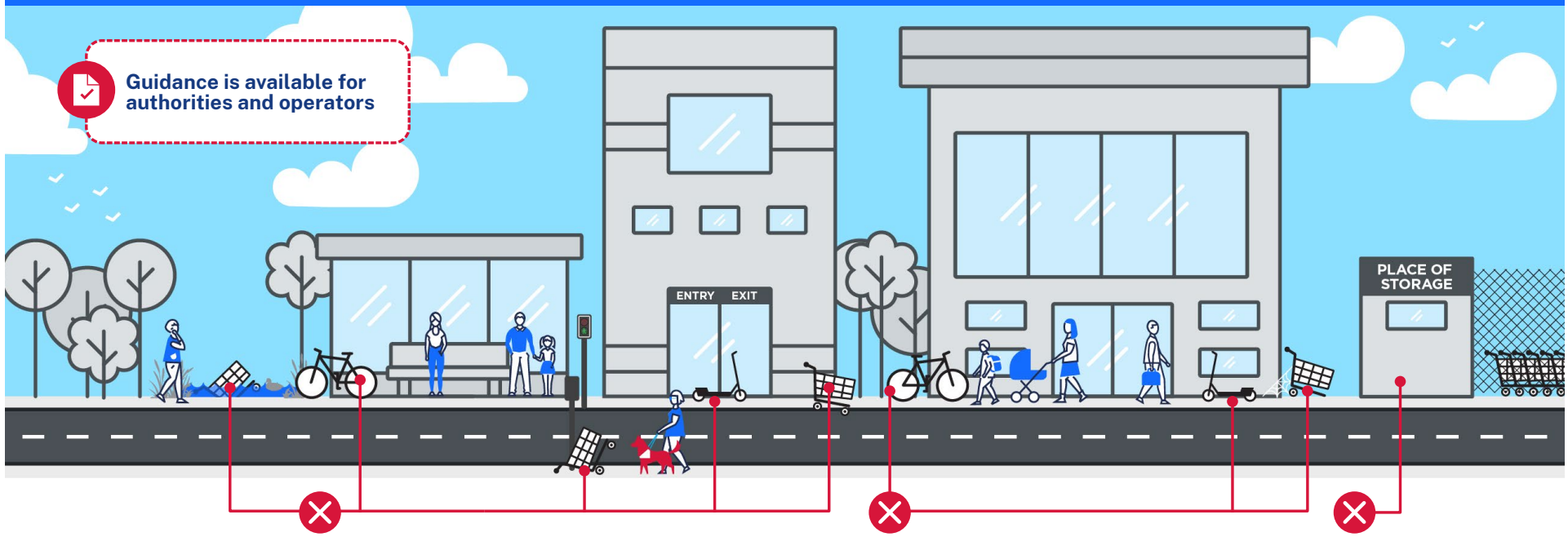
Public Spaces (Unattended Property) Act 2021

New rules for sharing services

This includes shopping trolleys, share bikes and other sharing services available to the public

INNER WEST

NSW GOVERNMENT



Obstruction / safety risk

Authority may move to a safe place

Operator given 3 hours to move item before enforcement (outside of 11pm – 7am)

Fine for individuals $660, for corporations $1,320 (for one item)

Fines may compound for additional items

Sharing service item interfering with public amenity / left in the same place for more than 7 days

Operator given 4 days to move item before enforcement

Fine for individuals $660, for corporations $1,320 (for one item)

Fines may compound for additional items

After sharing service item is taken possession of

Authority may quickly dispose of item valued under $200

Operator has 28 days to reclaim item if valued over $200

If not reclaimed, operator may be fined and item may be disposed of

Fines and penalties for unattended shopping trolleys will commence 1 May 2023

Sharing service items in public must be in good working condition and branded with operator contact details

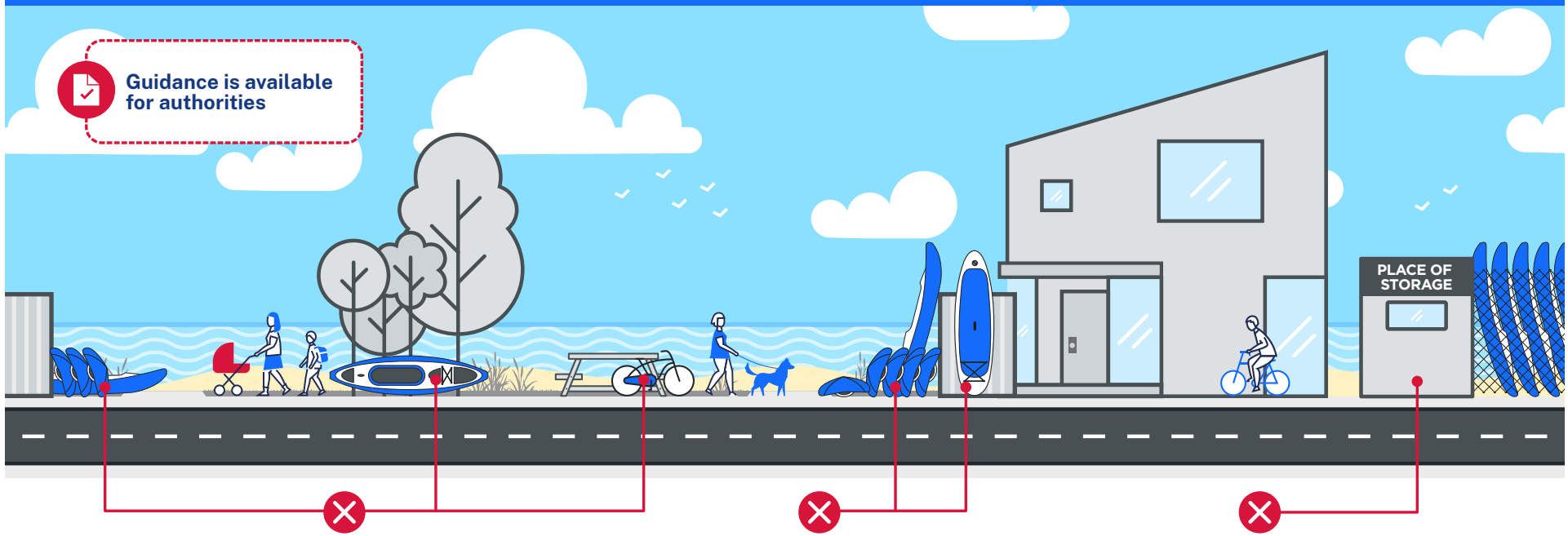
Public Spaces (Unattended Property) Act 2021

New rules for personal items

This includes small to medium privately owned items left unattended in a public place e.g. kayak, bike, surfboard

INNER WEST

NSW GOVERNMENT



Obstruction / safety risk

Authority may move to a safe place

Owner given 3 hours (outside 11pm - 7am) to move item before authority may issue a fine and take possession

Owner may be fined $330

Maximum court-imposed penalty for owners is $2,750

Item interfering with public amenity / left in the same place for more than 7 days

Owner given 7 days to move item before authority may take the item into possession and issue a penalty

Owner may be fined $330

Maximum court-imposed penalty for owners is $2,750

After item is taken possession of

Authority may quickly dispose of item valued under $200

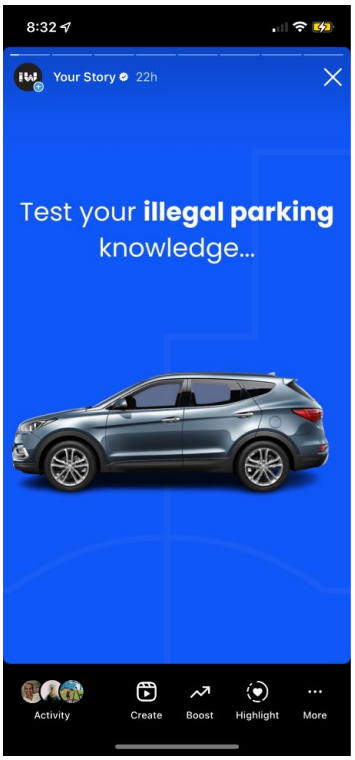
Owner has 28 days to reclaim item if valued over $200

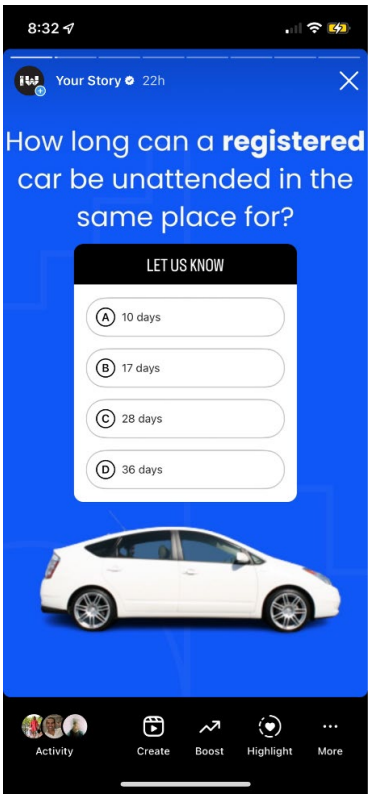
If not reclaimed, owner may be fined and item may be disposed of

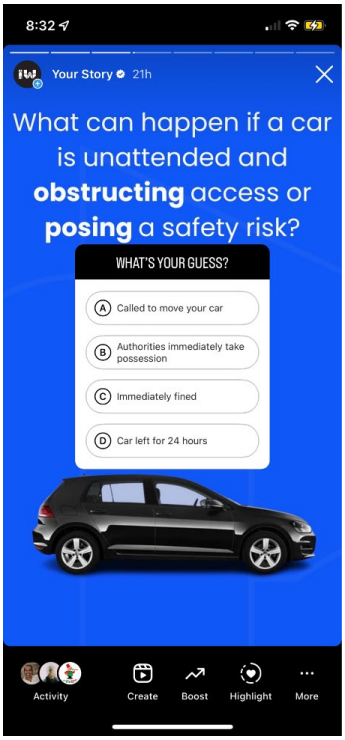
Fines and penalties for unattended items will commence 1 May 2023

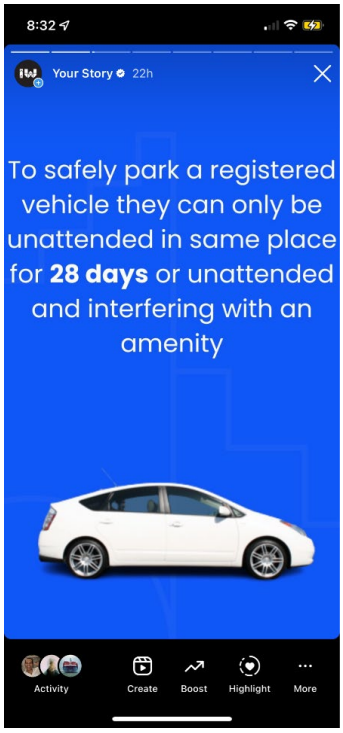
Public Spaces (Unattended Property) Act 2021

Attachment 2: Facebook Quiz





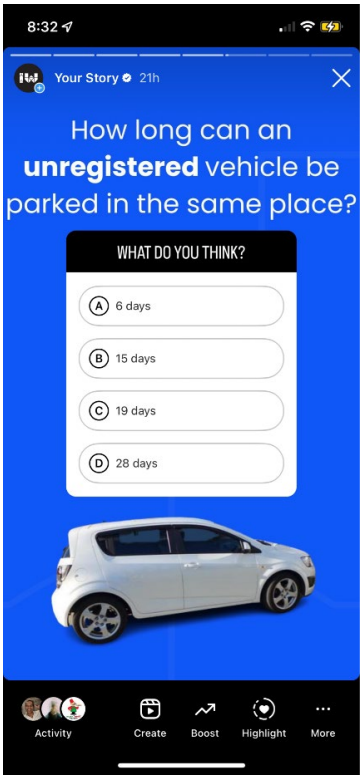


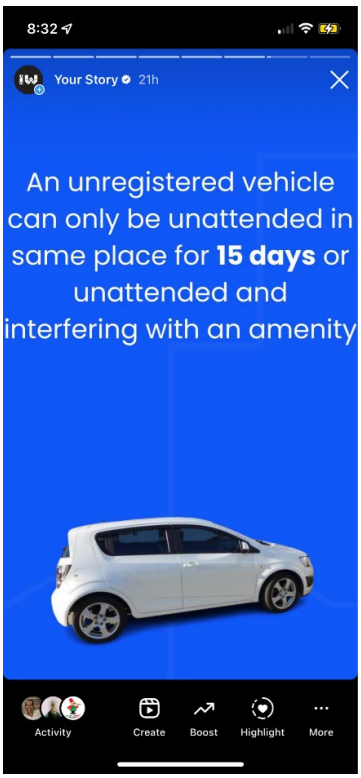


Item 14

Attachment 2

Attachment 2, Facebook Quiz





Item 14

Attachment 2

Item No: **C0323(1) Item 15**

Subject: **INVESTMENT REPORT AT 28 FEBRUARY 2023**

Prepared By: Daryl Jackson - Chief Financial Officer

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

That Council receive and note the report.

BACKGROUND

A monthly investment report is provided to Council detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

The monthly investment report includes details of the current proportion of investments that are non-fossil fuel investments and include details of progress in meeting the prevailing performance benchmark in respect of non-fossil fuel investments.

The investing of Council's funds at the most favourable return available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met while exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

Council determined to proactively invest in a non-fossil fuel investment portfolio.

Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1993;*
- *Local Government (General) Regulation 2021;*
- *Ministerial Investment Order dated 17 February 2011;*
- *Local Government Code of Accounting Practice and Financial Reporting;*
- *Australian Accounting Standards; and*
- *Division of Local Government Investment Policy Guidelines May 2010*

Council's Socially Responsible Investments consist of Green Term Deposits from otherwise fossil fuel lending banks, such as CBA and Westpac and also long dated bond issues from a range of institutions and government agencies. These investments provide targeted funding to a wide range of green and socially responsible projects and initiatives. Council also utilises these investments to remain within the credit rating policy guidelines imposed by the NSW TCorp loan covenant requirements.

Certification

The Chief Financial Officer Daryl Jackson as the Responsible Accounting Officer has certified that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Section 212 of the Local Government General Regulation 2021 and Council's Investment Policy.

DISCUSSION

Council's investments are held in various investment categories which are listed in the table below. Council's investment portfolio size is $187.4m. All Socially Responsible Investments (SRI's) are investments that comply with the Non-Fossil Fuel standards. Council's portfolio had a return 4.01%, against the UBSWA Bank Bill Index Benchmark (3.18%) on a marked-to-market basis. For the past 12 months, the portfolio has returned 1.56% on a marked-to-market basis.

Without marked-to-market influences, Council's investment portfolio yielded 3.66%pa for the month, up from 3.55%pa in January. This is based on the actual interest rates being received on existing investments and excludes market value changes of the securities/deposits.

The valuations on Council's long dated fixed rate bonds slipped lower during the month as long-term market rates rose, but the higher interest rates being received on the rest of the portfolio limited the impact. As interest rates rise/fall the dollar valuations of existing bonds fall/rise in the market. While a bond's (or FRN's) market value may drop below its face value (or par value) during the life a security, providing Council does not sell the security and the issuer is sound (which all of Council's holdings are) then the bond's market value will come back to the face value by the time it matures.

Change in the value of our portfolio

During February, Council made no new investments and had a maturity of a $1.7m 5yr Newcastle Permanent FRN investment which had been paying a quarterly interest rate of 3mo BBSW +1.40%pa.

This temporary breach previously reported of the investment policy for one individual bank (Bendigo & Adelaide Bank) being 2% above its policy of 10% in the overall BBB rating category remains. This breach will be resolved when new funds are reinvested.

Emerald Reserve Mortgage (purchased by the legacy Marrickville Council) maturing in August 2051 and August 2056 is categorised as greater than 1 year term to maturity category continues to be outside policy.

<u>Matured</u> -

- Newcastle Permanent Building Society $1.7m
- Emerald Reverse Mortgage $10.3k (interest)

The investment market had limited non-fossil fuel products available in the month. Those available were offered with low interest rates.

Council's entire investment portfolio remains invested in non-fossil fuel lending ADIs (57% of portfolio) and socially responsible investments (33% of portfolio).

The attachments to this report summarise all investments held by Council and interest returns for periods ending 28 February 2023.

The Current Market value is required to be accounted for. The Current Market Value is a likely outcome if Council were to consider recalling the investment prior to its due date.

All investments made for the month of February have been made in accordance with the Local Government Act, Local Government Regulations and the Inner West Council Investment Policy.

ADI Lending Status *	Current Month ($)		Previous Month ($)	
Non Fossil Fuel Lending ADIs				
Bendigo and Adelaide Bank	22,600,000		22,600,000	
Emerald Reverse Mortgage	1,435,774		1,446,084	
Great Southern Bank	2,000,000		2,000,000	
Newcastle Permanent Building Society	14,750,000		16,450,000	
Suncorp Bank	59,650,000		59,650,000	
Suncorp Bank Covered	5,500,000		5,500,000	
	105,935,774	**57%**	**107,646,084**	**57%**
Socially Responsible Investment				
CBA (Green)	60,000,000		60,000,000	
National Housing Finance Investment Corp (Social)	4,500,000		4,500,000	
NSW T-Corp (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	12,000,000		12,000,000	
	81,500,000	**43%**	**81,500,000**	**43%**
	187,435,774		**189,146,084**	

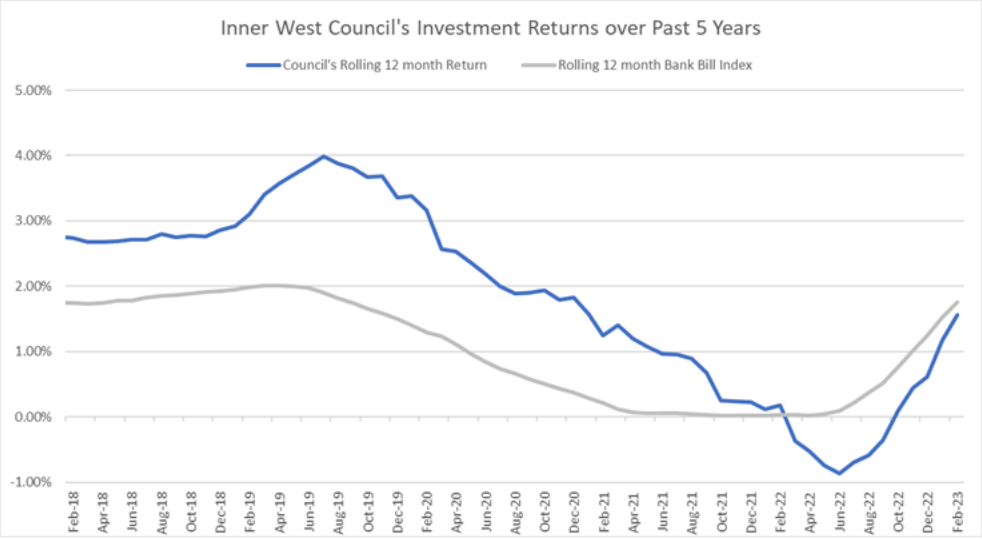
* source: Marketforces

Percentages may not add up to 100% due to rounding

The External / Internal Restrictions and Working Funds Table for February 2023 was not available at the time of publication of the business papers. This will be provided at the meeting, and will reflect the amount of total cash, bank and investments as at 28 February 2023.

All funds have been allocated as laid out in the adopted 2021/22 Operating Budget and Long-Term Financial Plan.

The performance chart over the page shows Council's rolling 12 monthly return versus benchmark over the past 5 years. Each data point is the 12 month return for the stated month end.



Council's investment performance had reflected the downward trend in interest rate markets over recent years accelerated by pandemic related interest rate cuts. With inflation pressures building, interest rates increased sharply over much of 2022, causing negative marked-to-market returns on existing bonds and FRNs over that period, however market rates have largely stabilised of late and the higher rates being received on new investments and FRN rate resets are flowing through to the rolling 12mo figure which has gone back into positive territory and is closing the gap versus benchmark.

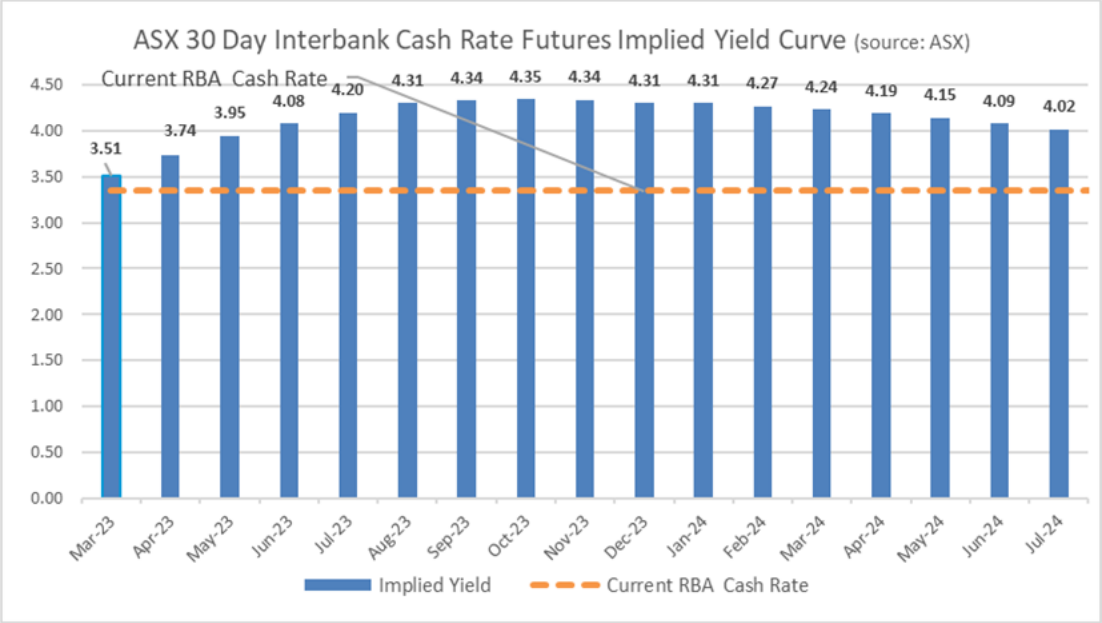
Domestic issues

- Latest wages data lagged expectations, rising by 0.8% (below the 1% anticipated by economists) taking annual growth to 3.3%. While annual wages growth is running at its highest pace in 10 years, it was expected to be higher given the tightness in the labour market (the unemployment rate is close to a 48-year low, labour underutilisation is around its lowest levels since the early 1980's and the participation rate is close to a record high).
- The wages data combined with recent very healthy corporate profit results helped to confirm that much of recent inflationary pressures is not a wage-price spiral, but corporate profit driven.
- Latest Australian GDP data showed the economy expanded by 2.7% for the year ending December. The quarterly increase of +0.50% versus the September result was lower than market expectations as inflation and higher interest rates cooled demand more than anticipated.

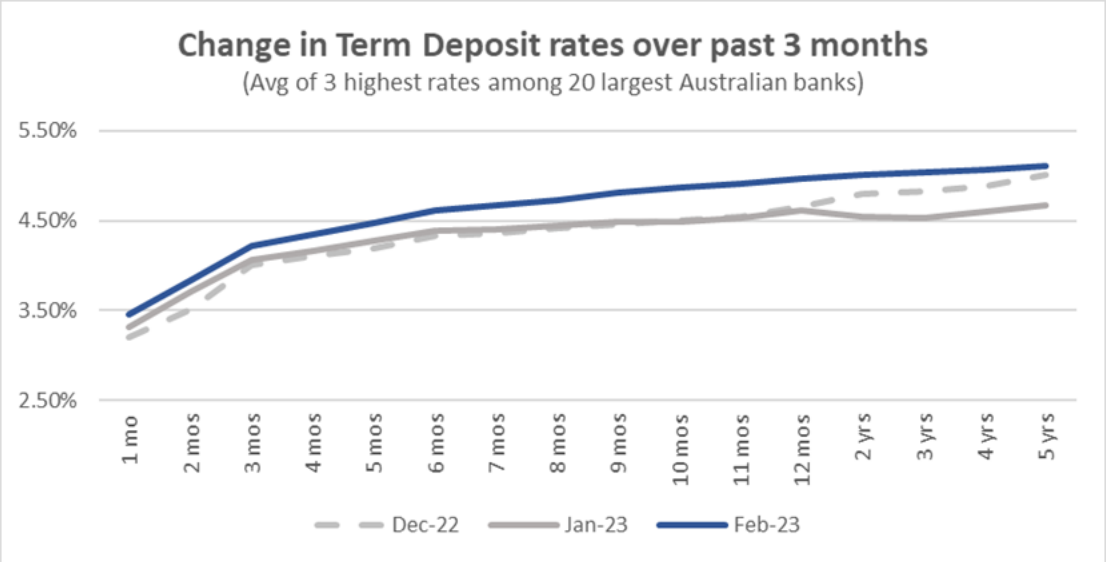
Interest Rates

At its January meeting RBA raised the cash target by 25 basis points to 3.35%. The RBA noted its own economic forecasts were based on the cash rate peaking at 3.75%, indicating that further increases in interest rates are likely to be needed over the months ahead to ensure that inflation returns to target.

Meanwhile, the market's peak cash rate expectation increased to 4.35% over the past month, 60 basis points more than what the RBA is expecting:



In February, term deposit rates increased across the 1 month to 5 year range by an average of 30bps from last month on renewed speculation that the RBA would have to raise rates higher than the central bank's own projections to calm inflationary pressures:



SUPPLEMENTARY INFORMATION AS AT 8 MARCH 2023

The monthly Investment Report to Council includes a table showing the External / Internal Restrictions and Working Funds at the end of each month. At the time of publishing the February 2023 Investment Report this information was not available because the February month end process was still in progress. Please now see below the updated information as at end February 2023.

EXTERNAL/INTERNAL RESTRICTIONS & WORKING FUNDS

	FEBRUARY 2023
External Restrictions	100,699,928
Internal Restrictions	174,436,446
Working Funds	47,184,988
Total	**322,321,362**

All funds have been allocated as laid out in the adopted 2021/22 Operating Budget and Long-Term Financial Plan.

ATTACHMENTS

1.⇩ IWC Investment Report - February 2023
2.⇩ IWC Economic & Investment Portfolio Commentary - February 2023

INNER WEST

Investment Summary Report
February 2023

PRUDENTIAL
INVESTMENT SERVICES CORP

Inner West Council
Executive Summary - February 2023

Investment Holdings

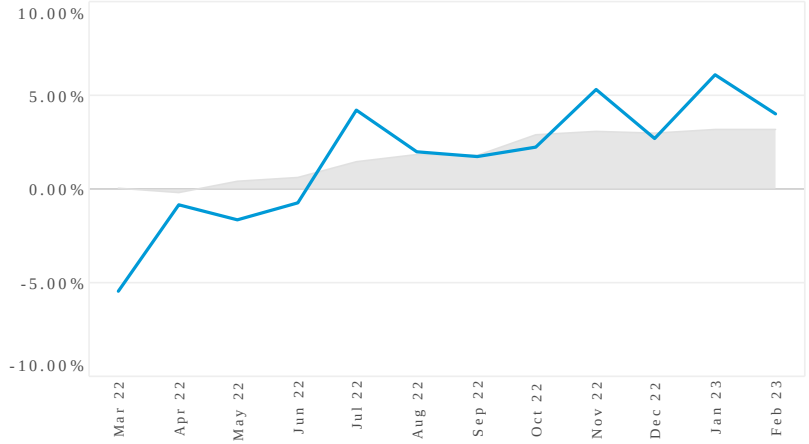
	Face Value ($)	Current Value ($)	Current Yield (%)
Bonds	11,300,000	10,196,434	2.5088
Floating Rate Note	102,200,000	101,537,917	3.9146
Floating Rate Term Deposits	7,000,000	7,042,270	3.6133
Mortgage Backed Security	1,435,774	1,025,570	4.1583
Term Deposit	65,500,000	66,609,047	3.5977
	187,435,774	186,411,239	3.7097

Face Value = capital value to be repaid upon maturity

Current Value = current market value + accrued interest

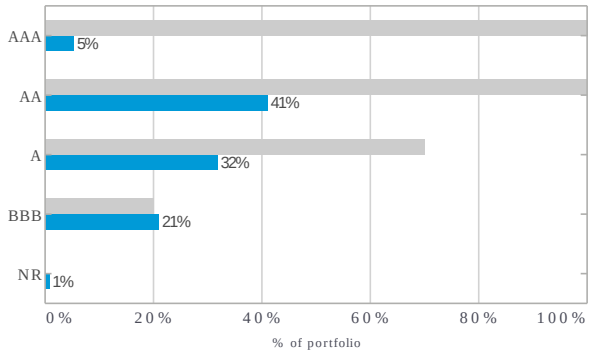
Current Yield = weighted average interest rate

Investment Performance



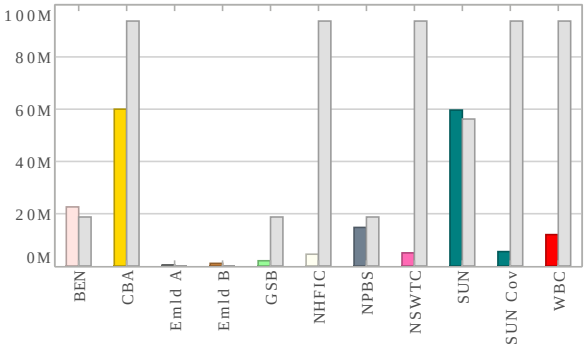
Investment Policy Compliance

Total Credit Exposure



Holdings in each credit rating category vs policy limits

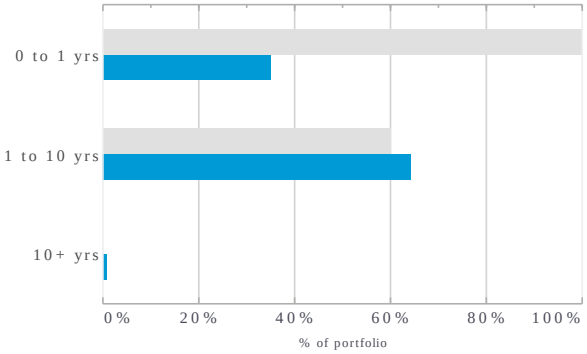
Individual Institutional Exposures



Holdings per bank / product provider vs policy limits

Portfolio Exposure | Investment Policy Limit

Term to Maturities

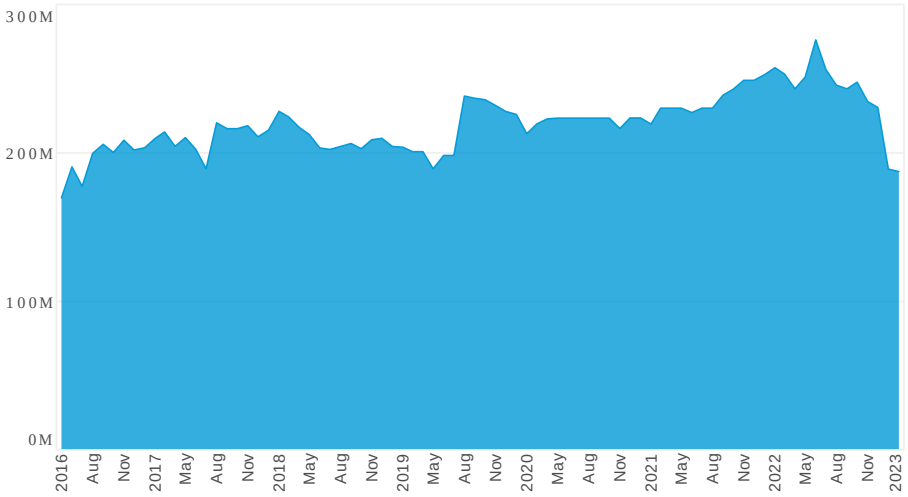


Current maturity profile of all holdings vs policy limits

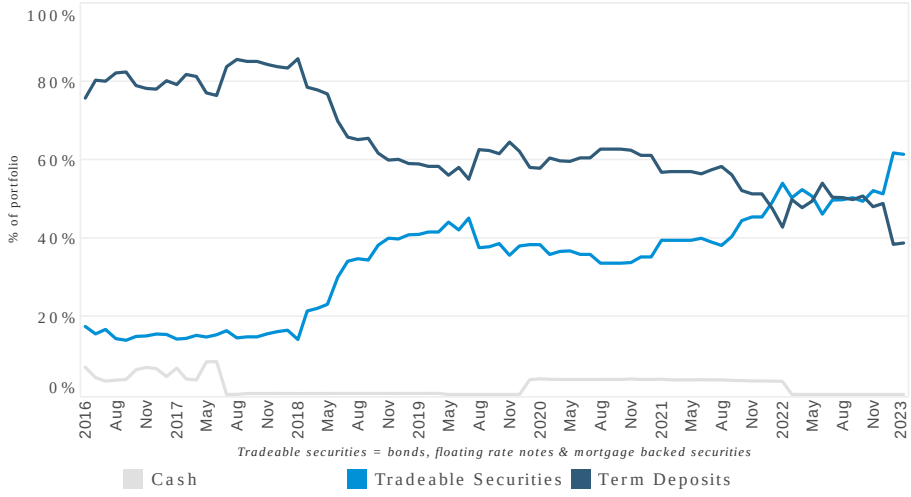
PRUDENTIAL
INVESTMENT SERVICES CORP

Inner West Council
Executive Summary - February 2023

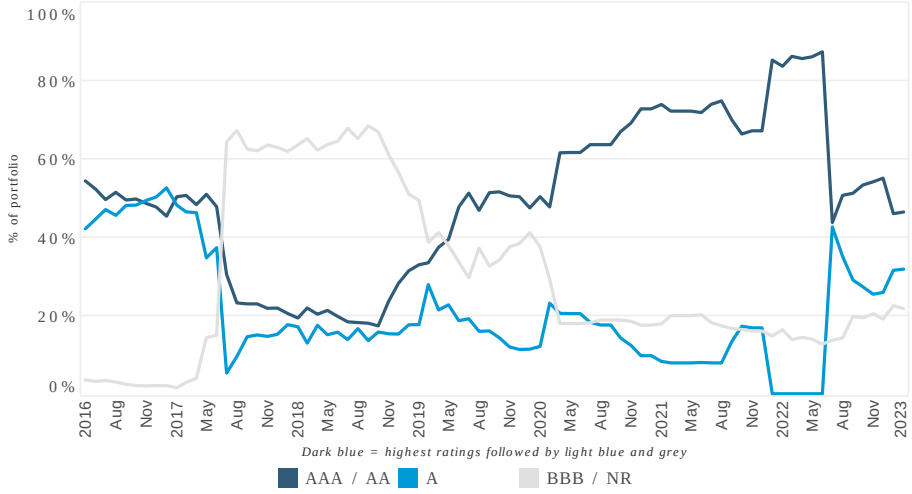
Month end investment balances since amalgamation



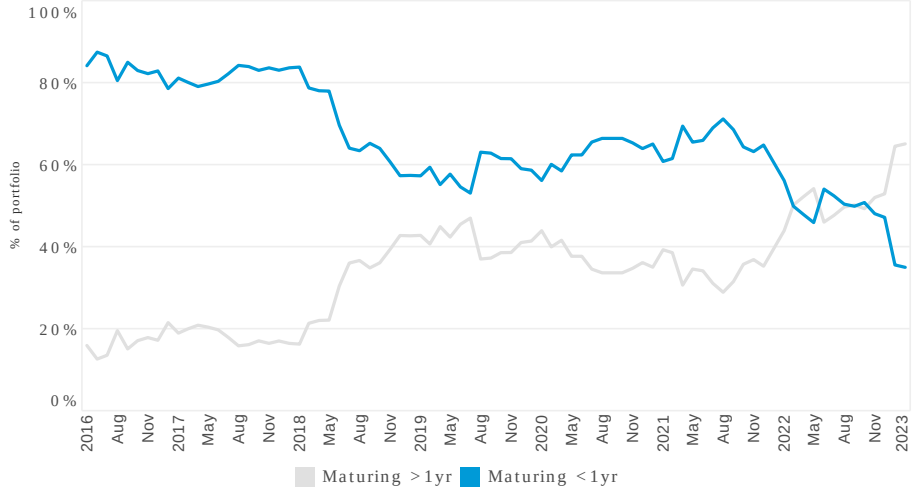
Composition of portfolio by asset type



Composition of portfolio by credit rating categories



Composition of portfolio by short (<1 yr) and long term (> 1 yr) holdings



PRUDENTIAL
INVESTMENT SERVICES CORP

Inner West Council
Investment Holdings Report - February 2023

Term Deposits

Maturity Date	Face Value ($)	Current Rate (%)	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Interest Date	Reference
1-Jun-23	9,000,000.00	3.0000%	Suncorp Bank	A+	9,000,000.00	31-May-22	9,202,684.93	542820	202,684.93	At Maturity	
28-Jun-23	18,500,000.00	3.6000%	Commonwealth Bank of Australia	AA-	18,500,000.00	31-Aug-22	18,832,087.67	543257	332,087.67	At Maturity	Green
30-Jun-23	5,000,000.00	0.5200%	Westpac Group	AA-	5,000,000.00	30-Jun-21	5,004,345.21	541607	4,345.21	Quarterly	Green
20-Sep-23	13,000,000.00	4.1500%	Rural Bank	BBB+	13,000,000.00	20-Sep-22	13,239,449.32	543316	239,449.32	At Maturity	
27-Sep-23	10,000,000.00	4.3000%	Commonwealth Bank of Australia	AA-	10,000,000.00	27-Sep-22	10,182,602.74	543349	182,602.74	At Maturity	Green
25-Oct-23	10,000,000.00	4.2500%	Commonwealth Bank of Australia	AA-	10,000,000.00	25-Oct-22	10,147,876.71	543490	147,876.71	At Maturity	Green
	65,500,000.00	3.5977%			65,500,000.00		66,609,046.58		1,109,046.58		

Floating Rate Term Deposits

Maturity Date	Face Value ($)	Current Rate (%)	Institution	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Interest Date	Reference
28-Jun-24	4,000,000.00	3.5747%	Westpac Group 3moBBSW+0.31%	AA-	4,000,000.00	30-Jun-21	4,023,896.62	541605	23,896.62	30-Mar-23	Green
30-Jun-26	3,000,000.00	3.6647%	Westpac Group 3moBBSW+0.40%	AA-	3,000,000.00	30-Jun-21	3,018,373.70	541606	18,373.70	30-Mar-23	Green
	7,000,000.00	3.6133%			7,000,000.00		7,042,270.32		42,270.32		

Floating Rate Notes

Maturity Date	Face Value ($)	Current Rate (%)	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Coupon Date	Reference
30-Jul-24	750,000.00	4.1612%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	749,182.50	1-Oct-19	753,540.12	538563	2,565.12	28-Apr-23	
30-Jul-24	6,000,000.00	4.1612%	SUN Snr FRN (Jul24) BBSW+0.78%	A+	6,000,000.00	30-Jul-19	6,028,320.99	538330	20,520.99	28-Apr-23	
24-Oct-24	2,000,000.00	4.4033%	GSB Snr FRN (Oct24) BBSW+1.12%	BBB	2,000,000.00	24-Oct-19	2,013,865.96	538603	8,685.96	24-Apr-23	
17-Mar-25	4,000,000.00	4.1814%	BEN Snr FRN (Mar25) BBSW+0.98%	BBB+	4,000,000.00	11-Mar-22	4,039,872.96	542439	32,992.96	17-Mar-23	
24-Apr-25	3,700,000.00	4.4033%	SUN Cov FRN (Apr25) BBSW+1.12%	AAA	3,700,000.00	27-Apr-20	3,748,999.03	539640	16,069.03	24-Apr-23	
2-Dec-25	5,600,000.00	3.5760%	BEN Snr FRN (Dec25) BBSW+0.52%	BBB+	5,600,000.00	2-Dec-20	5,574,013.55	540602	48,829.55	2-Mar-23	
24-Feb-26	6,400,000.00	3.9634%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	6,400,000.00	24-Feb-21	6,326,802.76	540964	3,474.76	24-May-23	
24-Feb-26	10,000,000.00	3.9634%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	9,927,200.00	16-Feb-22	9,885,629.32	542349	5,429.32	24-May-23	
24-Feb-26	10,000,000.00	3.9634%	SUN Snr FRN (Feb26) BBSW+0.45%	A+	9,962,700.00	27-Oct-21	9,885,629.32	542015	5,429.32	24-May-23	

Inner West Council
Investment Holdings Report - February 2023

Maturity Date	Face Value ($)	Current Rate (%)	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Next Coupon Date	Reference
4-Mar-26	10,000,000.00	3.6960%	NPBS Snr FRN (Mar26) BBSW+0.63%	BBB	10,000,000.00	4-Mar-21	9,879,583.84	540984	87,083.84	6-Mar-23	
15-Sep-26	3,750,000.00	3.6469%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	3,750,000.00	9-Sep-21	3,722,825.79	541878	28,475.79	15-Mar-23	
23-Dec-26	1,500,000.00	3.6317%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	1,492,560.00	27-Oct-21	1,486,658.86	542014	10,148.86	23-Mar-23	
23-Dec-26	5,000,000.00	3.6317%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	4,968,400.00	1-Nov-21	4,955,529.53	542019	33,829.53	23-Mar-23	
23-Dec-26	5,000,000.00	3.6317%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	5,000,000.00	21-Sep-21	4,955,529.53	541917	33,829.53	23-Mar-23	
23-Dec-26	10,000,000.00	3.6317%	CBA Green Snr FRN (Dec26) BBSW+0.41%	AA-	9,858,500.00	8-Mar-22	9,911,059.07	542413	67,659.07	23-Mar-23	
25-Jan-27	13,750,000.00	4.0407%	SUN Snr FRN (Jan27) BBSW+0.78%	A+	13,750,000.00	18-Jan-22	13,702,488.85	542249	53,276.35	26-Apr-23	
10-Feb-27	4,750,000.00	4.4681%	NPBS Snr FRN (Feb27) BBSW+1.00%	BBB	4,750,000.00	7-Feb-22	4,667,567.84	542315	11,047.84	10-May-23	
	102,200,000.00	3.9146%			101,908,542.50		101,537,917.32		469,347.82		

Fixed Rate Bonds

Maturity Date	Face Value ($)	Current Rate (%)	Security Name	Credit Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Purchase Yield	Reference
24-Aug-26	500,000.00	3.2500%	SUN Cov Bond (Aug26) 3.25%	AAA	549,310.00	5-May-20	475,114.45	539728	224.45	1.70000%	
24-Aug-26	1,300,000.00	3.2500%	SUN Cov Bond (Aug26) 3.25%	AAA	1,427,881.00	30-Apr-20	1,235,297.56	539692	583.56	1.70000%	
15-Nov-28	5,000,000.00	3.0000%	NSWTC 'Green' Snr Bond (Nov28) 3.00%	AA+	5,000,000.00	15-Nov-18	4,754,422.65	537310	43,922.65	3.23500%	
27-May-30	1,500,000.00	1.5200%	NHFIC 'Social' Snr Bond (May30) 1.52%	AAA	1,540,140.00	10-Feb-21	1,256,000.27	540932	5,825.27	1.25000%	
1-Jul-31	3,000,000.00	1.7400%	NHFIC 'Social' Snr Bond (Jul31) 1.74%	AAA	3,000,000.00	1-Jul-21	2,475,599.34	541524	8,219.34	1.74000%	
	11,300,000.00	2.5088%			11,517,331.00		10,196,434.27		58,775.27	2.3301%	

Mortgage Backed Securities

Maturity Date	Face Value ($)	Current Rate (%)	Security Name	Rating	Purchase Price ($)	Purchase Date	Current Value ($)	Deal No.	Accrued Interest ($)	Reference
21-Aug-51	435,773.97	3.9494%	Emerald Reverse Mortgage (2006A)	NR	1,000,000.00	17-Jul-06	344,638.66	310321	377.22	
21-Aug-56	1,000,000.00	4.2494%	Emerald Reverse Mortgage (2006B)	NR	1,000,000.00	17-Jul-06	680,931.38	310334	931.38	
	1,435,773.97	4.1583%			2,000,000.00		1,025,570.03		1,308.59	

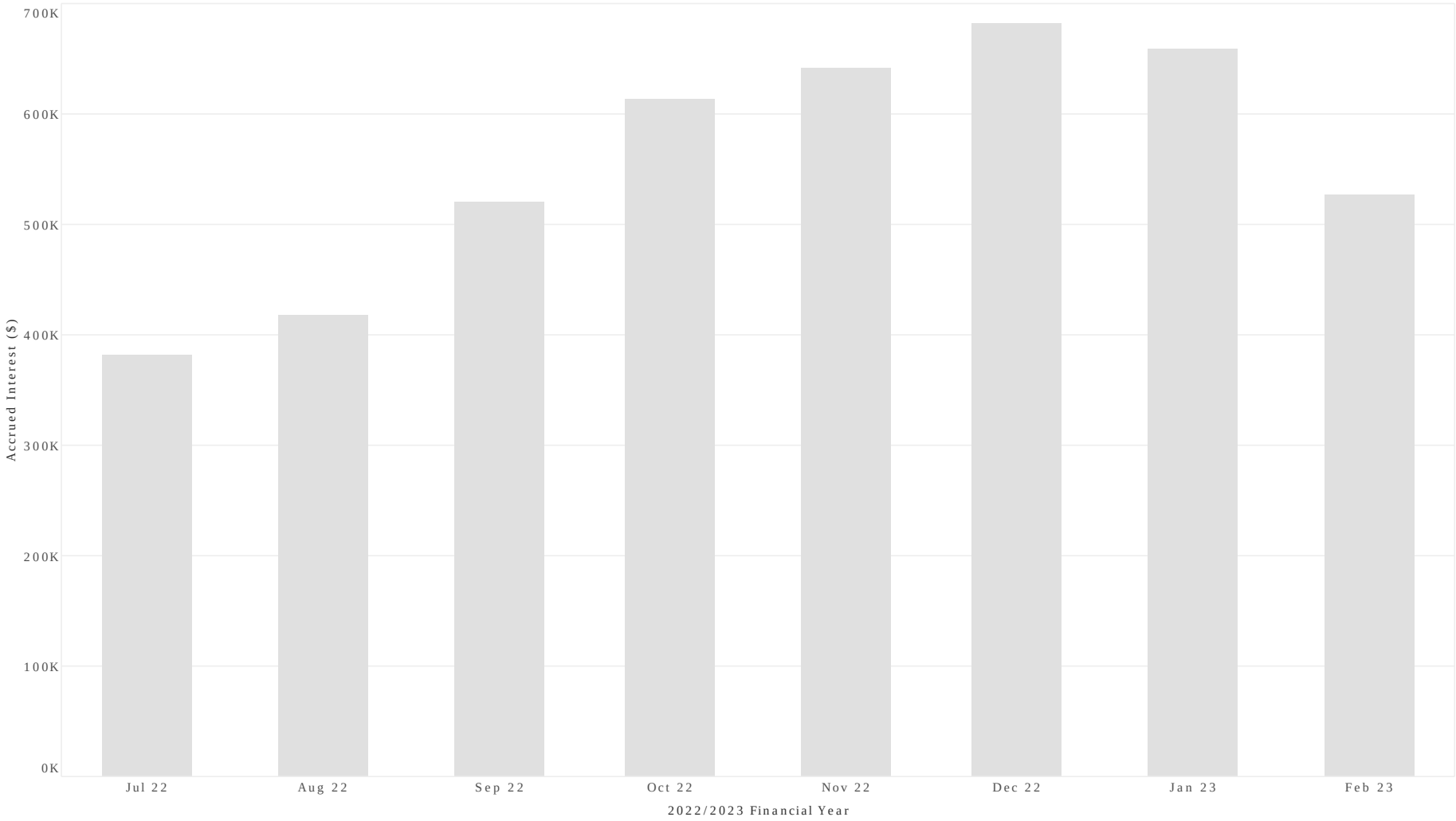
Inner West Council
Accrued Interest Report - February 2023

Investment	Deal No.	Comments	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days	Interest Accrued ($)	Yield (% pa)
Bonds									
SUN Cov Bond (Aug26) 3.25%	539692		1,300,000.00	30-Apr-20	24-Aug-26	21,125.00	28	3,224.18	3.23%
SUN Cov Bond (Aug26) 3.25%	539728		500,000.00	5-May-20	24-Aug-26	8,125.00	28	1,240.07	3.23%
NSWTC 'Green' Snr Bond (Nov28) 3.00%	537310		5,000,000.00	15-Nov-18	15-Nov-28	0.00	28	11,602.21	3.02%
NHFIC 'Social' Snr Bond (May30) 1.52%	540932		1,500,000.00	10-Feb-21	27-May-30	0.00	28	1,753.84	1.52%
NHFIC 'Social' Snr Bond (Jul31) 1.74%	541524		3,000,000.00	1-Jul-21	1-Jul-31	0.00	28	4,037.57	1.75%
						29,250.00		21,857.87	2.52%
Floating Rate Note									
NPBS Snr FRN (Feb23) BBSW+1.40%	536175		1,700,000.00	6-Feb-18	6-Feb-23	18,912.82	5	1,039.17	4.46%
SUN Snr FRN (Jul24) BBSW+0.78%	538330		6,000,000.00	30-Jul-19	30-Jul-24	0.00	28	19,152.92	4.16%
SUN Snr FRN (Jul24) BBSW+0.78%	538563		750,000.00	1-Oct-19	30-Jul-24	0.00	28	2,394.11	4.16%
GSB Snr FRN (Oct24) BBSW+1.12%	538603		2,000,000.00	24-Oct-19	24-Oct-24	0.00	28	6,755.75	4.40%
BEN Snr FRN (Mar25) BBSW+0.98%	542439		4,000,000.00	17-Mar-22	17-Mar-25	0.00	28	12,830.59	4.18%
SUN Cov FRN (Apr25) BBSW+1.12%	539640		3,700,000.00	27-Apr-20	24-Apr-25	0.00	28	12,498.13	4.40%
BEN Snr FRN (Dec25) BBSW+0.52%	540602		5,600,000.00	2-Dec-20	2-Dec-25	0.00	28	15,362.11	3.58%
SUN Snr FRN (Feb26) BBSW+0.45%	540964		6,400,000.00	24-Feb-21	24-Feb-26	57,207.16	28	17,776.55	3.62%
SUN Snr FRN (Feb26) BBSW+0.45%	542015		10,000,000.00	29-Oct-21	24-Feb-26	89,386.19	28	27,775.87	3.62%
SUN Snr FRN (Feb26) BBSW+0.45%	542349		10,000,000.00	18-Feb-22	24-Feb-26	89,386.19	28	27,775.87	3.62%
NPBS Snr FRN (Mar26) BBSW+0.63%	540984		10,000,000.00	4-Mar-21	4-Mar-26	0.00	28	28,352.88	3.70%
SUN Snr FRN (Sep26) BBSW+0.48%	541878		3,750,000.00	15-Sep-21	15-Sep-26	0.00	28	10,491.08	3.65%
CBA Green Snr FRN (Dec26) BBSW+0.41%	541917		5,000,000.00	23-Sep-21	23-Dec-26	0.00	28	13,929.80	3.63%
CBA Green Snr FRN (Dec26) BBSW+0.41%	542014		1,500,000.00	29-Oct-21	23-Dec-26	0.00	28	4,178.94	3.63%
CBA Green Snr FRN (Dec26) BBSW+0.41%	542019		5,000,000.00	2-Nov-21	23-Dec-26	0.00	28	13,929.80	3.63%
CBA Green Snr FRN (Dec26) BBSW+0.41%	542413		10,000,000.00	10-Mar-22	23-Dec-26	0.00	28	27,859.62	3.63%
SUN Snr FRN (Jan27) BBSW+0.78%	542249		13,750,000.00	25-Jan-22	25-Jan-27	0.00	28	42,621.08	4.04%
NPBS Snr FRN (Feb27) BBSW+1.00%	542315		4,750,000.00	10-Feb-22	10-Feb-27	48,489.04	28	15,791.33	4.33%
						303,381.40		300,515.60	3.82%

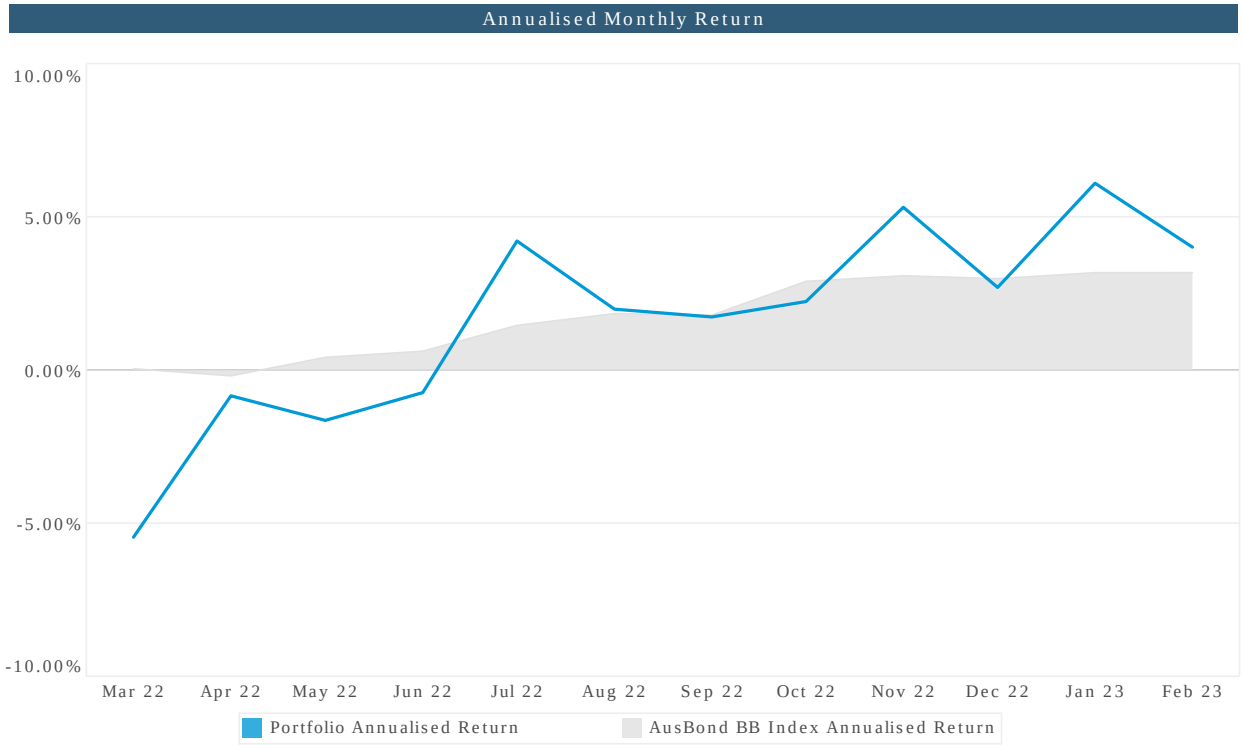
Inner West Council
Accrued Interest Report - February 2023

Investment	Deal No.	Comments	Face Value ($)	Settlement Date	Maturity Date	Interest Received ($)	Days	Interest Accrued ($)	Yield (% pa)
Floating Rate Term Deposits									
Westpac Group 3moBBSW+0.31%	541605		4,000,000.00	30-Jun-21	28-Jun-24	0.00	28	10,968.94	3.57%
Westpac Group 3moBBSW+0.40%	541606		3,000,000.00	30-Jun-21	30-Jun-26	0.00	28	8,433.83	3.66%
						0.00		19,402.77	3.61%
Mortgage Backed Securities									
Emerald Reverse Mortgage Series 2006-1 Class A (BBSW+0.45%)	310321		435,773.97	17-Jul-06	21-Aug-51	3,957.00	28	1,237.64	3.70%
Emerald Reverse Mortgage Series 2006-1 Class B (BBSW+0.75%)	310334		1,000,000.00	17-Jul-06	21-Aug-56	9,628.00	28	3,024.59	3.94%
						13,585.00		4,262.23	3.87%
Term Deposits									
Commonwealth Bank of Australia	543257		18,500,000.00	31-Aug-22	28-Jun-23	0.00	28	51,090.41	3.60%
Suncorp Bank	542820		9,000,000.00	31-May-22	1-Jun-23	0.00	28	20,712.33	3.00%
Westpac Group	541607		5,000,000.00	30-Jun-21	30-Jun-23	0.00	28	1,994.53	0.52%
Commonwealth Bank of Australia	543349		10,000,000.00	27-Sep-22	27-Sep-23	0.00	28	32,986.30	4.30%
Rural Bank	543316		13,000,000.00	20-Sep-22	20-Sep-23	0.00	28	41,386.31	4.15%
Commonwealth Bank of Australia	543490		10,000,000.00	25-Oct-22	25-Oct-23	0.00	28	32,602.74	4.25%
						0.00		180,772.62	3.60%
Grand Totals						346,216.40		526,811.09	3.66%

Inner West Council
Accrued Interest Report - February 2023



Inner West Council
Investment Performance Report - February 2023



Historical Performance Summary (%pa)			
	Portfolio	Annualised BB Index	Outperformance
Feb 2023	4.01%	3.18%	0.83%
Last 3 months	4.26%	3.11%	1.15%
Last 6 months	3.66%	2.85%	0.81%
Financial Year to Date	3.51%	2.54%	0.97%
Last 12 months	1.56%	1.76%	-0.20%

Inner West Council
Environmental Commitments Report - February 2023

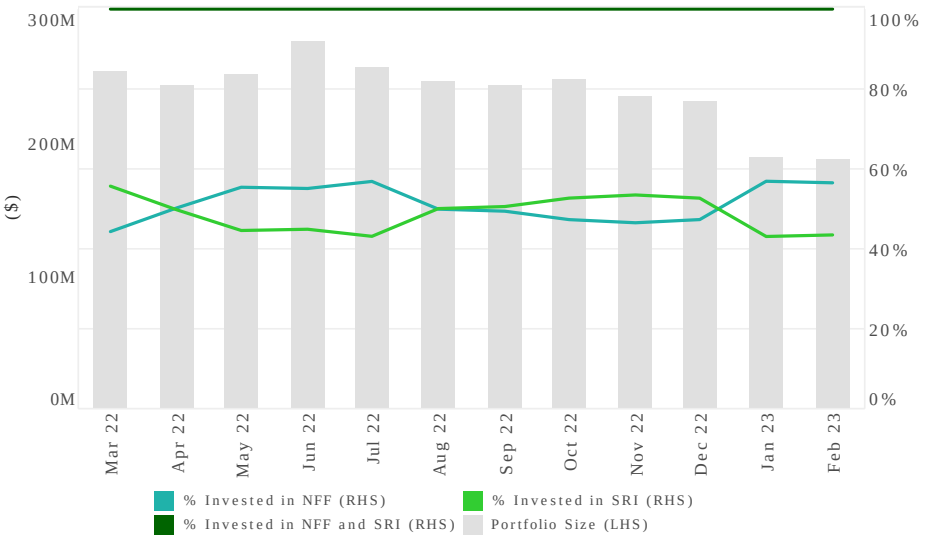
Current Breakdown

ADI Lending Status *	Current Month ($)		Previous Month ($)	
Non Fossil Fuel Lending ADIs				
Bendigo and Adelaide Bank	22,600,000		22,600,000	
Emerald Reverse Mortgage	1,435,774		1,446,084	
Great Southern Bank	2,000,000		2,000,000	
Newcastle Permanent Building Society	14,750,000		16,450,000	
Suncorp Bank	59,650,000		59,650,000	
Suncorp Bank Covered	5,500,000		5,500,000	
	105,935,774	57%	107,646,084	57%
Socially Responsible Investment				
CBA (Green)	60,000,000		60,000,000	
National Housing Finance Investment Corp (Social)	4,500,000		4,500,000	
NSW T-Corp (Green)	5,000,000		5,000,000	
Westpac Group (Green TD)	12,000,000		12,000,000	
	81,500,000	43%	81,500,000	43%
	187,435,774		189,146,084	

* source: Marketforces

Percentages may not add up to 100% due to rounding

Historical Portfolio Exposure to NFF Lending ADIs and SRIs



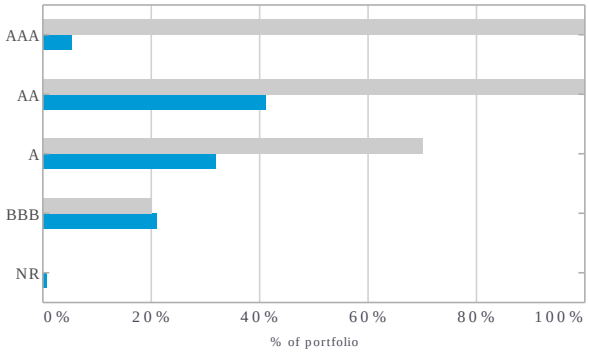
Socially Responsible Investments Glossary

Investment	Use of Funds
Bank Australia (Sustainability)	Reduced Inequalities, sustainable cities and communities, life on land **
CBA (Green)	Wind farms, low carbon transport, low carbon commercial buildings ***
National Housing Finance Investment Corp (Social)	No poverty, sustainable cities and communities **
NSW T-Corp (Green)	Low carbon transport, water infrastructure ***
Westpac Group (Green TD)	Wind farms, low carbon commercial buildings ***

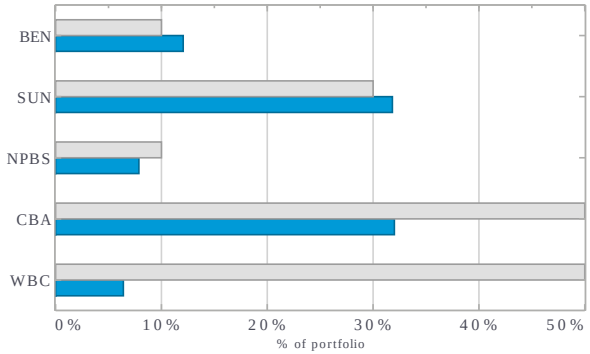
** United Nations Sustainable Development Goals
*** Climate Bonds Standard

Inner West Council
Investment Policy Compliance Report - February 2023

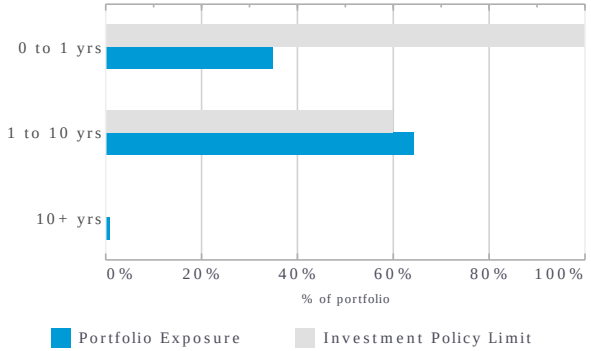
Total Credit Exposure



Individual Institutional Exposures



Term to Maturities



Credit Rating Group	Face Value ($)		Policy Max	
AAA	10,000,000	5%	100%	a
AA	77,000,000	41%	100%	a
A	59,650,000	32%	70%	a
BBB	39,350,000	21%	20%	r
NR	1,435,774	1%	0%	r
	187,435,774			

Institution	% of portfolio	Investment Policy Limit	
Bendigo and Adelaide Bank (BBB+)	12%	10%	r
Suncorp Bank (A+)	32%	30%	r
Newcastle Permanent Building Society (BBB)	8%	10%	a
Commonwealth Bank of Australia (AA-)	32%	50%	a
Westpac Group (AA-)	6%	50%	a
Great Southern Bank (BBB)	1%	10%	a
Suncorp Bank Covered (AAA)	3%	50%	a
NSW T-Corp [Green] (AA+)	3%	50%	a
National Housing Fin Inv Corp [Social] (AAA)	2%	50%	a
Emerald Reverse Mortgage (NR)	1%	0%	r

	Face Value ($)		Policy Max	
Between 0 and 1 years	65,500,000	35%	100%	a
Between 1 and 10 years	120,500,000	64%	60%	r
Greater than 10 years	1,435,774	1%	0%	r
	187,435,774			

Specific Sub Limits				
Between 3 and 10 years	*68,050,000*	*36%*	*30%*	r
Between 5 and 10 years	*9,500,000*	*5%*	*15%*	a

a = compliant
r = non-compliant

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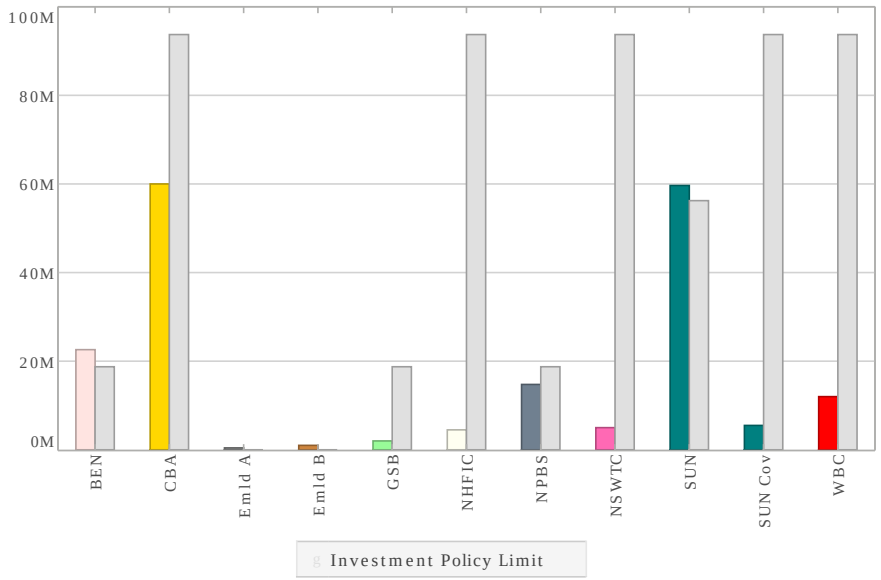
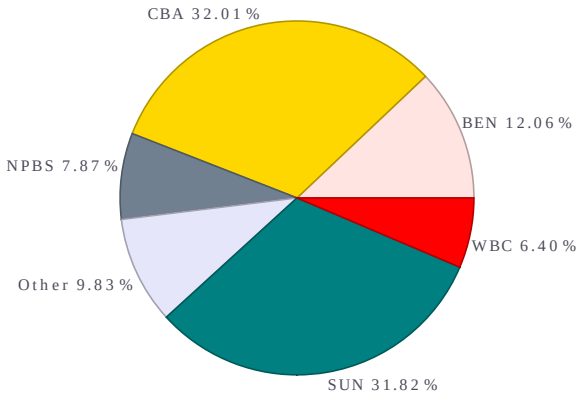
Inner West Council
Individual Institutional Exposures Report - February 2023

Individual Insitutional Exposures

	Current Exposures		Policy Limit		Capacity
Bendigo and Adelaide Bank (BBB+)	22,600,000	12%	18,743,577	10%	-3,856,423
Commonwealth Bank of Australia (AA-)	60,000,000	32%	93,717,887	50%	33,717,887
Emerald Reverse Mortgage (NR)	1,435,774	1%	0	0%	-1,435,774
Great Southern Bank (BBB)	2,000,000	1%	18,743,577	10%	16,743,577
National Housing Fin Inv Corp [Social] (AAA)	4,500,000	2%	93,717,887	50%	89,217,887
Newcastle Permanent Building Society (BBB)	14,750,000	8%	18,743,577	10%	3,993,577
NSW T-Corp [Green] (AA+)	5,000,000	3%	93,717,887	50%	88,717,887
Suncorp Bank (A+)	59,650,000	32%	56,230,732	30%	-3,419,268
Suncorp Bank Covered (AAA)	5,500,000	3%	93,717,887	50%	88,217,887
Westpac Group (AA-)	12,000,000	6%	93,717,887	50%	81,717,887
	187,435,774				

Individual Insitutional Exposure Charts





Inner West Council
Cashflows Report - February 2023

Actual Cashflows for February 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
6-Feb-23	536175	NPBS Snr FRN (Feb23) BBSW+1.40%	Floating Rate Note	Coupon Date	18,912.82
		NPBS Snr FRN (Feb23) BBSW+1.40%	Floating Rate Note	Maturity	1,700,000.00
				Deal Total	1,718,912.82
				Day Total	1,718,912.82
10-Feb-23	542315	NPBS Snr FRN (Feb27) BBSW+1.00%	Floating Rate Note	Coupon Date	48,489.04
				Deal Total	48,489.04
				Day Total	48,489.04
21-Feb-23	310321	Emerald Reverse Mortgage (2006A)	Mortgage Backed Securities	Amortisation	10,310.47
		Emerald Reverse Mortgage (2006A)	Mortgage Backed Securities	Coupon Date	3,957.92
				Deal Total	14,268.39
21-Feb-23	310334	Emerald Reverse Mortgage (2006B)	Mortgage Backed Securities	Coupon Date	9,628.75
				Deal Total	9,628.75
				Day Total	23,897.14
24-Feb-23	539692	SUN Cov Bond (Aug26) 3.25%	Bonds	Coupon Date	21,125.00
				Deal Total	21,125.00
24-Feb-23	539728	SUN Cov Bond (Aug26) 3.25%	Bonds	Coupon Date	8,125.00
				Deal Total	8,125.00
24-Feb-23	540964	SUN Snr FRN (Feb26) BBSW+0.45%	Floating Rate Note	Coupon Date	57,207.16
				Deal Total	57,207.16
24-Feb-23	542015	SUN Snr FRN (Feb26) BBSW+0.45%	Floating Rate Note	Coupon Date	89,386.20
				Deal Total	89,386.20
24-Feb-23	542349	SUN Snr FRN (Feb26) BBSW+0.45%	Floating Rate Note	Coupon Date	89,386.20
				Deal Total	89,386.20
				Day Total	265,229.55
				Total for Month	2,056,528.55

Inner West Council
Cashflows Report - February 2023

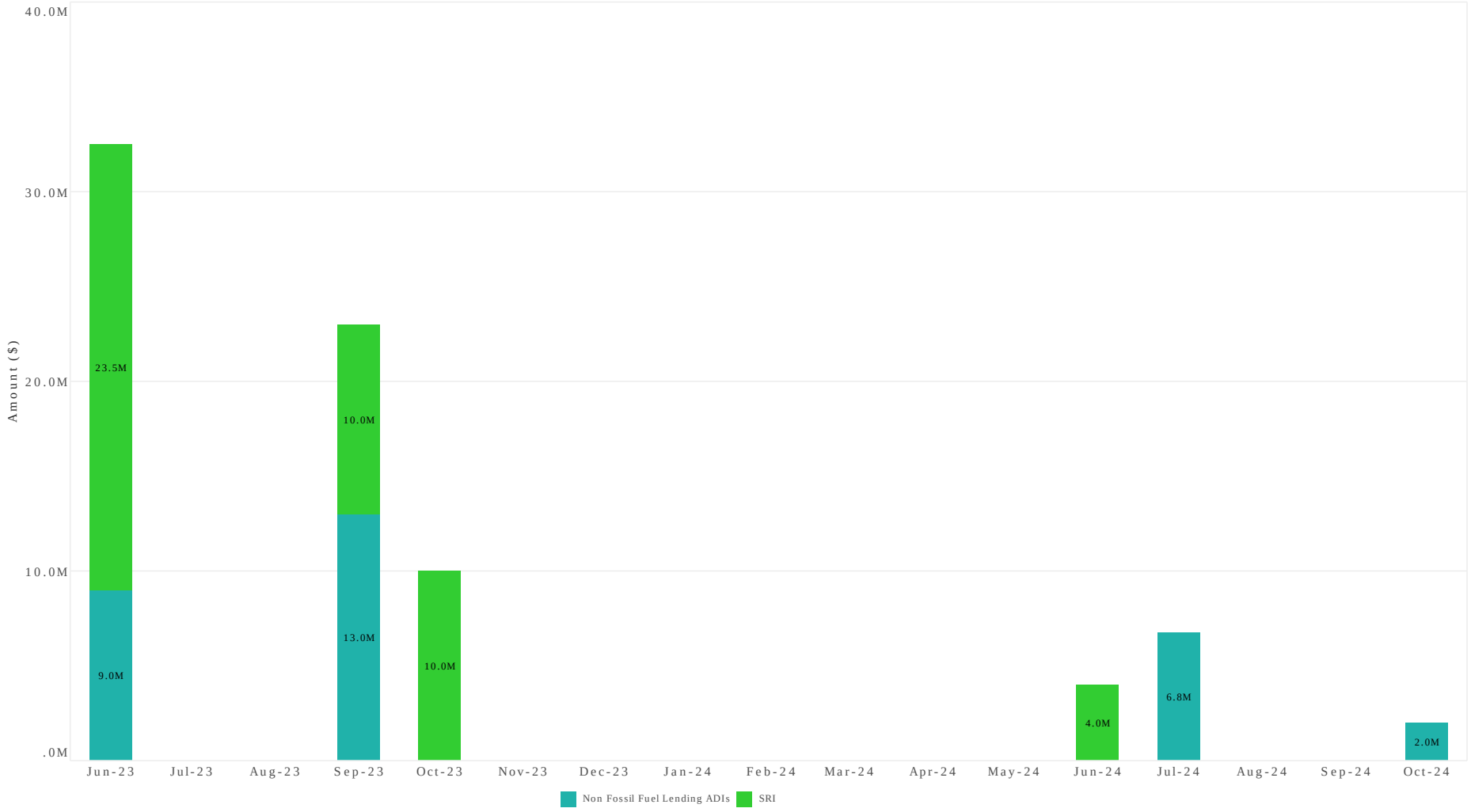
Forecast Cashflows for March 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
2-Mar-23	540602	BEN Snr FRN (Dec25) BBSW+0.52%	Floating Rate Note	Coupon Date	49,378.19
				Deal Total	49,378.19
				Day Total	49,378.19
6-Mar-23	540984	NPBS Snr FRN (Mar26) BBSW+0.63%	Floating Rate Note	Coupon Date	92,146.85
				Deal Total	92,146.85
				Day Total	92,146.85
15-Mar-23	541878	SUN Snr FRN (Sep26) BBSW+0.48%	Floating Rate Note	Coupon Date	33,721.34
				Deal Total	33,721.34
				Day Total	33,721.34
17-Mar-23	542439	BEN Snr FRN (Mar25) BBSW+0.98%	Floating Rate Note	Coupon Date	40,324.73
				Deal Total	40,324.73
				Day Total	40,324.73
23-Mar-23	541917	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	44,774.38
				Deal Total	44,774.38
23-Mar-23	542014	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	13,432.32
				Deal Total	13,432.32
23-Mar-23	542019	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	44,774.38
				Deal Total	44,774.38
23-Mar-23	542413	CBA Green Snr FRN (Dec26) BBSW+0.41%	Floating Rate Note	Coupon Date	89,548.77
				Deal Total	89,548.77
				Day Total	192,529.85
30-Mar-23	541605	Westpac Group	Floating Rate Term Deposits	During: Interest Received/Paid Dates	35,257.32
				Deal Total	35,257.32
30-Mar-23	541606	Westpac Group	Floating Rate Term Deposits	During: Interest Received/Paid Dates	27,108.74
				Deal Total	27,108.74
30-Mar-23	541607	Westpac Group	Term Deposit	During: Interest Received/Paid Dates	6,410.96

Inner West Council
Cashflows Report - February 2023

Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
				Deal Total	6,410.96
				Day Total	68,777.02
				Total for Month	476,877.98

Inner West Council
Cashflows Report - February 2023



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Inner West Council
Economic and Investment Portfolio Commentary
February 2023

Investment Portfolio Commentary

Council's investment portfolio posted a marked-to-market return of 4.01%pa for the month versus the bank bill index benchmark return of 3.18%pa. For the past 12 months, the portfolio has returned 1.56% on a marked-to-market basis.

Without marked-to-market influences, Council's investment portfolio yielded 3.66%pa for the month. This is based on the actual interest being received on existing investments and excludes market value changes of the securities/deposits.

The valuations on Council's long dated fixed rate bonds slipped lower during the month as long term market rates rose, but the higher interest rates being received on the rest of the portfolio limited the impact. As interest rates rise/fall the dollar valuations of existing bonds fall/rise in the market. While a bond's (or FRN's) market value may drop below its face value (or par value) during the life a security, providing Council does not sell the security and the issuer is sound (which all of Council's holdings are) then the bond's market value will come back to the face value by the time it matures.

During January, Council made no new investments and had a maturity of a $1.7m 5yr Newcastle Permanent FRN investment which had been paying a quarterly interest rate of 3mo BBSW +1.40%pa.

Council's entire investment portfolio remains invested in non fossil fuel lending ADIs (57% of portfolio) and socially responsible investments (33% of portfolio).

Council's Socially Responsible Investments consist of Green Term Deposits from otherwise fossil fuel lending banks, such as CBA and Westpac and also long dated bond issues from a range of institutions and government agencies. These investments provide targeted funding to a wide range of green and socially responsible projects and initiatives. Council also utilises these investments to remain within the credit rating policy guidelines imposed by the NSW TCorp loan covenant requirements.

The performance chart below shows Council's rolling 12mo marked to market return versus benchmark over the past 5 years. Each data point is the 12mo return for the stated month end:

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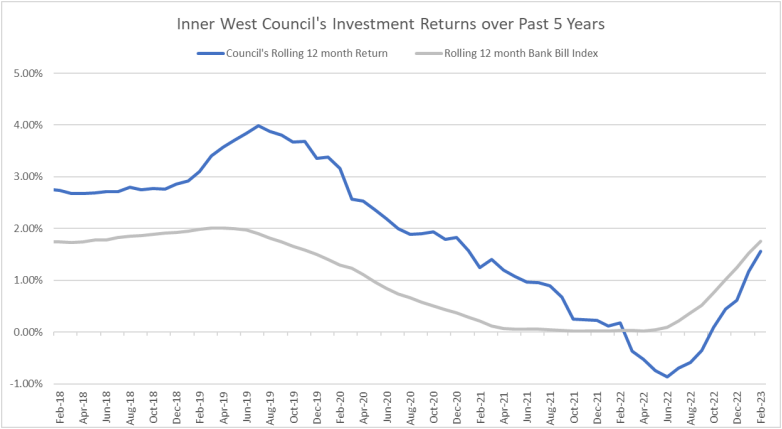

Council's investment performance had reflected the downward trend in interest rate markets over recent years accelerated by pandemic related interest rate cuts. With inflation pressures building, interest rates increased sharply over much of 2022, causing negative marked-to-market returns on existing bonds and FRNs over that period, however market rates have largely stabilised of late and the higher rates being received on new investments and FRN rate resets are flowing through to the rolling 12mo figure which has gone back into positive territory and is closing the gap versus benchmark.

Domestic issues:

- Latest wages data lagged expectations, rising by 0.8% (below the 1% anticipated by economists) taking annual growth to 3.3%. While annual wages growth is running at its highest pace in 10 years, it was expected to be higher given the tightness in the labour market (the unemployment rate is close to a 48-year low, labour underutilisation is around its lowest levels since the early 1980's and the participation rate is close to a record high).
- The wages data combined with recent very healthy corporate profit results helped to confirm that much of recent inflationary pressures is not a wage-price spiral, but corporate profit driven.
- Latest Australian GDP data showed the economy expanded by 2.7% for the year ending December. The quarterly increase of +0.50% versus the September result was lower than market expectations as inflation and higher interest rates cooled demand more than anticipated.

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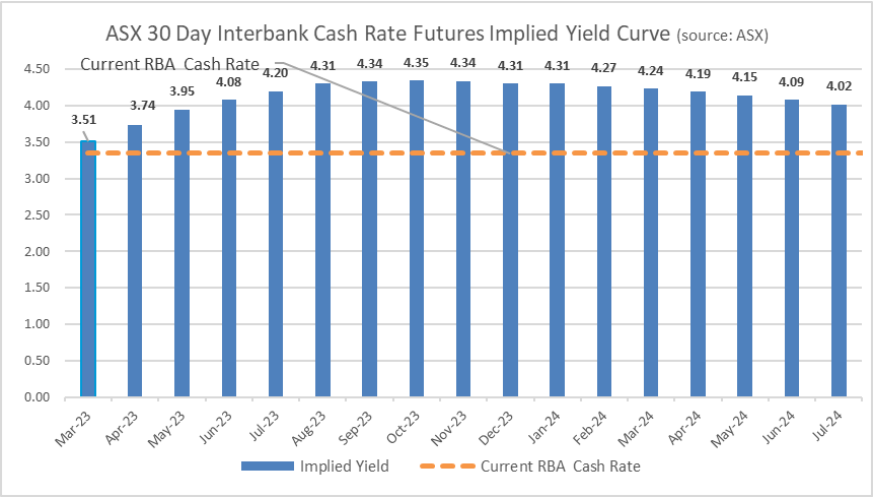
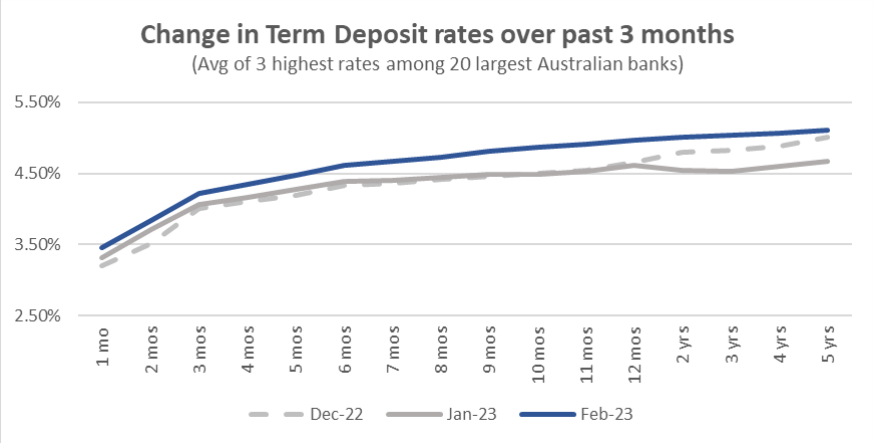
Interest rates

- At its January meeting RBA raised the cash target by 25 basis points to 3.35%. The RBA noted its own economic forecasts were based on the cash rate peaking at 3.75%, indicating that further increases in interest rates are likely to be needed over the months ahead to ensure that inflation returns to target.

- Meanwhile, the market's peak cash rate expectation increased to 4.35% over the past month, 60 basis points more than what the RBA is expecting:



- In February, term deposit rates increased across the 1 month to 5 year range by an average of 30bps from last month on renewed speculation that the RBA would have to raise rates higher than the central bank's own projections to calm inflationary pressures:



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Global issues:

- In the US, monthly inflation picked up in its first reading of the year. The breadth of high inflation readings across CPI items increased a bit but the broader trend towards lower inflation continued with annual inflation falling to 6.4%.
- Economists remain reasonably upbeat on the outlook for investment markets this year as inflation is expected to trend lower and central banks tipped to gradually stop raising rates. But economists warn it may be a bumpy road.
- Reaching the peak cash rate and stabilising is expected to take time with setbacks likely along the way: recession risks are high; raising the US debt ceiling around the September quarter likely won't go smoothly; and geopolitical risks around Ukraine and China are significant.
- European economic data continues to show improvement from late 2022. Consumer confidence was up in February (although still negative) but is now back to its highest level since March 2022.
- In the UK, inflation fell more than expected. While still very high at 10.1%, it adds to signs that inflationary pressures are peaking globally.
- In Asia, Japanese GDP was weaker than expected at 0.6%. Business investment fell but consumer spending was solid. Chinese property prices were flat to start 2023 and appear to have stabilised.

Disclaimer: The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Prudential Investment Services Corp has relied upon information which it believes to be reliable and accurate. Prudential Investment Services Corp believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Prudential Investment Services Corp does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Prudential Investment Services Corp. AFS Licence No. 468145.

Item No: **C0323(1) Item 16**

Subject: **NOTICE OF MOTION: RETURNING PLANNING POWERS TO LOCAL COUNCILS**

From: **Councillor Marghanita Da Cruz**

MOTION

1. **That Council requests the Mayor to write to the Premier, Dominic Perottet, the Leader of the Opposition, Chris Minns, and the leaders of the Greens NSW, the National Party, the Shooters and Fishers Party as well as all candidates contesting the seats of Balmain, Summer Hill, Heffron, Strathfield and Newtown in the 2023 NSW election, seeking their commitment to:**

    a) **the principle of returning local planning powers to metropolitan local governments; and**

    b) **commits in the next term of NSW Parliament to work towards developing criteria by which the Minister for Planning may exempt metropolitan local governments from the requirements for local planning panels and in turn return DA determination powers to elected councillors.**

2. **That Council requests the General Manager to publish responses received on Council's website prior to the 2023 NSW State election.**

Background

Inner West Council's planning powers to determine development consents under the EP&A Act were extinguished in August 2017, while the Council was in Administration, by the passing of legislation requiring the establishment of local planning panels and rendering unlawful any determination of DA consents by elected councillors.

This legislative change does not apply to LGAs in some regional parts of NSW and as such many regional local governments still exercise powers in determining development consents.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 17

Subject: NOTICE OF MOTION: HABERFIELD DISTRICT CELEBRATES 93RD ANNIVERSARY

From: Councillor Marghanita Da Cruz

MOTION

That Council write to Haberfield Girl Guides congratulating them on their 93rd Anniversary and inviting them to curate an exhibition about their history preferably at the Haberfield Library.

Background

The Haberfield Guides turned 90 in June 2021. They were unable to celebrate the milestone due to the COVID Lockdowns. There will finally be a celebration on 30 March 2023.

The St David's Committee granted Miss Gladys Dunlop permission to form a company of Girl Guides connect with St David's Church in Haberfield on 3 June 1931.

"Australian Guide Program
Girl Guiding in Australia is delivered through the Australian Guide Program (AGP), which is a non-formal education program based on shared leadership and decision-making at all ages.

The AGP is facilitated by trained volunteer Leaders with a focus on programs being girl-led. This means that all the activities the girls do, from weekly Unit meetings, to camps, to expeditions and hikes, are driven by the girls themselves with input and assistance from their Leaders, and planned to match the girls' abilities" Source: https://www.girlguides.org.au/howtojoin/australian-guide-program/ viewed 1 March 2023

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 18

Subject: NOTICE OF MOTION: SOUTH AUSTRALIA: FIRST NATIONS VOICE TO PARLIAMENT

From: Councillor John Stamolis

MOTION

1. **That Council note that South Australia will be the first place in Australia to introduce an Aboriginal Voice to Parliament.**
2. **That Council utilise any work done in South Australia which can assist Council in providing public information about a Voice to Parliament.**
3. **That Council write to the Premier and Opposition leader, after the NSW election, to seek information about a Voice to Parliament for NSW.**

Background

South Australia will become the first place in Australia to introduce an Aboriginal Voice to Parliament.

Inner West Council's newsletters, media releases, public events and training have not yet referred to this historic process in SA.

South Australia has also lead the nation on a number of other issues relating to recognition of Aboriginal people. The Aboriginal flag was first flown on National Aborigines Day in Adelaide in July 1971. In 1977, Newcastle became the first Council to fly the Aboriginal flag on Council premises. A quarter of a century after Adelaide first flew the Aboriginal flag, in 1995, the Aboriginal flag was recognised by the Australian Government as an official 'Flag of Australia'.

Sir Douglas Nicholls was the first and so far the only Indigenous Australian Governor of an Australian state (Governor of South Australia, 1976–1977).

South Australia also has historic ties with the Northern Territory. Adam Giles was the first Indigenous Australian to lead a government in Australia; being Chief Minister of the Northern Territory in 2013.

South Australia set to get First Nations' Voice to Parliament after proposal wins Greens' support, Evelyn Manfield, Fri 20 Jan 2023

By the end of the year, South Australia is set to be the first state to have a First Nations' Voice to Parliament.

Labor promised a local implementation of the Uluru Statement from the Heart at the state election. Its proposed legislation has won support from the Greens.

Once implemented, 12 people would be able to speak to state parliament on any bills.

Aboriginal Affairs Minister and Attorney-General Kyam Maher said he planned to introduce legislation for the First Nations' Voice early next month, after it gained the support of the Greens.

"It'll be the first in Australia, so it'll be very historic that, for the first time, there will be a body like this that is elected, that will form a Voice to Parliament, a body that is chosen from Aboriginal people, by Aboriginal people," he said.

Under the legislation, Aboriginal and Torres Strait Islander people enrolled to vote will be able to elect a group of people from their geographical area: half of them men and half of them women.

Overall, 40 people would be elected and then 12 of those would form a statewide Voice that could speak on any bill before parliament. "This will be really significant," Mr Maher said.

Voice members would also be able to attend two cabinet meetings a year, meet with state government department chief executives and ask ministers about spending, policies and what they are doing for Indigenous people.

How will the First Nations Voice work?

The proposed bill to enshrine South Australia's new First Nations Voice to parliament into law reveals the scope of the body.

Greens MP Tammy Franks said the Voice would give parliamentarians the chance to hear First Nations people like they never have before.

"The ability to hear what First Nations people think on any issue that affects Aboriginal Australians in South Australia, as we make our decisions as parliamentarians for the best for South Australia, so I think it's only a win-win," she said.

Formal consultation on the legislation — and particularly how the geographical regions would be divided — began in November and ended two weeks ago.

A referendum is set to be held on a federal Indigenous Voice to Parliament by the end of the year.

Unlike at the Commonwealth level, South Australia's First Nations' Voice will not need to go to a public vote to be included in the Constitution. South Australia's constitution can be changed without a referendum.

"We'll look to reference this in our Constitution Act and that can be done in South Australia without a referendum," Mr Maher said.

First Nations Voice to SA parliament detailed in draft bill — so how will it work? Patrick Martin, Wed 9 Nov 2022

Aboriginal communities across South Australia would be able to vote for local representatives who will eventually form the state's new First Nations Voice to Parliament.

That's the plan under the proposed bill released today by the South Australian government.

The Labor Party said the election commitment is a local implementation of the Uluru Statement from the Heart.

Commissioner for First Nations Voice Dale Agius said the message from communities was clear. "It's important for Aboriginal and First Nations people to feel like they have the ability to speak about their local issues," Mr Agius said.

Dale Agius said the body would give First Nations people a stronger sense of self-determination.

South Australia's first Aboriginal Attorney-General, Kyam Maher, said his government was "doing something that's the first of its kind in the nation".

"One thing I am certain of [is] that if Aboriginal people aren't at the forefront of making the policies and decisions that affect their lives, then that sort of government action doesn't work as well as it might," Mr Maher said.

How will the Voice be chosen?

Under the draft proposal, the state will be split into six areas — one covering metropolitan Adelaide and five covering regional areas.

Exactly how that division will occur is something the SA government said would be determined by the next phase of consultation. It could be along language group, community or electoral boundary lines.

First Nations people would be able to vote in local representatives at the same time as state government elections, in a process overseen by the state Electoral Commission.

Attorney-General and Aboriginal Affairs Minister Kyam Maher said ministers would be required to meet with First Nations representatives.

Aboriginal people would vote in the area where they're enrolled.

To run for election to a local group, a person could nominate for the area where they live or where their country is.

"For example, a Pitjantjatjara person [from central Australia's APY Lands] who resides in Adelaide for health reasons or for other reasons and has their electoral address in Adelaide will vote, under this bill, in that metro region but would be able to stand either in the metro region or on their country," Mr Maher said.

These elected groups would meet to discuss issues important to their communities at least four, but no more than six, times a year unless ministerial approval is granted.

All six groups would meet all together once a year.

Each of the six groups would select two members — one woman and one man — to form the state-wide voice to parliament.

Who would the Voice speak to?

This state-wide group would speak with the premier and state cabinet at least twice a year.

Ministers and chief executives of each government department would also be required to hold briefings with them, to allow First Nations representatives to ask questions of interest to Aboriginal people.

What do we know about the federal Indigenous Voice?

The Prime Minister has revealed a proposed set of words to be added to the constitution for an Indigenous Voice to Parliament. The Opposition says the move is positive and next step is to explain how it would work. Here's what we know so far.

The group could also speak directly to parliament on any legislation that it likes.

"It's not up to us to decide what Aboriginal people are interested in or what affects Aboriginal people, it's up to them to decide," the attorney-general said.

"It is an advisory body — it won't have a vote in parliament, it won't be able to move amendments in parliament, it won't be able to veto anything in parliament."

The speaker of the lower house, or the president of the upper house, may also request the group's input on particular legislation also.

Public service resources would be provided to all groups to help them work effectively, but the exact cost will be determined by the final bill that is passed by parliament.

What do elders think?

Kaurna elder Jeffrey Newchurch said the time was right for an Aboriginal voice to state parliament but consultation going forward was key. "By coming together, we're healing and that's the importance of it," Mr Newchurch said.

"From the [Kaurna] elders community, we're supportive of it but the emphasis has to be on young people. "We also have to have this conversation with the non-Aboriginal community too."

Jeffrey Newchurch said the next round of consultation on the bill would be critically important.

Every Aboriginal community is different and the next round of consultation will take place across the state in coming months before the bill is introduced to parliament next year.

Mr Maher said the government wants to have the legislation passed by the end of 2023 and hoped it would align with any federal Voice to Parliament that may be enacted.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 19**

Subject: **NOTICE OF MOTION: PEDESTRIAN SAFETY AT CARDINAL FREEMAN VILLAGE**

From: **Councillors Councillor Mark Drury and Councillor Jessica D'Arienzo**

MOTION

1. **That Council urgently investigate installing pedestrian crossings on Victoria Street and Queen Street, Ashfield, adjacent to Cardinal Freeman to improve pedestrian safety and better facilitate the use of adjoining bus stops.**

2. **That Council report to the Local Traffic Committee on these investigations as a matter of priority.**

Background

Residents of Cardinal Freeman have raised serious concerns with pedestrian safety on both Victoria and Queen streets.

Bus stops have been raised and are frequently used by residents of the Village to access shops, medical appointments and other necessities.

Residents, many who are older or experience mobility constraints, report frequent near misses and feel unsafe crossing the roads to exit the village to access the stops.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 20

Subject: NOTICE OF MOTION: TOWN HALL OPEN DAYS AND ACTIVATIONS

From: Councillors Mathew Howard and Justine Langford

MOTION

1. **That Council acknowledge the expertise and hard work of staff working to facilitate open days as part of the plan to activate our town halls for use by artists and creative industries.**

2. **That Council note the success of the recent open day at Marrickville Town Hall and implement feedback from the Marrickville Town Hall Reference Group in future open days, including:**

    a) **Hiring performers or buskers to perform in the forecourt;**

    b) **Printing and posting corflutes at the front of town halls, advertising the creative use of venues EOI process and linking to information about the project to activate town halls;**

    c) **Providing printed materials and fliers advertising the creative use of venues EOI process and providing information about the project to activate the use of town halls; and**

    d) **Creating a visual presence at the front of town halls during open days, including banners.**

3. **That Council note work to establish three residency spaces at Marrickville Town Hall, including the provision of small risers, a lighting tree, sound mixing desk and other minor works and that funding**

4. **That Council note the proposal by the Pride Centre Steering Committee to establish temporary exhibition space in the front windows of the Newtown Town Hall while construction work is underway.**

5. **That Council note that all Town Hall open days are to be completed by June 2023.**

6. **That Council investigate permanent activations at the street entrance of Marrickville Town Hall on Marrickville Road to make the entry more inviting and accessible. Activations could include Council signage on the bus shelter and bin and flags and street art. The signage could include a QR code that links to Council's website where residents can submit an Expression of Interest for an artist residency at the Town Hall.**

7. **That the funding required, approximately $20,000, to implement the above recommendations be sourced from the Economic Development budget and also underspend in the Community Directorate.**

Background

Council has resolved to hold open days as part of its ongoing work to activate town halls for use by artists, creative industries or as a Pride Centre at Newtown Town Hall.

Reference and Steering groups have been established as part of the project to activate Marrickville Town Hall and Pride Centre and at the February council meeting, council resolved to hold open days for each town hall in the Local Government Area before June 2023, utilising feedback from the Marrickville Town Hall Open Day.

Improving the streetscape outside Marrickville Town Hall could improve activation as an arts and cultural hub. The current entrance is imposing and the steps are a barrier to entry.

The idea to activate the front entrance of the Town Hall came out of discussion with another member of the Marrickville Town Hall Steering Committee on the recent Town Hall Open Day.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 21**

Subject: **NOTICE OF MOTION: PRIDE INNER WEST AND MARDI GRAS**

From: **Councillors Jessica D'Arienzo, Liz Atkins and Pauline Lockie**

MOTION

1. **That Council notes the successful Pride Inner West festival held from 11 February to 5 March 2023, which celebrated our local LGBTQ+ community as part of Sydney WorldPride.**

2. **That Council commends the work of staff, members of Council's World Pride Committee and LGBTQ Working Group, in developing and implementing the festival, which included more than 70 inclusive and accessible events across the Inner West.**

3. **That Council notes Council's longstanding 'Feel The Love' Mardi Gras reception and the success of the inaugural Pride Inner West Festival and prepares a report to detail an annual program of events, including a Mardi Gras Parade screening, in celebration of our LGBTQ+ community.**

Background

Pride Inner West took place from 11 February to 5 March 2023 and included over 70 free or low-cost events across our suburbs, in our libraries, aquatic centres, sporting fields, bars and other indoor and outdoor spaces, including screening of the Mardi Gras parade in Camperdown Memorial Rest Park attended by over 1,000 locals. We launched Pride Square and the Rainbow Pathway in Newtown and installed nine new Pride Seats across the Inner West as permanent reminders of our community's inclusivity and support for the LGBTIQA+ community.

The festival was welcomed and enjoyed by people from across the Inner West and from further afield. It brought a great number of visitors to the Inner West and Inner West businesses participated enthusiastically.

There has been some discussion on social media about why we need such a display of solidarity with the LGBTQ+ community. Unfortunately, we must acknowledge that there were some behaviours during the Pride Inner West Festival which answered this question all too clearly. However, the outpouring of support from community for affected businesses is a clear indication that our community does not tolerate homophobia or any other bigotry.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 22

Subject: NOTICE OF MOTION: MOTION FOR THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT: PREVENTING GREENWASHING AND PROMOTING ETHICAL AND CLIMATE POSITIVE INVESTMENTS IN LOCAL GOVERNMENT SUPER FUNDS

From: Councillor Justine Langford

MOTION

That Council endorses the following motion to be submitted to the 2023 National General Assembly of Local Government:

This National General Assembly of Local Government calls on the Australian Government to:

1. **Actively encourage local government super funds to divest from companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco;**

2. **Take immediate action to ensure the integrity and accountability of carbon offset programs, while supporting and funding councils to directly reduce operational and community emissions through the roll out of local renewable energy infrastructure and other greenhouse gas reducing initiatives;**

3. **Ban the practice of 'greenwashing' in local government super funds, ensuring that local government super funds that invest in companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco are not able to promote their funds as being environmentally friendly or ethical investors.**

National Objective

This motion addresses the following key questions in the 2023 discussion paper*:*

1. **Climate Change and Renewable Energy: Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?**

Background

Local government is constantly on the frontlines and doing the heavy lifting when dealing with severe weather events. We now accept that climate change contributes to more severe weather events which occur more frequently than previously. From the recent floods in the Kimberley and those that shattered the north coast of NSW in March 2022, to the east coast bushfires of the 2019/20 summer, the reality of climate change is upon us. In this context it is no longer acceptable for the retirement savings of local government sector employees to be invested in fossil fuel entities which are continuing to contribute to, and make worse, the effects of climate change.

At the time of writing 117 Australian local government jurisdictions have declared a climate emergency representing well over eleven million residents and over 45% of the Australian population.

Historically each Australian State has had a superannuation fund associated with its local government sector. Those arrangements have morphed into the current situation which is:

NSW - Active Super (formerly Local Government Super) an industry fund currently in merger negotiations with Vision Super (Victoria).

Clause 15 of the *Local Government (State) Award* 2020 requires NSW local government employees to contribute to the *Local Government Superannuation Scheme* (which is now known as Active Super) and no other scheme.

Victoria – Vision Super formerly known as Local Authorities Superannuation Fund, Vision Super has been providing servicing since 1947. It is currently in merger negotiations with Active Super.

South Australia – State Super which merged with *Local Government Superannuation Scheme* in 2012

Queensland – Brighter Super – LGSuper became LGIA Super in 2016, which then merged with Energy Super and acquired Suncorp's superannuation business. It then renamed itself Brighter Super in July 2022.

Western Australia – Aware Super –WA Super (originally established for local government employees in Western Australia) merged with Aware Super in 2020. Aware Super is itself a merger between First State Super (NSW) and VicSuper (Victoria).

Northern Territory - Hostplus

Ethical status of funds

Each of the State funds offer a range of superannuation products ranging from 'conservative' to 'growth'.

Some of the funds offer an 'ethical' or 'socially responsible' option. These funds are:

Brighter Super https://www.brightersuper.com.au/investments/investment-options/socially-responsible

Aware Super - https://aware.com.au/member/investments-and-performance/our-approach-responsible-ownership/socially-responsible-investment-options

SA State Super - https://www.supersa.sa.gov.au/investments/how-your-investments-are-managed/responsible-investing/

Vision Super (Victoria) and Active Super (NSW) do not appear to have a socially responsible option.

Investment in fossil fuel companies

The Market Forces website identifies that most of these super funds invest in the some of the180 publicly listed companies included in their Climate Wreckers Index.

The superannuation funds above are identified by Market Forces as having an exposure to the companies on the Climate Wreckers Index as:

Active Super – Accelerator-High Growth 6.08%

Aware – High Growth 3.5%

LGIA (Brighter Super) - My Super 6.01%

Vision Super - Balanced Growth 4.22%

Companies included in the Climate Wrecker Index include the following companies which are found in the investment disclosures of these super funds (although not all companies are invested in by each of these funds). For example:

BHP, BP, ExxonMobil, Glencore, Bahrat petroleum, Cubu Electric Power, Devon Energy, EQT, Galp Energia, Itochu, Marathon Oil, Mitsubishi, Rio Tinto/RioZim, Siemens, Santos, Woodside,

Market Forces estimate that the average investment share by super funds in Australia in the Climate Wrecker Index companies is 6.26%, and that this results in **each member account investing $4800 in fossil fuel producing companies.**

Investment in companies associated with gambling

Investment in companies in the gambling industry is also common. Vision Super has the following gambling associated investments:

Aristocrat Leisure and Tabcorp

Investment in weapons manufacturers

Vision Super invests in:

Thales, Raytheon, Rheinmetall

Greenwashing

In September 2022 the Australia Competition & Consumer Commission announced it was targeting greenwashing after hearing growing concerns that businesses are falsely representing their environmental credentials.

The Australian Securities and Investment Commission (ASIC) also took action in 2022 on greenwashing including issuing an infringement notice to a superannuation trustee.

Future expectations of local government employees to have their super in sustainable and ethically based superannuation funds

In 2021 86% of Australians said they expected their superannuation, or other investments, to be invested responsibly and ethically.

Local government employees who are directed by default towards preferred superannuation funds (including those in NSW who under the Employment Award must have their super paid into Active Super) deserve to have a default option which is environmentally and socially sustainable.

There needs to be much clearer regulation of the claims made by superannuation funds which cater for local government employees as to what is sustainable.

For example in its 21/22 *Responsible Investment Report* Active Super states that carbon capture and storage and the supply of gas are an acceptable part of a sustainable mix. We disagree that this meets current community expectations, particularly for a fund which states:

Unlike some super funds who offer 'socially responsible' or 'ethical' investment options within their broader portfolio, our responsible investment principles are applied to our ENTIRE range of products.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 23

Subject: NOTICE OF MOTION: URGENT MAINTENANCE AND IMPROVEMENT OF PEDESTRIAN SAFETY ON BAYVIEW AVENUE BRIDGE, TEMPE

From: Councillor Justine Langford

MOTION

1. **That Council notes that the pedestrian pathway on the bridge crossing the Cooks River at Bayview Avenue, Tempe is too narrow, and unsafe for pedestrians, cyclists, prams, wheelchairs and dog walkers.**

2. **That Council notes that recently a local resident cut her hand on some wire that is protruding from the handrail on the bridge.**

3. **That Council writes to the NSW Minister for Transport to request a new bridge to cater for active transport and to request urgent maintenance to address the immediate safety issues of rotten boards and sharp wire.**

4. **That Council writes to the NSW Shadow Minister for Transport, asking them to commit to upgrading the bridge if they are elected.**

Background

The Bayview Avenue Bridge, crossing the Cooks River between Tempe and Earlwood is not fit for purpose, being too narrow, unsafe for pedestrians. The pedestrian access is little more than single file on one side of the bridge and a double-pram cannot pass across the pedestrian walkway.

Some of the wooden boards on the pedestrian walkway are rotten and the handrail has wire protruding from it. Last week a local resident cut her hand on the wire.

The current bridge does not support or encourage active transport.

The bridge is a Transport for NSW asset.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 24

Subject: NOTICE OF MOTION: IMPROVING PEDESTRIAN SAFETY ON WARDELL ROAD BRIDGE, MARRICKVILLE

From: Councillor Justine Langford

MOTION

1. **That Council notes that the pedestrian pathway on either side of the Wardell Road bridge, crossing the Cooks River in Marrickville, is narrow, unfenced and unsafe for pedestrians, cyclists, prams, dog walkers and wheelchairs.**

2. **That Council notes that there is no zebra crossing on Wardell Road, Marrickville before the start of the bridge. This is a popular place for pedestrians and golfers from Marrickville Golf Club to cross. Crossing can be dangerous, especially during peak hour when traffic is heavy.**

3. **That Council urgently repairs the damaged pedestrian refuge on Wardell Road, Marrickville to improve pedestrian safety.**

4. **That Council investigates installing traffic calming measures within the area to improve safety for pedestrians and cyclists and encourage active transport. Measures to be investigated could include:**

    a) **A zebra crossing on Wardell Road, Marrickville at the start of the bridge;**

    b) **Reducing speed limits;**

    c) **Safety fencing on either side of the bridge; and**

    d) **Dedicating one of the paths to pedestrians and the other path to cyclists.**

Background

The pedestrian pathways on the Wardell Road Bridge between Marrickville and Earlwood are narrow and unsafe. The bridge is well utilised by cars, pedestrians and cyclists. Traffic is heavy during peak hours.

The current access does not support or encourage active transport.

The pedestrian refuge on Wardell Road is damaged and degraded and needs urgent repairs to improve pedestrian safety.

The Wardell Road Bridge is a regional road and is jointly owned by Inner West Council and Canterbury Bankstown Councils.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 25**

Subject: **NOTICE OF MOTION: MOTION FOR THE 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - BANKS TO OFFER MORE INVESTMENT PRODUCTS**

From: **Councillor Mark Drury**

MOTION

That the Australian Local Government Association commence a campaign to convince all large banks to offer more investment products that will not contribute to further climate change, to Local Governments who want them.

Officer's Comments:

No further comments were required for this Notice of Motion.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 26

Subject: QUESTION ON NOTICE: STAFF CHANGES

From: Councillor John Stamolis

Comment by the General Manager:

Answers to the question will be provided at an Ordinary Council meeting in March 2023.

Question

It would be appreciated if Council could provide staff recruitment and staff termination data for 2017, 2021 and 2022.

	Recruitment	Terminations	Total staff
2017			
2018	162	194	1099
2019	156	183	1075
2020	119	117	1089
2021			
2022			

Answer

The following head count numbers include permanent and temporary employees (new starters, terminations and total staff) but do not include casuals.

The TechOne payroll system was implemented during 2018 and therefore figures for 2017 could not be accurately reported. The 2017 data listed below is provided as approximates only based on a culmination of archived data.

	New Starters	Terminations	Total Staff
2017	**150**	**95**	**1117**
2018	162	194	1099
2019	156	183	1075
2020	119	117	1089
2021	**102**	**130**	**1081**
2022	**152**	**187**	**1079**

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 27**

Subject: **QUESTION ON NOTICE: EMPLOYEE TERMINATION COSTS**

From: **Councillor John Stamolis**

Since the merger, over the 5 years from 2016 to 2021, Councils employee termination costs have been above $2 million (and as high as $5.64 million).

	Employee termination costs $m
2016-17	$2.103
2017-18	$2.236
2018-19	$2.086
2019-20	$5.640
2020-21	$2.234
2021-22	$0.182
Total	$14.481

Question

Council to advise on the factors driving the cost of termination for each year.

Answer

There are varying factors that drive termination costs which can fluctuate from year to year. External factors may include general candidate market volatility that drive individual lifestyle choices. Internal factors may include changes in organisational design because of the amalgamation, incorporated voluntary redundancies and then end of the five-year protection period for staff post amalgamation.

Question

Council to report on the high cost of termination over financial year 2019-20.

Answer

The CEO of Inner West Council during this period undertook a major restructure which significantly impacted the management level of the organisation. The basis of the restructure was to realign the new amalgamated Council with the Strategic objectives of the organisation taking into consideration Council's financial position. One of the objectives of the restructure was the reduction of middle management staffing numbers following the merging of three Councils.

Question

Council to advise on the low amount of employee termination costs over the most recent year 2021-22.

Answer

A new General Manager (GM) was appointed in May 2021 and a new four Directorate structure was adopted in June 2021. A new Executive Team has been recruited and we commenced a period of stability at the senior management level and for the organisation.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 28**

Subject: **QUESTION ON NOTICE: INNER WEST BUSHCARE SITES**

From: **Councillor John Stamolis**

Comment by the General Manager:

Answers to all questions will be provided at an Ordinary Council meeting in April 2023.

This Question on Notice seeks to provide Councillors with a list of bushcare sites located in the Inner West as well as who looks after these and the frequency or works.

Question

Please supply the data a detailed in the table:

a) Bushcare site - the name of the bushcare site
b) Suburb
c) Contractor? - Is the bushcare activity conducted by Council staff, External contactor, Community group, other volunteers or a mix (Council staff/Volunteers)
d) Contract commenced - details when an external contractor commenced work
e) Frequency - details the frequency of bushcare activity (1 day per week, 3 days per month etc)

Bushcare site	Suburb	Contractor?	Contract commenced	Frequency
Camerons Cove	Balmain	External contractor	March 2020	1 day per month

Question

What has been the total expenditure on these bushcare sites, by Council, for each of the past 5 financial years?

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 29**

Subject: **QUESTION ON NOTICE: ROAD REPAIR FUNDING GRANT $5 MILLION**

From: **Councillor John Stamolis**

State Government has recently announced funding of $220 million for a road repair program for metropolitan Councils.

Inner West Council is set to receive $5 million.

NSW Roads Minister Natalie Ward said the funding was based on dialogue with Councils.

The Minister said that the funds would help Councils deal with the backlog of road damage caused by repeated weather events over the last 12 months.

It would be appreciated if the following questions could be answered:

Question

What dialogue has Council had with the Minister or Department?

Answer

The Department contacted Council officers in January following a letter from the Minister for Metropolitan Roads. They advised of the funding and application process, and to offer assistance in preparing the application if required. Council was required to submit details of the total lengths of roads in its Council area, with the total funding package distributed to Councils according to the size of the road network under their management. Council continues to liaise with officers from Transport for NSW to ensure that these funds are spent properly in accordance with the conditions of the grant.

Question

When will these funds be made available to Council?

Answer

Council received the full funding amount in February.

Question

Has Council identified a schedule of works for this funding? Please supply broad detail.

Answer

Council officers are currently developing a schedule of works.

Question

Are there any areas in the Inner West where roads have been impacted more than other areas by weather conditions over the past 12 months?

Answer

A review of the pothole repair requests since January 2022, indicates the highest number of pothole repair requests were from the suburb of Marrickville, followed by Ashfield, Balmain/Birchgrove, Leichhardt then Dulwich Hill.

Question

Over what period will Council use these funds?

Answer

Under the terms of the funding agreement, works need to be undertaken between 1 January 2023 and 29 February 2024.

Question

Will Council need to employ additional staff or use contractors to do this work?

Answer

Council is currently reviewing its internal staffing capacity to deliver these works.

Question

Councils regional and local road spending over the next two financial years is planned to be $8.24 million (2022-23) and $8.22 million (2023-24)? Please check this.

Answer

In the order of $9.3 million and $ 9.0 million for FY24 and FY25 for Regional Road and Local Road renewal including Regional Road funding.

Question

It is expected that the $5 million funding from State Government will provide a solid boost to regional and local road works in the Inner West (a 30% boost if the funds are used over two years). Is this correct?

Answer

The funding from the State Government is in addition to any planned works that were to be undertaken by Council and does not reduce the amount that Council has already committed.

ATTACHMENTS

Nil.

Item No: C0323(1) Item 30

Subject: QUESTION ON NOTICE: LPAC MASTERPLAN EXPENDITURE

From: Councillor John Stamolis

The Leichhardt Aquatic Centre Masterplan commenced in 2018 and was approved by Council in September 2020. Section 12 of the LPAC Masterplan details the Implementation Plan to support the masterplan.

The table below shows only total expenditures for those five years as identified in the Implementation Plan.

It would be appreciated if the following questions could be answered:

Question

Please reproduce the table below showing actual expenditure on the masterplan for 2019/2020, 2020/2021 and 2021/2022.

Answer

	Actual	Actual	Actual	Actual
Year	**2018/19**	**2019/20**	**2020/21**	**2021/22**
Expenditure	**170,038**	**214,904**	**235,214**	**33,142**

Question

Please show the expected expenditure for 2022/2023, 2023/2024.

Answer

	Budget	Budget
Year	**2022/23**	**2023/24**
Forecasted Expenditure	**691,858**	**3,225,000**

Question

Are there any data for forward years 2024/2025, 2025/2026.

Answer

	Budget	Budget	Budget
Year	**2024/25**	**2025/26**	**2026/27**
Forecasted Expenditure	**8,710,000**	**13,650,000**	**14,268,837**

Question

Where there are differences between current data and the original data (in the table below) please detail what has caused this.

Answer

The LPAC Master Plan budget as set out in the table below that totals $15.56M is taken from the original LPAC Master Plan document that was prepared and approved in 2020, these estimates had a number of exclusions and did not contemplate the cost escalations that have been experienced across the construction industry post the COVID19 pandemic.

As a result of an updated Quantity Surveyors estimate commissioned in early 2022 it was found that the Master Plan estimates were significantly understated relative to the scope of works to be undertaken, the revised project value is $40.55M.

In June 2022 a report was presented to the Council as an update on the LPAC Master Plan, that among other things set out the condition of the current plant/equipment and pool structures, funding sources for the $40.55M project estimate and proposed delivery program to allow for the feasibility and planning needed to inform the final designs, this is attached as a reference.

The subsequent meeting minutes are extracted below.

C0622(1) Item 13 LPAC masterplan update

Motion: (Drury/Byrne)

That Council:

1. Endorses the depth of the proposed 25 metre Outdoor Program Pool at Leichhardt Park Aquatic Centre to be 2.1 metres with a movable floor and

2. Endorses the funding outline for the outdoor elements of the Leichhardt Park Aquatic Centre masterplan.

Motion Carried
For Motion: Crs Atkins, Byrne, Da Cruz, D'Arienzo, Drury, Griffiths, Howard, Langford, Lockie, Scott, Shetty, Smith, Stamolis, Stephens and Tsardoulias
Against Motion: Nil

Question

Any other information relating to the status of the masterplan, any works, grants or other would be appreciated.

LPAQ	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Funding	$760,000	$695,000	$3,128,125	$8,614,875	$2,365,750

Answer

The Project team are in the process of procuring and engaging specialist consultants to work on the concept and detailed designs including the sustainability related review of current plant and equipment arrangements and the designs of the replacement swimming pools and new public outdoor areas to the rear of the existing site.

Inner West Council has recently been invited to apply for the $1,000,000 in funding under the investing in our communities program which is subject to an application and assessment process.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 31**

Subject: **QUESTION ON NOTICE: GREENWAY WORKS**

From: **Councillor Justine Langford**

Excerpt from email from concerned local resident and member of IWEG (Inner West Environmental Group

Clearing and Grubbing
IWEG had understood that the Southern links (from Old Canterbury Rd to Hercules St) would be built after the Central links was complete as there was some uncertainly about the funding. We have recently learnt that ***Clearing and grubbing will begin as early as 1st April*** *(the next planned rail shut down) along the entire length of the remaining sections. The clearing and grubbing would be over the entire width of the bushcare sites. We had naively understood that an attempt would be made to save as much for the plantings as possible.*
It may be that works will not start on the cleared sections for another 18 months. Subjecting the sites to soil erosion, sediment run off, dust pollution, loss of native seed bank and loss of visual amenity. The clear soil will lead to weed invasion and will mean the sites will have to be recleared before the contraction works can begin. A waste of money.

Sydney Water sewer pipe renewal
We recently learnt that ***Sydney Water*** *will be undertaking sewer renewal to stop sewer surcharge into people's homes during heavy rain. The pipe line will travel from Terry Road to near the community garden and then across the rail line into the Pigott St Bushcare site. We have been negotiating with Sydney Water for the least tree removal path. Instead of a loss of 15 trees we are now losing 4. The bad news is that a* ***6m path*** *will need to be built thought the Waratah Mills site to allow access for the cement trucks.*

Destruction of the last natural Creek line in the Inner West.
Even more distressing and something that we weren't aware of till recently is the destruction of the "Last remaining Natural Creek line" in the area behind Hercules Street, towards Jack Shanahan Skate Park. This area is an Environmental offset site, of high importance, for Transport for NSW. The creek line contains natural sandstone shelving, natural pools, remanent native plants, landscape flows and is an important area for pollination. We understand that the creek line will be regraded (destroying any environmental value), some of the length will become enclosed and moved to make way for the path. Urban Ecology are deeply concerned about the loss of this site and have been fighting within Council to come up with a solution that will build the path and save the creek but has been falling on deaf Engineering ears, having been told "It's over grown anyway".

Question

Please confirm if Council has authorised works outlined below? (excerpt from email from concerned local resident and member of IWEG (Inner West Environmental Group))

Answer

The works in question relate to preparation works for the installation of a fence to separate the greenway and the rail corridor and are required to deliver the GreenWay pathway project. The timing of the works are to coincide with a scheduled track shut down which is on the 1st & 2nd April 2023. This is to enable a safe work site and address the risk to the rail corridor. Further works to do not require a rail shut down.

Council intends to notify residents in the areas of the works shortly.

Question

If these works are planned or occurring, can Council propose alternatives that would significantly reduce or eliminate adverse impacts on biodiversity along the GreenWay?

Answer

The works being undertaken at this time are only those required to facilitate access to the site for the construction works that will include the installation of new site fencing to separate the works site.

The pre-works are not removing all vegetation across the bushcare sites, the work involves only identified trees and vegetation required to facilitate the above access needs and to satisfy safety requirements around working in or near the active rail corridor.

There will be no removal of vegetation around the natural creek bed area during this work.

The Sydney Water sewer renewal works are separate from the GreenWay project.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 32**

Subject: **QUESTION ON NOTICE: URBAN ECOLOGY TEAM RECRUITMENT**

From: **Councillor Justine Langford**

Question

Please confirm whether Council has advertised the new and vacant roles in the Urban Ecology team?

Answer

This is an operational matter and it is anticipated that roles will be advertised early May.

Question

If these roles have not been advertised yet, please confirm date for advertisement? Noting that there is a critical staff shortage in the Urban Ecology team. Council Officers advised that the vacant roles were to be advertised in early 2023.

Answer

This is an operational matter and it is anticipated that roles will be advertised early May.

ATTACHMENTS

Nil.

Item No: **C0323(1) Item 33**

Subject: **UPDATE ON THE ACQUISITION OF INVESTMENT PROPERTIES**

Prepared By: Scott Mullen - Strategic Investments and Property Manager

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

That Council receive and note the report.

DISCUSSION

Council will move into closed session to deal with the Update on Acquisition of Investment Properties, for information which is classified as confidential under section 10A(2)(d)(c) and (Section 10A(2)(d)(ii) of the *Local Government Act 1993*. The matter is deemed confidential, as the matter is commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and if disclosed confer a commercial advantage on a competitor of the council.

Pursuant to section 10A(2), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public will be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2)(d)(c) and (Section 10A(2)(d)(ii) of the *Local Government Act 1993*.

ATTACHMENTS

1. Confidential Report - Update on acquistion of investment property - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

2. Letter of Offer - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

3.⇩ Shortlisted Property - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

4. EY Initial DD Report V12 - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of

the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(ii) of the Local Government Act 1993) that would, if disclosed confer a commercial advantage on a competitor of the council.

Item No: **C0323(1) Item 34**

Subject: **PANEL MEMBER APPOINTMENT - SYDNEY EASTERN CITY PLANNING PANEL (SECPP)**

Prepared By: Rachel Josey - Operations and Special Projects Manager

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council appoint the identified candidates, selected through the Expression of Interest Process, as additional Council representatives on the Sydney Eastern City Planning Panel (SECPP), subject to the required background checks and statutory declarations being finalised.

BACKGROUND

At its Ordinary Council meeting on 25 October 2022, Council resolved:

> *That Council expand its list of alternate members listed for the Sydney Eastern City Planning Panel by four members who are independent planning experts to ensure adequate representation when determining regionally significant development*

The Sydney Eastern City Planning Panel (SECPP) is a part of the Sydney District Planning Panels (SPP) which were established in November 2016 along with Regional Planning Panels to replace Joint Regional Planning Panel's (JRPP) operating throughout NSW. There are five Sydney District Planning Panels. Inner West lies within the Sydney Eastern City Planning Panel (SECPP) area.

Panels comprise of five members:

- Chair appointed by the Minister of Planning
- 2 alternate expert representatives appointed by the Minister of Planning
- 2 council appointed representatives

Property developers and real estate agents are not eligible to be members of a Panel.

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

Council's current panel members are as follows:

Chair	Carl Scully
Alternate expert representatives	Jan Murrell
	Roberta Ryan
Council appointed representatives	Mayor Darcy Byrne
	Deputy Mayor Phillipa Scott
	Brian McDonald
	Deborah Laidlaw

The Sydney Eastern City Planning Panel makes decisions on Regionally Significant development and provides advice on planning proposals. Generally, these projects have a capital investment value greater than $30 million. Other categories of Regionally Significant Development include Council or Crown development applications, with a capital investment value greater than $5 million.

In December 2022 Council officers received notice from the Department of Planning, Industry and Environment regarding changes to both Sydney District & Regional Planning Panels (RPP) and Local Planning Panels. The changes to Sydney District & Regional Planning Panels can be summarised as:

- requiring RPP members to be rotated regularly to randomise panel membership
- requiring probity checks, including police checks, for community representatives in RPPs, and a statutory declaration that representatives are not property developers or real estate agents
- encouraging councils to appoint a minimum of 4 alternate council members that can sit on their relevant RPP
- appointing a minimum of 60 experts in the pool that Sydney District Panels and Regional Planning Panels choose from, which is under way by the Department Planning and Environment. There is currently one pool of approximately 55 State-appointed members and alternate members for Sydney District and Regional Planning Panels. The chair on each panel selects the panel members based on availability, usually two weeks before a panel meeting.

These changes come into effect immediately.

DISCUSSION

The purpose of this report is to advise Council of the outcomes of the Expression of Interest (EOI) process undertaken, in accordance with Council's resolution of 25 October 2022, regarding the appointment of additional representatives for SECPP. By enacting the Council Resolution Inner West Council will also be compliant with the changes made by the Department of Planning and outlined above.

EXPRESSION OF INTEREST SELECTION PROCESS

The EOI process seeking applications for SECPP Council representatives was advertised between 24 November 2022 to 23 January 2023. Council received 20 applicants with a ranging degree of experience and qualifications. All applicants were assessed against the predetermined criteria (see below) to ensure a fair and objective process.

The EOI selection process and preferred candidates are outlined in the confidential report in *Attachment 1.*

FINANCIAL IMPLICATIONS

Development that is subject to review by the SECPP are funded within existing budget allocations. Additional panel members will not have financial implications.

ATTACHMENTS

1. Confidential Report - Appointment of Council Representatives for SECPP - *Confidential*

This attachment is confidential in accordance to personnel matters concerning particular individuals (other than councillors) (Section 10A(2)(a) of the Local Government Act 1993).

Item No: **C0323(1) Item 35**

Subject: **FOGO PROCESSING CONTRACT UPDATE**

Prepared By: Erin White - Manager Resource Recovery and Fleet Services

Authorised By: Peter Gainsford - General Manager

RECOMMENDATION

That Council receive and note the report.

DISCUSSION

Council will move into closed session to deal with the FOGO Processing Contract Update, which is classified as confidential under section *Section 10A(2)(c) and Section 10A(2)(d)(i)* of the *Local Government Act 1993*. This matter is deemed confidential, as the matter is commercial information of a confidential nature that would, *if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business* and *if disclosed, prejudice the commercial position of the person who supplied it.*

Pursuant to section 10A(2), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public will be excluded from the meeting on the basis that the business to be considered is classified as confidential under *Section 10A(2)(c)* and Section 10A(2)(d)(i) of the *Local Government Act 1993*.

ATTACHMENTS

1. Confidential Report - FOGO Processing Contract Update - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it.

2. Signed Deed of Variation - *Confidential*

This attachment is confidential in accordance to information (Section 10A(2)(c) of the Local Government Act 1993) that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature (Section 10A(2)(d)(i) of the Local Government Act 1993) that would, if disclosed prejudice the commercial position of the person who supplied it.