

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 26 MARCH 2019

6.30pm

Live Streaming of Council Meeting

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

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Members of the public must register by 2pm of the day of the Meeting to speak at Council Meetings. If you wish to register to speak please fill in a [Register to Speak Form](#), available from the Inner West Council website, including:

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

Are there any rules for speaking at a Council Meeting?

The following rules apply when addressing a Council meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes. This time limit applies, no matter how many items are addressed by the speaker;
- when addressing the Meeting you must speak to the Chairperson;
- the Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant; and
- only 3 speakers for and against an Agenda Item are allowed.

What happens after I submit the form?

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

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

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

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

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

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

PRECIS

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 12 March 2019 Council Meeting	5
7	Mayoral Minutes	
	Nil at the time of printing.	
8	Condolence Motions	
	Nil at the time of printing.	
9	Reports with Strategic Implications	
	Nil	
10	Reports for Council Decision	
ITEM		Page
C0319(2) Item 1	Draft Development Control Plan and Contributions Plan Amendments for Victoria Road (Precinct 47)	14
C0319(2) Item 2	Post Exhibition Report – 120C Old Canterbury Road, Summer Hill VPA	23
C0319(2) Item 3	120C Old Canterbury Road, Summer Hill - Post-Exhibition Report	50
C0319(2) Item 4	Post Exhibition Report - Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4)	62
C0319(2) Item 5	Code of Meeting Practice	94
C0319(2) Item 6	Local Traffic Committee Meeting held on 4 March 2019	95
C0319(2) Item 7	Residents' Association Small Grants Program	119
11	Reports for Noting	
ITEM		Page
C0319(2) Item 8	Investment Report as at 31 January 2019	120

12 Notices of Motion

ITEM	Page
C0319(2) Item 9 Notice of Motion: Review of Aquatic Centre Times	123
C0319(2) Item 10 Notice of Motion: Westconnex Satellite Imagery and Risk to Inner West Properties	125
C0319(2) Item 11 Notice of Motion: Inner West Council: Community Plebiscite on Merger	127
C0319(2) Item 12 Notice of Motion: Leases and Service Agreements required to come to Council Meeting	128
C0319(2) Item 13 Notice of Motion: Motion for ALGA National General Assembly	129

13 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
C0319(2) Item 14 Selection of Recycling Processor - Tender results - South Service Area Marrickville)	130

Minutes of Ordinary Council Meeting held on 12 March 2019**Meeting commenced at 6.31pm****Present:**

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Julie Passas	Councillor
Rochelle Porteous	Councillor
Vittoria Raciti	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Michael Deegan	Chief Executive Officer
Elizabeth Richardson	Deputy General Manager Assets and Environment
Michael Tzimoulas	Deputy General Manager Chief Financial and Administration Officer
John Warburton	Deputy General Manager Community and Engagement
David Birds	Group Manager Strategic Planning
Simon Duck	Group Manager Aquatic Services
Nellette Kettle	Group Manager Customer Service, Business Excellence and Civic Governance
Ian Naylor	Manager Civic and Executive Support
Katherine Paixao	Business Paper Coordinator
Darcie Huisman	Business Paper Support Officer

APOLOGIES: (Byrne/Hesse)

THAT apologies from Cllr McKenna OAM be accepted.

Motion Carried

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

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Nil

CONFIRMATION OF MINUTES**Motion: (Hesse/York)**

THAT the Minutes of the Council Meeting held on Tuesday, 26 February 2019 be confirmed as a correct record.

Motion Carried

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

Against Motion: Crs Passas and Stamolis

C0319(1) Item 10 Mayoral Minute: Michael Carney**Motion: (Byrne)**

THAT Council commend Michael Carney for his long and distinguished years of service with the SES and wish him the best in his future endeavors.

Motion Carried

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

Against Motion: Nil

The Mayor, Cllr Byrne, made a presentation to Michael Carney to acknowledge his contribution to the Inner West area.

C0319(1) Item 11 Mayoral Minute: Chamber of Commerce Support**Motion: (Byrne)****THAT:**

- 1. Council note the project between Inner West Council staff and local business chambers to establish a local business database to be owned by the Chambers;**
- 2. Council produce a report on proposals for use of the database to support business development and growth of chamber membership across the Inner West;**
- 3. Chamber representatives be invited to make a joint presentation to Councilors at a briefing session; and**
- 4. Council receive a briefing from the Economic Development Unit.**

Motion Carried

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

Against Motion: Cr Hesse

Suspension of Standing Orders**Motion: (Byrne/Passas)**

THAT Council Suspend Standing Orders to hear from the registered speakers for Item 1.

Motion Carried

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

Against Motion: Nil

C0319(1) Item 1 Post Exhibition Report Draft Marrickville Local Environmental Plan 2011 (Amendment No. 17) - Heritage Listing of 73 and 73a the Boulevarde, Dulwich Hill

Motion: (Macri/Passas)

THAT Council defer this item for a site inspection, with a heritage officer to be in attendance.

Motion Lost

For Motion: Crs Byrne, Iskandar, Macri, Passas, Raciti, and Stamolis

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

Foreshadowed Motion: (Drury/Porteous)

THAT Council

- 1. Support the amendment to Marrickville Local Environmental Plan (MLEP) 2011 listing 73 The Boulevarde and 73A The Boulevarde as items of local heritage significance;**
- 2. Forwards the planning proposal to the Department of Planning and Environment and request that it makes arrangements for the publication of MLEP 2011 amendment on the NSW Legislation Website; and**
- 3. Delegate to the Group Manager Strategic Planning the authority to finalise the making of the MLEP 2011 amendment.**

Motion Carried

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

Against Motion: Crs Byrne, Iskandar, Macri, Passas and Raciti

C0319(1) Item 2 NSW Government Reduction in Parking Fine Amounts

Motion: (Byrne/Porteous)

THAT Council defer the decision to be considered as part of the budget process, with additional advice in relation to how Council does and can deal with hardship applications in relation to parking fines.

Motion Carried

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

Against Motion: Nil

Foreshadowed Motion: (Stamolis/Passas)

THAT Council elects to 'opt-in' to enact the lower parking fines.

This Foreshadowed Motion lapsed.

C0319(1) Item 3 Historic Fee Waivers for Various Swimming and Water Polo Clubs at the Leichhardt Park Aquatic Centre and Dawn Fraser Baths and a Comparison to Club Arrangements at other Aquatic Centres in the LGA

Motion: (Passas/Macri)

THAT Council move refusal of the Fee Waiver requests.

Motion Lost

For Motion: Crs Macri, Passas and Raciti

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

Foreshadowed Motion: (Porteous/Lockie)

THAT Council:

- 1. Note the trial and additional request for use of Leichhardt Park Aquatic Centre between 8.00pm-9.00pm by Balmain UTS Water Polo club for water polo training;**
- 2. Note how Pool Hire fees that support local community based Swimming and Water Polo clubs have been managed at Council's other Aquatic Centres;**
- 3. Approve the fee waiver applications submitted by regular hirers of the Leichhardt Park Aquatic Centre and Dawn Fraser Baths during 2018 – 2019 only;**
- 4. Endorse the approach that specific pool hire fees for Amateur Swimming Clubs and Water Polo Clubs from within the LGA be detailed in the 2019-2020 onwards Fee and Charges rather than granting fee waivers on a case by case basis;**
- 5. Give consideration to inclusion in the 2019/2020 Budget of extension of the Concession swim rate to all IWC Aquatic Centres - Dawn Fraser, Ashfield, AKAC and FDAC. This Concession swim rates enables greater equity to pool patronage by allowing patrons of LPAC who hold a Pension Concession Card or a Health Card and children who are listed on their cards to pay a fixed swim rate of \$1; and**
- 6. Approach Water Polo NSW to extend MOU across all aquatic centres and enter into further MOUs with Universities.**

Motion Carried

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

Against Motion: Crs Macri, Passas and Raciti

Councillor Passas retired from the meeting at 7:56 pm.

C0319(1) Item 4 Half-yearly Progress Report on the Operational Plan 2018/19**Motion: (Stamolis/Drury)****THAT the report be received and noted.****Motion Carried****For Motion:** Crs Byrne, Da Cruz, Drury, Hesse, Iskandar, Kiat, Lockie, Macri, Porteous, Raciti, Stamolis, Steer and York**Against Motion:** Nil**Absent:** Cr Passas**C0319(1) Item 5 Model Code of Conduct****Motion: (Drury/Lockie)****THAT Council:**

1. **Adopt the Code of Conduct and Procedures for the Administration of the Code of Conduct shown as Attachments 1 and 2 with the addition of references to Council's Social Media Policies; and**
2. **Commence a training program on the new Code of Conduct for all Council Officials.**

Motion Carried**For Motion:** Crs Byrne, Drury, Iskandar, Lockie, Macri, Raciti, Stamolis and York**Against Motion:** Crs Da Cruz, Hesse, Kiat, Porteous and Steer**Absent:** Cr Passas**Foreshadowed Motion: (Porteous/Kiat)****That Council put the Code of Conduct on Public Exhibition for 28 days.**

This Foreshadowed Motion lapsed.

C0319(1) Item 6 Notice of Motion: Sustainable Community Buildings**Motion: (Da Cruz/Hesse)****THAT Council:**

1. **Undertake a review to convert the composting toilet at Whites Creek Cottage to a conventional toilet. If the works can be undertaken within existing budgets complete the conversion as soon as possible. If the works require a capital budget, include the project in the 4 year delivery program; and**
2. **Review the Sustainability of the White's Creek Cottage and report back on opportunities to improve its financial and environmental sustainability.**

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

C0319(1) Item 7 Notice of Motion: Birchgrove Oval

Councillor Stamolis withdrew the Motion.

C0319(1) Item 8 Notice of Motion: Women in STEM – IWC Traineeship / Work Experience Opportunities

Motion: (York/Porteous)

THAT:

1. Council adopts a “Women in STEM” traineeship and/or work experience program, to offer young women and girls in the Inner West learning and development opportunities in science, technology and engineering; and exposure to senior women STEM leaders working in Council; and
2. That a report be prepared for Council outlining the existing Council traineeship / work experience opportunities that could be part of this program, potential new opportunities that could be included in such a traineeship / work experience program, and recommendations for how this program can be promoted to young women and girls within the Inner West.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

Confidential Session

The Mayor, Councillor Byrne, asked the Chief Executive Officer if any representations had been received from the public on any of the items Council will be discussing in Closed Session as per the Agenda.

The Chief Executive Officer replied that no representations had been received to talk to the items in Closed Session.

The Mayor, Councillor Byrne, asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

Members of the Public were asked to leave the Chamber.

Motion: (Lockie/Porteous)

THAT Council go into Confidential Session.

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

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:

C0319(1) Item 9 Annette Kellerman Aquatic Centre and Fanny Durak Aquatic Centre Sites - Section 10A(2)(d)(i) Commercial Information of a Confidential Nature:

This matter is being considered in Closed session as it relates to commercial information of a confidential nature.

REPORTS WITH CONFIDENTIAL INFORMATION

C0319(1) Item 9 Annette Kellerman Aquatic Centre and Fanny Durak Aquatic Centre Sites

Motion: (York/Byrne)

THAT Council:

1. Exercises the further 3 year options under the current Service Agreements with Belgravia Leisure for the management and operation of Annette Kellerman Aquatic Centre and Fanny Durack Aquatic Centre until June 2022 subject to Belgravia Leisure and Council entering into a variation of those agreements so as to contractually require Belgravia to implement the Fitness Industry Award in paying its staff and to implement other commitments made by Belgravia Leisure as identified in this report;
2. Commences planning and due diligence on strategic direction and vision for the management and operation of AKAC and FDAC facilities from July 2022 onwards;
3. Ensures, via proper contract management processes, that Belgravia Leisure continues to deliver on its service obligations, particularly with respect to management of customer feedback and centre cleaning and operations;
4. Requires Belgravia Leisure to undertake a summer cleaning contract at Fanny Durack pool to the value of \$18,000 p.a., as a condition of the contract extension;
5. Requires Belgravia Leisure to undertake a weekly 'late laps' session in the summer peak (ie during daylight savings) one night a week at Fanny Durack pool, as a condition of the contract extension;
6. Requires Belgravia Leisure to partner with Council to undertake and respond to a community consultation and/or focus groups with current and former swim school users on possible improvements to the swim school program, and other relevant aquatic centre programming, as a condition of the contract extension;
7. Prepare a report for Council on options for additional shade at Annette Kellerman and Fanny Durack pools, including funding options for these, with a view to:
 - a) At Annette Kellerman - shading the area down the Enmore Rd side of the pool for greater indoor/outdoor space;
 - b) At Fanny Durack - providing shade over the grassed hill; and
8. Extends the current swim season at Fanny Durack pool to the month of April, recognising the increased visitation at Fanny Durack this year is driven in large

part by the closure of Ashfield Aquatic Centre for upgrade works, with the associated cost to be drawn from the General Aquatic Reserves.

Motion Carried

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

Amendment (York/Byrne)

THAT Council extends the current swim season at Fanny Durack pool to the month of April, recognising the increased visitation at Fanny Durack this year is driven in large part by the closure of Ashfield Aquatic Centre for upgrade works, with the associated cost to be drawn from the General Aquatic Reserves.

Motion Carried

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

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

Foreshadowed Motion: (Kiat/Steer)**THAT:**

1. Council note that reversing the privatisation of the management of FDAC and AKAC would be cost neutral and improve services;
2. Council not exercise the 3 year option on the outsourcing contract with Belgravia for the management of FDAC and AKAC;
3. Council take immediate steps to take over the management of AKAC and FDAC so that there is no disruption to services;
4. The CEO be delegated authority to negotiate a holdover contract with Belgravia if necessary for the transition to bringing AKAC and FDAC in-house, with a maximum term of 12 months. That this renegotiation include consideration of the various amendments to the contract proposed by Cllr York; and
5. Council note that there is an estimated \$190,035 in operating savings over three years by bringing the service in house. For costs not identified in this report may be associated with a transition, Council authorises the GM to use \$190,035 of the working funds, with any further proposed additional costs to be reported to the next available Council meeting with funding options identified for these additional costs.

This Foreshadowed Motion lapsed.

Motion: (Byrne/Lockie)

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

Motion Carried

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

Against Motion: Nil

Absent: Cr Passas

Meeting closed at 8.51pm.

PUBLIC SPEAKERS:

Item #	Speaker	Suburb
Item 1:	Paul Davies	Balmain
	Soren-Dane Homme	Dulwich Hill

Item No: C0319(2) Item 1

Subject: **DRAFT DEVELOPMENT CONTROL PLAN AND CONTRIBUTIONS PLAN
AMENDMENTS FOR VICTORIA ROAD (PRECINCT 47)**

Prepared By: Wesley Folitarik - Strategic Planner - Developer Contributions Specialist

Authorised By: David Birds - Group Manager Strategic Planning

RECOMMENDATION

THAT:

1. **Council places on public exhibition, for a period of at least 28 days, the draft amendments to Marrickville Developer Contributions Plan 2014 (Victoria Road Precinct 47 sub - plan) contained in Attachment 3 and to Marrickville Development Control Plan 2011 (Victoria Road Precinct 47) contained in Attachment 4 (which includes changes outlined in Attachment 2) to this Report; and**
 2. **A further report be received by Council following public exhibition of the draft Amendments referred to in point 1 seeking Council's decisions whether to adopt these draft amendments to Marrickville Developer Contributions Plan 2014 (Victoria Road Precinct 47 sub - plan) and Marrickville Development Control Plan 2011 (Victoria Road Precinct 47).**
-

REPORT

Precinct 47 (P47) is located along Victoria Road at Marrickville and bounded by Sydenham Road to the south and Addison and Edinburgh Roads to the north. The Precinct was rezoned by the NSW Government in December 2017, to permit new multi-unit residential, mixed use and business development uses, significantly increasing development potential within the Precinct. A DCP to manage development within the Precinct was adopted by Council in July 2018. To deal with the identified most critical local infrastructure needs, namely stormwater mitigation and transport needs, consultants were commissioned to inform the development of a local contributions plan for the Precinct.







A contributions plan has subsequently been prepared, as an addendum to the existing Marrickville Section 94/94A Contributions Plan 2014, which includes transport improvements (located on public land) valued at about \$0.6m and stormwater improvements valued at about \$15m. Although monies will be collected first for these critical infrastructure items, the precinct will also continue to meet existing contribution requirements for recreation and community facilities within the Marrickville Contributions Plan 2014. Given that the critical infrastructure requirements for the Precinct can be met within the existing "cap" it is not proposed to recommend a review of the cap in this instance.

As not all of the required traffic and transport improvements for the Precinct are to be addressed in the contributions plan, amendments have been necessary to the adopted DCP to ensure the orderly delivery of this additional transport infrastructure, and for the delivery of that part of the required water infrastructure works that occurs on private land. Amalgamation plans are recommended to be included within the DCP to help ensure the delivery of this additional infrastructure. Other recommended changes to the adopted DCP for the Precinct relate to addressing some of the matters raised at the time of the adoption of the DCP which arose from the public exhibition of the DCP.

Supporting information on the consideration of the draft plans forms **Attachment 1**. It is recommended that the draft Contributions Plan and amended draft Development Control Plan be placed on exhibition for a minimum of 28 days in accordance with the Act.

Attachments 3, 4, 5 and 6 have been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1.  Supporting Information
2.  Summary Table of Changes to DCP
3.  Draft Victoria Road Precinct, Marrickville (Sub – plan) of Marrickville Developer Contributions Plan 2014 **(published separately on Council's website)**
4.  Draft Revised Part 9.47 Victoria Road Precinct Amendment of Marrickville Development Control Plan (DCP) 2011 **(published separately on Council's website)**
5.  Traffic and Transport Needs Analysis Report – Victoria Road Precinct – Cardno - Nov. 2018 **(published separately on Council's website)**
6.  Flooding and Stormwater Advice Report - Victoria Road Precinct - Cardno – Nov. 2018 **(published separately on Council's website)**

Attachment 1 – Supporting Information – Victoria Road Precinct Draft Contributions Plan and Draft Development Control Plan Amendment

Precinct 47 (P47) is located along Victoria Road at Marrickville and bounded by Sydenham Road to the south and Addison and Edinburgh Roads to the north. The Precinct was rezoned by the NSW Government in December 2017, to permit new multi-unit residential, mixed use and business development uses, significantly increasing development potential within the Precinct.

The rezoning necessitated the preparation of precinct specific controls required (as an amendment to Marrickville Development Control Plan (DCP) 2011) to guide the newly permitted development through the Development Application (DA) process. A draft DCP for the Precinct was placed on public exhibition and later adopted by Council in July 2018.

The rezoning also triggered the need for significant augmentations to the local road network and flooding and drainage infrastructure. A precinct specific Contributions Plan (CP) has been prepared by Council to ensure that adequate local infrastructure will be delivered to service the now permitted increased development. The draft CP contains the following infrastructure works which are to be recouped from developers of the up-zoned areas of the Precinct, through the DA process, as an amendment to the existing Marrickville Section 94/94A Contributions Plan 2014:

- Traffic and transport improvements – \$0.6m
- Flooding and stormwater improvements - \$15m

The schedule of infrastructure works for these improvements was informed by two consultant reports which sought to investigate the critical infrastructure needs of the up-zoned areas of P47:

- a) *Flooding and stormwater management*
- b) *Traffic and transport Infrastructure*

In addition to contributing towards these critical infrastructure items, the sites will continue to meet their community and recreation facility developer contribution responsibilities under the current Marrickville Developer Contributions Plan 2014.

It is not legally possible for all of the identified new infrastructure needs of the Precinct to be met by developer contribution payments. Council will be required to pay for a portion of the infrastructure works that cannot be charged to developers on the grounds of reasonableness – see the *Financial Implications* section below.

A significant proportion of the identified traffic and transport infrastructure works in the Precinct are located on privately-owned land. These works are required to improve vehicular and pedestrian access to these sites in keeping with the vision for the Precinct (in the adopted DCP) and relevant Roads and Maritime Services (RMS) vehicular access restrictions. A relatively minor proportion of the required stormwater and flood mitigation works are also located on private land. These combined infrastructure works significantly improve the built environment on the land upon which they are to be located. Accordingly, external verbal legal advice obtained by Council staff, recommended that these works be sought through the inclusion of appropriate controls in Council's DCP.

Council staff subsequently engaged consultants to prepare an amendment to the recently adopted DCP for Precinct 47.

The amendment to the DCP seeks to achieve the following:

1

- Secure new local shared zones; laneways; new and enlarged footpaths; and publicly accessible open space from proponents through the DA process;
- Introduce site amalgamation requirements to enable the vision for the Precinct to be met and required infrastructure achieved on private land; and
- To address previously reported anomalies within the Victoria Road DCP to ensure development within the Precinct can occur in an orderly manner.

The draft CP and draft DCP work together to ensure that appropriate local infrastructure is provided to accommodate future development within the Precinct.

FINANCIAL IMPLICATIONS

The necessary works identified to enable future development within Victoria Road Precinct 47 present a risk to Council's financial position. Furthermore, not all of the traffic and transport works on council-owned land can be apportioned to the landowners within the Precinct, on the grounds of reasonableness. By way of example, only a portion of the potential users of the proposed signalisation of the Fitzroy Street and Sydenham Road intersection will be new residents or employees within the up-zoned areas of the Precinct. Accordingly, the delivery of this facility and other similar apportioned works will commit Council to an expenditure of \$655,150 over the next 15-20 years. Council will need to meet this infrastructure cost shortfall through other means including accessing grant funding or through general revenue. In addition, Council would be able to stage delivery of these works as funding becomes available.

The adoption of the draft DCP and CP mitigates risk to Council's financial position by levying appropriate local infrastructure charges upon development in accordance with the Act and Regulations.

The funds generated through the Contributions Plan are sufficient to meet the critical infrastructure requirements for the Precinct, even though the calculated contributions for residential developments exceed the maximum \$20,000 cap for contributions for individual residential dwellings. This is because a significant proportion of the funding will come from non-residential land uses (commercial and retail) which are not subject to the State Government Cap. Any consideration of seeking variations to the cap will be made through the current Consolidated Contributions Plan project.

REQUIREMENTS OF LOCAL ENVIRONMENTAL PLAN REZONING OF THE PRECINCT

The Local Environmental Plan amendment that implemented the zoning changes within P47, added new clauses 6.17 and 6.18 to *Marrickville Local Environmental Plan 2011*.

Clause 6.17 requires the preparation of a Development Control Plan (DCP) - this has been completed, although a number of refinements are now proposed. Clause 6.18 was also inserted which requires satisfactory arrangements to be made with the State regarding public infrastructure, specifically road widenings and an intersection upgrade at the junction of Victoria Road and Sydenham Road.

A draft pending *Planning Agreement* between Transport for NSW (TfNSW); Roads and Maritime Services (RMS); the Department of Planning and Environment (DPE); and Danias Holdings (the principal landowner in that part of the Precinct) is being negotiated. The progress of the agreement is being monitored by Council staff to ensure that the contents of the draft contributions plan for the Victoria Road Precinct is consistent with that arrangement (e.g. does not double up on these developer contributions). The draft CP can be adopted independent of Clause 6.18 being satisfied.

Attachment 2 - Proposed changes to the Victoria Road Precinct Development Control Plan (DCP) Amendment 9.47 of Marrickville Development Control Plan 2011

Table 1 below summarises the draft changes made to the Victoria Road Precinct DCP Amendment 9.47 in accordance with previous recommendations to Council and as prepared by planning consultants (Refer to Attachment No. 5 for a copy of the DCP with the proposed changes).

Table 1- Summary of changes made to VRP DCP Amendment.

Matter	Recommendation Action	Comments
	<i>Key Amendments</i>	
1) Amalgamation section - Need to ensure that the vision for the Precinct in the DCP can be achieved given the wide range of existing allotment sizes, and to ensure the required local infrastructure to meet the restricted vehicular access requirements of the Roads and Maritime Services (RMS), can be met.	<ul style="list-style-type: none"> ➤ Create amalgamation section. ➤ Rationalise zoning issues, achieve height/ Floor Space Ratios (FSR) via amalgamations. ➤ Create site amalgamation map. ➤ Create controls to enable compliance with urban design masterplan for the area. ➤ Acknowledge difficulty for some sites achieving height/ FSR due to fixed Local Environmental Plan (LEP) provisions. 	a) Amalgamation section has been created which includes objectives and diagrams for Council nominated amalgamation blocks. b) Amalgamation blocks also used to provide clarity on location of proposed additional local traffic and transport road network located on private land. c) Specific clause included which would permit alternative amalgamation schemes to be considered by Council which meets the objectives of this section and the masterplan for the DCP. <i>See pages 10 - 12 of the draft amended DCP.</i>
2) Heights/FSR relationships not tested well. Discrepancies between Floor Space Ratios (FSR) and achievable building heights.	<ul style="list-style-type: none"> ➤ Revise building blocks map to ensure building heights don't exceed FSR standards. ➤ Include statement regarding FSR in Local Environmental Plan (LEP) prevailing when conflict between FSR and height occurs. 	a) Building blocks building heights revised (range of heights given to keep within FSR limits) and statement on FSR standard prevailing included. <i>See page 26 of the draft amended DCP.</i>
3) Block structures (defined by Mitchell Street, Farr Street, Victoria Rd and Sydenham Road). Dimensioning of separation distances required.	<ul style="list-style-type: none"> ➤ Dimension separation distances between buildings blocks in the area - example of dimensioning on part 9.40 (MDCP 2011). ➤ Set Timber Yards sub precinct as separate master plan area including amalgamation map consistent with indicative masterplan. 	a) Separation distances and building envelope shown in the Timber Yards Sub-precinct (for the indicative block) and area identified as requiring separate masterplan. <i>See page 28 of the draft amended DCP.</i>

2

4) Block structure: Wicks Park Sub precinct- separation distance between buildings unclear and it is also important for solar access to Wicks Park to be maintained.	<ul style="list-style-type: none"> ➤ Dimension separation distances to ensure sub - precinct meets separation distances within the NSW Apartment Design Guide (ADG) guidelines and which also ensures appropriate solar access to Wicks Park is maintained. ➤ Set sub-precinct as a separate masterplan area. 	a) Separation distances and shadow diagram added showing compliance of solar access into Wicks Park for indicative block. <i>See page 27 of the draft amended DCP.</i>
5) Building dimensions measurements generally.	<ul style="list-style-type: none"> ➤ Dimension building envelopes, (in metres) for mixed use and residential for R4, R3, B4 zones to limit bulk of buildings. 	a) Building envelop areas (depicting bulk), in a table, added. <i>See pages 29-30 of the draft amended DCP.</i>
6) Publicly accessible open space: There is a need for these parks to be dimensioned.	<ul style="list-style-type: none"> ➤ Provide dimensions for proposed publicly accessible open spaces. 	a) Minimum dimensions provided. <i>See page 22 of the draft amended DCP.</i>
7) Pedestrian thoroughfare for canal corridor north of Rich Street should be added which incorporates <i>Water Sensitive Urban Design</i> (WSUD) principles.	<ul style="list-style-type: none"> ➤ Incorporate separate DCP section providing WSUD objectives and controls for canal corridor north of Rich St, subject to meeting Sydney Water requirements. 	a) WSUD section created referencing WSUD principles and approaches in the MLEP DCP. <i>See pages 24 - 25 of the draft amended DCP.</i>
8) Pedestrian link to Wicks Park not provided in Wicks Park Sub – precinct also publicly accessible footpath (3m wide) needs to be included on northern and eastern park edges in the DCP.	<ul style="list-style-type: none"> ➤ 3m wide publicly accessible footpaths are to be provided along the northern and eastern built edges of Wicks Park - This needs to be shown in the DCP. ➤ Through site link in the Wicks Park Sub - precinct needs to be added. 	a) New publicly accessible footpath shown on movement network plan. b) Through site link in Wicks Park Sub - precinct added. <i>See pages 12 - 15 of the draft amended DCP.</i>

9) Engineering: Stormwater/Flooding- Concerns of proposed development increasing flooding risk.	<ul style="list-style-type: none"> ➤ Flooding /Stormwater Mitigation measures to be included in the DCP. ➤ All drainage systems to be upgraded to a 1 in 20 year capacity. ➤ 1 in 100 year overland flow paths are to be provided in all Council and Sydney Water drainage systems. ➤ All blocked overland flow paths must be opened and cleared. 	a) These recommendations are included in the controls with background studies also referenced in the DCP. <i>See pages 23 - 24 of the draft amended DCP.</i>
10) Engineering: Roads and other infrastructure- no detail of infrastructure upgrades relating to traffic signals, road widening and powerlines.	<ul style="list-style-type: none"> ➤ Infrastructure work details to be included in DCP. ➤ The DCP should adopt a control requiring undergrounding of power lines in a separate "other infrastructure" section -Brompton Street, Chalder Lane and Chalder Street. 	a) Proposed infrastructure upgrades on private land referred to in controls and background study referenced. b) Separate "other infrastructure" section created. c) Controls in relation to basement not permitted to encroach on land utilised for new or widened footpaths included. <i>See pages 12 - 15 and page 34 of the draft amended DCP.</i>
11) Cycling infrastructure- insufficient detail, and need to show Addison Road cycle route to integrate bicycle road network.	<ul style="list-style-type: none"> ➤ DCP should identify cycling infrastructure treatments and enhancements on routes for consistency with Marrickville Bicycle strategy. ➤ Include Addison Road bicycle network in movement network map. 	a) Cycling infrastructure treatments and enhancements included. b) Addison road cycling treatment included in movement network map. <i>See pages 12 - 15 of the draft amended DCP.</i>
12) Privacy for Marrickville Public School: Visual privacy of schools not addressed in MDCP 2011.	<ul style="list-style-type: none"> ➤ Add objective and control requiring minimising of overlooking into Marrickville Public School. ➤ Amend the setback map to increase setback to Marrickville Public School from 6m to 9m. 	a) Relevant objective and control included and setback map amended. <i>See pages 31 - 32 of the draft amended DCP.</i>

4

13) Trees and Landscape section required to deal with comments on DCP by Council's Urban Forest Manager.	Insert comments from IWC Urban Forest Manager who has argued the need for some additional controls and guidelines within the <i>VRP DCP</i> concerning the protection of existing trees and the provision of new trees within the precinct.	a) Separate section on Urban Forestry within the Precinct included. <i>See pages 23-24 of the draft amended DCP.</i>
14) Waste Management: separate waste DCP section to be added to maximise resource separation and recovery.	1) A separate part of the DCP be added to incorporate waste management objectives and controls.	a) Separate section on waste management included. <i>See page 36 of the draft amended DCP.</i>
Minor Amendments		
1) Location of community facilities: child care facilities encouraged in an aircraft noise area prohibited by Noise Exposure Forecast (NEF) contour +25.	➤ Delete "childcare" from community facilities objectives and controls and desired future character objectives.	a) Deleted accordingly. <i>See page 35 of the draft amended DCP.</i>
2) Street Sections: Wicks Park - full height of building not depicted in section drawings.	➤ Show full height of Wicks Park building in section drawing to show the full height of the building.	a) Full height of Wicks Park building shown in section (showing possible heights). <i>See page 21 of the draft amended DCP.</i>
3) Desired future character objectives should be enhanced to include architectural excellence objectives and residential amenity enhancement.	➤ Add objectives to the DCP, accordingly. ➤ Integrate design and sustainability. ➤ Ensure higher density development shows good urban design and sustainability and that they protect residential amenity.	a) Objectives enhanced. <i>See pages 5-6 of the draft amended DCP.</i>
4) Sub - precinct boundaries do not align with corresponding zone	➤ Realign sub-precinct boundaries with correct zonings and corresponding land boundaries as per comments.	a) Precinct boundaries corrected to align with zone boundaries.

5

boundaries.		<i>See pages 5-6 of the draft amended DCP.</i>
5) Validity of Sub - precinct 5 Chalder Avenue Sub - precinct (9.47.4 p10 of the adopted DCP): questionable given that light industries encouraged as buffer between heavy industry and commercial zones. Zoning IN1 does not allow for this.	<ul style="list-style-type: none"> ➤ Merge Sub-precinct 5 into Sub-precinct 7. ➤ Remove the "Special Transitional Industrial Uses" building blocks in figure 4 p 11 of the adopted DCP that are located in the IN1 (industrial zone). 	a) Sub-precincts 5 and 7 merged as one – now included as Sub – precinct 6. b) "Special Transitional Industrial Uses" building blocks deleted from the Indicative Masterplan diagram. <i>See pages 5-6 and page 9 of the draft amended DCP.</i>
6) Set back map - Sydenham Road and Victoria Road (fig 17 p29 of the adopted DCP): set back at corner of Sydenham and Victoria Roads does not account for planned future road widening.	<ul style="list-style-type: none"> ➤ Amend set back map in relation to the intersection of Sydenham and Victoria Roads in accordance with SP2- Infrastructure zoning on the relevant zoning map in MLEP 2011. ➤ Delete "or existing predominant setback" from the 2m setback legend. 	a) Detail explaining setback which needs to be in accordance with MLEP 2011 included. <i>See page 32 of the draft amended DCP.</i>
7) Heights in sub-precinct character descriptions (Timber yards Sub - precinct- 9.47.4 p 9 of the adopted DCP): description of sub-precinct is incorrect.	<ul style="list-style-type: none"> ➤ Amend description of Timber Yards Sub-Precinct to read "Built form will transition in height being predominantly 3-7 storeys along the periphery....." 	a) Change made in keeping with the revised building heights shown in the indicative building heights diagram. <i>See pages 7 and 26 of the draft amended DCP.</i>
8) Potential future connections (fig 4 p 11 of the adopted DCP): movement networks pass through existing industrial buildings which have not been up-zoned. Future connections are thus very unlikely to be achieved.	<ul style="list-style-type: none"> ➤ Remove line reference to "possible future connections" on land that remains IN1- General industries under MLEP 2011. 	a) Line reference removed. <i>See page 9 of the draft amended DCP.</i>

Item No: C0319(2) Item 2
Subject: POST EXHIBITION REPORT – 120C OLD CANTERBURY ROAD, SUMMER HILL VPA
Prepared By: Bojan Sodic - Strategic Investments Manager
Authorised By: Brooke Martin - Group Manager Properties, Major Building Projects and Facilities

RECOMMENDATION

THAT Council enter into the Voluntary Planning Agreement for 120C Old Canterbury Road Summer Hill provided in ATTACHMENT 1.

REPORT

At the 11 December 2019 Council meeting it was resolved:-

THAT the proposed Voluntary Planning Agreement for 120C Old Canterbury Road, Summer Hill be:

- 1. Endorsed in principle, subject to The Yard 120C Pty Ltd (the proponent):***
 - a) Construct a park of approximately 300m2 located within the Land and to provide rights of way for public access through the park to the Greenway corridor and the Lewisham Light Rail station from Old Canterbury Road and McGill Street;***
 - b) Provide 2 studio units which will be allocated to Affordable Housing units. The ownership of the units will be transferred to Inner West Council at the completion of the project;***
 - c) Community Office Space located within retail Ground Floor – 5 Year Rental Agreement \$1 Peppercorn rent per year – 35sqm office area; and***
 - d) Provide Council a payment of \$1,045,000 million to be used for public works in the community and surrounding area (Inner West Council will provide a summary of how this payment will be allocated at later date)***
- 2. Placed on public exhibition for a minimum of 28 days; and***
- 3. Reported back to Council after public exhibition.***

The Planning Proposal

The Planning Proposal was submitted to the Department in December 2016 and put on preliminary exhibition in early 2017. Council resolved in July 2017 to seek a Gateway determination which was received making Council the Planning Proposal Authority. Public Exhibition occurred 16 October until 13 November 2018. The Planning Proposal was deferred at 12 February Council meeting and is planned for Council consideration 26 March 2019.

The Planning Proposal seeks to amend the Ashfield LEP 2013 as follows:

- Rezone the western allotment from SP2 Infrastructure to B4 Mixed Use to apply consistent zoning to the entire site.
- Apply a Maximum Building Height (MBH) of RL38.0 across the entire site.
- Apply a Maximum Floor Space Ratio (MFSR) of 2.5:1 across the entire site.

Table 1 Comparison of existing and proposed controls

Existing	Proposed
Zoning - B4 (east allotment) Zoning - IN2 (west allotment)	Zoning – B4
Max FSR 1:1 only for eastern allotment. No FSR for western allotment.	FSR 2.5:1
Max BH - 20 m (equivalent of 3 storeys above Old Canterbury Road due to lower ground levels).	Max BH – RL 38.0 Equivalent of 6 storeys above Old Canterbury Road.
Site Area 1957 sqm.	
Potential dwelling generation for standalone residential flat building.	Potential dwelling generation for standalone residential flat building.
Approx 11 dwellings assuming 85 sqm each, plus circulation space.	Approx. 55 dwellings assuming 85 sqm each, plus circulation space.

Voluntary Planning Agreement (VPA)

The original VPA offer, 25 July 2017 was a community benefit of \$500,000 cash contribution towards the development of a pocket park to provide the necessary links connecting Greenway pedestrian and cycle way as outlined in the now adopted master plans for the Greenway project.

The value of the uplift is currently considered, \$7.4M - \$7.9M or a VPA value around \$3.7M - \$3.9M (that being 50% of the uplift in land value).

The endorsed VPA includes:

- Construct a park of approximately 300m² located within the Land and to provide rights of way for public access through the park to the Greenway corridor and the Lewisham Light Rail station from Old Canterbury Road and McGill Street
- The Yard 120C Pty Ltd to provide 2 studio units which will be allocated to Affordable Housing units. The ownership of the units will be transferred to Inner West Council at the completion of the project - \$1,300,000
- Community Office Space located within retail Ground Floor – 5 Year Rental Agreement \$1 Peppercorn rent per year – 35sqm office area – estimated value \$200,000
- The Yard 120C Pty Ltd will provide Inner West Council a payment of \$1,045,000 million to be used for public works in the community and surrounding area (Inner West Council will provide a summary of how this payment will be allocated at later date)

FINANCIAL IMPLICATIONS

The VPA value is approximately \$4,475,750, inclusive of any Section 94 Developer Contributions.

PUBLIC CONSULTATION

The Voluntary Planning Agreement documentation was exhibited for 28 days from 5 February 2019 to 26 February 2019.

Submission Overview

During the exhibition period, Council's Your Say Inner West website received the following response:

- No. of visitors who viewed the page - 154
- No. of visitors who clicked the page to download documents - 30
- No. of visitors who engaged and made an online submission - 10

The public exhibition process generated ten (10) submissions in all with the following mix of opinion on the proposal:

- 6 objected to the Voluntary Planning Agreement ;
- 3 submissions supported the Voluntary Planning Agreement;
- 1 submissions supported the Voluntary Planning Agreement in principle and suggested changes to the proposed scheme;

Public Authority Submissions

No public authority consultation was required by the Gateway Determination.

Local resident / Inner West Your Say submissions

Four of the ten submissions from local residents expressed support for the Voluntary Planning Agreement.

The other local resident didn't support the Planning Proposal and they raised that there was too much development in the area, traffic issues, slum density and privacy.

Post Exhibition Amendments

Consideration has been given to the public and proponent's submissions. It is not recommended that any changes be made to the Voluntary Planning Agreement.

CONCLUSION

The Public Exhibition of the Voluntary Planning Agreement for the 120C Old Canterbury Road, Summer Hill was undertaken in accordance with the *Environmental Planning and Assessment Act* and Council's Community Engagement framework.

ATTACHMENTS

1. [↓](#) Planning Agreement - Inner West Council and The Yard 120C Pty Ltd
2. [↓](#) Explanatory Note

Planning Agreement

Inner West Council

And

The Yard 120C Pty Ltd

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Planning Agreement

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Contents

1	Definitions and interpretation	1
1.1	Definitions	1
1.2	Interpretation	3
2	Planning Agreement under the Act	3
3	Application of Sections 7.11 and 7.12 of the Act to the Development	3
4	Scope and application of this Agreement	4
5	Operation of this Agreement	4
6	Pocket Park	4
6.1	Developer's obligations	4
6.2	Specifications of the Pocket Park	5
6.3	Design of the Pocket Park	5
6.4	Completion of the Pocket Park	5
6.5	Defects	6
6.6	Grant of easement	6
6.7	Obligations when exercising rights	6
6.8	Conditions	6
6.9	Council's right to enter the Lot Burdened	7
6.10	Name of the authority having the right to release vary or modify the easement	7
7	Community Office Space	7
7.1	Lease of community office space	7
7.2	Use of community office space	8
8	Affordable Housing Units	8
8.1	Developer's obligations	8
8.2	Transfer of Affordable Housing Units	9
8.3	Council acknowledgments	10
9	Payment of Monetary Contribution	10
10	Registration of this Agreement	10
10.1	Registration of Agreement	10
10.2	Release by Council	10
10.3	Progressive release by Council	11
10.4	Removal of Agreement	11
11	Caveat	11
12	Enforcement	12
13	Assignment and Dealings	12
14	Dispute Resolution	12
14.1	Reference to dispute	12
14.2	Notice of dispute	12
14.3	Principals of parties to meet	13
14.4	Neither party may constrain	13
15	Notices	13
15.1	Service of Notice	13
15.2	Change of address	13
15.3	Time of service of Notice	13
15.4	Service after hours, on weekends and holidays	14

Planning Agreement

JOHNSON WINTER & SLATTERY

16	Approvals and consent	14
17	Variation of Agreement	14
18	Costs	14
18.1	Legal and administrative costs	14
18.2	Stamp duty	14
19	Entire Agreement	14
20	Further acts	15
21	No fetter	15
22	Governing law and jurisdiction	15
23	Joint and several liability	15
24	Representations and warranties	15
25	Severability	15
26	Modification	15
27	Waiver	15
28	GST	15
	Schedule 1 – Reference Schedule	1
	Schedule 2 – Developer's Contributions Summary	3
	Annexure A – Pocket Park	4
	Annexure B –Site Plan	5
	Annexure C - Fox Johnson Concept Design Plans	6
	Annexure D – Standard Lease	7
	Execution	8

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Planning Agreement

Date

Parties

- 1 Inner West Council (ABN 52 659 768 527) (Council)**
Address: Administrative Centre, 2 Fisher Street, Petersham, NSW 2049
Email:
Contact:
- 2 The Yard 120C Pty Ltd (ACN 610 050 541) (Developer)**
Address: 2 Tebbutt St, Leichardt, NSW 2040
Email:
Contact: Jamie Howieson

Recitals

- A** The Developer intends to lodge with Council one or more Development Applications seeking approval to carry out the Development on the Land.
- B** The Developer has made a Planning Proposal in relation to the Land.
- C** This Agreement describes the Developer Contributions which will be provided to Council if the Planning Proposal and the Development Application/s are approved.
- D** The Developer and the Council agree to enter into this agreement.

The parties agree, in consideration of, among other things, the mutual promises contained in this agreement as follows:

Operative part

1 Definitions and interpretation

1.1 Definitions

The following definitions apply in this document, unless the context requires otherwise.

Act means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended) and includes any regulations made under that Act.

Affordable Housing has the same meaning as in the Act.

Affordable Housing Units means the affordable housing units identified in Item 8 of Schedule 1.

Approved Development means the development the subject of the Development Consent.

Caveat has the same meaning as under the *Real Property Act 1900* (NSW)

Completion means the stage in the construction of the Pocket Park when, in the reasonable discretion of the Council's Representative and notified under clause 6.4(b), the Pocket Park is complete except for minor omissions and minor defects which are non-essential and:

Planning Agreement

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- (a) which do not prevent the Pocket Park from being reasonably capable of being used for its intended purpose;
- (b) which the Council determines the Developer has reasonable grounds for not promptly rectifying; and
- (c) the rectification of which will not prejudice the convenient use of the Pocket Park.

Contributions Plan means the *Ashfield Council Section 94 Development Contributions Plan* which commenced on 16 November 2010, including any revisions or modifications to that plan or any plan that is adopted by council in replacement of that plan.

Council's Representative means the person specified in Item 2 of Schedule 1 who is duly authorised to give approval under this Agreement.

Dealing means selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

Defects Liability Period means the period of 12 months from the date:

- (a) of Completion insofar as the Pocket Park is concerned; or
- (b) the Affordable Housing Units are transferred to Council.

Developer means the entity described in Item 1 of Schedule 1.

Development means a proposal generally in accordance with Item 4 of Schedule 1 to be completed by the Developer in accordance with the Development Consent.

Development Application means a development application that seeks development consent for the Development and includes all plans, reports models, photomontages, material boards (as amended or supplemented) submitted to the consent authority before the determination of that Application.

Development Consent means any planning approval granted by the Council for the Development under the Act and includes all modifications made to such a consent.

Developer's Contribution means the sum of the Monetary Contribution, the Affordable Housing Units to be transferred to Council, the construction of the 'Pocket Park' and the leasing of the community office space as provided for in this Agreement and as summarised in Schedule 2.

Easement Site means the land over which an easement for access will be granted to Council in accordance with clause 6 of this Agreement and shown indicatively in Annexure A.

FSR means floor space ratio.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Land means the land identified in Item 3 of Schedule 1, comprising the land the subject of the Development Application.

LEP means the *Ashfield Local Environmental Plan 2013*.

Planning Agreement

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Monetary Contribution means an unendorsed bank cheque for the amount set out in Item 6 of Schedule 1 to be used by Council for or applied towards a public purpose including but not limited to those purposes described in the Contributions Plan.

NSW LRS means NSW Land Registry Services.

Occupation Certificate has the same meaning as in the Act.

Party means a party to this agreement, and includes their successors and assigns.

Pocket Park means the park described in Item 5 of Schedule 1.

Planning Proposal means the planning proposal relating to the Land described in Item 7 of Schedule 1.

Site means the Land as shown on Annexure B to this Agreement.

1.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (d) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (e) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (f) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular.
- (g) References to the word 'include' or 'including' are to be construed without limitation.
- (h) Reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (i) Any schedules and attachments form part of this Agreement.
- (j) A word defined in the Act has the same meaning in this Agreement.

2 Planning Agreement under the Act

The parties agree that this Agreement is a Planning Agreement governed by subdivision 2 of Division 7.1 of Part 7 of the Act.

3 Application of Sections 7.11 and 7.12 of the Act to the Development

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- (a) The parties agree that this agreement wholly excludes the operation of sections 7.11 and 7.12 of the Act in relation to the Development Application so that neither s7.11 nor s7.12 contributions under the Act will be paid in relation to the Development.
- (b) The Council warrants that it will not make any claim or demand for a contribution in respect of the Development over and above the Developer's Contribution, unless there is a modification to the Development Consent that would increase the demand for public amenities and services generated by the Development. In such case, the parties will engage in good faith negotiations as to development contributions in relation to such a modification with a view to such contributions being no less than the additional monies that would have been payable under s.7.11 or s.7.12 of the Act (if applicable and whichever is the greater) for the modification save for the operation of this clause 3.

4 Scope and application of this Agreement

This Agreement applies to:

- (a) The Land;
- (b) the Planning Proposal; and
- (c) the Development.

5 Operation of this Agreement

- (a) Clause 11 takes effect on execution of this Agreement.
- (b) The parties agree that the balance of the terms of this Agreement are effective and binding on the parties if the amendment to the LEP proposed by the Planning Proposal is made, resulting in the LEP being amended to rezone the western portion of the Land (Lot 1 DP 817359) from SP2 Infrastructure to B4 Mixed Use and to alter the FSR and maximum building height across the entire Site.
- (c) The parties agree that the Developer is not bound by this Agreement to provide the Developer Contributions unless:
 - (i) Development Consent is granted to the Development Application; and
 - (ii) The Development is physically commenced or used as provided in section 4.53 of the Act.
- (d) This Agreement terminates when the Developer has satisfied all of its obligations under this Agreement or when the Development Consent lapses in accordance with the Act.

6 Pocket Park

6.1 Developer's obligations

The Developer agrees to construct the Pocket Park:

- (a) In accordance with the Development Consent;
- (b) In a proper and workmanlike manner; and

Planning Agreement

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- (c) In accordance with the relevant Construction Certificate.

6.2 Specifications of the Pocket Park

- (a) Subject to clause 6.1, the Developer is responsible for the construction of all aspects of the Pocket Park including:
- (i) Turfing and planting;
 - (ii) Park furniture;
 - (iii) Stone features;
 - (iv) Pathways;
 - (v) Fencing of the Pocket Park;
 - (vi) Retaining walls;
 - (vii) Providing access to the Pocket Park;
 - (viii) Bridge/headwords to the canal;
 - (ix) Interpretative signage;
 - (x) Park lighting; and
 - (xi) The construction of a stair and public pathway connecting the Pocket Park to the Greenway.
- (b) The design and construction of the Pocket Park must be generally consistent with the drawing at Annexure A and incorporate Council's Green way and public open space specifications and/or any other specification relevant to the design of the Pocket Park.

6.3 Design of the Pocket Park

- (a) Prior to lodgement of the Development Application for the Development, the Developer must prepare a detailed description, including design drawings, for the Pocket Park and submit to Council's Representative for approval, such approval not to be unreasonably withheld.
- (b) The Council will promptly (and in any event within 20 business days of submission), give the Developer notice whether or not the design drawings and description of the Pocket Park prepared under clause 6.3(a) are satisfactory. If the design or description is not satisfactory, then Council will, acting reasonably, identify the further information, or modifications (as the case may be) which are required. The Developer must promptly amend the proposed design to address Council's reasonable requirements and resubmit the design drawings and description in accordance with clause 6.3(a).
- (c) The design plans submitted for the construction certificate for the Pocket Park must be consistent with the design approved by Council under clause 6.3(b).

6.4 Completion of the Pocket Park

- (a) When, in the opinion of the Developer, the Pocket Park has reached Completion, the Developer must notify the Council's Representative in writing.

Planning Agreement

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- (b) The Council's Representative must within 14 business days of receiving notice under clause 6.4(a) inspect the Pocket Park and by written notice to the Developer state whether Council:
 - (i) agrees that Completion has been achieved; or
 - (ii) disagrees that Completion has been achieved and identifies the errors or omissions which, in the reasonable opinion of the Council's representative, prevent Completion from being achieved.
- (c) The Pocket Park must reach Completion prior to the issue of an Occupation Certificate for the final stage of the Development.

6.5 Defects

If the Council notifies the Developer of a defect in the Pocket Park within the Defects Liability Period, subject to the resolution of a dispute in accordance with this Agreement, the Developer must remedy that defect to the reasonable satisfaction of the Council's Representative, within a reasonable period (having regard to the nature of the defect).

6.6 Grant of easement

The Grantor, at its cost:

- (a) covenants to Council to maintain and repair the Easement Site so as to keep it in good order and condition, including without limitation regular cleaning and maintenance of any landscaped areas within the Easement Site;
- (b) grants to Council (including without limitation, members of the public as permitted by Council from time to time), subject to clause 6.8(a), the right to enter pass and repass the Easement Site and use any facilities located in the Easement Site which are intended for public use at all times;
- (c) covenants to Council to install and maintain an adequate lighting system in the Easement Site (having regard to the fact that the Easement Site is to be used as a public space and as a cycleway and pedestrian link as part of the Greenway); and
- (d) covenants to Council to maintain at all times public liability insurance for the Easement Site for an amount of not less than \$20,000,000 and provide to Council a certificate of currency for such insurance on an annual basis.

6.7 Obligations when exercising rights

When Council exercises its rights or complies with its obligations under this easement, Council must:

- (a) use reasonable endeavours to minimise inconvenience or interruption to the Grantor or an occupier of the Lot Burdened and if possible, give the Grantor notice of any planned activities that may cause inconvenience or interruption; and
- (b) take reasonable precautions to ensure that no damage is caused by Council to the Easement Site or the Lot Burdened and if any damage is caused by Council, Council must promptly repair such damage at its cost.

6.8 Conditions

- (a) The Grantor may, acting reasonably and after giving not less than 5 days' prior written notice to Council (except in the case of an emergency when such notice is not required), temporarily suspend use of the Easement Site from time to time and

Planning Agreement

JOHNSON WINTER & SLATTERY

to the extent necessary, to undertake works or to implement measures for the security, safety, maintenance and repair of the Easement Site.

- (b) If any damage (other than fair wear and tear and damage caused by Council under clause 6.7(b)) occurs to any part of the Easement Site, then the Grantor must promptly repair such damage.

6.9 Council's right to enter the Lot Burdened

- (a) Council may on reasonable prior notice to the Grantor require the Grantor to carry out such work as Council may reasonably require to ensure the Grantor complies with its obligations under this easement.
- (b) If the Grantor does not comply with any notice issued under clause 6.9(a) within a reasonable time (having regard to the nature of the work), Council or its Authorised Users may enter the Lot Burdened with all necessary equipment and carry out any work which Council in its discretion considers reasonably necessary to comply with the notice under clause 6.9(a). In carrying out work under this clause, Council must, having regard to the nature and extent of the work to be carried out:
 - (i) cause as little inconvenience as is practicable to the Grantor and any Occupier of the Lot Burdened; and
 - (ii) as soon as practicable, repair damage which it causes to the Lot Burdened.
- (c) Council may recover from the Grantor, as a debt due and payable in a court of competent jurisdiction, any expense reasonably incurred in exercising its rights under this clause 6.9.

6.10 Name of the authority having the right to release vary or modify the easement

Inner West Council

7 Community Office Space

7.1 Lease of community office space

- (a) Within 14 days of the registration of the strata plan for the Approved Development which includes the retail space, the Developer must enter into a lease with Council for 35 m2 of community office space located within the Ground Floor retail space of the Approved Development in a form consistent with Annexure D (**Standard Lease**), subject to clause 7.1(b).
- (b) The parties agree that the Standard Lease is to be amended as follows:
 - (i) The Lessor is the Developer and the Lessee is the Council (Cover page of the Standard Lease);
 - (ii) A Guarantor is not required (Item 10 of Annexure A of the Standard Lease);
 - (iii) There is no additional leased property (Item 11 of Annexure A of the Standard Lease)
 - (iv) The lease term is five years, with no option to renew (Cover Page and Item 12 of Annexure A of the Standard Lease);

Planning Agreement

JOHNSON WINTER & SLATTERY

- (v) The rent is fixed at \$1 per year for the term of the lease with no rent review date/s (Cover page and Items 13 and 16 of Annexure A of the Standard Lease);
- (vi) The permitted use of the premises is community uses consistent with the nature of the Development (Item 17 of Annexure A of the Standard Lease);
- (vii) The public liability insurance is \$20,000,000 (Item 18 of Annexure A of the Standard Lease);
- (viii) A bank guarantee is not required (Item 19 of Annexure A of the Standard Lease);
- (ix) No security deposit is required (Item 20 of Annexure A of the Standard Lease);
- (x) Add an additional lease covenant to Annexure B through adding the following clause to Annexure A:

'The lessee indemnifies the lessor against all claims, demands, actions, suits, judgments, orders, decrees, damages, costs, losses and expenses for which the lessor becomes liable arising from:

 (a) *loss or damage to the property or to any other property or injury to or death of any person that arises from the lessee's occupation of the Premises; or*

 (b) *the lessee's default under this lease,*

except to the extent caused or contributed to by the default or the negligent or wilful act or omission of the lessor or its employees, contractors, agents or invitees'

7.2 Use of community office space

Council undertakes to ensure that the use of the community office space is consistent with the nature of the Development and that the use of the community office space does not impact on the reasonable use and enjoyment of the Development by residents or other commercial leaseholders.

8 Affordable Housing Units
8.1 Developer's obligations

- (a) The Developer must construct the Affordable Housing Units:
 - (i) In accordance with the Development Consent;
 - (ii) In a proper and workmanlike manner; and
 - (iii) In accordance with the relevant Construction Certificate.
- (b) The Affordable Housing Units must be completed to the same standard of all other similar apartments within the Development.

Planning Agreement

JOHNSON WINTER & SLATTERY

8.2 Transfer of Affordable Housing Units

- (a) The Developer agrees to transfer legal title to the Affordable Housing Units to Council for no consideration. In this clause 8.2, "transfer date" means the date that the Developer gives the Council the items in clause 8.2(g).
- (b) Promptly upon NSW LRS registering the strata plan for the Approved Development, the Developer will determine, acting in good faith, the location and lot numbers of the Affordable Housing Units to be transferred to Council.
- (c) Promptly after the Developer determines the location and lot numbers of the Affordable Housing Units to be transferred to Council, the Developer must notify Council that the strata plan is registered and give Council a copy of the registered strata plan including specification of the location and lot numbers of the Affordable Housing Units. The Developer must also provide Council with a schedule of fixtures and fittings provided within the Affordable Housing Units, including any applicable owners manuals and warranties associated with such fixtures and fittings.
- (d) The Developer must provide Council with an opportunity to inspect the Affordable Housing Units prior to the transfer date. The Developer agrees to promptly repair any defect in an Affordable Housing Unit that the Council brings to the attention of the Developer either, prior to the transfer date or during the Defects Liability Period.
- (e) The Council is responsible for all costs and expenses in connection with the transfer of the Affordable Housing Units, including without limitation:
 - (i) any stamp duty;
 - (ii) rates, taxes, charges, levies and other outgoings for the period after the transfer date ;
 - (iii) registration fees payable to the NSW LRS; and
 - (iv) any other costs (including without limitation its legal costs).
- (f) Within 14 days after the location and lot numbers are determined under clause 8.2(c), Council must give the Developer the NSW LRS form of transfer, which has been stamped and duly executed by Council.
- (g) Within 14 days after receiving the transfer under clause 8.2(f), the Developer will duly execute the transfer and deliver to Council:
 - (i) the executed transfer, dated with the date of delivery;
 - (ii) the original certificates of title for the Affordable Housing Units or evidence that the certificates of title have been produced at NSW LRS for the purposes of registering the transfer ;
 - (iii) a copy of the relevant Occupation Certificate; and
 - (iv) if applicable, a discharge of mortgage for any mortgage registered on title to the Affordable Housing Units and releases of any security interests registered over the Affordable Housing Units.

Planning Agreement

JOHNSON WINTER & SLATTERY

- (h) Except as provided by clause 8.2(d), upon delivering the items under clause 8.2(g) to Council, the Developer owes no further obligations to Council in connection with the transfer of the Affordable Housing Units. Council must promptly lodge the items under clause 8.2(g) at NSW LRS.
- (i) After the transfer date, the Developer will notify the Council of the total amount that Council owes the Developer under clause 8.2(e) (together with reasonable details of that amount). The Council must pay the amount to the Developer within 14 days of the Developer giving the Council notice. If the Council disputes the amount notified by the Developer, then the parties must seek to resolve the dispute as soon as possible, both parties acting reasonably and in good faith. Promptly after the dispute is resolved the Council must pay to the Developer the amount that the parties agree is owed by the Council to the Developer under clause 8.2(e).

8.3 Council acknowledgments

- (a) The Council agrees that the Affordable Housing Units do not include any car spaces or any right for car parking on the Land.
- (b) The Council agrees that the provision of the Affordable Housing Units pursuant to this Agreement satisfies the objectives of any Environmental Planning Instruments that apply to the Land, any Affordable Housing Policy and Development Control Plan requiring the provision of Affordable Housing on the Land and that Council must not require any further provision of Affordable Housing or any contribution for Affordable Housing beyond what is provided pursuant to this deed.

9 Payment of Monetary Contribution

The Developer shall pay the Monetary Contribution prior to the issuing of any Occupation Certificate for the final stage of the Approved Development.

10 Registration of this Agreement
10.1 Registration of Agreement

The Developer must promptly:

- (a) obtain any necessary consents to the registration of this Agreement on the title to the Land;
- (b) lodge the Agreement for registration with Land & Property Information;
- (c) promptly comply with any Requisitions that may be raised with regard to registration of the Agreement from Land & Property Information;
- (d) produce to the Council within 35 days of execution of this Agreement details of lodgement of the Agreement with Land & Property Information; and
- (e) following registration of the Agreement, notify the Council of registration, enclosing a title search of the Land confirming the registration.

10.2 Release by Council

The Council agrees to provide the Developer with a release and discharge of this Agreement from any part of the Land with respect to which the Developer has complied with its obligations under this deed (**Release Land**) subject to clause 10.3.

JOHNSON WINTER & SLATTERY

10.3 Progressive release by Council

The Council:

- (a) acknowledges that:
 - (i) the Development is likely to be constructed in stages;
 - (ii) certain components of the Development Contributions are not required to be provided until after the Occupation Certificate for the final stage of the Development;
 - (iii) prior to providing those components of the Development Contributions to Council, a number of dwellings will have been constructed and occupation certificates will have been issued for those dwellings; and
 - (iv) the Developer may enter into contracts for the sale of the dwellings before those components of the Development Contribution have been provided to Council; and
- (b) must, within 28 days of the Developer submitting the relevant documents to Council, sign such documentation as the Developer may require to remove this deed from the Register for that part of the Land which comprises constructed dwellings to enable the Developer to complete the sale of those dwellings, provided always that the Developer has then complied with its obligations under this deed.

10.4 Removal of Agreement

After the Monetary Contribution has been paid, the Pocket Park has been constructed and the Affordable Housing Units have been transferred to Council, the Council will promptly execute any form and supply such other information and do anything as reasonably required by the Owner or the Developer to enable the removal of the Agreement from the title to the Land.

11 Caveat

- (a) Without limiting any other provision of this Agreement, during the period commencing on the date of this agreement until such time as any of clauses 5(d) or 10.4 take effect, the Developer agrees that Council may lodge and maintain a caveat over the Land precluding any dealing which is inconsistent with this Agreement.
- (b) If the Council lodges a caveat in accordance with clause 11(a), then the Council must promptly do all things reasonably required to ensure that the caveat does not prevent or delay the registration of:
 - (i) This Agreement;
 - (ii) Any plan of consolidation or subdivision contemplated, required or permitted under this Agreement or any Development Consent;
 - (iii) Any other dealing contemplated, required or permitted under this Agreement or any Development Consent; and
 - (iv) The transfer of any part of the Land to a related body corporate of the Developer or a trust or fund of which a related body corporate of the Developer is a trustee, manager or responsible entity.

JOHNSON WINTER & SLATTERY

- (c) The Council must promptly do all things reasonably required to remove the caveat from the titles of the Land once either of clauses 5(d) or 10.4 take effect.

12 Enforcement

This Agreement may be enforced by either party in any Court of competent jurisdiction.

13 Assignment and Dealings

Neither the Developer nor any subsequent Owner of the Land shall sell, transfer, assign or novate or similarly deal with (Dealing) their right, title or interest in the Land (or any part thereof) or any of their rights or obligations under this Agreement, or allow any interest in them to arise or be varied unless the Developer and/or Owner of the Land:

- (a) gives Council no less than twenty-eight (28) days notice in writing of the proposed Dealing; and
- (b) procures that the transferee, assignee or novatee executes and delivers to Council prior to any such Dealing taking effect an agreement in favour of Council in form and substance acceptable to Council, acting reasonably, whereby the transferee, assignee or novatee becomes contractually bound with Council to perform all of the Developer's and/or Owner's obligations and have the benefit all of the Developer's and/or Owner's rights under this Agreement.

Neither the Developer nor any subsequent Owner of the Land shall mortgage or charge or create any estate or interest in the Land unless the Developer and/or Owner of the Land obtains the written consent of any person being the mortgagee or chargee or having that estate or interest to the registration of this Agreement under the *Real Property Act 1900*.

14 Dispute Resolution

14.1 Reference to dispute

If a dispute arises between the parties in relation to this Agreement, then either party may seek to resolve in accordance with this clause 14.

14.2 Notice of dispute

- (a) The party wishing to commence dispute resolution processes must notify the other of:
 - (i) the nature, or subject matter, of the dispute, including a summary of any efforts made to resolve latter than by way of this clause 14;
 - (ii) the intent to involve this clause 14;
 - (iii) (if practicable) the outcomes which the notifying party wishes to achieve; and
 - (iv) any material impact which the dispute has upon the completion of the Developer's Works, the Developer's Contribution or the transfer of land in accordance with clause 8 (and in particular the completion of the remainder of the Development).
- (b) The contents of a notice issued under the clause 14.2(a) are deemed to be confidential. The party issuing the notice may (but is not obliged) to assert legal professional privilege in respect of the contents.

Planning Agreement

JOHNSON WINTER & SLATTERY

14.3 Principals of parties to meet

The principals of the parties (and in the case of the Council, the principal may include the person acting in the role of General Manager as defined in the Local Government Act, or such person as is nominated by that officer in writing) must promptly (and in any event within 14 days of written notice) meet in good faith to attempt to resolve the notified dispute. The parties may, without limitation:

- (a) resolve the dispute during the course of that meeting;
- (b) agree that further material, expert opinion, or consideration is needed to effectively resolve the dispute (in which event the parties will in good faith agree to a timetable for resolution); and
- (c) agree that the parties are unlikely to resolve the dispute and in good faith agree to a form of alternative dispute resolution (including expert determination, arbitration, or mediation) which is appropriate for the resolution of the relevant dispute.

14.4 Neither party may constrain

If:

- (a) at least one meeting has been held in accordance with clause 14.3;
- (b) the parties have been unable to reach an outcome identified in clause 14.3; and
- (c) either of the parties (acting in good faith) forms the view that the dispute is reasonably unlikely to be resolved in accordance with a process agreed under clause 14.3,

then that party may, by 14 day's notice to the other, terminate the dispute resolution process in respect of that dispute. The termination of the process set out in this clause 14 does not of itself amount to a breach of the Agreement.

15 Notices
15.1 Service of Notice

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that Party at its address set out in Item 9 of Schedule 1; or
- (b) faxed to that Party at its fax number set out in Item 9 of Schedule 1.

15.2 Change of address

If a Party gives the other Party 10 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

15.3 Time of service of Notice

Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered, when it is left at the relevant address;
- (b) if it is sent by post, two business days after it is posted; and

Planning Agreement

JOHNSON WINTER & SLATTERY

- (c) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

15.4 Service after hours, on weekends and holidays

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5:00 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

16 Approvals and consent

Except as otherwise set out in this Agreement, a party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

17 Variation of Agreement

The parties may agree to vary the terms of this Agreement. Any such variation shall be evidenced by a written variation and must comply with section 7.5 of the *Environmental Planning and Assessment Act 1979*.

18 Costs
18.1 Legal and administrative costs

Each party must pay their own legal and administrative costs and expenses in relation to:

- (a) the negotiation, preparation and execution of this Agreement;
- (b) the giving effect to this Agreement; and
- (c) any enforcement of the rights under this Agreement.

18.2 Stamp duty

Except as otherwise set out in this Agreement, the Developer is liable for and must pay all stamp duty (including any fine or penalty except where it arises from default by any other party) on or relating to this Agreement, any document executed under it or any dutiable transaction evidenced or effected by it.

19 Entire Agreement

- (a) This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.
- (b) The explanatory note prepared in relation to this Agreement under the *Environmental Planning and Assessment Regulation 2000* (NSW) must not be used to assist in construing this Agreement.

Planning Agreement

JOHNSON WINTER & SLATTERY

20 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

21 No fetter

Nothing in this Agreement will be constructed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and nothing will be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22 Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the jurisdiction of the courts of that state.

23 Joint and several liability

- (a) Any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually.
- (b) Nothing in this Agreement will be construed as limiting or fettering in any way the exercise by Council of any statutory discretion or duty.

24 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and that entry into this Agreement will not result in the breach of any law.

25 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the remainder of this Agreement is not affected.

26 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the parties to this Agreement.

27 Waiver

A waiver by either Party is only effective if it is given in writing, and that waiver will only relate to the particular obligation or breach (as the case may be) identified in that communication.

28 GST

- (a) In this clause terms used have the meaning given to them by the GST Law as defined in Section 195-1 of the *A New Tax System (Goods and Services Tax) Act 1999 (GST Act)*.

Planning Agreement

JOHNSON WINTER & SLATTERY

- (b) If a party to this Agreement (the "Supplier") makes a supply under or in connection with this Agreement and is liable by law to pay GST on that supply, then the consideration otherwise payable by the recipient of the supply will be increased by an amount equal to the GST paid or payable by the Supplier.
- (c) If this Agreement requires a party to pay for, or reimburse any expense, loss or outgoing (reimbursable expense) suffered or incurred by another party, the amount required to be paid, or reimbursed by the first party is the amount of the reimbursable expense net of any input tax credit or reduced input tax credit to which the other party is entitled in respect of the reimbursable expense.
- (d) If a party to this Agreement has the benefit of an indemnity for a cost, expense, loss or outgoing (indemnified cost) under this Agreement, the indemnity is for the indemnified cost net of any input tax credit or reduced input tax credit to which that party is entitled in respect of the indemnified cost.
- (e) Each party agrees to do all things, including providing tax invoices and other documentation that may be necessary or desirable to enable or assist the other party to claim any input tax credit, set-off, rebate or refund in relation to any amount of GST paid or payable in respect of any supply under this Agreement.
- (f) Subject to the operation of this clause, and unless otherwise expressly stated amounts in this Agreement are GST exclusive.

JWS draft #1 - 02/10/2018
Planning Agreement

JOHNSON WINTER & SLATTERY

Item 2

Schedule 1 – Reference Schedule

Item 1	Developer's Details	Name: The Yard 120C Pty Ltd ACN: 610 050 541 Address: 2 Tebbutt St, Leichardt, NSW 2040
Item 2	Council's Representative	Group Manager, Property
Item 3	Land	Lot 1 in Deposited Plan 817359 and Lot 100 in Deposited Plan 875660, known as 120C Old Canterbury Road, Summer Hill NSW
Item 4	Development	A mixed use development comprising mainly of residential housing, with some retail space and car spaces as shown conceptually in the Fox Johnson Concept Design Plans contained at Annexure C.
Item 5	Pocket Park	A park of approximately 300m ² located within the Land and shown conceptually on the diagram at Annexure A
Item 6	Monetary Contribution	An amount equivalent to the amount that would be payable under a condition of development consent imposed in accordance with ss.7.11 and 7.13 of the Act having regard to the Contributions Plan, such amount to be calculated on the date that the Monetary Contribution is paid.
Item 7	Planning Proposal	Amendment of the <i>Ashfield Local Environmental Plan 2013</i> as follows: <ul style="list-style-type: none"> - Rezone the western allotment (Lot 1 DP 817359) from SP2 Infrastructure to B4 mixed Use; - Apply a maximum height of RL41.1 across the entire Site; and - Apply a FSR of 2.751 across the entire Site.
Item 8	Affordable Housing Units	2 x mid-range studio apartments approximately 35m ² each (no car spaces), where mid-range is a unit that is located above the second floor but below the top floor within the Approved Development.
Item 9	Notices	<p>Council</p> <p>Name: Inner West Council</p> <p>Address: Administrative Centre 2 Fisher Street PETERSHAM NSW 2049</p> <p>Attention:</p> <p>Telephone</p> <p>Email:</p> <p>Developer</p> <p>Name: The Yard 120C Pty Ltd</p> <p>Address: 2 Tebbutt St, Leichardt, NSW 2040</p> <p>Attention: Jamie Howieson</p>

Attachment 1

Planning Agreement

JOHNSON WINTER & SLATTERY

Schedule 2 – Developer

Description of Developer's Contribution	Estimated cost value	Timing
1. Construction of 300m2 'Pocket Park'.	Estimated maximum construction cost - \$1,630,750	Pocket Park to be completed in accordance with this agreement.
2. Transfer of two Affordable Housing Units located on the Site to Council.	Total approximately \$1,300,000 (being 2 x 'mid-range' 35m2 studio units without car spaces)	Following the registration of the strata plan for the stage of the Approved Development that includes the Affordable Housing Units and an in accordance with the process contained in clause 8 of this agreement
3. Lease of 35 m2 of community office space to Council for a period of 5 years for \$1/year for the term of the lease.	Approximately \$200,000 (35m2 at estimated rental saving of \$40,000 per year for term of lease)	Lease to be entered into with Council within 14 days of the registration of the strata plan for the Approved Development which includes the retail space.
4. Monetary Contribution to be used by Council for or applied towards a public purpose including but not limited to those purposes described in the Contributions Plan.	An amount equivalent to the amount that would be payable under a condition of development consent imposed in accordance with s.7.11 of the Act having regard to the Contributions Plan, such amount to be calculated on the date that the Monetary Contribution is paid.	Monetary Contribution to be paid to Council prior to the issuing to the issue of any Occupation Certificate for the final stage of the Approved Development.

Explanatory Note

Inner West Council ABN 52 659 768 527

and

The Yard 120C Pty Ltd

1 Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement between Inner West Council and The Yard 120C Pty Ltd (**Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of the *Environmental Planning and Assessment Act 1979 (Act)*.

2 Parties to the Planning Agreement

The Parties to this Planning Agreement are the Inner West Council ABN 52 659 768 527 (**Council**) and The Yard 120C Pty Ltd ACN 610 050 541 (**Developer**).

3 Description of the Subject Land

This Planning Agreement applies to:

- Lot 1 DP 817359; and
- Lot 100 DP 875660;

known as 120C Old Canterbury Road, Summer Hill (**Land**).

4 Description of the Proposed Development

The Planning Agreement relates to a planning proposal, which seeks to amend the *Ashfield Local Environmental Plan 2012 (LEP)*, and the proposed future development of the Land for the purpose of a six story mixed use development, comprising mainly of residential housing as well as a smaller retail space and sixty-two car spaces (**Proposed Development**).

5 Summary of Objectives, Nature and Effect of the Draft Planning Agreement

In connection with the Proposed Development, the parties have agreed to enter into the Planning Agreement.

The Planning Agreement requires the Developer to:

- Construct a park of approximately 300m² located within the Land and to provide rights of way for public access through the park;
- Provide Council with 35m² of community office space located within the Ground Floor retail space of the Proposed Development for a period of five years at a rate of \$1 per year for the term of the lease;
- Transfer to Council for no consideration the legal title for two affordable housing units, both being mid-range studio apartments which are each approximately 35m²; and
- Pay Council a monetary contribution of an amount equivalent to the amount that would be payable under a condition of development consent imposed in accordance with ss.7.11 and 7.13 of the Act having regard to the Contributions Plan, such amount to be calculated on the

date that the Monetary Contribution is paid., with such amount to be paid prior to the issue of any Occupation Certificate for the final stage of the development.

The Developer must register the Planning Agreement on the title of the Land in accordance with section 7.6 of the Act.

The objective of the Planning Agreement is to facilitate the delivery of contributions by the Developer towards the provision of infrastructure, facilities and services which will be required in connection with the development of the Land.

The Planning Agreement excludes the operation of Sections 7.11. and 7.12 of the Act in relation to any development application for the Proposed Development, unless there is a modification to the development consent for the Proposed Development which would increase the demand for public amenities and services generated by the Proposed Development.

6 Assessment of the Merits of the Draft Planning Agreement

6.1 The Planning Purpose of the Planning Agreement

The planning purpose served by the Planning Agreement is the provision of affordable housing and infrastructure and the orderly and economic development of land.

Both the Developer and the Council believe that the Planning Agreement provides a reasonable means of achieving those public purposes, in accordance with s7.4(2) of the Act.

6.2 How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by requiring the Developer to make an appropriate contribution towards the provision of infrastructure, facilities and services to satisfy the needs that arise from the proposed Development of the Land.

6.3 How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by:

- (a) Promoting the delivery and maintenance of affordable housing;
- (b) Promoting the orderly and economic use and development of land; and
- (c) Requiring the Developer to contribute to infrastructure, facilities and services required to meet the demand generated by the Proposed Development.

6.4 How does the agreement promote one or more of the elements of the council's charter under section 8 of the Local Government Act 1993?

Implementation of the Planning Agreement will promote the following elements of Council's charter:

“ to provide... , after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively”

“ to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible”

6.5 How does the Planning Agreement conform with the planning authority's capital works program (if any)?

There are no specific capital works identified within Council's programs that equate with the Development Contributions.

6.6 *Requirements relating to Construction, Occupation and Subdivision Certificates*

The Planning Agreement provides that the park is to be completed and the monetary contribution is to be provided to Council, prior to the issue of any Occupation Certificate for the final stage of the Approved Development.

Item No: C0319(2) Item 3
Subject: 120C OLD CANTERBURY ROAD, SUMMER HILL - POST-EXHIBITION REPORT
Prepared By: Alan Qi Chen - Strategic Planner and Con Colot - Senior Strategic Planner & Projects
Authorised By: David Birds - Group Manager Strategic Planning

RECOMMENDATION

THAT Council:

1. Amend the Ashfield Local Environmental Plan (LEP) 2013 for 120C Old Canterbury Road, Summer Hill, as indicated in the report, in the terms of recommendation (3) below;
2. Liaise with the Department of Planning and Environment (DPE) and Parliamentary Counsel's Office to draft and finalise the LEP Amendment;
3. Finalise the post-exhibited Voluntary Planning Agreement with the Proponent in accordance with the Environmental Planning & Assessment Act 1979 (EP&A Act);
4. Following the completion of (3) above request DPE to notify the Plan;
5. Adopt the site specific amendments for 120C Old Canterbury Road, Summer Hill in the "Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill" recommended in the report; and
6. Delegate the making of the LEP amendments and the adoption of the amended site specific Development Control Plan as indicated in this report to the Group Manager Strategic Planning.

REPORT

Council considered a report on 12 February 2019 on a Planning Proposal to make amendments to the Ashfield Local Environmental Plan (ALEP 2013). The western lot SP2 Infrastructure rezoning will change to the same B4 Mixed Use zoning as the eastern lot, with a maximum Floor Space Ratio of 2.5:1, and a maximum Height of Building of RL 38.0 equivalent to 6 storeys above Old Canterbury Road. This will enable the development of a 6 storey building with up to 62 apartments, ground floor retail and 2 lower ground parking levels. Council resolved to hold a site meeting and receive a supplementary report on several issues as listed below.

The site meeting was held on 25 February 2019 with 10 residents, the proponent and a representative from the local bushcare group. Their general concerns raised at the meeting are outlined in **Attachment 1**. Additional concerns relate to the use of the shared laneway at 120B Old Canterbury Road, right turn movements from Old Canterbury Road into McGill Street, and a preference for a townhouse development.

CONCLUSION

The draft DCP concurrently being considered by Council will address the residents' winter solar access, building separation and privacy concerns reiterated at the site meeting.

ATTACHMENTS

1. [↓](#) Response to Council Resolution
2. [↓](#) Council Engineer's Comments
3. [↓](#) Solar Access Study
4. [↓](#) Site Meeting Notes

ATTACHMENT 1

Response to Council Resolution 12 February 2019

Council considered a report (**Attachment 5**) on 12 February 2019 recommending the amendment to the Ashfield Local Environmental Plan (ALEP) 2013 for the Planning Proposal at 120C Old Canterbury Road be supported and finalised as follows:

1. *Amend the Ashfield Local Environmental Plan 2013 for 120C Old Canterbury Road, Summer Hill, as indicated in the report, in the terms of recommendation (3) below;*
2. *Liaise with the Department of Planning and Environment (DPE) and Parliamentary Counsel's Office to draft and finalise the LEP Amendment;*
3. *Finalise the post-exhibited Voluntary Planning Agreement with the Proponent in accordance with the Environmental Planning & Assessment Act 1979 (EP&A Act);*
4. *Following the completion of (3) above request DPE to notify the Plan;*
5. *Adopt the site specific amendments for 120C Old Canterbury Road, Summer Hill in the "Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill" recommended in the report; and*
6. *Delegate the making of the LEP amendments and the adoption of the amended site specific Development Control Plan as indicated in this report to the Group Manager Strategic Planning.*

Council resolved:

1. *Council defer the item to receive a further report clearly addressing potential improvements to traffic, parking and sunlight access in relation to this planning proposal, including the need for the proponent to provide any further studies or evidence, and advice considering whether this site would be better rezoned as part of the LEP project;*
2. *The community be consulted to identify the primary issues for improvement for this report; and*
3. *A site meeting for councillors to meet with local residents and planning staff be arranged and that this meeting be addressed in the report.*

RESPONSE TO RESOLUTION

A site meeting took place on 25 February 2019. The following addresses the resolution, with the resident concerns at the meeting and responses provided in **Table 1** below.

1.0 Improvements to traffic and parking.

An independent traffic study (January 2012) considered the Allied Mills site surrounding areas including the McGill Street precinct generation of 790 additional apartments. This could not identify realistic improvements to the local road system due to existing road constraints. This report was considered by Roads and Maritime Services and Department (RMS) and the Department of Planning & Environment (DPE) prior to approval of the Allied Mills Concept (Rezoning) Plan. This site is a small part of that larger precinct and no further studies are required. In addition, RMS are responsible for the local road network at Old Canterbury Road and surrounds and have raised no objection to the Planning Proposal.

Council's engineers have advised in **Attachment 2** that on-site traffic generation from a potential 62 apartments and 80 sqm of commercial space is 22 vehicles per hour at peak times. This taken in conjunction with this site's proximity to light and heavy rail stations

means that the traffic will have a minimal impact on existing traffic conditions and does not warrant refusal of the Planning Proposal.

The draft Development Control Plan (DCP) clause DS 4.1 requires within the subject site a wide turning circle area for vehicles entering and exiting so that there is no traffic congestion resulting in the shared laneway at 120AB Old Canterbury Road, and no potential consequent affect in McGill Street.

2.0 Sunlight access

The apartments that would be affected by the proposed development are on the western side of 120AB Old Canterbury Road and 14 McGill Street. The apartments at 120AB Old Canterbury Road receive direct winter sun access at June 21 between 11.30 am and 2.30pm as indicated in **Attachment 3**. After 2.30 pm the apartments are affected by shadowing from the 14 storey retained silo building at the opposite former Allied Mills site.

Clause PC07 and the Design Solutions clause in the proposed site specific Development Control Plan require a minimum of 2 hours winter solar access as clarified in its map which shows the position of the sun at 2 pm. This solar access will be achieved by limiting parts of the northern sections of a proposed building to 4 storeys, or having part of that level setback.

The two hour minimum winter standard is derived from the Apartment Design Guide. The affected apartments will receive substantially more sunlight for the rest of the year. There will also be a minimum 12m separation between buildings to provide ample daylight access, and also a strip for planting and landscape screening for privacy.

These outcomes are verified in the exhibited Design Concept study. A more refined design will be submitted at Development Application stage. The Childcare Centre has an outside terrace which currently receives winter sun after 11.00 am until around 3.00 pm. The draft DCP in clause 9.2 requires a minimum of 40sqm of winter sun for the terrace. A 12m setback will ensure ample daylight for this terrace.

3.0 Whether there is a need for further studies

There is no need for further studies due to the following:

Procedurally under the LEP guidelines the Gateway determination issued by Department of Planning and Environment (DPE) determines which studies are required and these have been completed and exhibited. This included requiring a flood study which was found satisfactory by DPE and Council's engineers, and a satisfactory Contamination study. In addition the proponents submitted a building design study to indicate how the Maximum Floor Space Ratio and Maximum Building Height development standards would be accommodated.

Winter solar access to affected neighbouring apartments has been addressed in the controls in the site specific DCP. **Attachment 3** has a report which shows that 2 hours winter solar access can be achieved. This will be required to be adhered to in a future Development Application.

There have already been several local area traffic studies produced to understand local traffic conditions as indicated above. The Proposal was referred to the RMS who are in control of local roads such as Old Canterbury Road and they raised no objections to the Proposal.

4.0 Whether the site would be better rezoned as part of the LEP Project

The Planning Proposal arose from a former Ashfield Council resolution to amend the Ashfield Local Environmental Plan (ALEP) 2013, with Inner West Council resolving in July 2017 to progress it. Considerable work on an earlier version of the Planning Proposal reduced the Maximum Floor Space Ratio and Maximum Building Height to make them appropriate for the site. Finalisation of the ALEP 2013 amendment is necessary to resolve the current poor environmental state and future of this derelict site. Deferment to a future consolidated Inner West LEP would be unlikely to provide a substantially different planning outcome.

5.0 Community be consulted

A site meeting was held on Monday 25 February 2019 with 10 residents and a representative from the local bushcare group with notes from the meeting contained in **Attachment 4. Table 1** details the concerns raised at the site meeting.

All persons who made a submission on the proposal were invited.

Table 1-Community concerns raised at meeting 25 February 2019

New Issues	
The shared private laneway is unsuitable for pedestrian use between the proposed Greenway and McGill Street.	Use of the laneway is a Greenway concept and so was put forward by the proponents in the separate Voluntary Planning Agreement where potential for this has been identified. However this is subject to agreement of the property owners of 120AB Old Canterbury Road as indicated in the Draft DCP. Also it would be dependant on having a design which provides safe pedestrian access such as a shared way.
There is an unsafe right turn movement from Old Canterbury road into McGill Street.	Council can resolve, separate to this Planning Proposal, to seek Roads and Maritime Services approval for a median island to prevent this happening. Council engineers would consider resolving this together with other roadway issues that need resolution.
Complaint about the 7-8 storey building at 14 McGill Street and its affect on residents at 120AB Old Canterbury Road which creates winter shadowing and loss of privacy.	The development and resulting buildings was a consequence of a Land and Environment Court approval, with the development application having been refused by the former Marrickville Council. That has resulted in winter shadowing and loss of privacy for apartments. With this Planning Proposal the draft DCP has provisions to ensure there will be adequate solar access and building separation as explained in the Council report.
The site owner should consider less intensive development options such as townhouses.	This is not the subject of this Planning Proposal.
How long will construction take?	The site owner's project manager has indicated 12 months.

Concerns stated on site and also in submissions on the exhibition of the Planning Proposal	
Shared laneway is already used by vehicles from 120AB Old Canterbury Road and is not capable of use by 62 potential apartments generated by the Planning Proposal.	Refer to Council report of 12 February 2019 and response to submissions. This includes that the site owner of 120C Old Canterbury Road has a legal right of way for the vehicular use of the laneway.
There is severe traffic congestion along McGill Street and Old Canterbury Road at peak hour times and it is not acceptable to have the 62 potential apartments generated by the Planning Proposal add to this. Parking along Old Canterbury Road after peak hours slows down traffic.	Refer to Council report of 12 February 2019 and response to submissions. Also to additional information in this attachment and the Council engineer's comments.
The light rail trains are at capacity at peak hour and cannot take more commuters.	Refer to Council report of 12 February 2019 and response to submissions. This includes that within walking distance of the site there is the Lewisham and Summer Hill Train Stations.
Inadequate solar access and inadequate building separation to apartments at 120AB Old Canterbury Road and 14 McGill Street.	Refer to Council report of 12 February 2019 and response to submissions. This includes that the draft DCP has controls for ensuring 2 hours winter solar access and a minimum 12 m building separation. Also to Attachment 3 which has solar access diagrams.
Trees adjacent site must be kept for biodiversity reasons and migration of birds.	Refer to Council report of 12 February 2019 and response to submissions. This includes that these trees consist of privet and camphor laurels which are classed as Noxious Weeds and are located within Sydney Trains land, which Sydney Trains can chose to remove. A future Greenway project will provide the opportunity for suitable tree species.
Impacts on amenity of apartments and childcare centre during construction.	Refer to Council report of 12 February 2019 and response to submissions. This includes that for a future development application conditions of consent would be applied to minimise impacts.
Carparking requirements are inadequate, with many residents having two cars, or buildings having their visitor parking taken up.	Refer to Council report of 12 February 2019 and response to submissions. This includes that minimum carparking requirements for residential development are set by the Apartment Design Guide and due to this Council cannot require additional amounts of carparking.

ATTACHMENT 2**Inner West Council Engineers' Comments**

The traffic generation of the planning proposal for 120C Old Canterbury Road is likely to generate a maximum of 22 vehicle trips per hour (vtph). This is based a rate of 0.19 vehicle trips per unit provided in the current RMS Technical Direction for High Density Residential Development and adding a conservative 10 peak vtph for the 80sqm of retail space.

This addition of traffic of 22 peak vtph generated by the site is negligible when compared with the peak of 337 peak vtph (table 6.3 of the previous 2012 Halcrow report traffic study) generated by the entire McGill Street and Lewisham estate precincts and will not have a significant impact of the adjacent road network.

It should also be noted that the right of way at 120AB Old Canterbury Road was recently widened to be a minimum width of 6.0m with the redevelopment of 14 McGill Street which will assist vehicles accessing the site. In addition it will be a requirement of any future development that all vehicles including heavy vehicle must enter and leave the right of way in a forward direction.

Improvement that can be considered in terms of traffic flow would be for the proponent to undertake a study at Development Application Stage to investigate the following 2 options for improvements to the intersection of McGill and Old Canterbury Road:

1. A Right Turn Bay from Old Canterbury Road into McGill Street. During peak times vehicles stand across the intersection delaying right turn movements into McGill Street which in turn impedes through traffic on Old Canterbury Road; and
2. A Seagull Treatment i.e. to allow right turns into McGill Street and right turn out of McGill Street. This would greatly improve the safety of making right turns out of McGill Street in particular during peak times.

The above requirement could be a condition of any future DA consent and required to be constructed by the site owner to Council's satisfaction.

ATTACHMENT 3

Solar Access

1.0 Current solar access to existing buildings

Building at 120AB Old Canterbury Road (corner McGill Street)

14 McGill Street creates winter shadowing of the building at 120AB Old Canterbury Road affecting those apartments which face the laneway.

The apartments which will be affected by future development at 120C Old Canterbury Road are on the western part of the building at 120AB Old Canterbury Road, being the apartments which face the Light Rail corridor/future Greenway. Those apartments currently receive in winter direct solar access and penetration into their living room windows between 11.30 am and 2pm.

After 2.00 pm part of the western building becomes affected by shadowing from the 14 storey converted silo building at the former Allied Mills site.

After 3.00 pm most of the apartments are shadowed by the buildings at the Allied Mills site.

Council's draft Development Control Plan (DCP) has controls to ensure that future development at 120 C Old Canterbury Road will retain for the above apartments their 2 hours winter solar access.

Building at 14 McGill Street

The apartments which face the Light Rail corridor/Greenway are affected by future development at 120C Old Canterbury Road and currently receive in winter direct solar access into their living room windows between 11.30 am until 3pm.

After 3pm apartments begin to be shadowed by buildings at the Allied Mills site.

Council's draft DCP has controls to ensure they retain their 2 hours winter solar access.

14 McGill Street will however also be affected by shadowing from the approved Development Application and resulting building at neighboring 4-12 McGill Street, which will impact parts of the lower half of the building between 12 noon until 2 pm.

Childcare Centre at 120AB Old Canterbury Road

The Childcare Centre has along its western perimeter an outside terrace which currently receives winter solar access after 11.00 am (due to the 14 McGill Street building) until 2.00 pm.

After 2.00 pm part of the childcare centre starts to become affected by shadowing from the buildings at the former Allied Mills site, with the childcare centre being in shadow by 3 pm.

Council in its draft DCP requires there is a minimum of 40 sqm of 2 hours winter solar access to the Childcare Centre.

2.0 Solar access to existing buildings and Planning Proposal

Figure 1 on the following pages has three dimensional solar access diagrams for Winter June 21 produced by the proponent for the Planning Proposal. They show general building envelopes of existing and proposed buildings. They show the existing western apartments at 120AB Old Canterbury Road and 14 McGill Street which face the light rail corridor which will be affected by any development at 120C Old Canterbury Road.

Potential building envelopes at 120C Old Canterbury Road are shown in brown which show a lower 4 storey building envelope (relative to Old Canterbury Road) and a six storey building envelope (relative to Old Canterbury Road). The lower 4 storey building envelope is intended to show capacity for providing 2 hours winter solar access to the adjacent existing apartments, noting that a future development application will refine the building design to ensure this is achieved such as having a partial setback to the upper 4th storey if required. The following is a description of what occurs for each hour in the diagrams in **Figure 1** on the following page.

11 am

Existing apartments at 120AB Old Canterbury Road begin to receive solar access after 11 am, with the sun angle position for solar penetration into the apartment living room windows occurring around 11.30 am.

The Childcare Centre terrace has solar access at 11 am.

The building envelopes of 120C Old Canterbury Road do not affect adjacent buildings.

12 midday

Existing apartments at 120AB Old Canterbury Road receive solar access.

Childcare Centre receives solar access.

Lower half of existing apartments at 14 McGill Street will in the future be affected by shadows from proposed building envelopes resulting from the approved development application at 4-12 McGill Street and likely future construction of that building.

The building envelopes of 120C Old Canterbury Road do not affect adjacent buildings.

1 pm

Existing apartments which have winter solar access to their living areas at 120AB Old Canterbury Road receive solar access, and are not affected by the building envelopes of 120C Old Canterbury Road.

Childcare Centre will receive solar access to the corner part of the terrace, the other parts of the terrace are in shadow from the proposed building envelopes at 120C Old Canterbury Road.

Lower half of existing apartments at 14 McGill Street will be in the future affected by shadows from building envelopes resulting from the approved development application at 4-12 McGill Street and likely future construction of that building.

2 pm

Existing apartments at 120AB Old Canterbury Road receive solar access, except for the lowest residential storey above the childcare centre which is affected by shadowing from part of the proposed 4th level of the building envelope for 120C Old Canterbury Road.

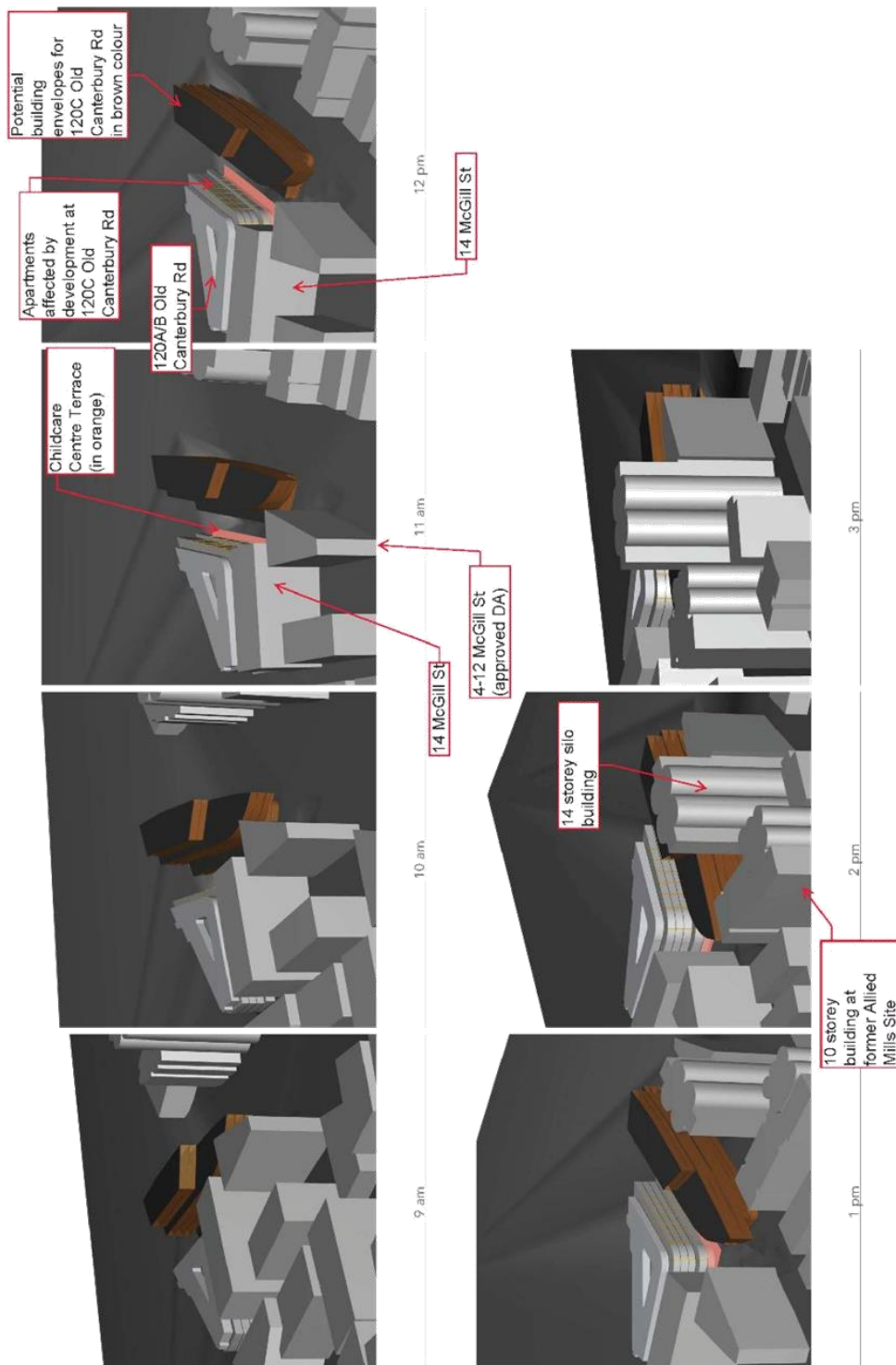
Childcare Centre has a small part of its wall receiving solar access due to shadowing from the 4th level of the building envelope for 120C Old Canterbury Road.

3 pm

Existing apartments at 120AB Old Canterbury Road Street are currently in shadow from the existing buildings at the former Allied Mills site, except for some upper level apartments at the corner of the building which have solar access.

Lower half of apartments at 14 McGill Street are currently in shadow from the constructed buildings at the former Allied Mills site.

Figure 1

[illegible]

ATTACHMENT 4**Notes - 120C Old Canterbury Road- Site meeting - 25 February 2019**

Meeting started 5.30 pm.

In attendance:

Deputy Mayor Victor Macri
Councillor Marghanita Da Cruz
Councillor Mark Drury
Councillor Colin Hesse
Councillor Pauline Lockie
Councillor Lucille McKenna
Councillor Anna York

10 Local Residents who had made submissions registered to attend.

Group Manager Strategic Planning and Strategic Planning Group Staff

Site owner and representatives

Deputy Mayor opened meeting and handed over to Group Manager – Strategic Planning who provided an introduction.

Council staff explained the proposed maximum height in storeys relative to Old Canterbury Road, the likely building position and setbacks resulting from the draft Development Control Plan, the potential pocket park which will connect to the Greenway, and that subject to consent of the land owners of 120AB Old Canterbury Road there is a potential public use of the shared laneway off McGill Street in order to connect to the Greenway. There is a draft Voluntary Planning Agreement for providing to Council affordable dwellings, a community room, and pocket park.

The site owner elaborated on the building design and responded to various questions from residents about the future likely building heights and positions. The owner then made various comments in support of the proposal, that there would be adequate solar access for existing apartments and building separation and green buffers as stipulated in the draft Development Control Plan, that there were adequate details in the Council report on the Planning Proposal, that he has a legal right of way to use the private laneway at 120B Old Canterbury Road, and he has development rights via a previously approved Development Application for an Industrial building.

Comments from community attendees

- Concern about the capacity of private laneway to take vehicles and trucks and delivery vehicles, pedestrian safety in the laneway, severe congestion along Old Canterbury Road at peak times and the new development's additional contribution to this, people can't fit onto light rail trains at peak hours, carparking in existing buildings is full including use of visitor carspaces. Objects to public use of private laneway for access between McGill Street and the future Greenway.

- Traffic congestion and very slow movement on roads are an evident major problem, there is congestion from McGill Street intersection up to Old Canterbury Road, Smith Street is backed up from Longport/Old Canterbury Road back to Summer Hill Station, people turn right travelling south on Old Canterbury Road into McGill street which is dangerous, lack of available onstreet carparking, kerbside parking on Old Canterbury road slows down traffic.
- Trees on the adjacent site must be kept for biodiversity reasons and migration of birds. Greenway masterplan identifies those trees for retention for biodiversity.
- Concerning childcare centre: concerned about solar access, affects during construction and construction vehicles would get to the site.
- Complained about the Land and Environment Court approval of 14 McGill Street and the resulting building, there was no greenspace, very poor building separation to 120AB Old Canterbury Road. Concerned about additional traffic generation out of the new site at 120C Old Canterbury Road.
- Enquiry about the number of carparking to be provided. Accepts approval and construction of 120AB and 14 McGill Street were poor outcomes. However the issue is what has already been constructed and how new development will adequately fit in.
- Additional one storey higher than the building at 120AB Old Canterbury Road is not justified.
- Council should complain to the State Government about what has been approved and constructed in the McGill Street precinct, noting many of the apartment at the adjacent former Flour Mills are not in occupation at the moment.
- Why can't the site owner look at different options such as townhouses?
- Concerns about a loss of privacy.
- Construction access to the site at 120C Old Canterbury Road is a problem.
- Enquiry about potential construction time - the proponent responded construction will take 12 months.

Deputy Mayor brought meeting to close at 6.15 pm.

Item No: C0319(2) Item 4
Subject: POST EXHIBITION REPORT - DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 4)
Prepared By: Peter Wotton - Strategic Planning Projects Coordinator
Authorised By: David Birds - Group Manager Strategic Planning

RECOMMENDATION

THAT Council:

1. **Adopt draft Marrickville Local Environmental Plan 2011 (Amendment No. 4), as amended by the recommendations contained in Tables 1, 2 and 3 in Attachment 10 to this report;**
 2. **Forward draft Marrickville Local Environmental Plan 2011 (Amendment No. 4), as amended by Part 1 of this recommendation, to the Department of Planning and Environment seeking final approval and gazettal; and**
 3. **Request Roads and Maritime Services to expedite its investigations to determine the future of the SP2 Classified Road reservations that currently apply to land in the Inner West Local Government Area.**
-

REPORT

This report concerns the public exhibition of a planning proposal to make housekeeping and other amendments to Marrickville Local Environmental Plan 2011.

ATTACHMENTS

Attachments 5 and 10 have been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1. [↓](#) MLEP 2011 (Amendment No. 4) - Planning Proposal Overview
2. [↓](#) History of Planning Proposal
3. [↓](#) Summary of Exhibited Planning Proposal
4. [↓](#) Gateway Determination from the Department of Planning and Environment
5. [⇒](#) MLEP 2011 (Amendment No. 4) - Individual Submissions (**Published separately on Council's website**)
6. [↓](#) MLEP 2011 (Amendment No. 4) - Public Authority Submissions
7. [↓](#) Proposed Rezoning of Reserved Land
8. [↓](#) Proposed Rezoning of Properties on The Eastern Side of Bridge Road, Stanmore
9. [↓](#) Proposed Amendments to Address Listing of Certain Uses in the LEP Land Use Tables
10. [⇒](#) Amendments to Planning Proposal (**Published separately on Council's website**)

ATTACHMENT 1: MLEP 2011 (Amendment No. 4) PLANNING PROPOSAL OVERVIEW
BACKGROUND

The objectives of the revised planning proposal are to make a number of amendments to Marrickville Local Environmental Plan 2011 to:

- a) Address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps;
- b) Ensure consistency in the application of controls;
- c) Improve communication in the plan; and
- d) To make a number of other amendments to the Plan, including:
 - i. The proposed zoning of land on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Park;
 - ii. The proposed rezoning of certain land required, or no longer required, for public purposes;
 - iii. The proposed listing of two new heritage items and the proposed listing of 32 archaeological sites; and
 - iv. Proposed amendments to the floor space ratio and/or height of building controls that apply to certain land.

The original planning proposal underwent a number of adjustments with some amendments progressed by a request under the former Section 73A of the Environmental Planning and Assessment Act and a number of other matters contained within the original planning proposal were progressed as separate standalone planning proposals. The history of the planning proposal's evolution is detailed in **ATTACHMENT 2**.

The revised planning proposal was amended to exclude those matters. The revised planning proposal contains 207 proposed amendments. A summary of the proposed amendments is detailed in **ATTACHMENT 3**.

Gateway Determination

The revised planning proposal was forwarded to the Department of Planning and Environment on 23 August 2017 for Gateway determination.

A Gateway determination for the revised proposal, giving conditional approval for the planning proposal to proceed to public exhibition, was issued by the Department on 25 October 2017. A copy of the Gateway determination is provided at **ATTACHMENT 4**.

PUBLIC CONSULTATION

The planning proposal was publicly exhibited in accordance with the Gateway determination from 4 April 2018 to 15 May 2018. The exhibition material included an Information Guide including information on how to navigate the planning proposal documents and maps and FAQs.

As part of the community consultation, letters were sent to the property owners and occupiers of land. Over 2,000 letters were sent out advising of the public exhibition of the planning proposal. The letters were individually tailored and included "*specific proposed amendments relating to your property are outlined in the Table at the end of the letter*". Letters were also sent to the Government Agencies specified in the Gateway Determination.

48 individual submissions, 3 submissions from Government Agencies (Sydney Water, Office of Environment and Heritage and RMS) and 1 internal submission were received.

Details of the individual submissions received, including the recommendation(s) to which the submission related to and the issue(s) raised and recommended outcomes are detailed in **ATTACHMENT 5**.

The submissions from the Government Agencies are detailed in **ATTACHMENT 6**.

DISCUSSION

Consideration of specific proposals in the exhibited plan, where changes are proposed, are detailed below:

- i. *"That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property."*
(Recommendation L-LZN_ALL (01)).

Over two thirds of the submissions related to the above recommendation. All the submissions were opposed to that recommendation. Of the 34 submissions received relating to the recommendation, 20 related to the proposed rezoning of certain land to SP2 Classified Road (properties around Campbell Street, St Peters) and 14 submissions related to the proposed zoning of land to SP2 Local Road, 13 submissions to the proposed rezoning of land fronting James Street, Enmore and the remaining submission to the proposed rezoning of the rear of the property 2 Kroombit Street, Dulwich Hill.

The proposal arises from an RMS requirement. Council has raised concerns about the proposal with RMS and RMS has now requested that the recommendation, as it relates to land reserved SP2 Classified Road, be deferred from the Planning Proposal for *"inter-agency strategic transport investigations"* to determine the need or otherwise of SP2 Classified Road reservations.

It is therefore recommended that the proposed SP2 Local Road rezonings referred to above not proceed. Discussion and recommended outcomes in relation to the issues involved are detailed in **ATTACHMENT 7**.

- ii. *"That the properties 5 Bridge Road, 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore on Land Zoning Map (LZN-003) be rezoned "B5 Business Development".*
(Recommendation L-LZN_003 (11))

The planning proposal includes a recommendation to rezone properties on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and recommendations to set maximum floor space ratio and height of building controls of 2:1 and 14m for the land.

A submission was received from Council's Planning Operations section, which recommends deferral of this rezoning for re-consideration to address recent changes in the policy context relating to the need to protect industrial land rather than the historic situation it originally responds to. Discussion concerning the recommendations relating to the properties on the eastern side of Bridge Road are detailed in **ATTACHMENT 8**.

- iii. Amendments to address issues relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP.
(Recommendation L-2-(01)); Recommendation L-6.9; Recommendation L-6.10; Recommendation L-6.11; and Recommendation L-Sch1-23-27).

The Department's Gateway Determination included a specific condition relating to the amendments proposed in the planning proposal to address the above issues. The amendments proposed have been reviewed and alternate recommendations are now proposed to address the issues. Discussion and the alternate recommendations now proposed are detailed in **ATTACHMENT 9**.

On a separate note, as detailed in Council's submission, dated 26 June 2018 to the Department of Planning and Environment, requesting deferral of the commencement of the Low Rise Medium Density Housing Code, the amendments proposed include the deletion of *"multi dwelling housing"* and *"residential flat buildings"* as uses permitted with consent in the Land Use Table for the R2 Low Density Residential zone under MLEP 2011. The gazettal of those amendments would address the Low Rise Medium Density Housing Code issue identified in that submission relating to

the R2 Low Density Residential zone under MLEP 2011, i.e. “*manor houses*” and “*multi dwelling housing (terraces)*” would not be permitted under the Code on land zoned R2 Low Density Residential under MLEP 2011.

iv. Other proposed changes

Changes to some other recommendations contained within the exhibited Planning Proposal are recommended to address a range of issues arising by amending, adding or deferring certain provisions. The other matters include changes to two proposed archaeological sites and a number of consequential changes and amendments to address errors and inconsistencies that have come to light since the preparation of original proposal. The recommended changes (including the changes to recommendations previously discussed) are detailed in **ATTACHMENT 10**.

CONCLUSION

The planning proposal is primarily a housekeeping amendment to address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls and improve communication in the plan.

Subject to the incorporation of the changes into the planning proposal detailed in **ATTACHMENT 10**, it is considered the submissions did not raise any issues that would not warrant not proceeding with the planning proposal (as proposed to be amended), or require further changes to be made to the planning proposal.

ATTACHMENT 2: HISTORY OF PLANNING PROPOSAL**MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
MLEP 2011 (Amendment No. 4)**

The former Marrickville Council, at its meeting on 5 April 2016 resolved (in part) to prepare a planning proposal to amend Marrickville Local Environmental Plan 2011 (MLEP 2011) and submit the draft planning proposal to the Department of Planning and Environment for Gateway determination.

The planning proposal, referred to as MLEP 2011 (Amendment No. 4), sought to make a number of amendments to Marrickville Local Environmental Plan 2011.

The proposed amendments were primarily housekeeping matters that sought to amend misdescriptions, mapping anomalies, inconsistencies and omissions and improve communication in the Plan. The planning proposal also included a number of other amendments to Marrickville Local Environmental Plan 2011, including:

- i. The proposed zoning of land on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Park;
- ii. The proposed rezoning of certain land required, or no longer required, for public purposes;
- iii. The proposed listing of two new heritage items and the proposed listing of 32 archaeological sites; and
- iv. Proposed amendments to the floor space ratio and/or height of building controls that apply to certain land.

The planning proposal, and associated supporting documentation, was forwarded to the Department on 2 May 2016 for Gateway Determination.

The Department, by letter dated 7 July 2016 raised a number of issues with the planning proposal submission and recommended that the planning proposal be separated into different elements.

Council officers met with representatives of the Department of Planning and Environment on 10 August 2016.

It was agreed that many of the matters contained within the planning proposal were obvious errors in MLEP 2011 consisting of misdescriptions, wrong cross-referencing, spelling errors, grammatical mistakes, missing words, and missing notations on maps and that a number of other matters within the planning proposal to address matters in the principal instrument were of a "*consequential, transitional, machinery or other minor nature*".

At the meeting it was agreed that the best approach for dealing with those housekeeping matters and errors and unintended omissions from the LEP was via a submission under the former Section 73A of the Environmental Planning and Assessment Act.

A separate submission, under Section 73A of the Environmental Planning and Assessment Act was forwarded to the Department on 16 September 2016, requesting the making of an amending local environmental plan under Section 70 and Section 73A of the Act for those amendments. That amendment, referred to as Marrickville Local Environmental Plan No. 7, was gazetted on 26 May 2017.

The original planning proposal was amended to exclude those matters.

A number of other matters contained within the original planning proposal were progressed as separate standalone planning proposals. Those matters included:

- i. A planning proposal to protect employment lands by limiting residential development in the B7 Business Park zone and on certain other business zoned land (Department's Ref: PP 2017 IWEST 004_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 9) was gazetted on 2 June 2017;
- ii. A planning proposal to rezone the land known as 85 Margaret Street, Petersham from SP2 Educational Establishment to R2 Low Density Residential with appropriate floor space ratio and height of building development standards (Department's Ref: PP 2017 IWEST 002_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 8) was gazetted on 16 June 2017;
- iii. A planning proposal to reclassify a parcel of land at 180 Princes Highway, St Peters, owned by the former Bankstown City Council, from Community Land to Operational Land (Department's Ref: PP 2017 IWEST 001_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 12) was gazetted on 14 July 2017; and
- iv. A planning proposal to include as a local heritage item the property known as 34 Belmore Street, Enmore (Lot 4, DP 136) (Department's Ref: PP 2017 IWEST 007_00). That amendment, referred to as Marrickville Local Environmental Plan 2011 (Amendment No. 13) was gazetted on 11 August 2017.

The original planning proposal was amended to exclude those matters.

A number of additional matters/issues arose as part of the consideration of the original submitted Section 73A request. Those additional matters/issues unable to be progressed in the Section 73A request were incorporated into the revised planning proposal. The revised planning proposal also included some additional matters to correct obvious mapping errors that came to light since the preparation of the original reports.

Revised Planning Proposal

A revised planning proposal incorporated the remaining matters contained in the original planning proposal submitted to the Department on 2 May 2016 as well as some matters that arose in the consideration of the Section 73A request.

The revised planning proposal contains background information and details in relation to each proposed amendment contained within the revised planning proposal and an explanation of the rationale and justification for each proposed change.

The explanation, rationale and justification of each of the proposed changes were extracted from the reports considered by the former Marrickville Council on Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) detailed below:

- i. Item No: IP1215 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 1 December 2015; and
- ii. Item No: IP0416 Item 2 Infrastructure, Planning and Environmental Services Committee Meeting on 5 April 2016.

Additional details and documentation were included in the revised planning proposal to address the other issues raised in the Department's letter, including maps identifying each site where mapping changes are proposed showing current mapping control(s) and proposed mapping control(s) for each of those sites.

ATTACHMENT 3: SUMMARY OF EXHIBITED PLANNING PROPOSAL
**MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011
MLEP 2011 (Amendment No. 4)**
Overview:

The exhibited planning proposal includes a significant number of proposed changes to both the LEP document (the written instrument) and the maps adopted by the instrument.

The planning proposal contains a total of 207 proposed amendments.

To help with the communication of the proposed amendments the proposed amendments were broken down into categories.

A breakdown of the proposed amendments in each of those categories is shown in the following Table:

Table 1: Breakdown of Proposed Amendments contained in draft Marrickville Local Environmental Plan 2011 (Amendment No. 4)

PROPOSED AMENDMENTS IN MLEP 2011 (Amendment No. 4)		
Part	AMENDMENT CATEGORY	No. of Amendments
A	Proposed Written Instrument Amendments	31
B	Proposed Land Zoning Map Amendments	34
C	Proposed Floor Space Ratio Map Amendments	46
D	Proposed Height of Buildings Map Amendments	45
E	Proposed Land Reservation Acquisition Map Amendments	11
F	Proposed Heritage Map Amendments	3
G	Proposed Archaeological Sites	32
H	Proposed Key Sites Map and miscellaneous map Amendments	5
TOTAL Number of Amendments		207

Specific amendments:

The planning proposal seeks to make a number of amendments to Marrickville Local Environmental Plan 2011 to:

- i. address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps;
- ii. ensure consistency in the application of controls;
- iii. improve communication in the plan; and
- iv. to make a number of other amendments, as detailed below.

The amendments are primarily housekeeping matters that seek to address misdescriptions, errors, omissions, anomalies and inconsistencies in the written instrument and maps, ensure consistency in the application of controls, or to improve communication in the Plan.

Other amendments include:

- i. Changes to address the issue relating to the listing of certain uses in the LEP Land Use Tables in various zones as "*Permitted with consent*" when those uses are only permitted in specific circumstances via separate clauses in the LEP. Those uses and the respective zones are as follows:

Zone	Use
R1 General Residential	Office premises; restaurants or cafes; shops; take away food and drink premises
R2 Low Density Residential	Office premises; multi dwelling housing; residential flat buildings; restaurants or cafes; shops; take away food and drink premises
R3 Medium Density Residential	Office premises; residential flat buildings; restaurants or cafes; shops; take away food and drink premises
R4 High Density Residential	Office premises; restaurants or cafes; shops; take away food and drink premises
B1 Neighbourhood Centre	Dwelling houses
B4 Mixed Use	Dwelling houses
B5 Business Development	Dwelling houses
B6 Enterprise Corridor	Dwelling houses
B7 Business Park	Dwelling houses
IN1 General Industrial	Dwelling houses
IN2 Light Industrial	Dwelling houses

- The proposed amendments aim to address on going Land Use Table interpretation issues and misunderstandings concerning the permissibility of those uses in the respective zones;
- ii. Listing "*Home industries*" as a use "*Permitted with consent*" in the Land Use Table for the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones;
 - iii. Making "*Neighbourhood shops*" a use "*Permitted with consent*" in the Land Use Table for the R2 Low Density Residential zone;
 - iv. Deleting the zone objective "*To provide for residential uses, but only as part of a mixed development*" for the B6 Enterprise Corridor zone;
 - v. Deleting "*Commercial premises*" from "*Part 4 Prohibited*" of the Land Use Table for the B6 Enterprise Corridor zone and listing "*Retail premises*" as "*Prohibited*" in the Land Use Table for the zone;
 - vi. Deleting "*Turf farming*" from "*Part 4 Prohibited*" of the Land Use Table for the B7 Business Park zone;
 - vii. Deleting "*Respite day care centres*" from "*Part 4 Prohibited*" of the Land Use Table for the B7 Business Park zone;
 - viii. Listing "*Transport depots*" as a use permitted with consent in the Land Use Table for the IN1 General Industrial zone;
 - ix. Deleting "*Home occupations*" from "*Part 2 Permitted with consent*" of the Land Use Table for the SP1 Special Activities zone;
 - x. Deleting "*Home occupations*" from "*Part 2 Permitted with consent*" of the Land Use Table for the SP2 Infrastructure zone;
 - xi. Amendment to Clause 4.4 (2A) to ensure consistency in the FSR controls with the other forms of development permitted on land labelled "F" on the Floor Space Ratio Map;
 - xii. Amendment to Clause 4.4 – the addition of a new subclause (subclause (2C)) to act as an incentive to encourage land reserved for local road to be dedicated for proposed laneways;
 - xiii. The inclusion of the Department's "*Model Clause 5.1A – Development on land intended to be acquired for public purposes*";
 - xiv. Amendment to Clause 6.13 (3) (d) to include the words "*, including a dwelling in a residential flat building-*" after the words "*a dwelling*".
 - xv. Amendments to Clause 6.15 (Location of boarding houses in business zones) so that the clause applies to all business zoned land where boarding houses are permitted under MLEP 2011;
 - xvi. The inclusion of a new clause in the LEP (Clause 6.20) relating to "Design excellence";
 - xvii. Deleting certain Schedule 1 listings that are no longer required;
 - xviii. The listing of 2 additional heritage items;
 - xix. Amendments to the listing of certain heritage items;
 - xx. Amendments to the listing of certain heritage conservation areas;
 - xxi. Amendments to list heritage conservation areas in a more user friendly manner;
 - xxii. The listing of 32 archaeological sites;

- xxiii. The commensurate rezoning on the Land Zoning Maps of all land reserved on the Land Reservation Acquisition Maps;
- xxiv. The rezoning of certain land for public purposes including:
 - a. Lot 2 DP1125319 on the south western corner of Old Canterbury Road and Barker Street, Lewisham (formerly part of the property 40 Old Canterbury Road);
 - b. Land between 24 Illawarra Road and 28 Illawarra Road, Marrickville (which forms part of the Addison Road Community Centre) to SP2 Community Facilities;
 - c. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road;
 - d. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road; and
 - e. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road; and
 - f. 81 Railway Road, Sydenham to RE1 Public Recreation.
- xxv. The rezoning of certain land for public purposes including:
 - a. Land at the rear of 20 Tupper Street, Enmore (fronting Alma Avenue) to SP2 Local Road;
 - b. Land at the rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville to SP2 Local Road; and
 - c. Land at the rear of 326-330 Marrickville Road, Marrickville to SP2 Local Road.
- xxvi. The rezoning of certain SP2 zoned land no longer required for public purposes including:
 - a. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street); and
 - b. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham.
- xxvii. The rezoning of certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property formerly part of 829 New Canterbury Road, Dulwich Hill to R1 General Residential;
 - b. 15 Hutchinson Street, St Peters (rear of property) to B7 Business Park;
 - c. 22 Cook Street, Tempe (rear of property) to R2 Low Density Residential; and
 - d. 18 Cecilia Street, Marrickville (part of property) to R4 High Density Residential.
- xxviii. Reinstatement of the FSR and height of building controls for the properties 31 Princes Highway, 41-45 Princes Highway and 129 Princes Highway, St Peters;
- xxix. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
- xxx. Reduction in the maximum permitted floor space ratio and the maximum permitted height for certain properties in the North Kingston Estate Heritage Conservation Area;
- xxxi. The setting of floor space ratio and/or height of buildings controls on certain properties, or parts of properties, that currently have no such controls including:
 - a. 62 Constitution Road, Dulwich Hill;
 - b. Rear of 103 Denison Road, Dulwich Hill (Lot 42 DP 134604);
 - c. 24A Pigott Street, Dulwich Hill (formerly part of 171 Denison Street);
 - d. 305-317 King Street, Newtown (reserved land at rear proposed to be rezoned);
 - e. 3 Eliza Street, Newtown (reserved land proposed to be rezoned);
 - f. 5 Eliza Street, Newtown (reserved land proposed to be rezoned);
 - g. 2 Albany Road, 1-7 Albany Road and 20-26 Bridge Road, Stanmore;
 - h. 65 Newington Road, Marrickville;
 - i. Rear of 94 Audley Street, Petersham;
 - j. Land at the rear and/or side of the properties 18 Charles Street, 20 Charles Street and 54 Margaret Street, Petersham;
 - k. 29 West Street and 29B West Street, Lewisham;
 - l. 292 Illawarra Road and land at the rear of 280-290 Illawarra Road, Marrickville;
 - m. 18 Cecilia Street, Marrickville (part of property); and
 - n. 68-96 Thornley Street, Marrickville (rear of properties).
- xxxii. The deletion of floor space ratio and/or height of building controls for certain land zoned SP2 Infrastructure, certain land shown on the Land Reservation Acquisition Maps for certain public purposes, certain roads, and certain land over roads and land proposed to be rezoned RE1 Public Recreation including:

- a. 1-9 Weston Street, Dulwich Hill (Sydney Water Corporation land);
- b. Lot 2 DP 1125319, land on the south western corner of Old Canterbury Road and Barker Street, Lewisham (RMS land);
- c. Alfred Street, Lewisham (Council land);
- d. 299B Livingstone Road, Marrickville (Telstra Corporation land);
- e. Lot 2 DP 607012, land off Illawarra Road between the properties 438 Illawarra Road and 460 Illawarra Road, Marrickville (Sydney Water Corporation land);
- f. Rear of 89-105 New Canterbury Road, Petersham (part of proposed lane);
- g. Land on the south western corner of Chester Street and Albert Street, Petersham (Sydney Water Corporation and Ausgrid land);
- h. 2-14 Station Street, Newtown (Sydney Water Corporation land);
- i. Land adjacent to 264 Stanmore Road, Petersham (Ausgrid land);
- j. Lot 1 DP 180283, land off Alma Avenue, Enmore (Ausgrid land);
- k. Rear of 20 Tupper Street, Enmore, (land fronting Alma Avenue) (Land proposed to be rezoned SP2 Local Road);
- l. Land zoned SP2 Stormwater Management Systems at the rear of properties on the eastern side of Bridge Road, Stanmore (Sydney Water Corporation land);
- m. Lot 1 DP 437179, land between Llewellyn Street and Empire Lane, Marrickville (Sydney Water Corporation land);
- n. 13 Victoria Road, Marrickville (Lot 1 DP 440432) (Sydney Water Corporation land);
- o. 81 Railway Road, Sydenham (land proposed to be rezoned RE1 Public Recreation);
- p. Lot 1 DP 437934, land on the eastern corner of Canal Road and Burrows Road South, St Peters (RMS land);
- q. Part of the property 1-7 Unwins Bridge Road, St Peters (Land reserved SP2 Classified Road);
- r. Part of the properties 5 Bellevue Street and 634-726 Princes Highway, Tempe (Land reserved SP2 Classified Road);
- s. 32 Meeks Road, Marrickville (Ausgrid land);
- t. Sydenham Pit and Drainage Pumping Station, Garden Street, Marrickville (Sydney Water Corporation land);
- u. Land in the vicinity of Edinburgh Road, Sydney Steel Road and railway land, Marrickville (Sydney Water Corporation land);
- v. Land between Garners Lane and Frampton Lane, Marrickville (Part Lot 3 DP 1169431) (Sydney Water Corporation land);
- w. Land between Myrtle Street and Schwebel Street, Marrickville (Sydney Water Corporation land);
- x. Land between Warren Road and Cary Street, Marrickville (Sydney Water Corporation land);
- y. Rear of 274 Illawarra Road and 276 Illawarra Road, Marrickville (land proposed to be rezoned SP2 Local Road);
- z. Rear of 326-330 Marrickville Road, Marrickville (land proposed to be rezoned SP2 Local Road);
- aa. Lot 1 DP 539623, land on the south western corner of Edinburgh Road and Sydney Steel Road, Marrickville (Land proposed to be rezoned SP2 Local Road);
- bb. Lot 1 DP 1124143, airspace over Enmore Road adjacent to the property 52-60 Enmore Road, Enmore;
- cc. Lot 3 DP 921138, land between Garners Lane and Frampton Lane, Marrickville (Sydney Water Corporation land);
- dd. Splay corner on the north western corner of Marrickville Road and Victoria Road, Marrickville;
- ee. 2B Church Street, Marrickville (Lot 1 DP 530179) (SP2 Electricity Supply zoned land);
- ff. Alfred Street, St Peters (land adjacent to the properties 60-94 Alfred Street); and

- gg. 81 Railway Road, Sydenham.
- xxxiii. Amendments to the floor space ratio and/or height of building controls for certain other land including:
 - a. 40-42 Cobar Street, Dulwich Hill (rear of property);
 - b. 22 Cook Street, Tempe (rear of property);
 - c. 31 Station Street, Newtown; and
 - d. 15 Hutchinson Street, St Peters.
- xxxiv. The site specific rezoning of the properties 5-43 Bridge Road, Stanmore;
- xxxv. Amendments to the Key Sites Map to address irregularities relating to the following properties:
 - a. 15 Hutchinson Street, St Peters (rear of property); and
 - b. 739A Princes Highway, Tempe (access handle to Princes Highway).
- xxxvi. Reduction in the maximum permitted height on the rear sections of certain properties in the St Peters Triangle Precinct;
- xxxvii. The removal of reservations on certain land no longer required for public purposes relating to the following properties:
 - a. 309-317 King Street and 3-5 Eliza Street, Newtown (removal of Local Road reservation);
 - b. Lot 1 DP 1022853 (land between the railway lines to the north west of the end of Hillcrest Street, Sydenham);
 - c. Reservation on land in the vicinity of 30 Canal Road, St Peters;
 - d. 240 Illawarra Road, Marrickville and 244-248 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the properties); and
 - e. 351 Illawarra Road, Marrickville (removal of Local Road reservation on the rear of the property).
- xxxviii. Other amendments to address errors, anomalies and inconsistencies and other matters including:
 - a. 1-9 Weston Street, Dulwich Hill – amending the zoning of the Sydney Water Corporation land from SP2 Stormwater Management Systems to SP2 Water Systems on the Land Zoning Map;
 - b. 12-22 Gordon Street; 8-14, 38-52, 29-33 and 49-57 West Street; 40-50 and 41-53 Hunter Street; and 2-8 The Boulevarde, Petersham – the inclusion of the notation “R2” on the Land Zoning Map;
 - c. 1-213 Enmore Road and 1-7 Stanmore Road, Enmore – the inclusion of the notation “B2” on the Land Zoning Map;
 - d. 2-20 Sydenham Road, 51-103 Railway Parade, 27-31 Marrickville Road and 4-54 Buckley Street, Marrickville – the inclusion of the notation “IN1” on the Land Zoning Map;
 - e. 161-183 Princes Highway, St Peters – the inclusion of the notation “B6” on Land Zoning Map; (This amendment was made as part of MLEP 2011 (Amendment No. 7))
 - f. 500 Princes Highway and 1-4 Bellevue Street, St Peters – the inclusion of the notation “IN1” on the Land Zoning Map;
 - g. 94A-114 Pile Street and 89-101 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map;
 - h. 2-10 Morgan Street and 51-53 Livingstone Road, Marrickville – the inclusion of the notation “J” on the Height of Buildings Map;
 - i. Amendments to the listings in the Legend on the Land Reservation Acquisition Maps;
 - j. Amendments to better identify the SP2 Classified Road notation on the Land Reservation Acquisition Map affectation on the properties 531 Princes Highway and 624-726 Princes Highway, Tempe;
 - k. Update of maps to ensure all maps reflect the new names of adjoining councils;
 - l. Update of the Land Application Map to show the boundary of the Inner West LGA boundary and to replace the Marrickville Council logo in the Legend with the Inner West Council name and logo; and

- m. Update of the Legend to all maps to include the Inner West Council name and logo and revised locality maps.



**Planning &
Environment**

Gateway Determination

Planning Proposal (Department Ref: PP_2017_IWEST_013_00): to undertake housekeeping amendments to Marrickville Local Environmental Plan 2011.

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to carry out housekeeping changes and improve the operation of the plan should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal be updated to:
 - (a) include an explanation of the intended effect, rather than specific amendments to land use tables and Schedule 1 to clarify the permissibility of:
 - i. dwelling houses in industrial zones;
 - ii. conversion of warehouses for office premises, multi dwelling housing, and residential flat buildings; and
 - iii. office and retail premises in buildings constructed for a non-residential purpose.
 - (b) include an explanation of the intended effect, rather than specific amendments to:
 - i. Clause 4.4 Floor space ratio to address the calculation of FSR on sites which have a SP2 Local Road reservation over part of them; and
 - ii. introduce a design excellence clause.
 - (c) address the draft Sydney Greater Region Plan and draft District Central Plan; and
 - (d) update the timeline for the planning proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage;
 - Rail Corp; and


**Planning &
Environment**

- Roads and Maritime Services.

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

- Prior to finalisation, the planning proposal is to be updated to:
 - address the inconsistency with the proposed zoning, height and floor space ratio controls for Bridge Road, Stanmore with the Section 117 Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy; and
 - Should they be proposed to be listed as heritage items, a heritage assessment is to be completed for:
 - 7-13 Bedford Street, Newtown should it be proposed to be listed as a heritage item; and
 - the Turpentine – Ironbark Forest understorey, Dulwich Hill. The assessment must include maps showing the exact extent of the site, photos, comment from the Council's open space and trees team regarding the importance of the vegetation, and comment from Rail Corporation if the vegetation is on their land.
- A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- The timeframe for completing the LEP is to **12 months** following the date of the Gateway determination.

Dated *25th* day of *OCTOBER* 2017.

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

Delegate of the Greater Sydney Commission

ATTACHMENT 6 MLEP 2011 (Amendment No. 4) Public Authority Submissions

Authority	Rec Nos	Recommendation(s)	Issue(s) raised	Response	Outcome
Sydney Water	L-LZN_001 (02); L-FSR_001 (01) and HOB_001 (01)	The recommendations relate to proposed changes to the planning controls for the property 1-9 Weston Street, Dulwich Hill	<ul style="list-style-type: none"> With reference to the Planning Proposal, page 3 Part xxxii a) <ul style="list-style-type: none"> The FSR and height restrictions for 1-9 Weston Street, Dulwich Hill (Lots 14-17 DP 1576 can be removed. The adjacent lot (Lot 1 DP 187816) should be zoned R3 with the appropriate FSR and height controls. This lot is surplus to Sydney Water's needs. <p>A number of the properties covered by the Marrickville LEP should be rezoned to SP2 Infrastructure as these properties are required for Sydney Water's operational needs and cannot have any other use. Please find a list of properties in Table 1 in the attachment.</p>	<p>The submission (in part) is in support of the proposed changes to the controls relating to the property 1-9 Weston Street, Dulwich Hill with the exception of the southern most lot which Sydney Water want zoned R3 Medium Density Residential with appropriate FSR and HOB controls.</p> <p>The adjoining land, 11 Weston Street, Dulwich Hill is zoned R3 Medium Density Residential.</p> <p>Whilst the proposed rezoning requested by Sydney Water of the land (Lot 1 DP187816) to R3 would be consistent with the zoning of the adjoining property the rezoning does not form part of the current planning proposal and would need to be progressed via a separate planning proposal.</p> <p>Similarly the list of properties identified by Sydney Water in Table 1 in the attachment to their letter would need to be progressed via a separate planning proposal.</p> <p>The above matters have been referred to Council's Urban Strategy Section for investigation as part of the comprehensive LEP for the Inner West LGA.</p>	As per response comments

Office of Environment and Heritage	L-Sch. 5 Part 3 (01); L-HER_ALL MAPS (01)); L-Sch. 5 Part 1 (08), L-Sch. 5 Part 1 (09); L-Sch. 5 Part 2 (01), L-HER_002 (02); L-HER_003 (01)); L-Sch. 5 Part 1 (05); L-Sch. 5 Part 1 (06)); and L-Sch. 5 Part 2 (01)).	The recommendations relate to heritage matters including the listing of new two heritage items, 32 archaeological sites, amendments to address misdescriptions in heritage listings, and the listing of heritage conservation areas in a more user friendly manner and to address some HCA misdescriptions.	<p><i>It is noted that the proposed amendments do not relate to items listed on the State Heritage Register. All the amendments relate to items of local significance listed within the 'Schedule 5 Environmental heritage' of MLEP 2011.</i></p> <p><i>No objection is raised to the proposed heritage amendments to accurately identify the heritage items and heritage conservation areas within the 'Schedule 5 Environmental heritage' of MLEP 2011. The proposed listing of new heritage items in a local planning instrument is supported, however it is recommended that the listings are supported by robust and up-to-date heritage assessments.</i></p>	<p>The planning proposal did not relate to items listed on the State Register.</p> <p>However one of the additional recommendations Rec L-Sch. 5 Part 1 (17) Includes an amendment to heritage listing of 37 Cavendish Street, Stanmore (Item No. I241) from local significance to State significance to update the MLEP 2011 heritage listing of the property to reflect its recent state listing.</p>	As per response comments
Roads and Maritime Services	L-LZN_ALL (01)	<p>That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property.</p> <p>(SP2 Classified Road)</p>	<p><i>Reference is made to Council's correspondence dated 23 August 2018 and 12 September 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for clarification regarding the SP2 Classified Road reservation in the vicinity of Campbell Street, St Peters, shown on the Land Reservation Acquisition (LRA) maps in Marrickville Local Environmental Plan (LEP) 2011. Roads and Maritime appreciates the opportunity to provide further comment on these matters.</i></p> <p><i>A number of the sites identified by Council in the table provided on 12 September 2018 are part of a long standing County Road Corridor reservation. The County Road Corridor reservation predates WestConnex and therefore it should not be assumed that the reserved land not utilised by WestConnex is no longer needed for potential future transport purposes. The reservation</i></p>	<p>In light of the RMS comments, and in the interests of progressing the remainder of the matters contained within the planning proposal, it is considered that the recommendation "That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property", in so far that it relates to land reserved SP2 Classified Road should be deferred from the planning proposal.</p> <p>Further discussion concerning</p>	<p>The recommendation, in so far that it relates to land reserved SP2 Classified Road, is recommended to be deferred from the Planning Proposal.</p>

			<p><i>should remain until Roads and Maritime has carried out the appropriate investigations to determine whether it is required for future road works. Roads and Maritime advises that it is currently involved in a number of inter-agency strategic transport investigations which could inform the need or otherwise of these reservations.</i></p> <p><i>It should be noted that on neighbouring LEPs, the County Road Corridor continues to be shown as an SP2 Classified Road land zoning on both the LEP zoning and LRA map and should be similarly reflected in the Marrickville LEP.</i></p> <p><i>Roads and Maritime is not currently in a position to support any relinquishment of the existing SP2 classified road reservations and requests that the Campbell Street corridor reservation matters are deferred from Marrickville LEP Amendment No. 4, until such time that the abovementioned investigations have been completed. Roads and Maritime is willing to work with Council to revisit these matters as part of the forthcoming comprehensive LEP amendments.</i></p>	<p>this submission is detailed in ATTACHMENT 7 to the report.</p>	
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ATTACHMENT 7 Proposed Rezoning of Reserved Land
Amendment to the land zoning maps so that all land reserved for acquisition on the Land Reservation Acquisition Maps is zoned commensurately on the Land Zoning Map for that property.
 Recommendation L-LZN_ALL (01).

The recommendation *"That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property."* (Recommendation L-LZN_ALL (01)), was primarily in response to a long standing request (originating in 2013) from Roads and Maritime Services that all *"State Classified Roads zoned SP2 Infrastructure "Classified Road" should be shown as such on both the LRA Maps and LZN Maps, including land which has already been acquired by Roads and Maritime and/or dedicated as public road."*

Approximately 70% of the public submissions received in relation to the community consultation on the planning proposal related specifically to the above proposed amendment referred to as Recommendation L-LZN_ALL (01).

It should be noted that the recommendation did not relate exclusively to land identified as SP2 Classified Road on the LRA Maps. The recommendation also applied to land that was identified on the Land Reservation Acquisition Maps for acquisition for other purposes including SP2 Local Road and RE1 Local Open Space.

Thirty four submissions were received relating to the subject recommendation objecting to the zoning change proposed. Twenty of the submissions related to the proposed zoning of certain land to SP2 Classified Road and 14 submissions related to the proposed zoning of certain land to SP2 Local Road. 13 submissions of those submissions related to the proposed zoning of certain land to SP2 Local Road related to the rezoning of land fronting James Street, Enmore and the remaining submission to the proposed zoning the rear of the property 2 Kroombit Street, Dulwich Hill.

Proposed rezoning of certain land SP2 Classified Road

In relation to the proposed rezoning of certain land to SP2 Classified Road the recommendation was identified as a matter of significant concern by many property owners of land in St Peters. Most of the submissions received were in relation to land around Campbell Street in the vicinity of the WestConnex project at St Peters. Many submitters claimed that they had received correspondence from RMS that their property was not required for road purposes and they were perplexed as to why their land was now being proposed to be rezoned SP2 Classified Road.

As part of the community consultation, and in accordance with the Gateway determination, consultation with a number of public authorities and/or organisations, including Roads and Maritime Services (RMS), was carried out.

In relation to the land in and around Campbell Street, St Peters RMS, by letter dated 21 August 2018, advised that *"Campbell Road & Canal Road Area — Long Standing County Road Corridor (RMS Reservation). Should be shown SP2 Classified Road."*

RMS's response in relation to the land in and around Campbell Street, St Peters was questioned as it was understood that RMS had acquired all the land in the area that it needed to complete the project in that area and the land identified for the road corridor on the LRA Maps was more extensive than the land that had been acquired.

Council officers requested a meeting with RMS to discuss the matter. RMS agreed to that request and the meeting was held on 11 September 2018.

Council officers prepared a table for that meeting detailing all the properties around Campbell Street, St Peters, where all or part of the property was identified on the MLEP 2011 Land Reservation Acquisition Map where the land was reserved for Classified Road. A total of 126 properties were identified. Details were included in the table concerning Council officer's view on each property as to whether any of that property was required for classified road purposes. The

determination as to whether any of the land was required for classified road purposes was based on Figures 3.61 to 3.66 inclusive in the document *WESTCONNEX NEW M5 –URBAN DESIGN AND LANDSCAPE PLAN* (Pages 88-92) which indicated the location of the classified road. The table identified that 50 of the 126 properties were not part of the land shown on those Figures for the road and associated works.

RMS was requested to review their response. RMS, by letter dated 14 December 2018, advised (in part):

"Reference is made to Council's correspondence dated 23 August 2018 and 12 September 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for clarification regarding the SP2 Classified Road reservation in the vicinity of Campbell Street, St Peters, shown on the Land Reservation Acquisition (LRA) maps in Marrickville Local Environmental Plan (LEP) 2011. Roads and Maritime appreciates the opportunity to provide further comment on these matters.

A number of the sites identified by Council in the table provided on 12 September 2018 are part of a long standing County Road Corridor reservation. The County Road Corridor reservation predates WestConnex and therefore it should not be assumed that the reserved land not utilised by WestConnex is no longer needed for potential future transport purposes. The reservation should remain until Roads and Maritime has carried out the appropriate investigations to determine whether it is required for future road works. Roads and Maritime advises that it is currently involved in a number of inter-agency strategic transport investigations which could inform the need or otherwise of these reservations.

It should be noted that on neighbouring LEPs, the County Road Corridor continues to be shown as an SP2 Classified Road land zoning on both the LEP zoning and LRA map and should be similarly reflected in the Marrickville LEP.

Roads and Maritime is not currently in a position to support any relinquishment of the existing SP2 classified road reservations and requests that the Campbell Street corridor reservation matters are deferred from Marrickville LEP Amendment No. 4, until such time that the abovementioned investigations have been completed. Roads and Maritime is willing to work with Council to revisit these matters as part of the forthcoming comprehensive LEP amendments."

In light of the above comments, and in the interests of progressing the remainder of the matters contained within the planning proposal, it is considered that the recommendation *"That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property"*, in so far that it relates to land reserved SP2 Classified Road should be deferred from the planning proposal.

RMS should be requested to be requested to expedite its investigations, including the *"inter-agency strategic transport investigations"* to determine *"the need or otherwise of these reservations."* It is also recommended that Council take up RMS's offer *"to work with Council to revisit these matters as part of the forthcoming comprehensive LEP amendments."*

In light of the above, the following amendment to the planning proposal is recommended:

- a. **Recommendation L-LZN_ALL (01a)**
That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property, in so far that it relates to land reserved SP2 Classified Road, not proceed.

Proposed rezoning of certain land SP2 Local Road

Fourteen submissions were received relating to the proposed zoning of certain land to SP2 Local Road. 13 of those submissions related to the proposed rezoning of land in James Street, Enmore.

Under Clause 5.1 of MLEP 2011 Council is the relevant acquisition authority for land reserved SP2 Infrastructure and marked "Local Road" on the Land Reservation Acquisition Map. Substantial costs would be incurred to facilitate the widening of James Street as envisaged on the Land Reservation Acquisition Map.

All the submissions received in relation to the proposed rezoning of the frontage of properties in James Street were fundamentally opposed to the proposed rezoning. One of the submissions received, which typifies the sentiments contained with the submissions, included the following comments:

"(The) road reservation was an archaic provision of the period prior to the establishment of Enmore TAFE on Edgeware Road, and the conversion of James St into a cul de sac would significantly devalue all properties in the street. Widening James St for traffic purposes is out of step with the recognised amenities and needs of the area..... The financial and emotional investment in this community is substantial and the heritage significance of the properties most at risk from the road reservation is not in dispute. It is reasonable that residents, particularly those who bought and renovated in the period of the MLEP 2001 and 2011 and the creation of heritage zone c38, would be due substantial compensation if the road widening were to take place. To preclude this eventuating, and to provide peace of mind as an act of good faith, I submit that Council should lift the road reservation altogether."

As discussed previously, the subject land was first identified for road widening purposes in Council's planning instruments over 30 years ago. Much has changed since that time including the closure of the western end of James Street where it previously intersected with Edgeware Road and the construction of a cul-de-sac at the end of the street to enable vehicles to turn. It is contended that there is now no real need for James Street to be widened. The widening of the road, as originally proposed, would result in no appreciable public benefit and would result in substantial costs to Council and would be to the detriment of residents in the area and to the community. In light of the above, it is recommended that Council abandon the previously proposed widening of James Street.

No floor space ratio or height of building control applies to the land fronting James Street reserved SP2 Local Road on the respective Floor Space Ratio Map and Height of Buildings Map.

In terms of the properties fronting James Street the following amendments to the planning proposal are recommended:

- a. **Recommendation L-LZN_ALL (01b)**
That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property, in so far that it relates to land reserved SP2 Local Road for the properties in James Street, Enmore, not proceed.

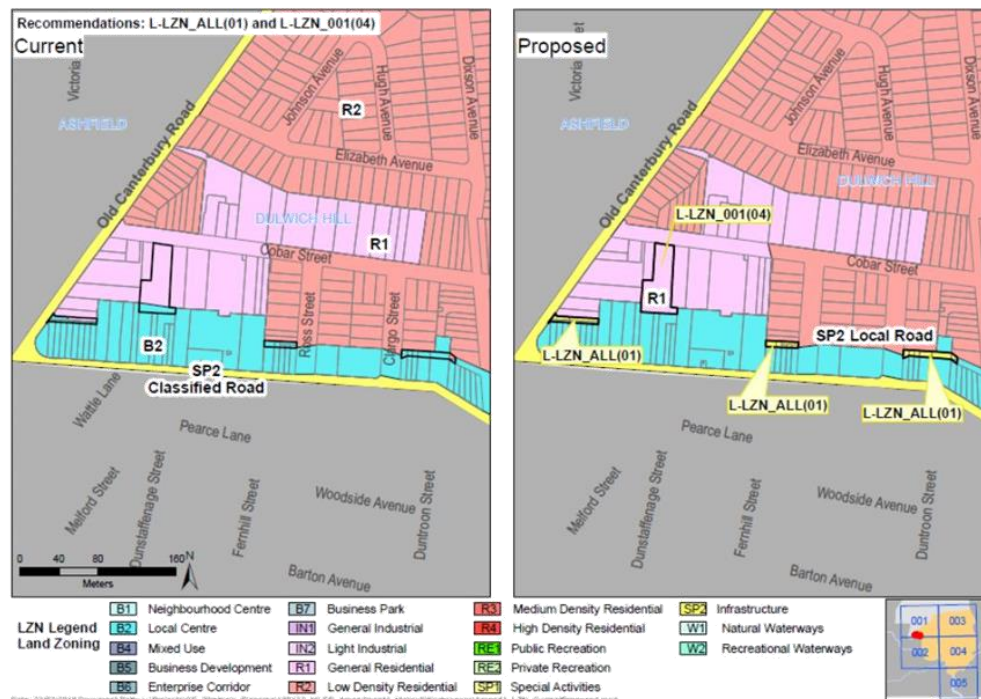
Additional recommendations:

- b. **Recommendation L-LRA_003 (03)**
That the Local Road reservation on the properties 5-25 and 29-31A James Street, Enmore on Land Reservation Acquisition Map (LRA_003) be removed.
- c. **Recommendation L-FSR_003 (23)**
That the front of the properties 5-25 and 29-31A James Street, Enmore be identified with a thick red line and labelled "F" (0.6:1) on the Floor Space Ratio Map (FSR_003) to be in accordance with the FSR control that applies to the remainder of the property.
- d. **Recommendation L-HOB_003 (21)**
That the front of the properties 5-25 and 29-31A James Street, Enmore be labelled "N" (14m) on the Height of Buildings Map (HOB_003) to be in accordance with the HOB control that applies to the remainder of the property.

- ii. Proposed rezoning of parts of properties fronting New Canterbury Road, Dulwich Hill between Clargo Street and Kroombit Street (735- 751 New Canterbury Road) and the rear of the property 2 Kroombit Street, Dulwich Hill

Land at the rear of properties fronting New Canterbury Road, Dulwich Hill between Clargo Street and Kroombit Street (735- 751 New Canterbury Road) and the rear of the property 2 Kroombit Street, Dulwich Hill is identified as being reserved for acquisition for local road purposes on the Land Reservation Acquisition Map. The proposed amendment seeks to rezone the reserved land SP2 Local Road.

The following is an extract from the planning proposal showing the current (diagram on left) and proposed (diagram on right) zoning of the land. (The subject land is the land identified furthest to the right on the diagrams).



The following diagram identifies the section of land reserved for the creation of a laneway to extend Kroombit Lane to connect with Clargo Street:



One submission was received objecting to the proposed rezoning of subject land. The submission reads (in part) as follows:

"My property at 2 Kroombit Street is zoned residential and has little potential for redevelopment, even if the laneway were constructed through to Clargo Street. A substantial brick garage/shed is located on the property at the end of Kroombit Lane. This building would need to be demolished and the property would be significantly devalued by loss of the building and the off street parking afforded. Council would therefore incur substantial costs in acquiring the reserved portion of the property if the current laneway reservation was activated.

Thus Council would incur substantial cost and my property would be significantly devalued, for no appreciable benefit in terms of rear lane access for other relevant properties.

If the reservation were removed for 2 Kroombit Street (and 735 New Canterbury Road), the future laneway could nonetheless extend from Clargo Street through to the eastern boundary of the property at 737-739 New Canterbury Road. The portion of 737-739 land to the south of the laneway could be used for parking and/or to facilitate vehicle movement in and out of the lane.

Additional arguments for removing the reservation for these two properties

The laneway reservation has been in place for approximately 50 years and it seems highly unlikely that it will be activated in the foreseeable future, or ever.

Council officers came to this view when the former Marrickville Council reviewed existing local road reservations in 2000. Although these recommendations did not proceed, the report provides an objective planning view that the relevance and viability of the laneway reservation is substantially diminished.

More recently, Council approved substantial redevelopment of 743-745 New Canterbury Road for shoptop housing and this was completed approximately two years ago. The new building extends all the way to the property's boundary with 1 Clargo Street.

Therefore the potential scenario for redevelopment of the strip from 737-739 to 751 New Canterbury Road, if required activation of the laneway reservation, would necessarily entail demolition or partial demolition of this substantial brand-new housing development. This seems most unlikely in the foreseeable future.

These circumstances add further weight to the argument for lifting the reservation as it affects the properties at 2 Kroombit Street and 735 New Canterbury Road."

The subject land has been identified for the proposed extension of Kroombit Lane to Clargo Street in Council's planning instruments for over 30 years. The Marrickville Planning Scheme Ordinance (MPSO) identified the land reserved for "Local Road Proposed" and Marrickville Local Environmental Plan 2001 (MLEP 2001) identified the land reserved for "Local Road & Local Road Widening". It should also be noted that the land at the rear of reservation on the property 737-739 New Canterbury Road was reserved "Special Uses –Car Parking" under the MPSO. The car parking reservation on the property was removed as part of MLEP 2001.

A development application was lodged in 2013 to demolish the existing improvements on the property 743-745 New Canterbury Road, Dulwich Hill and erect a 4 storey mixed development. The proposed development extended to the rear boundary of the property (including the area at the rear of the property reserved SP2 Local Road. As part of the assessment of that application the issue of the land reserved SP2 Local Road was examined. The assessment report noted that "the site currently benefits from vehicle access via New Canterbury Road and has been granted concurrence from Roads and Maritime Services to re-locate and widen the existing crossing to service the proposed development. Whilst the provision of a rear laneway would improve the serving of the site, it is not considered essential in this instance." The report detailed vehicular access options for other properties along the subject section of New Canterbury Road and

concluded that “*The abandonment of the land acquisition, .. , would serve to provide an improved development outcome for the affected properties. With the exception of the subject site, the remaining allotments along New Canterbury Road would still be able to achieve vehicle access via a secondary frontage.*” The development application was approved by Determination No. 201300291 dated 24 December 2013 and that development has now been constructed.

The development on the property 743-745 New Canterbury Road, Dulwich Hill effectively prevents the construction of a laneway to extend Kroombit Lane to connect with Clargo Street. As detailed in the assessment report alternate means of vehicular access could be provided when the remaining properties along this section of New Canterbury Road are redeveloped. In light of the above it is considered that the reservation originally proposed to facilitate the extension of Kroombit Lane to connect with Clargo Street should be abandoned.

In terms of the properties 735-751 New Canterbury Road and 2 Kroombit Street, Dulwich Hill the following amendments to the planning proposal are recommended:

- a. **Recommendation L-LZN_ALL (01c)**
That all land reserved for acquisition on the Land Reservation Acquisition Maps (LRA Maps) be zoned commensurately on the Land Zoning Map for that property, in so far that it relates to land reserved SP2 Local Road for the properties 735-751 New Canterbury Road and 2 Kroombit Street, Dulwich Hill, not proceed.

Additional recommendations:

- b. **Recommendation L-LRA_001 (01)**
That the Local Road reservation on the properties 735-751 New Canterbury Road and 2 Kroombit Street, Dulwich Hill on Land Reservation Acquisition Map (LRA_001) be removed.
- c. **Recommendation L-FSR_001 (07)**
That the area (shown on the Land Reservation Acquisition Map reserved for Local Road recommended to be removed {refer to recommendation L-LRA_001 (01)}) of the properties 735-751 New Canterbury Road, Dulwich Hill be labelled “S4” (1.75:1) and the property 2 Kroombit Street, Dulwich Hill be identified with a thick red line and labelled “F” (0.6:1) on the Floor Space Ratio Map (FSR_001) to be in accordance with the FSR control that applies to the remainder of the property.
- d. **Recommendation L-HOB_001 (06)**
That the area (shown on the Land Reservation Acquisition Map reserved for Local Road recommended to be removed {refer to recommendation L-LRA_001 (01)}) of the properties 735-751 New Canterbury Road, Dulwich Hill be labelled “N” (14m) and the property 2 Kroombit Street, Dulwich Hill be labelled “J” (9.5m) on the Height of Buildings Map (HOB_001) to be in accordance with the HOB control that applies to the remainder of the property.

ATTACHMENT 8 Proposed rezoning of land on the eastern side of Bridge Road, Stanmore

5-43 Bridge Road, Stanmore (properties on the eastern side of Bridge Road, Stanmore)

Recommendation L-LZN_003 (11) *That the properties 5 Bridge Road, 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore on Land Zoning Map (LZN-003) be rezoned "B5 Business Development".*

Recommendation L-FSR_003 (16) *That the floor space ratio control for the properties 5 Bridge Road, 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore be amended to "T1 (2.00:1)".*

Recommendation L-HOB_003 (14) *That a maximum 14 metre ("N" 14.0m) height control be placed on the properties 5 Bridge Road, 29 Bridge Road, 31-41 Bridge Road and 43-53 Bridge Road, Stanmore.*

The planning proposal includes a recommendation (Recommendation L-LZN_003 (11) to rezone properties on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and recommendations to set maximum floor space ratio and height of building controls of 2:1 and 14m for such land (Recommendation L-FSR_003 (16) and Recommendation L-HOB_003 (14)).

Background

A proposal to change the zoning of all lots on the eastern side of Bridge Road, Stanmore from IN2 Light Industrial to B5 Business Development and an increase in the FSR development standard applying to the properties from 0.95:1 to 2:1 was first considered as part of the housekeeping amendments proposed under Marrickville Local Environmental Plan 2011 (Amendment No. 2). The planning proposal for the properties was deferred by the former Marrickville Council at its meeting on 7 July 2015 (Item 1 IP0715) to the "next round of MLEP 2011 amendments" pending the submission of an expanded traffic/transport study requested by RMS.

An updated Traffic Study was submitted and reviewed and RMS raised no objection to the planning proposal. The planning proposal for the properties was incorporated into Marrickville Local Environmental Plan 2011 (Amendment No. 4) in accordance with the earlier resolution of Marrickville Council.

Submission from Council's Planning Operations section

A submission was received from Council's Planning Operations section, which recommends deferral of this particular rezoning from the prospective publication of the Housekeeping Amendment for re-consideration to address the current policy context rather than the historic situation it currently responds to. The submission reads:

"Introduction

Most of the proposed LEP amendments in this Planning Proposal involve minor housekeeping matters. The proposed rezoning of the large Zone IN2 Light Industrial site at 5-43 Bridge Road, Stanmore to B5 Business Development with associated increases in the Floor Space Ratio and building height standards would however be a major change of substantial, strategic significance.

The inclusion of this rezoning in the Housekeeping Amendment is a legacy of the original Marrickville LEP 2011 preparation process, but it is at odds with the minor tidying up intent of LEP Housekeeping Amendments.

The original Gateway Determination for the Housekeeping Amendment was in October 2017. The State and local government policy context for rezoning industrial land has evolved rapidly since that time, especially with the March 2018 adoption of the Eastern City District Plan (ECDP) with its retain and manage industrial and urban services land priority.

The ECDP acknowledges that that this priority does not apply to the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) adopted in November 2016. PRCUTS identifies the prospective rezoning, but the site is not in the PRCUTS 2016 - 2023 Release area and must therefore meet the requirements of the PRCUTS Implementation Plan 2016 - 2023 Out of Sequence Checklist.

Council has recently assessed two private Planning Proposals to rezone industrial land in PRCUTS post 2023 Release areas as failing the Out of Sequence Checklist criteria. This followed the Sydney Central Planning Panel August 2017 decision not to support the Lords Road Planning Proposal to rezone industrial land in the PRCUTS Taverers Hill post 2023 Release area for both failing to meet the Out of Sequence Checklist tests and being contrary to the protection of industrial land provisions of the draft District Plan.

Review of Proposed Rezoning at 5 - 43 Bridge Road, Stanmore

Consequently the rezoning should be deferred for re-consideration through the new LEP preparation process because:

- a) It does not fully meet the Strategic Merit Test of "A guide to preparing planning proposals" as per Section 3.33(2)(c) of the Environmental Planning and Assessment Act 1979;
- b) The proposal does not fully meet the six (6) criteria of the Parramatta Road Implementation Plan 2016 - 2023 'Out of Sequence Checklist'. In particular, the proposal:
 - i. Fails to satisfy Criteria 1 in that it does not adequately demonstrate that it meets all the strategic, land use and development objectives outlined in the PRCUTS Implementation Plan and does not provide sufficiently significant delivery, contribution or benefits for the Strategy's Corridor wide and Precinct vision. It also does not demonstrate that the new development would achieve design excellence or deliver sufficient net community, economic and environmental benefits;
 - ii. Fails to satisfy Criteria 2 because no Integrated Infrastructure Delivery Plan (IIDP) has been provided;
 - iii. Fails to satisfy Criteria 3 in that the community engagement is inadequate, because no IIDP was exhibited with the Housekeeping Amendment and there is no documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key PRCUTS infrastructure projects;
 - iv. Fails to satisfy Criteria 4 in that there is no certainty that the proposal achieves or exceeds PRCUTS sustainability targets;
 - v. Fails to satisfy Criteria 5 because the proposal does not demonstrate its economic feasibility with regard to the likely costs and proposed funding arrangements for infrastructure provision in the Camperdown Precinct and its Frame Area;
 - vi. Fails to satisfy Criteria 6 because the proposal does not demonstrate to a sufficient extent that it could achieve a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for the 2016 to 2023 PRCUTS Release period.
- c) In the context of persistent demand and a low and decreasing supply of industrial land this rezoning could dilute Council's ability to provide sufficient industrial land to accommodate demand. The planning proposal could also result in:
 - i. inconsistencies with the Eastern City District Plan March 2018 policy directions for productivity and with the NSW Department of Planning Industrial Precinct Review August 2015 categorisation of the site as an above average industrial area for "Location, Function and Connection";
 - ii. a possible net loss of industrial or urban services jobs in the local government area;
 - iii. dilution of the important local role this site plays with its existing mix of urban services, light industrial and other non-industrial activities, which enhance the diversity of the local economy and community vitality;

- iv. exacerbation of the ongoing cumulative loss of industrial lands in the local government area. This has not been addressed in an appropriate Net Economic and Community Benefit Test.
- d) It is inconsistent with Environmental Planning and Assessment Act 1979 Section 9.1 Ministerial Directions. These include Directions 1.1 - Business and Industrial Zones, 7.1 - Implementation of A Plan for Growing Sydney and 7.3 - Parramatta Road Corridor Urban Transformation Strategy;
- e) It is inconsistent with the Inner West Council Community Strategic Plan: Our Inner West 2036 – Direction 2: Unique, liveable, networked neighbourhoods and Strategic Direction 3: Creative communities and a strong economy;
- f) It is premature in the light of the prospective outcomes of strategic planning studies and projects underway at State and Local Government levels. This prematurity issue is of particular relevance to the preparation of the Camperdown Innovation Precinct Masterplan in 2019 and because the Precinct-wide traffic study and supporting modelling required by PRCUTS to consider the its land use and density recommendations, post Westconnex traffic conditions, and necessary road infrastructure improvements will not be finished until late 2019;
- g) Making this proposed rezoning amendment to the Marrickville Local Environmental Plan (LEP) 2011 would result in a premature and adverse development precedent in the Camperdown Precinct and for other out of sequence and/or industrial zoned sites elsewhere in the Parramatta Road Corridor Strategy area;
- h) Given the lack of, insufficient or unsatisfactory supporting studies it fails to adequately assess the following matters:
 - i. Land contamination and State Environmental Planning Policy No 55 – Remediation of Land requirements;
 - ii. Public domain works and connections given the lack of an adequate outline of the proposed works and satisfactory arrangements being made with the relevant stakeholders for connections and linkages within and outside the site;
 - iii. Updated traffic analysis in the context of the growth projected in Parramatta Road Corridor Urban Transformation Strategy and the yet to be completed Precinct-wide traffic study and supporting modelling;
 - iv. Economic analysis of the loss of industrial land in the current policy context including the Eastern City District Plan; and
 - v. Sustainability targets and measures to demonstrate that the proposal complies with the sustainability targets of the PRCUTS.

Conclusion

Overall the Planning Proposal does not fully meet the Strategic Merit Test of the Department of Planning and Environment's "A Guide to Preparing Planning Proposals" and is inconsistent with a number of key objectives, priorities and actions of State, District and Council plans and policies. In addition the Planning Proposal does not fully comply with all six (6) criteria of the Out of Sequence checklist of the Parramatta Road Corridor Urban Transformation Implementation Plan 2016-2023.

This Planning Proposal has been submitted at a critical time in strategic and infrastructure planning for the broader Inner West Council (IWC) area and the Parramatta Road Corridor (PRC). There are several relevant strategic planning projects either underway or imminent at local and State level, most notably the Camperdown Precinct Traffic and Transport study, Local Strategic Planning Statement, the Camperdown Innovation Precinct Masterplan, the Comprehensive Inner West Local Environmental Plan and Development Control Plan, Local Housing Strategy, Employment Lands Review and the Local Infrastructure Contributions Plan.

These broad-scale strategic planning projects are the best means for reviewing the planning controls for the subject site, the PRCUTS Camperdown biotechnology, health and education Precinct, other sites in the PRCUTS corridor and the wider local government area (LGA).

Consequently the proposed rezoning of this site should be deferred for more detailed consideration through the completion of the Precinct Traffic study, preparation of the Camperdown Innovation Precinct Masterplan and the new IWC LEP and DCP."

Comment

In light of the issues raised in the submission from Council's Planning Operation Section it is recommended that the recommendations relating to properties on the eastern side of Bridge Road, Stanmore be deferred from the revised Planning Proposal.

- ATTACHMENT 9** Amendments to address issues relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP (Recommendation L-2-(01)); Recommendation L-6.9; Recommendation L-6.10; Recommendation L-6.11; and Recommendation L-Sch1-23-27)

Background

The former Marrickville Council's preferred approach to address the issues relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP was to delete those uses that are only permitted in specific circumstances from being listed in the respective Land Use Tables of the LEP as *"Permitted with consent"* and amend the additional local provisions relating to those uses in Part 6 of the LEP.

Before preparing draft amendments to the LEP to address the issues Council sought advice from the Department of Planning and Environment as to whether the Department raised any objection to Council's preferred approach to address the identified issues.

Council's preferred approach to address the issues was not supported by the Department.

The planning proposal includes amendments to address the issues identified above using the approach suggested by the Department (in correspondence from the Department dated 16 June 2015) of transferring those uses permitted in specific circumstances into Schedule 1 – Additional permitted uses of the LEP.

It should be noted that condition 1 (a) of the Gateway Determination (Attachment 3) issued by the Department on 25 October 2017 for the Planning Proposal required the planning proposal to be updated to:

- "(a) include an explanation of the intended effect, rather than specific amendments to land use tables and Schedule 1 to clarify the permissibility of:*
- i. dwelling houses in industrial zones;*
 - ii. conversion of warehouses for office premises, multi dwelling housing and residential flat buildings; and*
 - iii. office and retail premises in buildings constructed for a non-residential purpose."*

Discussion

The condition of the Gateway Determination tends to infer that the Department has changed its position on the approach it previously recommended to be used to address the issue relating to the listing of certain uses in the LEP Land Use Tables as *"Permitted with consent"* when those uses are only permitted in specific circumstances via separate clauses in the LEP.

It should also be noted that since the original advice from the Department on 16 June 2015 on the approach previously recommended to be used to address the issue, a subsequently gazetted planning proposal incorporates an approach, similar to the former Marrickville Council's preferred approach to address the issue. That planning proposal related to a proposal to protect employment lands by limiting residential development in the B7 Business Park zone and on certain other business zoned land in MLEP 2011. That amendment, known as MLEP 2011 (Amendment No. 9) was gazetted on 2 June 2017. As part of that amendment certain land was deleted from *Schedule 1 Additional permitted uses* of MLEP 2011 and an additional local provision (*Clause 6.16 Residential accommodation as part of mixed use development in certain business zones*) included in Part 6 of the LEP relating to such land. Clause 6.16 (3) reads as follows:

- "(3) Despite any other provision of this Plan, development consent for the purposes of residential accommodation is permitted with consent on land to which this clause applies, but only as part of a mixed use development."*

It is also noted that a number of other local environmental planning instruments include *Part 6 Additional local provisions* contain clause(s) which include the wording “(3) *Despite any other provision of this Plan, development consent for the purposes of is permitted with consent on land to which this clause applies,*”

It is considered that the above approach provides for a more user friendly and easier to understand document. It also overcomes potential misunderstandings concerning the information provided on the NSW Planning Portal site.

The land zoning of a property and the Land Use Table for that zone can be checked on the NSW Planning Portal.

However what needs to be stressed is that whilst the land zoning and the Land Use Table for that zone can be checked on the NSW Planning Portal, reliance solely on the information available from the Portal does not necessarily mean that a particular type of development is “*permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out.*” (Clause 1.18 (1) (b) of the Codes SEPP)

As detailed above, certain development types, whilst listed as permitted with consent in the Land Use Table for the zone, are only permitted in specific circumstances under some environmental planning instruments, for example “*multi dwelling housing*” and “*residential flat buildings*” in the R2 Low Density Residential zone under MLEP 2011.

The listing of “*multi dwelling housing*” and “*residential flat buildings*” in the R2 Low Density Residential zone under MLEP 2011 has implications for Part 3B Low Rise Medium Density Housing Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2009. As detailed in Council’s submission, dated 26 June 2018 to the Department of Planning and Environment, requesting deferral of the commencement of the Low Rise Medium Density Housing Code (“The Missing Middle”), the Planning Proposal includes amendments to delete “*multi dwelling housing*” and “*residential flat buildings*” as uses permitted with consent in the Land Use Table for the R2 Low Density Residential zone under MLEP 2011. The gazettal of those amendments would address the Low Rise Medium Density Housing Code issue identified in that submission relating to the R2 Low Density Residential zone under MLEP 2011, i.e. “*manor houses*” and “*multi dwelling housing (terraces)*” would not be permitted under the Code on land zoned R2 Low Density Residential under MLEP 2011.

In addition certain development types may be prohibited under the Land Use Table for the zone, but may be a development type permitted with consent under Schedule 1 of that environmental planning instrument as “*additional permitted uses for particular land*” (Clause 2.5 of the Standard Instrument).

In light of the above, the condition of the Gateway Determination, the precedent set in other local environmental planning instruments the amendments originally proposed have been reviewed and alternate recommendations are now proposed to address the issues.

The following amendments are now proposed to address the issues:

- i. Retain the original recommendation (*Recommendation L-2-(01)*) relating to changes to the respective Land Use Tables in Part 2 of MLEP 2011.
- ii. Amend Clause 6.9 (*Recommendation L-6.9*) to read as follows:

Recommendation L-6.9

That Clause 6.9 of MLEP 2011 be amended to read as follows:

6.9 Converting industrial or warehouse buildings to multi dwelling housing, office premises or residential flat buildings in residential zones

- (1) The objective of this clause is to permit multi dwelling housing, office premises and residential flat buildings in residential zones where they are part of an adaptive reuse of existing industrial buildings or warehouse buildings.
- (2) This clause applies to a building that was lawfully designed and constructed for an industrial or warehouse purpose that was erected before the commencement of this Plan, on land in the following zones:
 - (a) Zone R1 General Residential,
 - (b) Zone R2 Low Density Residential,
 - (c) Zone R3 Medium Density Residential,
 - (d) Zone R4 High Density Residential.
- (2A) Despite any other provision of this Plan, development consent for the purpose of office premises is permitted with consent for the use of a building to which this clause applies.
- (2B) Despite any other provision of this Plan, development consent for the purpose of multi dwelling housing is permitted with consent for the use of a building to which this clause applies if the building is on land in Zone R2 Low Density Residential.
- (2C) Despite any other provision of this Plan, development consent for the purpose of residential flat buildings is permitted with consent for the use of a building to which this clause applies if the building is on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential.
- (3) In determining whether to grant development consent under this clause, the consent authority must consider the following:
 - (a) the impact of the development on the scale and streetscape of the surrounding locality,
 - (b) the suitability of the building for adaptive reuse,
 - (c) the degree of modification of the footprint and facade of the building.
- (4) Despite clause 4.3 (2) or 4.4, development carried out under this clause is not subject to any height or floor space ratio limits shown for the land on the Height of Buildings Map or the Floor Space Ratio Map.

iii. Amend Clause 6.10 (*Recommendation L-6.10*) to read as follows:

Recommendation L-6.10

That Clause 6.10 of MLEP 2011 be amended to read as follows:

6.10 Use of existing non-residential buildings in residential zones

- (1) The objective of this clause is to permit the reuse of buildings for certain non-residential purposes in residential zones.
- (2) This clause applies to a building that was lawfully designed and constructed for the purpose of a shop that was erected before the commencement of this Plan, on land in the following zones:
 - (a) Zone R1 General Residential,
 - (b) Zone R2 Low Density Residential,
 - (c) Zone R3 Medium Density Residential,
 - (d) Zone R4 High Density Residential.
- (2A) Despite any other provision of this Plan, development consent for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises is permitted with consent for the use of a building to which this clause applies.
- (3) Development consent must not be granted to development for the purpose of office premises, shops, restaurants or cafes or take away food and drink premises for the use of a building to which this clause applies unless the consent authority has considered the following:
 - (i) the impact of the development on the amenity of the surrounding locality,
 - (ii) the suitability of the building for adaptive reuse,
 - (iii) the degree of modification of the footprint and facade of the building.

iv. Amend Clause 6.11 (*Recommendation L-6.11*) to read as follows:

Recommendation L-6.11

That Clause 6.11 of MLEP 2011 be amended to read as follows:

6.11 Use of dwelling houses in business and industrial zones

- (1) The objective of this clause is to provide for the use of purpose built dwelling houses in business and industrial zones, for residential purposes, under particular circumstances.
- (2) This clause applies to a building that was lawfully designed and constructed for the purpose of a dwelling house that was erected before the commencement of this Plan, on land in the following zones:
 - (a) Zone B1 Neighbourhood Centre,
 - (b) Zone B4 Mixed Use,
 - (c) Zone B5 Business Development,
 - (d) Zone B6 Enterprise Corridor,
 - (e) Zone B7 Business Park,
 - (f) Zone IN1 General Industrial,
 - (g) Zone IN2 Light Industrial.
- (3) Despite any other provision of this Plan development consent for the purpose of a dwelling house is permitted with consent for a building on land to which this clause.
- (4) Development consent must not be granted to development for the purpose of a dwelling house to a building to which this clause applies unless: the consent authority is satisfied that the development will offer satisfactory residential amenity.

- v. Not proceed with *Recommendation L-Sch1-23-27*.

Item No: C0319(2) Item 5

Subject: CODE OF MEETING PRACTICE

Prepared By: Ian Naylor - Manager Civic and Executive Support

Authorised By: Nellette Kettle - Group Manager Customer Service & Civic Governance

RECOMMENDATION

THAT Council adopt the amended Code of Meeting Practice.

REPORT

In February, Council resolved to make amendments to the Code of Meeting Practice and to place it on public exhibition. Council received five submissions which were all generally in support of the policy however made comments that they didn't support changes to Councillor briefings, registered speakers being limited to three items per meeting and all registered speakers speaking at the one time.

To reflect best practice meeting procedure for the Public Forum and to ensure more efficient meetings, Council staff recommend that Council hear from all of the registered speakers before considering any agenda items. This allows speakers to leave as soon as they have spoken.

Council's Draft Code has been amended to state that Council will hear from all of the registered speakers during the Public Forum prior to the commencement of the consideration of business. The Order of Business has also been amended to give priority to Condolence motions before Mayoral Minutes. A link to the amended Code of Meeting Practice is shown in the Attachments Document published separately on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

FINANCIAL IMPLICATIONS

Nil.

PUBLIC CONSULTATION

As detailed in the body of the report.

ATTACHMENTS

1.  Draft Code of Meeting Practice (**Published separately on Council's website**)

Item No: C0319(2) Item 6

Subject: LOCAL TRAFFIC COMMITTEE MEETING HELD ON 4 MARCH 2019

Prepared By: John Stephens - Traffic and Transport Services Manager

Authorised By: Wal Petschler - Group Manager Footpaths, Roads, Traffic and Stormwater

Item 6

RECOMMENDATION

THAT the Minutes of the Local Traffic Committee Meeting held on 4 March 2019 be received and the recommendations be adopted.

ITEMS BY WARD

Ward	Item
Baludarri	White Street, Lilyfield - Proposed 10m 'No Stopping' restriction at intersection with Moore Lane
Baludarri	Grove Street, Birchgrove - Proposed 10m 'No Stopping' restrictions at intersection with The Terrace
Baludarri	Piper Lane (rear of 319 Annandale Street), Annandale - Proposed 'No Parking' Zone
Baludarri	Foucart Street at Easton Street, Rozelle - Proposed 'No Stopping' Zone
Baludarri	Birchgrove Road at Macquarie Terrace, Birchgrove - Proposed Linemarking and Signage Works
Baludarri	City West Link Pedestrian Crossing
Gulgadya	Church Street, Ashfield - Proposed 10m 'No Stopping' restrictions at intersection with Unnamed Lane
Gulgadya	Henry Street, Ashfield - Proposed Installation of 10m 'No Stopping' Zone
Gulgadya	Susan Street, Annandale - Motorbike Parking
Gulgadya	Flood Street, Leichhardt - Road Occupancy
Midjuburi	Victoria Road & Chapel Street, Marrickville - New Traffic Signals/ Intersection Upgrade for Improving Traffic Safety
Midjuburi	Lawson Avenue, Marrickville - Raised Threshold
Midjuburi	Cavey Street at Calvert Street, Marrickville - Proposed 10m 'No Stopping' restrictions
Midjuburi	Edwin Street & Stanley Street, Tempe - Proposed Installation of 10m Statutory 'No Stopping' Signage
Damun	Temporary Full Road Closure - Church Street (between Carillon Avenue and Rochester Street), Newtown
Damun	McGill Street, Lewisham - Proposed Parking Restrictions
Damun	Fitzroy Lane, Newtown - Proposed Parking Restrictions
Damun	Pearl Lane, Newtown - Proposed 'No Parking'

Damun	Cannon Lane, Stanmore - Proposed 'No Parking'
Damun	Church Street, Petersham - Proposed 'No Parking Authorised Council Records Vehicles Excepted' Restrictions
Damun	Cannon Street, Stanmore - Proposed Installation of 10m Statutory 'No Stopping' Signage
Damun	Australia Street, Stanmore - Proposed Time Restricted Parking
Damun	2A Gladstone Street, Newtown - DA201700589 - For The Temporary Use Of The Site For A Multi-Use Creative Hub - Revised Traffic & Parking Impact Assessment
Damun	Gym on Mallet Street, Camperdown
Damun	Bus Stop on Parramatta Road at Mallet Street, Camperdown
Damun	Northumberland Avenue, Stanmore Parking Permits
Djarrawunang	Miller Avenue at Liverpool Road and Cavill Avenue at Liverpool Road, Ashfield - Proposed Kerb Extensions
Djarrawunang	Pedestrian Crossing at Ashfield Station - Brown Street and Hercules Street, Ashfield
Djarrawunang	Intersection of Chandos Street and Parramatta Road, Ashfield
All Wards	Minor Traffic Facilities (All Wards)

REPORT

Meeting of the Inner West Council Local Traffic Committee was held on 4 March 2019 at Petersham. The minutes of the March meeting are shown at **ATTACHMENT 1**.

FINANCIAL IMPLICATIONS

Projects proposed for implementation in 2018/19 are funded within existing budget allocations.

PUBLIC CONSULTATION

Specific projects have undergone public consultation as indicated in the respective reports to the Traffic Committee. Members of the public attended the meeting to address the Committee on specific items.

ATTACHMENTS

1. [↓](#) Minutes of Local Traffic Committee meeting on 4 March 2019

**Minutes of Local Traffic Committee Meeting
Held at Petersham Service Centre on 4 March 2019**

Meeting commenced at 10.03am

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

Clr Marghanita da Cruz	Councillor – Gulgadya Ward (Chair)
Mr Bill Holliday	Representative for Jamie Parker MP, Member for Balmain
Mr Ryan Horne	Roads and Maritime Services
Ms Cathy Peters	Representative for Jenny Leong MP
Marina Nestoriaros	NSW Police – Leichhardt Police Area Command

OFFICERS AND OTHERS IN ATTENDANCE

John Stephens	IWC's Traffic and Transport Services Manager
George Tsaprounis	IWC's Coordinator Traffic and Parking Services (South)
Boris Muha	IWC's Engineer – Traffic and Parking Services
Mary Bailey	IWC's Parking Planner
Miia Hynninen	IWC's Business Administration Officer
Jennifer Adams	IWC's Engineer – Traffic and Parking Services
Felicia Lau	IWC's Engineer – Traffic and Parking Services
Scipio Tam	IWC's Engineer – Traffic and Parking Services
Davide Torresan	IWC's Civil Engineer – Capital Programs
Anup Bairacharya	IWC's Civil Engineer – Capital Programs
Joe Di Cesare	IWC'S Acting Capital Programs Manager
Asith Nagodavithane	Transit Systems – Inner West Bus Services

VISITORS

Bruce Troelfo	Item 5 – Resident
Margaret Chung	Item 10 – Resident
Diane Gallagher	Item 10 – Resident
Alexander Kelly	Item 14 – Resident
Sean Wallace	Item 14 – Resident

APOLOGIES:

Clr Victor Macri	Councillor – Marrickville Ward
Manod Wickramasinghe	IWC's Coordinator Traffic and Parking Services (North)
Christina Ip	IWC's Business Administration Officer
Sgt John Micallef	NSW Police – Burwood Police Area Command
Sc Anthony Kenny	NSW Police – Inner West Police Area Command
Wal Petschler	IWC's Group Manager Roads and Stormwater

DISCLOSURES OF INTERESTS:

Nil.

CONFIRMATION OF MINUTES

The Minutes of the Local Traffic Committee Meeting held on Monday, 4 February 2019 were confirmed.

MATTERS ARISING FROM COUNCIL'S RESOLUTION OF MINUTES

C0219(3) Item 8 Local Traffic Committee Meeting held on 4 December 2018 and 4 February 2019
Motion: (Lockie/Da Cruz)

THAT the Minutes of the Local Traffic Committee Meeting held on 4 December 2018 and 4 February 2019 be received and the recommendations be adopted, with the following amendment:

- a) In regards to LTC1218 Item 9 (Lennox Street car park upgrade and improvements) of 4 December 2018, the proposed nominal width of non-disabled parking spaces is to be kept at 2.4m rather than increased in size in order to reduce the number of legal parking spaces lost;
- b) Correct typo in Item 7 point 1(f) of 4 December meeting to refer to roundabout at Queen Street (not Church Street);
- c) Amend Item 8 point 2 of 4 December meeting as follows "the provision of a pedestrian facility in Croydon Road at its intersection with Church Street to Centenary Park be investigated as a matter of urgency for implementation before or with the right hand turning lane in point 1'; and
- d) Amend Item 37 of 4 February meeting to make provision for two parking spaces for Metro Assist on the Ashfield Mall rooftop.

LTC0319 Item 1 White Street, Lilyfield - Proposed 10m 'No Stopping' restriction at intersection with Moore Lane (Baludarri Ward/Balmain Electorate/Leichhardt PAC)

SUMMARY

Council has received a request to signpost the statutory 10m 'No Stopping' restriction at the intersection of White Street and Moore Lane, Lilyfield in order to prevent illegal parking and improve sight lines.

OFFICER RECOMMENDATION

THAT a 10m 'No Stopping' zones on the western side of White Street, north of Moore Lane

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT a 10m 'No Stopping' zone be installed on the western side of White Street, north of Moore Lane

For motion: Unanimous

LTC0319 Item 2 Grove Street, Birchgrove - Proposed 10m 'No Stopping' restrictions at intersection with The Terrace (Baludarri Ward/Balmain Electorate/Leichhardt PAC)**SUMMARY**

Council has received a request to signpost the statutory 10m 'No Stopping' restriction at the intersection of Grove Street and The Terrace, Birchgrove in order to prevent illegal parking and improve sight lines.

OFFICER RECOMMENDATION

THAT 10m 'No Stopping' zones be installed on the western side of Grove Street, north and south of The Terrace, Birchgrove.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT 10m 'No Stopping' zones be installed on the western side of Grove Street, north and south of The Terrace, Birchgrove.

For motion: Unanimous

LTC0319 Item 3 Church Street, Ashfield - Proposed 10m 'No Stopping' restrictions at intersection with Unnamed Lane (Gulgadya Ward/Summer Hill Electorate/Inner West PAC)**SUMMARY**

Council has received a request to signpost the statutory 10m 'No Stopping' restriction at the intersection of Church Street and Unnamed Lane, Ashfield in order to prevent illegal parking and improve sight lines.

OFFICER RECOMMENDATION

THAT 10m 'No Stopping' zones be installed on the western side of Church Street, north and south of the Unnamed Lane, Ashfield.

DISCUSSION

The NSW Police representative for the PAC, in an email, indicated support for the installation of 10 metre 'No Stopping' signs.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT 10m 'No Stopping' zones be installed on the western side of Church Street, north and south of the Unnamed Lane, Ashfield.

For motion: Unanimous

**LTC0319 Item 4 Victoria Road & Chapel Street, Marrickville - New Traffic Signals/
Intersection Upgrade for Improving Traffic Safety (Midjuburi Ward/
Summer Hill Electorate/ Inner West PAC)****SUMMARY**

Detailed design plans have been finalised for the proposed traffic signalised intersection of Victoria Road and Chapel Road, Marrickville. The purpose of the proposed works are to increase pedestrian and vehicular safety at the subject intersection as crash statistics indicate there have been 22 reported crashes between July 2010 and June 2015 at the time of submitting the Blackspot application.

The proposed works include decommissioning the existing signalised pedestrian crossing on Victoria Road, installation of traffic signals at Victoria Road & Chapel Street intersection, relocation of the existing 'Bus Zone' on the eastern side of Victoria Street and installation of signage and road markings. As a result of the proposal five on-street parking will be lost to cater for the turning movements of expected truck at the intersection.

The proposal will result in a net-loss of five (5) on-street parking spaces, removal of one (1) significant street tree and gain of four (4) trees in appropriate locations.

OFFICER RECOMMENDATION

THAT the detailed design plan for the proposed traffic signals at the intersection of Victoria Road and Chapel Street, Marrickville, including associated signposting and line marking (as per the attached plan No. 10039) be approved.

DISCUSSION

Following submissions received from the public to reduce the loss of parking in Chapel Street, it was agreed by Committee members that an additional parking space could be retained if a proposed street tree and kerb blister could be removed from the plan. The removal of this kerb blister will allow for 1 additional parking space to be provided in Chapel Street. The proposed tree will be relocated to be within the footpath. Accordingly, Councils Officer requested that the amended plan 10039A (tabled to the Committee members) be approved.

The Committee members agreed with the Officer's amended plan.

COMMITTEE RECOMMENDATION

THAT the detailed design plan for the proposed traffic signals at the intersection of Victoria Road and Chapel Street, Marrickville, including associated signposting and line marking (as per the attached plan No. 10039A) be approved.

For motion: Unanimous

**LTC0319 Item 5 Lawson Avenue, Marrickville - Raised Threshold (Midjuburi Ward/
Summer Hill Electorate/ Inner West PAC)****SUMMARY**

Detailed design plans have been finalised for the proposed raised threshold in Lawson Avenue, Marrickville.

The proposed work includes construction of a raised threshold, road re-sheeting, footpath rehabilitation, kerb & gutter reconstruction, drainage works and associated signage and line

marking.

Consultation was undertaken with owners and occupiers of properties in Lawson Avenue regarding the proposal. A summary of the consultation result is presented in this report for consideration. It is recommended that the proposed detailed design plan be approved.

OFFICER RECOMMENDATION

THAT the detailed design plan (Design Plan No.6198) of the raised threshold at Lawson Avenue, Marrickville be APPROVED.

DISCUSSION

Public Speaker: Bruce Troelfo attended at 10.20am.

Mr Troelfo is in support of the Officer's Recommendation and made the following comment:

- Thanking Council for dealing with the local flooding issue of behalf of the Crochet Club as president.

Mr Troelfo left at 10.22am.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the detailed design plan (Design Plan No.6198) of the raised threshold at Lawson Avenue, Marrickville be APPROVED.

For motion: Unanimous

LTC0319 Item 6 Temporary Full Road Closure - Church Street (between Carillon Avenue and Rochester Street), Newtown (Damun Ward/Newtown Electorate/Inner West PAC)

SUMMARY

An application has been received from PBS Building for the temporary full road closure of Church Street (between Carillon Avenue and Rochester Street), Newtown. The closure is to be undertaken on Saturday, 6th April 2019, with one day contingency on Saturday, 13th April 2019. It is recommended that the proposed temporary full road closure be approved, subject to the conditions outlined in the report.

OFFICER RECOMMENDATION

THAT the proposed temporary full road closure of Church Street (between Carillon Avenue and Rochester Street, Newtown, on Saturday 6th April 2019, with one day contingency on Saturday, 13th April 2019 in order to erect a tower crane using a mobile crane be approved; subject to, although not limited to, the following conditions:

1. A Road Occupancy License be obtained by the applicant from the Transport Management Centre;
2. All affected residents and businesses, including the NSW Police Local Area Commander, Fire & Rescue NSW and the NSW Ambulance Services be notified in writing, by the applicant, of the proposed temporary full road closure at least 7

days in advance of the closure with the applicant making reasonable provision for stakeholders; 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 proposed temporary full road closure of Church Street (between Carillon Avenue and Rochester Street, Newtown, on Saturday 6th April 2019, with one day contingency on Saturday, 13th April 2019 in order to erect a tower crane using a mobile crane be approved; subject to, although not limited to, the following conditions:

1. A Road Occupancy License be obtained by the applicant from the Transport Management Centre;
2. All affected residents and businesses, including the NSW Police Local Area Commander, Fire & Rescue NSW and the NSW Ambulance Services be notified in writing, by the applicant, of the proposed temporary full road closure at least 7 days in advance of the closure with the applicant making reasonable provision for stakeholders; and
3. The occupation of the road carriageway must not occur until the road has been physically closed.

For motion: Unanimous

LTC0319 Item 7 Miller Avenue at Liverpool Road and Cavill Avenue at Liverpool Road, Ashfield - Proposed Kerb Extensions (Djarrawunang Ward/Summer Hill Electorate/Burwood PAC)

SUMMARY

In order to improve pedestrian safety and accessibility at the intersection of Miller Avenue and Liverpool Road, and the intersection of Cavill Avenue and Liverpool Road, it is proposed to install kerb extensions and new pedestrian access ramps.

The proposed works are part of the Western Gateway footway improvements to the Ashfield Town Centre.

The kerb extensions will be constructed within the statutory 10m "No Stopping" distance at the intersections and there will be no loss of legal on-street parking spaces.

OFFICER RECOMMENDATION

THAT the design plan for the proposed kerb extensions and associated signs and line markings in Miller Avenue at Liverpool Road and Cavill Avenue at Liverpool Road, Ashfield (as per design plan, Liverpool Road - Western Gateway Footpath and Crossing Upgrade-attachment 1) be APPROVED.

DISCUSSION

The RMS representative advised that Council is required to discuss with the development works team and go through the checklist. Committee supported installing 'No Right Turn' sign on Cavill Avenue exit to Liverpool Road.

Sgt Micallif from NSW Police is in support of the Officers Recommendation. He tabled comments advising that: It will reduce the speed of vehicles entering Cavil Avenue from Liverpool Road. It will also shorten the distance that pedestrians have to be on the road when crossing. Effectively this improvement will promote pedestrian safety in the area.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the design plan for the proposed kerb extensions and associated signs and line markings in Miller Avenue at Liverpool Road and Cavill Avenue at Liverpool Road, Ashfield (as per design plan, Liverpool Road - Western Gateway Footpath and Crossing Upgrade-attachment 1) be APPROVED with addition of 'No Right Turn' sign on Cavill Avenue exit to Liverpool Road.

For motion: Unanimous

LTC0319 Item 8 McGill Street, Lewisham - Proposed Parking Restrictions (Damun Ward/Summer Hill Electorate/Inner West PAC)

SUMMARY

Following representation from residents Council is proposing to implement 'No Parking' restrictions in McGill Street, Lewisham in order to improve access to off-street parking and allow for improved thoroughfare in the narrow street.

OFFICER RECOMMENDATION

THAT:

- 1. The installation of 'No Parking' restrictions on the western side of McGill Street between existing 'No Stopping' restrictions and the boundary of property Nos.12 and 14 McGill Street be approved;**
- 2. The installation of 'No Parking' restrictions on the eastern side of McGill Street, immediately north of the driveway of property Nos.7-15 McGill Street to the existing 'No Stopping' signpost be approved; and**
- 3. The removal of 'No Parking 9am-5pm Mon-Fri' signage on the eastern side of McGill Street, outside property No.5 McGill Street be approved.**

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

- 1. The installation of 'No Parking' restrictions on the western side of McGill Street between existing 'No Stopping' restrictions and the boundary of property Nos.12 and 14 McGill Street be approved;**
- 2. The installation of 'No Parking' restrictions on the eastern side of McGill Street, immediately north of the driveway of property Nos.7-15 McGill Street to the existing 'No Stopping' signpost be approved; and**
- 3. The removal of 'No Parking 9am-5pm Mon-Fri' signage on the eastern side of McGill Street, outside property No.5 McGill Street be approved.**

For motion: Unanimous

LTC0319 Item 9 Cavey Street at Calvert Street, Marrickville - Proposed 10m 'No Stopping' restrictions (Midjuburi Ward/Summer Hill Electorate/Innerwest PAC)

SUMMARY

Following representations from the community, Council is proposing to signpost 'No Stopping' restrictions in Cavey Street at Calvert Street, Marrickville to improve manoeuvrability and sight lines at this intersection.

OFFICER RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones on both the western and eastern sides of Cavey Street, south of Calvert Street be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones on both the western and eastern sides of Cavey Street, south of Calvert Street be approved.

For motion: Unanimous

LTC0319 Item 10 Fitzroy Lane, Newtown - Proposed parking restrictions (Damun Ward/Newtown Electorate/Inner West PAC)

SUMMARY

Following representations from the community Council has consulted with affected residents regarding implementation of parking restrictions in Fitzroy Lane, Newtown. The proposal for 'No Parking' and 'No Stopping' restrictions in the laneway between Australia Street and Brooks Lane will improve access to off-street parking and address resident concerns about damage to buildings.

OFFICER RECOMMENDATION**THAT:**

1. Fitzroy Lane (southern side) – Alter the existing ‘No Parking 5am-10am Mondays’ to full time ‘No Parking’ restrictions between the existing ‘No Stopping’ zone at Australia Street and the existing ‘No Parking’ zone opposite Brooks Lane; and
2. Fitzroy Lane (northern side) – Install a 10m ‘No Stopping’ zone immediately east of Brooks Lane, be approved.

DISCUSSION

Public Speakers: Dianne Gallagher and Margaret Chung attended at 10.07am.

Ms Chung objected to the proposed ‘No Parking’ and ‘No Stopping’ zones and made the following comments:

- The original proposal of converting the longstanding ‘No Parking’ short term to full time on northern side of the lane was initially supported by residents including Ms Chung and Ms Gallagher. Ms Chung and Ms Gallagher do not support the amended proposal above.
- Lack of visibility poses a danger when exiting/entering her garage.
- The design of the intersection where Fitzroy Lane joins Brookes Lane is unsafe and pushes moving traffic to the southern side; blocking vision of oncoming traffic and large vehicles.
- Ms Chung is requesting to return the parking spaces on Fitzroy Lane to what it originally has been longstanding.

Ms Chung and Ms Gallagher left at 10.18am.

Council officer advised that the proposal initially was to have ‘No Parking’ restrictions on the northern side and retain the parking on the opposite side. Following feedback received from residents expressing a concern and that it was preferred to have the ‘No Parking’ moved to the other side of the laneway as it was more beneficial and protected the privacy of property windows. The speaker properties are not directly affected by the revised proposed ‘No Parking’ zone. Amended proposal improves visibility for parking and allows easier access to laneway garages.

The Committee members agreed with the Officer’s recommendation.

COMMITTEE RECOMMENDATION**THAT:**

1. Fitzroy Lane (southern side) – Alter the existing ‘No Parking 5am-10am Mondays’ to full time ‘No Parking’ restrictions between the existing ‘No Stopping’ zone at Australia Street and the existing ‘No Parking’ zone opposite Brooks Lane; and
2. Fitzroy Lane (northern side) – Install a 10m ‘No Stopping’ zone immediately east of Brooks Lane, be approved.

For motion: Unanimous

LTC0319 Item 11 Pearl Lane, Newtown - Proposed 'No Parking' (Damun Ward/Newtown Electorate/Inner West PAC)**SUMMARY**

Council has received reports that motorists are having difficulty navigating through the laneway without damaging a fence at the rear of a residence. In order to reduce the risk of damage and improve access and manoeuvrability, Council is proposing to install 'No Parking' in Pearl Lane (both sides) between Holmwood Lane and Dickson Street, Newtown.

OFFICER RECOMMENDATION

THAT the installation of 'No Parking' restrictions in Pearl Lane (both sides) between existing 'No Stopping' zones at Holmwood Lane and Dickson Street be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 'No Parking' restrictions in Pearl Lane (both sides) between existing 'No Stopping' zones at Holmwood Lane and Dickson Street be approved.

For motion: Unanimous

LTC0319 Item 12 Cannon Lane, Stanmore - Proposed 'No Parking' (Damun Ward/Newtown Electorate/Inner West PAC)**SUMMARY**

Following representation from residents regarding difficulty gaining access to off-street parking due to vehicles parked in the laneway, Council is proposing to implement 'No Parking' restrictions on both sides of Cannon Lane (between Margaret Street and Corunna Road).

OFFICER RECOMMENDATION

THAT the installation of 'No Parking' restrictions in Cannon Lane, Stanmore (both sides) between Margaret Street and Corunna Road, Stanmore be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 'No Parking' restrictions in Cannon Lane, Stanmore (both sides) between Margaret Street and Corunna Road, Stanmore be approved.

For motion: Unanimous

LTC0319 Item 13 Piper Lane (rear of 319 Annandale Street), Annandale - Proposed 'No Parking' zone (Baludarri Ward/Balmain Electorate/Leichhardt PAC)

SUMMARY

Council has received concerns regarding parked vehicles obstructing access to off-street parking in Piper Lane (rear of No.319 Annandale Street), Annandale.

OFFICER RECOMMENDATION

THAT a 3.3m 'No Parking' zone be installed on the eastern side of Piper Lane between two driveways and opposite rear boundary of No.319 Annandale Street, Annandale.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT a 3.3m 'No Parking' zone be installed on the eastern side of Piper Lane between two driveways and opposite rear boundary of No.319 Annandale Street, Annandale.

For motion: Unanimous

LTC0319 Item 14 Foucart Street at Easton Street, Rozelle - Proposed 'No Stopping' zone (Baludarri Ward/Balmain Electorate/Leichhardt PAC)

SUMMARY

Council has received a request to signpost 'No Stopping' restrictions at the intersection of Foucart Street and Easton Street, Rozelle in order to prevent illegal parking and improve sight lines.

OFFICER RECOMMENDATION

THAT:

- 1. A 10m 'No Stopping' zone be installed on the northern side of Easton Street, east of Foucart Street, Rozelle;**
- 2. A 10m 'No Stopping' zone be installed on the southern side of Easton Street, east of Foucart Street, Rozelle; and**
- 3. A 10m 'No Stopping' zone be installed on the eastern side of Foucart Street, south of Easton Street, Rozelle**

DISCUSSION

Public Speakers: Alexander Kelly and Sean Wallace attended at 10.24am.

Mr Wallace objected to the proposed 'No Stopping' zones along Easton and Foucart Street and made the following comments:

- Residents without garages will be affected.

- Extending the 10km Shared Zone located further up to the northern side of Foucart street would be a better solution. The cars go slower, visibility and line of sight is easier with additional reaction time with oncoming traffic.
- Mr Wallace submitted to Council a signed petition with 7-8 signatures from residents.
- Resident stated the proposal is unnecessary.

Ms Kelly commented that:

- There is no traffic congestion or stopping vehicles on Foucart Street before/after normal work/business hours (issues only arise during the standard 9am-5pm Monday-Friday timeframe).

Council Officers advised that the 'No Stopping' zones were necessary due to raised concerns from local residents as a road safety issue.

RMS representative advised that the statutory 10m 'No Stopping' zone and can be infringed without signage being implemented.

Ms Kelly and Mr Wallace left at 10.33am.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

1. A 10m 'No Stopping' zone be installed on the northern side of Easton Street, east of Foucart Street, Rozelle;
2. A 10m 'No Stopping' zone be installed on the southern side of Easton Street, east of Foucart Street, Rozelle; and
3. A 10m 'No Stopping' zone be installed on the eastern side of Foucart Street, south of Easton Street, Rozelle

For motion: Unanimous

LTC0319 Item 15 Church Street, Petersham - Proposed 'No Parking Authorised Council Records Vehicles Excepted' Restrictions (Damon Ward/Newtown Electorate/Inner West PAC)

SUMMARY

Council's Business Information Services section is requesting a permanent loading area in Church Street, Petersham to accommodate staff with the unloading and transportation of hardcopy documents to Council's Records Repository.

It is recommended that 'No Parking 8.30am-6pm Mon-Fri Authorised Council Records Vehicles Excepted' restrictions be installed in Church Street, Petersham to assist Council's Business Information Services staff with unimpeded access and ability to work within WH&S protocols.

OFFICER RECOMMENDATION

THAT the installation of 'No Parking 8.30am-6pm Mon-Fri Authorised Council Records Vehicles Excepted' restrictions (length of 6 metres) on the western side of Church Street, Petersham, in front of the basement entry (large double doors) to the Petersham Town Hall (directly opposite side boundary of property No.8 Frederick

Street, Petersham) be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 'No Parking 8.30am-6pm Mon-Fri Authorised Council Records Vehicles Excepted' restrictions (length of 6 metres) on the western side of Church Street, Petersham, in front of the basement entry (large double doors) to the Petersham Town Hall (directly opposite side boundary of property No.8 Frederick Street, Petersham) be approved.

For motion: Unanimous

LTC0319 Item 16 Henry Street, Ashfield - Proposed Installation of 10m 'No Stopping' zone (Galgadya Ward/Strathfield Electorate/Burwood PAC)

SUMMARY

Council has received concerns of vehicles being parked too close to the intersections along Henry Street, Lucy Street, Earle Street and Page Avenue, Ashfield. These are intersections without 'No Stopping' restrictions being signposted.

This proposal is for 'No Stopping' zones to be installed at the specified intersection to address vehicle visibility and manoeuvrability issues.

OFFICER RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones at the following locations be approved:

- 1. On the eastern side of Henry Street, south of Page Avenue and north of Earle Avenue, Ashfield;**
- 2. On the western side of Henry Street, south of Lucy Street, Ashfield; and**
- 3. On the northern side of Earle Avenue, east of Henry Street, Ashfield.**

DISCUSSION

Sgt Micallef emailed his support of the Officer's recommendation.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones at the following locations be approved:

- 1. On the eastern side of Henry Street, south of Page Avenue and north of Earle Avenue, Ashfield;**
- 2. On the western side of Henry Street, south of Lucy Street, Ashfield; and**
- 3. On the northern side of Earle Avenue, east of Henry Street, Ashfield.**

For motion: Unanimous

LTC0319 Item 17 Edwin Street & Stanley Street, Tempe - Proposed Installation of 10m Statutory 'No Stopping' Signage (Midjuburi Ward/Heffron Electorate/Inner West PAC)

SUMMARY

A request has been received from a local resident for the provision of 'No Stopping' restrictions to deter illegal parking on the southern side of Edwin Street and the adjacent corner of Stanley Street, Tempe. The resident has advised that vehicles are regularly parked too close to the intersection, restricting sightlines for motorists turning into Edwin Street from Stanley Street.

It is recommended that Statutory 10m 'No Stopping' restrictions be installed on the southern side of Edwin Street and the adjacent corners on Stanley Street in order to deter illegal parking, increase safety and improve visibility and access for turning motorists.

OFFICER RECOMMENDATION

THAT:

- 1. Installation of 10m 'No Stopping' signage on the southern side of Edwin Street, Tempe, both east and west from its intersection with Stanley Street (in front of No.6 and No.8 Edwin Street, Tempe); and**
- 2. Installation of 10m Statutory 'No Stopping' signage on both sides of Stanley Street, Tempe, at the intersection with Edwin Street, (adjacent to side boundary of No.6 and No.8 Edwin Street, Tempe), be approved.**

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT:

- 1. Installation of 10m 'No Stopping' signage on the southern side of Edwin Street, Tempe, both east and west from its intersection with Stanley Street (in front of No.6 and No.8 Edwin Street, Tempe); and**
- 2. Installation of 10m Statutory 'No Stopping' signage on both sides of Stanley Street, Tempe, at the intersection with Edwin Street, (adjacent to side boundary of No.6 and No.8 Edwin Street, Tempe), be approved.**

For motion: Unanimous

LTC0319 Item 18 Cannon Street, Stanmore - Proposed Installation of 10m Statutory 'No Stopping' Signage (Damun Ward/ Newtown Electorate/ Inner West PAC)

SUMMARY

A request has been received from a local resident for the provision of 'No Stopping' restrictions to deter illegal parking on the western side of Cannon Street, Stanmore, at its intersection with Corunna Road. The resident has advised that vehicles are regularly parked

too close to the intersection, restricting sightlines for motorists giving way to Cannon Street, before continuing along Corunna Road.

It is recommended that statutory 'No Stopping' restrictions be installed on all remaining un-signposted corners of Cannon Street and Corunna Road intersection, for a distance of 10 metres in order to deter illegal parking, increase safety and improve visibility and access for motorists.

OFFICER RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones at the following locations be approved;

1. **South-east corner of Cannon Street and Corunna Road, Stanmore, extending into both streets;**
2. **Western side of Cannon Street, Stanmore, extending north from its intersection with Corunna Road; and**
3. **Western side of Cannon Street, Stanmore, extending south from its intersection with Corunna Road.**

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the installation of 10m 'No Stopping' zones at the following locations be approved;

1. **South-east corner of Cannon Street and Corunna Road, Stanmore, extending into both streets;**
2. **Western side of Cannon Street, Stanmore, extending north from its intersection with Corunna Road; and**
3. **Western side of Cannon Street, Stanmore, extending south from its intersection with Corunna Road.**

For motion: Unanimous

**LTC0319 Item 19 Susan Street, Annandale - Motorbike Parking
(Gulgadya Ward/Balmain Electorate/Leichhardt PAC)**

SUMMARY

Council has received concerns regarding blocked vehicular access to the driveway of No.27A and No.29 Susan Street, Annandale. In order to prevent vehicles impeding driveway access whilst making use of the short kerb space, it is proposed to convert the existing 4.0m '2P 8am-6pm' resident parking space into a 4.0m 'Motor Bike Only' parking between No.27A and No.29 Susan Street, Annandale.

OFFICER RECOMMENDATION

THAT the existing 4.0m parking space between No.27A and No.29 Susan Street, Annandale restricted as '2P 8am-6pm; Mon-Fri Permit Holders Excepted Area A1' parking be signposted as a 4.0m 'Motor Bike Only' parking space.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the existing 4.0m parking space between No.27A and No.29 Susan Street, Annandale restricted as '2P 8am-6pm; Mon-Fri Permit Holders Excepted Area A1' parking be signposted as a 4.0m 'Motor Bike Only' parking space.

For motion: Unanimous

LTC0319 Item 20 Minor Traffic Facilities (All Wards/All Electorates/All PACs)**SUMMARY**

This report considers minor traffic facility applications received by Inner West Council, including 'Disabled Parking' and 'Works Zone' requests.

OFFICER RECOMMENDATION

THAT:

- 1. A 6m 'Disabled Parking' zone be removed in front of No.60 Catherine Street, Leichhardt;**
- 2. A 6m 'Disabled Parking' zone be removed in front of No.5 Numa Street, Birchgrove;**
- 3. A 6m 'Disabled Parking' zone be installed in front of No.32 Charlecot Street, Dulwich Hill;**
- 4. A 6m 'Disabled Parking' zone be installed in front of properties No.29 and No.31 Spencer Street, Summer Hill;**
- 5. A 6m 'Disabled Parking' zone be installed in front of No.47 Kays Avenue, Marrickville;**
- 6. A 5.5m 'Disabled Parking' zone be installed in front of No.203 Sydenham Road, Marrickville;**
- 7. A 16m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am -1.00pm Sat' be installed in front of Nos.17-19 Wetherill Street, Croydon for 12 weeks;**
- 8. A 11.5m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am -1.00pm Sat' be installed in front of No.33 Smith Street, Summer Hill for 5 weeks;**
- 9. A 10m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am - 1.00pm Sat' be installed in front of No.44 Liverpool Road (Gower Street frontage) and No.35 Gower Street, Summer Hill for 12 weeks, subject to the applicant receiving the written concurrence from the owners of No.35 Gower Street; and**
- 10. A 65m 'Works Zone 7.00am – 5.30pm Mon - Sat' be installed in front of Nos.13-55 Edinburgh Road, Marrickville for 12 weeks.**

DISCUSSION

RMS representative will support recommendation in Item 10; subject to the statutory 20m 'No Stopping' being retained.

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION**THAT:**

1. A 6m 'Disabled Parking' zone be removed in front of No.60 Catherine Street, Leichhardt;
2. A 6m 'Disabled Parking' zone be removed in front of No.5 Numa Street, Birchgrove;
3. A 6m 'Disabled Parking' zone be installed in front of No.32 Charlecot Street, Dulwich Hill;
4. A 6m 'Disabled Parking' zone be installed in front of properties No.29 and No.31 Spencer Street, Summer Hill;
5. A 6m 'Disabled Parking' zone be installed in front of No.47 Kays Avenue, Marrickville;
6. A 5.5m 'Disabled Parking' zone be installed in front of No.203 Sydenham Road, Marrickville;
7. A 16m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am -1.00pm Sat' be installed in front of Nos.17-19 Wetherill Street, Croydon for 12 weeks;
8. A 11.5m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am -1.00pm Sat' be installed in front of No.33 Smith Street, Summer Hill for 5 weeks;
9. A 10m 'Works Zone 7.00am – 6.00pm Mon-Fri; 8.00am - 1.00pm Sat' be installed in front of No.44 Liverpool Road (Gower Street frontage) and No.35 Gower Street, Summer Hill for 12 weeks, subject to the applicant receiving the written concurrence from the owners of No.35 Gower Street; and
10. A 65m 'Works Zone 7.00am – 5.30pm Mon - Sat' be installed in front of Nos.13-55 Edinburgh Road, Marrickville for 12 weeks, subject to 20m 'No Stopping' zone being retained at the signalised intersection at Smidmore Street.

For motion: Unanimous

**LTC0319 Item 21 Australia Street, Stanmore - Proposed Time Restricted Parking
(Damun Ward/Newtown Electorate/Inner West PAC)**

SUMMARY

Following representation from business owners on Australia Street, Council is proposing to implement timed parking restrictions along Australia Street, Camperdown; on the eastern side, from the Parramatta Road intersection to the frontage of No.8 Australia Street and on the western side, adjacent to No.1 Gantry Lane.

OFFICER RECOMMENDATION

THAT the following signage zones be approved:

1. Installation of a 10m 'No Stopping' zone on the eastern side of Australia Street from Parramatta Road to replace the existing 'No Parking' restriction at the intersection;
2. Installation of 14m '1/4P 8:30am-6pm' zone on the eastern side of Australia Street, Camperdown immediately south of the proposed 'No Stopping' zone (i.e. 2 spaces between No.137 Parramatta Road and No.4 Australia Street);
3. Installation of 23m '2P 8:30am-6pm' zone on the eastern side of Australia Street, Camperdown immediately south of the driveway of No.4 Australia Street (i.e. 3 spaces between No.4 Australia Street and No.8 Australia Street); and
4. Installation of a '2P 8:30am-6pm' zone on the western side of Australia Street, Camperdown 10m south of Parramatta Road and adjacent to No.1 Gantry Lane.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the following signage zones be approved:

1. Installation of a 10m 'No Stopping' zone on the eastern side of Australia Street from Parramatta Road to replace the existing 'No Parking' restriction at the intersection;
2. Installation of 14m '1/4P 8:30am-6pm' zone on the eastern side of Australia Street, Camperdown immediately south of the proposed 'No Stopping' zone (i.e. 2 spaces between No.137 Parramatta Road and No.4 Australia Street);
3. Installation of 23m '2P 8:30am-6pm' zone on the eastern side of Australia Street, Camperdown immediately south of the driveway of No.4 Australia Street (i.e. 3 spaces between No.4 Australia Street and No.8 Australia Street); and
4. Installation of a '2P 8:30am-6pm' zone on the western side of Australia Street, Camperdown 10m south of Parramatta Road and adjacent to No.1 Gantry Lane.

For motion: Unanimous

LTC0319 Item 22 Birchgrove Road at Macquarie Terrace, Birchgrove - Proposed Linemarking and Signage Works (Baludarri Ward/Balmain Electorate/Leichhardt PAC)

SUMMARY

Council has received concerns from Birchgrove Public School P&C regarding pedestrian safety near the existing raised pedestrian crossing in Birchgrove Road at the intersection of Macquarie Terrace, Birchgrove.

OFFICER RECOMMENDATION

THAT the design plan for pedestrian safety improvement works, which includes signposting and linemarking in Birchgrove Road at the intersection of Macquarie Terrace, Birchgrove (as per the attached plan) be approved.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the design plan for pedestrian safety improvement works, which includes signposting and linemarking in Birchgrove Road at the intersection of Macquarie Terrace, Birchgrove (as per the attached plan) be approved.

For motion: Unanimous

LTC0319 Item 23 Flood Street, Leichhardt - Road Occupancy (Gulgadya Ward/Balmain Electorate/Leichhardt PAC)

SUMMARY

This report considers a request received from BreastScreen NSW for the temporary placement of their mobile lab unit on the western side of Flood Street adjacent to Leichhardt Market Place within the existing 'Taxi Zone', for the duration of eight (8) weeks starting from Friday, 21st June to Friday, 16th August 2019.

OFFICER RECOMMENDATION

THAT the road occupancy for the BreastScreen NSW mobile lab unit on the western side of Flood Street, adjacent to Leichhardt Market Place within the existing 'Taxi Zone', for the duration of eight (8) weeks starting from Friday, 21st June to Friday, 16th August 2019 be supported, subject to the following conditions:

- 1. That all affected businesses, residents and other occupants must be notified of the road occupancy and activities at least one week prior to the commencement of the event. Any concerns or requirements raised by business proprietors, residents and other occupants must be resolved or accommodated by the applicant;**
- 2. That the applicant contact Energy Australia/Ausgrid in relation to power access to the mobile laboratory;**
- 3. That the areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Group Manager Roads, Traffic and Stormwater, or else the applicant will be required to reimburse Council for any extraordinary cleansing costs;**
- 4. That the Council and RMS must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the activities. The applicant must therefore produce evidence of its public risk insurance cover (under which Council is indemnified) with a minimum policy value of at least \$10,000,000;**
- 5. That a copy of the Council approval letter must be made available on the site for inspection by relevant officers;**
- 6. That the applicant must comply with any reasonable directive from Council's Compliance Officers; and**
- 7. That Council reserves the right to cancel this approval at any time.**

DISCUSSION

The Committee members agreed with the Officer's recommendation.
The Taxi Council is in support of the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the road occupancy for the BreastScreen NSW mobile lab unit on the western side of Flood Street, adjacent to Leichhardt Market Place within the existing 'Taxi Zone', for the duration of eight (8) weeks starting from Friday, 21st June to Friday, 16th August 2019 be supported, subject to the following conditions:

- 1. That all affected businesses, residents and other occupants must be notified of the road occupancy and activities at least one week prior to the commencement of the event. Any concerns or requirements raised by business proprietors, residents and other occupants must be resolved or accommodated by the applicant;**
- 2. That the applicant contact Energy Australia/Ausgrid in relation to power access to the mobile laboratory;**
- 3. That the areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Group Manager Roads, Traffic and Stormwater, or else the applicant will be required to reimburse Council for any extraordinary cleansing costs;**
- 4. That the Council and RMS must be indemnified against all claims for damage or injury that may result from either the activities or from the occupation of part of the public way during the activities. The applicant must therefore produce evidence of its public risk insurance cover (under which Council is indemnified) with a minimum policy value of at least \$10,000,000;**
- 5. That a copy of the Council approval letter must be made available on the site for inspection by relevant officers;**
- 6. That the applicant must comply with any reasonable directive from Council's Compliance Officers; and**
- 7. That Council reserves the right to cancel this approval at any time.**

For motion: Unanimous

LTC0319 Item 24 2A Gladstone Street, Newtown - DA201700589 - For The Temporary Use Of The Site For A Multi-Use Creative Hub - Revised Traffic & Parking Impact Assessment (Damun Ward/Newtown Electorate/Inner West PAC)

SUMMARY

Additional information has been received for a temporary application to use the existing buildings to create a multi-use creative hub containing creative work spaces (business and offices premise), market stalls, wholesale bakery and food truck with 24 portable/relocatable marquees for stall holders, 8 shipping containers four on the ground floor and 4 above, fold out stage to operate 7.00am to 7.00pm Mondays to Fridays, 6.00am to 6.00pm for the creative workspaces, 6.00am to 6.00pm Mondays to Sundays for the wholesale bakery, Saturdays 7.00am to 4.00pm and 6.00pm to 10.00pm for the market and 7.00am to 10.00pm for functions or creative performances

The application is required to be referred to the Pedestrian, Cyclist & Traffic Calming Advisory Committee for consideration under State Environmental Planning Policy (Infrastructure) 2007.

OFFICER RECOMMENDATION

THAT the findings of this report be received and noted.

DISCUSSION

The Committee members agreed with the Officer's recommendation.

COMMITTEE RECOMMENDATION

THAT the findings of this report be received and noted.

For motion: Unanimous

General Business**LTC0319 Item 25 Gym on Mallet Street, Camperdown**

The representative for the Member for Balmain asked about the status of Council's decision on the amended proposal for access to the fitness centre from Mallet Street and Council's officer advised this access location was not supported.

LTC0319 Item 26 City West Link Pedestrian Crossing

The representative for the Member for Balmain advised that the pedestrian crossing time along the City West Link at James Street is too short to cross before the lights change. The representative for the Member for Newtown advised of similar issue crossing Princes Highway at May Street.

RMS representative advised that they will investigate the crossing time and distance and noted that a countdown timer has been proven to negatively affect intersections similar to the City West Link.

LTC0319 Item 27 Pedestrian Crossing at Ashfield Station - Brown Street and Hercules Street, Ashfield

Councillor da Cruz raised concerns regarding waiting time for pedestrians at the pedestrian crossing outside of Ashfield railway station at intersection of Brown Street and Hercules Street.

RMS representative advised that traffic signals require pedestrians to activate the 'green' crossing time.

LTC0319 Item 28 Bus Stop on Parramatta Road at Mallet Street, Camperdown

The representative for the Member for Newtown raised an issue with the bus stop location and residents unsafely crossing the road as pedestrian crossings are inconsistently located. RMS representative advised if it is a result of WestConnex then the complaints need to be forwarded to them directly. The Transit Systems representative advised that the bus stop was relocated in front of Mallet Street due to WestConnex works.

LTC0319 Item 29 Northumberland Avenue, Stanmore Parking Permits

The representative for the Member for Newtown advised that resident was unable to obtain parking permit.

Council Officer advised that issuance of parking permits to said apartment complex is not possible as per the condition of the DA consent. The authority of the property is required to notify tenants and residents of parking conditions on the DA consent.

LTC0319 Item 30 Intersection of Chandos Street and Parramatta Road, Ashfield

Councillor da Cruz raised concerns for a driveway located at the Chandos Street and Parramatta Road intersection that is not compliant with AS2890.1.

Council Officers to investigate

Meeting closed at 11:27am.

Item No: C0319(2) Item 7**Subject:** RESIDENTS' ASSOCIATION SMALL GRANTS PROGRAM**Prepared By:** Prue Foreman - Engagement Manager**Authorised By:** Laura Stevens - Group Manager Communications, Engagement and Events**Item 7**

RECOMMENDATION**THAT Council endorse the eligible applicants for Residents' Association Small Grants.**

REPORT

Council resolved to trial a new program of Residents' Association Small Grants to support local residents' associations defray operating costs such as venue hire for meetings, printing and promotional costs (C0918(1)Item 2). The purpose of the grants is to provide financial assistance to not-for-profit residents' associations who represent local residents on neighbourhood issues and provide opportunities for the local community to come together to discuss what's important to them.

The grants were promoted through a media release, Council's website, social media, Councillor memorandum and direct emails to groups listed on the Community group register on Council's website. The grants were open 28 January 2019 – 24 February 2019 through Council's Smarty Grants online system. Five applications were received, two of which were assessed against the evaluation criteria as eligible. The two eligible grant applications total \$991.

Available Budget	Applications Assessed	Applications Recommended	Amount Requested	Amount Recommended
\$7,500	5	2	\$2,990.95	\$991

The eligible applicants recommended for funding are:

1. Marrickville Community Peace Group - \$370.95 for brochure, meetings, website fees;
and
2. The Haberfield Association Incorporated - \$620 for printing flyers

The three ineligible applicants will be advised to apply for an alternative Inner West Council grant.

FINANCIAL IMPLICATIONS

Residents Association Small Grants are funded through existing budget allocations.

ATTACHMENTS

Nil.

Item No: C0319(2) Item 8

Subject: INVESTMENT REPORT AS AT 31 JANUARY 2019

Prepared By: Brendhan Barry - Manager Financial Services

Authorised By: Michael Tzimoulas - Deputy General Manager Chief Financial and Administration Officer

RECOMMENDATION

THAT the report be received and noted.

REPORT

Clause 212 of the Local Government (General) Regulation 2005 requires that a report be presented to Council each month listing all investments with a certification from the Responsible Accounting Officer. Attached to this report are further reports from Council's Investment Advisors, Prudential Investment Services. The attachments to this report summarise all investments held by Council and interest returns for periods ending 31 January 2019.

All investments made for the month of January 2019 have been made in accordance with the Local Government Act, Local Government Regulations and the Inner West Council Investment Policy.

The Investment Holdings report (**Attachment 1**) for the period ending 31 January 2019 reflects Council's holding in various investment categories. Council's portfolio size sits at \$204.4m, of which 83% was rated A rated or above.

Council's annualised return continues to exceed the bank bill index benchmark. The period ending 31 January 2019, the portfolio for Inner West Council had a One-Month Portfolio Investment Return of 3.5%, above the UBSWA Bank Bill Index Benchmark (2.14%).

All Socially Responsible Investments (SRI's) are investments that comply with the Non Fossil Fuel standards (NFF). Council's holdings in NFF / SRI's was \$201.8m with the relative total portfolio percentage of 99%. Council's holdings in NFF investments were \$138.8m with the relative total portfolio percentage of 68%. Council's holdings in SRI's were \$63.0m, with the relative total portfolio percentage of 31%.

Attachment 1 has been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1.  IWC Jan19 (**Published separately on Council's website**)
2.  IWC Economic and Investment Portfolio Commentary Jan19



Inner West Council Economic and Investment Portfolio Commentary January 2019

Global issues:

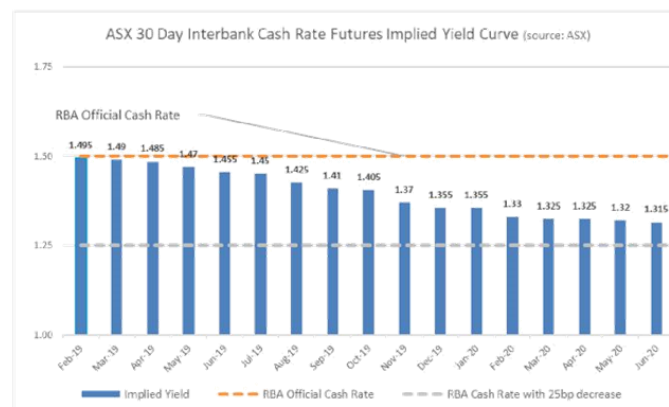
- Some positive signals coming out of the US helped share markets gain back some ground lost at the end of 2018. The US government shutdown came to an end, at least temporarily; further interest rate hikes by the Federal Reserve are expected to be on hold; and US/Chinese trade talks are thought to be moving forward.
- Data out of Europe (GDP up a meagre 0.2%), Japan (a fall in industrial production) and China (weak manufacturing data) gave little hope that any of these areas would help start 2019 with a burst of economic confidence.

Domestic issues:

- In Australia, the latest Consumer Price Index data showed inflation continues to remain below the RBA's 2-3% target range, at 1.8%pa. Tobacco/alcohol (+6.8%), health (+3.3%) and transport (+5%) led the price gainers. The biggest contributors to price declines were in Communications (-4.3%), household furnishings (-0.8%) and clothing (-0.7%).
- With Sydney and Melbourne leading the downward trend, the nation's house prices continued their decline over the month. The average national capital city house prices are now off 8% from their Sep 2017 highs and economists are anticipating prices to fall by another 5-10% this year.

Interest rates

- The cash futures market shows an increasing likelihood of an interest rate cut over the next 18 months (refer chart below). At the very least, the RBA is expected to keep interest rates on hold, at 1.50%, for the foreseeable future:





- Despite the expectation of a flat to lower cash rate over the next 18 months, the cost of banks' wholesale funding has increased causing short dated swap rates to remain elevated and pushing some banks to raise mortgage rates.
- Likewise, term deposit rates were mostly higher by the end of January. The best indicative 3-month TD from an Australian major at month end was 2.70% up by 5bps from December. The same major's best 12 month rate was at 2.75%, unchanged over the month, while the other majors remained in the 2.60-2.70% range. Meanwhile, the best rates among the lower rated banks were in the 2.75% range across 3-12 months range, up to 15bps higher in some cases from last month.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 3.50%pa for the month of January versus the bank bill index benchmark return of 2.14%pa. For the financial year to date, the investment portfolio returned 3.15%pa, exceeding the bank bill index benchmark's 2.01%pa by 1.14%pa.

Without marked-to-market influences, Council's investment portfolio yielded 2.92%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

During January, Council's investment portfolio had \$15.5m in term deposits mature of which \$2m was in a fossil fuel bank. While some of the proceeds were used to meet expenditure requirements, \$10m was invested evenly between a 6 month Suncorp TD (non-fossil fuel) and a 12 month Westpac Green Tailored Deposit. The proceeds of the Green Tailored Deposits are targeted to specific ESG initiatives and projects and is certified to meet the Climate Bonds Standard. This helped Council increase its exposure to socially responsible investments to 31% of the portfolio (up from 28% the month prior), with Council's total exposure to non-fossil fuel and socially responsible investments increasing to 99% (up from 98% the month prior).

Council has a well-diversified portfolio invested among a range of term deposits, fixed rate bonds and floating rate notes from highly rated Australian ADIs. 83% of the portfolio is spread among the top three credit rating categories (A long term/ A2 short term and higher). It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Disclaimer: The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Prudential Investment Services Corp has relied upon information which it believes to be reliable and accurate. Prudential Investment Services Corp believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Prudential Investment Services Corp does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Prudential Investment Services Corp. AFS Licence No. 468145.

Item No: C0319(2) Item 9
Subject: NOTICE OF MOTION: REVIEW OF AQUATIC CENTRE TIMES
From: Councillor Marghanita Da Cruz

MOTION:

THAT a review of the opening times of swimming pools and other facilities at the Aquatic Centres including extending (or shortening) the season and hours be undertaken and a report be brought back to Council.

Report

At the 12 March 2019 Council meeting, Council resolved to run a trial of keeping a pool open for water polo training from 8.00pm-9.00pm.

Personal Fitness was identified as number 4 and Swimming was identified as number 7 in the recreation needs study (see below).

Many people work long hours and being able to go down to the pool for a swim on the way home would be a nice way to wind down or start the day.

Air pollution is often poor in Sydney and possibly worse in the Inner West, which means it may not be safe for sensitive people to exercise outdoors.

With increasing temperatures there is an growing need for places to cool down.

The Aquatic Centres incorporate Pools, Gyms, Cafes and other community facilities which may not currently fit into the schedules of a large portion of our community.

ATTACHMENTS

1. [↓](#) Review opening times of Aquatic Centres

The population in the Inner West has changed and teenagers would also be looking for alternatives to shopping malls to hangout at.

Recreation Needs Study - my urban playground inner west

WHAT DO YOU DO FOR RECREATION?

Across the spectrum of recreation activities, people participated most often in "active recreation" activities (80% of survey respondents participated at least weekly in "active recreation"). This was followed by personal fitness with 66% of people participating at least weekly.

In total, 4.5% of people did not participate regularly (at least weekly) in recreation (of any kind), and an additional 1.4% participated regularly in "passive recreation", but not any other kind of recreation.

The most popular recreation activities, across all community engagement types, were:



Sydney

	Walking (Most popular activity in the survey, 3rd most popular in the community map, 5th in the school workshops, popular in the multicultural focus groups)
	Walking for transport (2nd in the survey)
	Playing in a playground/playing in a park/taking children to play (3rd in the survey, 5th in the community map, 4th in the school workshops, high in multicultural focus groups)
	Personal fitness/outdoor fitness (4th in the survey)
	Walking the dog (5th most popular in the survey, 4th most popular in the community map, 6th in the school workshops)
	Cycling (6th in the survey, 2nd in the community map, 3rd in the school workshops)
	Swimming (7th in the survey, most popular activity in the community map and school workshops)
	Running (8th in the survey)
	Relaxing in a park (9th in the survey)
	Hockey (10th in the survey, reflecting the high proportion of hockey players who completed the survey)
	Soccer (11th in the survey, 2nd in the school workshops)
	Tai Chi, table tennis, and badminton were also popular activities amongst the older population of people who speak a language other than English at home.

Item No: C0319(2) Item 10
Subject: NOTICE OF MOTION: WESTCONNEX SATELLITE IMAGERY AND RISK TO INNER WEST PROPERTIES
From: Councillor Pauline Lockie

MOTION:

THAT Council:

1. Notes the recent media reports in relation to satellite imagery taken along the WestConnex M4 East and New M5 routes, which reveals:
 - a. Ground movements along the routes that significantly exceed the settlement criteria for buildings as contained in the WestConnex Environmental Impact Statements and Approvals;
 - b. That the satellite images indicate that the ground movement is linked to the timing of tunneling;
 - c. That the area impacted by ground movement (known as the 'zone of influence') is not restricted to the 50m zone currently used in the WestConnex project to determine eligibility for free pre-and post-construction property dilapidation reports, noting the zone of influence appears to be up to 300 metres in some areas.
 2. Notes that under the WestConnex Approvals, the Roads and Maritime Authority (RMS) as the proponent of WestConnex is ultimately responsible for the protection of existing structures or rectifying any damage resulting from WestConnex;
 3. Notes that RMS has publicly stated that satellite technology could be "a valuable tool" in assessing damage claims, and is considering working with data providers to help review property owners' compensation claims;
 4. Calls on the NSW Government to:
 - a. Make satellite imagery reports to detect ground movement available free of charge and in full to all property owners located within at least 300m of the built and planned WestConnex route to assist with determining cause for property damage; and
 - b. Given the multiple reports of residents whose claims have been denied, ensure property owners who experience damage linked to WestConnex construction works are fairly compensated for the cost of repair.
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Report

On 13 March 2019, a number of media outlets - including [*Financial Review*](#), [*Inner West Courier*](#), and [*9 News Sydney*](#) - reported that satellite imagery taken and analysed by Otus Intelligence Group has revealed ground movements (subsidence) linked to the tunnelling has been significantly greater, and has affected a far wider area, than indicated by the NSW Government or WestConnex contractors.

These images, which were taken every 11 days from January 2016 to January 2019 (i.e. up to 18 months before tunnelling began on the WestConnex projects), show ground movements of up to 100mm or more along the WestConnex route since tunnelling began. The images also

reveal that, in some places, this movement has been observed up to 300m away from the route.

The findings stand in complete contrast to the NSW Government and WestConnex contractors' approved thresholds in regards to WestConnex tunnelling impacts.

The environmental impact statements (EISs) for WestConnex state that ground movements of 1-20mm are usual and within the settlement criteria, but the satellite images show movements far in excess of that. Examples of observed movement along the New M5 route alone include:

- Hotels along Marsh St (between M5 and Airport) – 50-60mm
- IKEA Tempe parking lot – More than 80mm
- Northern Lands Car Park (near Sydney Airport) – More than 100mm
- Gas tanks near airport – More than 45mm

Additionally, only properties located within 50m of a WestConnex surface construction site or tunnelling are considered by the NSW Government and project contractors to be within the 'zone of influence' for potential damage, and eligible for free property dilapidation reports.

If an owner outside this 50m zone suffers property damage they believe is linked to WestConnex construction, they are generally denied a meeting with the contractor. Even within this zone, there have been numerous reports of residents along the WestConnex route being denied compensation of their claims for property damage potentially caused by construction, and I have personally been contacted by other residents across the inner west in this situation.

I am not aware of anyone who has had their claim for property damage accepted by the WestConnex project. Instead, the damage has been attributed to other factors such as dry weather or a dripping garden tap.

Reports based on these satellite images could offer reliable and powerful proof of ground movements occurring to properties in line with WestConnex construction, which is why I am asking Council to act for our residents by calling on the NSW Government to make these reports available to property owners free of charge.

ATTACHMENTS

Nil.

Item No: C0319(2) Item 11
Subject: NOTICE OF MOTION: INNER WEST COUNCIL: COMMUNITY PLEBISCITE ON MERGER
From: Councillor John Stamolis

MOTION:

THAT Council consider a community plebiscite to be held in 2019 in regard to whether the Inner West Council merger should continue or not.

Report

The Inner West community has been heartened by statements made by candidates in the lead up to the 2019 State Election. These comments address the very unpopular Council amalgamation of the three inner west Councils in 2016. All four candidates who attended the recent State Election Candidates Forum at Balmain Town Hall (including Labor and Greens candidates) said that they would work toward either reversing the merger or act to ensure that a public vote of the inner west community occurs. The merger remains an issue of major concern across the inner west and it is one of the significant issues that has seen the NSW Liberal Government lose the confidence of the people of NSW. In 2016, community surveys found that residents of the inner west did not want their Councils to merge. These surveys were disregarded by the three Councils. The community voice was dismissed by the three inner west Councils. In addition, the three inner west Councils stood apart from all other inner city Councils by offering a merger to State Government.

The merger of the three inner west Councils was not only one of the very few mergers that occurred in 2016; it was one of a tiny number of three-way mergers. Attempting to merge three historic and proud inner city Councils was always going to be a massive challenge and it is now proving to be a long and expensive exercise. The merger is having an enormous impact on Councils' budget. The community is soon to hear of the difficult budget position we are in. There are also other questions that are being asked about the merger. If we had to merge, did we get the right one? Are there synergies and efficiencies from the current merger, an area which spans a very diverse region of Sydney? Today, after three years, there is not a single unmerged Council which has decided that it wants to follow the path of the Inner West into a merger. If the Inner West is a model Council for mergers, we are certainly not receiving calls from other Councils for advice and help. Instead, other Councils are watching us spend millions of dollars of ratepayers funds on the merger with many years to go. It appears that our State candidates have correctly read the mood of our community. It is now time that Council acted in good faith toward the people of the Inner West by conducting a plebiscite on the merger. The plebiscite should refrain from political interference and Council should not mislead its community by presenting unaudited or unsubstantiated financial statements in an attempt to sway community opinion.

Officer's Comments:**Comment from Civic and Executive Support Manager:**

Council considered a report on 12 December 2017, which stated that the cost of running a plebiscite would be approximately \$1,100,000 - \$1,200,000. If this motion is supported, funds could be considered in the next quarterly budget review.

ATTACHMENTS

Nil.

Item No: C0319(2) Item 12
Subject: NOTICE OF MOTION: LEASES AND SERVICE AGREEMENTS REQUIRED TO COME TO COUNCIL MEETING
From: Councillor Rochelle Porteous

MOTION:

THAT:

1. The awarding of new leases or the exercising of extension of lease options for the use of council owned properties for a term of more an 12 months should come to a full council meeting for approval;
 2. The awarding of service agreement contracts to manage council properties or provide services or the approval to exercise options to extend such service agreements for a term of more than 12 months should come to full council meeting for approval; and
 3. Twelve months prior to the expiry of a lease or service agreement on Council properties, Councillors will be provided with the information required to assess the future of such leases.
-

Report

This motion seeks to ensure that in future it is the governing body of council – the Councillors who are the decision-makers for approvals to award or extend leases and service agreements in relation to council-owned property.

The awarding of new leases or service agreement contracts or the approvals for extensions of leases or agreements for lease or management of council properties or services are often issues of great importance to the local community. The process needs to be seen to be open and transparent and consultative and Councillors need to be accountable to the community for decisions about the proper use and management of much valued council properties.

Officer's Comments:

Comment from Group Manager Properties, Major Building Projects and Facilities:

The Land & Property Strategy and Policy guides the transparent, consistent process of good governance decision making for leasing, licencing and agreements. There are over 270 leases, licences and agreements that require decisions on options, renewals and Requests For Tender. The Land and Property Strategy is the strategic document for Council to steer this decision making. If all decisions on lease renewals and agreements are decided through Council, more resources will be required for reporting and the efficiency of timing for decision making will likely be impacted.

ATTACHMENTS

Nil.

Item No: C0319(2) Item 13
Subject: NOTICE OF MOTION: MOTION FOR ALGA NATIONAL GENERAL ASSEMBLY
From: Councillor Rochelle Porteous

MOTION:

THAT Council consider the following motion for submission to the 2019 ALGA National General Assembly.

Report

I propose the following motion be adopted by Council to be submitted to the 2019 ALGA National General Assembly.

Safe Levels of Air Pollution

Background: The national limit for air pollution PM 2.5 is 8. Scientific research however, finds that there is no safe level of PM 2.5, which is linked to heart disease, cancer, premature birth and can impact lung and brain development. There is also evidence that it may be linked to diabetes, depression in adolescents and dementia. On projects such as the WestConnex toll road project in Sydney levels well above the national level are regularly being recorded.

Motion

1. That ALGA calls on the Federal Government to review the national limit for PM 2.5 in light of the fact that recent scientific evidence finds there is no safe level of PM 2.5.
2. That ALGA calls on the Federal Government to take immediate steps to protect vulnerable people, for example school children from exposure to PM 2.5 air pollution.
3. That ALGA calls on the Federal Government to undertake comprehensive, independent health studies into the health impacts of major infrastructure projects such as WestConnex including construction and operational health impacts and predictions of future and compounding health impacts on local communities and future users of the infrastructure.

ATTACHMENTS

Nil.

Item No: C0319(2) Item 14

Subject: **SELECTION OF RECYCLING PROCESSOR - TENDER RESULTS - SOUTH SERVICE AREA MARRICKVILLE)**

Prepared By: Jan Orton - Group Manager Environment and Sustainability

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

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in **CONFIDENTIAL ATTACHMENT 1** of this report is classified as confidential under the provisions of Section 10A (2) (c) and (d) of the Local Government Act 1993 for the following reasons:
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
 - (d) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;
 2. And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed; and
 3. Council adopt the recommendation contained in the **CONFIDENTIAL ATTACHMENT 1**.
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REPORT

On the 10 December 2018 Inner West Council tendered for **Recycling Processing** for the South Service Area (Marrickville). The Tender is to process all recyclable materials in the comingled residential bins (yellow lidded bin) from the South Service Area. This will bring the processing contract for the South Service Area into line with the contracts for North (Leichhardt) and West (Ashfield) service areas, which will enable Council to move to a single processing contract. The North (Leichhardt) and West (Ashfield) service areas are in contract for recycling processing with Visy Pty Ltd until 30 September 2020 (with 1+1+1 year options). The South Service Area contract with Visy Pty Ltd expires on 12 May 2019.

Council is working to align contracts as quickly as possible as part of a Transition Plan to a common resource recovery service across the Inner West. Market changes in 2018 following the restrictions on importation of recyclable material from China, caused a drop in the price of plastics in secondary markets. This has created uncertainty for the recycling industry. The cost to process residential recyclables has, as a result, increased significantly in new contracts.

FINANCIAL IMPLICATIONS

Recycling costs to local government and industry have increased substantially as a result of the international market crash (China Shock) in 2018. This service is covered by the Domestic Waste Charge and budget allocations have been made in anticipation of increased costs for the processing of recycling.

OTHER STAFF COMMENTS

The Strategic Procurement Specialist supports the process and recommendation for this tender.

ATTACHMENTS

1. Recycling Processing Tender - South Area - *Confidential*