

BUSINESS PAPER

COUNCIL MEETING

Tuesday, 15 March, 2016

Meeting commences at 6:30pm

**Council Chambers
Level 3, 2-14 Fisher Street
Petersham**

MARRICKVILLE COUNCIL

Administrative Centre
PETERSHAM


8 March 2016

Notice is given of the **COUNCIL MEETING**, to be held in the Council Chambers on Level 3 of the Administrative Centre, 2-14 Fisher Street, Petersham, on Tuesday, 15 March, 2016, commencing at 6:30pm.

Yours faithfully

Brian Barrett
General Manager

COUNCILLORS

	Chairperson Councillor Sam Iskandar (Mayor) Central Ward – Wirragga Ph: 0421 494 515 Fax: 9591 2201		Deputy Chairperson Councillor Rosana Tyler (Deputy Mayor) West Ward – Burraga Ph: 0414 859 630 Fax: 9335 2029
	Councillor Daniel Barbar West Ward – Burraga Ph: 0447 091 979 Fax: 9335 2029		Councillor Melissa Brooks West Ward – Burraga Ph: 0409 235 802 Fax: 9572 7982
	Councillor Sylvie Ellsmore North Ward – Wali Ph: 0403 977 213 Fax: 9519 2973		Councillor Mark Gardiner North Ward – Wali Ph: 0402 424 987 Fax: 9335 2029
	Councillor Morris Hanna OAM South Ward – Magura Ph: 0417 660 997 Fax: 9349 5149		Councillor Jo Haylen North Ward – Wali Ph: 0417 114 404 Fax: 9335 2029
	Councillor David Leary South Ward – Magura Ph: 0409 421 323 Fax: 9519 1425		Councillor Victor Macri Central Ward – Wirragga Ph: 0408 219 260 Fax: 9569 8750
	Councillor Max Phillips Central Ward – Wirragga Ph: 0419 444 916 Fax: 9335 2029		Councillor Chris Woods South Ward – Magura Ph: 0425 363 209 Fax: 9335 2029

Council and Committee Meetings

To enable Council to give consideration to items of business at each Meeting, a Business Paper, like this one, is prepared, containing reports by senior staff in relation to each item listed on the Agenda for the Meeting. The Business Paper for each Meeting is available for perusal by members of the public at Council's Libraries and Community Neighbourhood Centres on the Thursday prior to the Council/Committee Meeting.

Meetings are conducted in accordance with Council's Code of Meeting Practice. The order of business is listed in the Agenda. That order will be followed unless a procedural motion is adopted to change the order of business at the meeting. This sometimes happens when members of the public request to address the Council on an item on the Agenda.

Some items are confidential in accordance with S10A(2) of the Local Government Act. This will be clearly stated in the Business Paper. These items may not be discussed in open Council and observers may be asked to leave the Council Chambers when they are discussed. The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The number of items that are dealt with as confidential are kept to a minimum.

Each of Council's committees has delegated authority to make decisions subject to a number of limitations. Matters which cannot be decided by the committees are referred to the Ordinary Council Meeting for decision.

More Information

Please visit Marrickville Council's website at www.marrickville.nsw.gov.au for more information on the following:

- Committee Structure and Delegations
- meeting dates for the remainder of the year
- information on attending Council and committee meetings, and on applying to speak at meetings

Marrickville Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. If you have any access or disability related participation needs and wish to know more ring 9335 2024.

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

Council grants authority to an accredited television or radio media representative to record by the use of audio or video recording equipment, the proceedings of a Council or Committee meeting upon production of suitable identification and evidence of employment.

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

"Tape 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 minute taking purposes and will be destroyed upon confirmation of the minutes.

SUMMARY OF ITEMS

The following provides a summary of the items to be considered at the meeting.

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NOTICES OF MOTION

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PRECIS

1	Acknowledgement of Country	
2	Period of Silence for Prayer, Pledge or Contemplation	
3	Present	
4	Apologies	
5	Disclosures of Interest (Section 451 of the Local Government Act and Council's Code of Conduct)	
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7	Mayoral Minutes	
C0316 Item 1	MAYORAL MINUTE: SUPPORT FOR GENERATIONAL CHANGE TO END DOMESTIC AND FAMILY VIOLENCE	25
8	Staff Reports	
C0316 Item 2	POST COMMUNITY CONSULTATION REPORT ON PLANNING PROPOSAL REQUEST FOR 67, 69, 71 & 73 MARY STREET, 50 & 52 EDITH STREET & 43 ROBERTS STREET, ST PETERS (PRECINCT 75)	27
	File Ref: 14/5390/15800.16	
	At its meeting on 3 February 2016 Council resolved to defer the planning proposal for the land to enable a Councillor briefing and community consultation to be undertaken with properties in the immediate vicinity of the proposal and that this be reported to the March 2016 Council meeting.	
	In accordance with Council's resolution, consultation has been undertaken with 123 submissions received. The main issues raised in the submissions are summarised and assessed within this report. Copies of all submissions are included in a table at <u>ATTACHMENT 2</u> and lengthier submissions are shown at <u>ATTACHMENT 3</u> .	
	The submissions received generally raise issues previously identified and assessed in the report considered by Council at its 3 February 2016 meeting. Additional comments on these matters are included within this report. The matter was also addressed at a Councillor Conference held on 23 February 2016.	
	The recommendation in this report is essentially the same as the original February report's with the exception that:	
	<ul style="list-style-type: none"> • recommendation b) has been refined to include a 50% limit on the quantum of residential development on the site; and • the proposed B4 Mixed use zoning for the rear of 69 & 71 Mary Street has been deleted and those properties retain their existing R2 Low Density Residential zoning (new recommendation (1) (c)). 	

It is recommended that Council forward the planning proposal request to the Department of Planning & Environment for Gateway determination, subject to the amendments identified in this report. It is further recommended that Council adopt the draft site specific planning controls for public exhibition concurrent with the planning proposal, with these to be incorporated into Part 9.31 of the Marrickville Development Control Plan (MDCP) 2011.

RECOMMENDATION

THAT Council:

1. **supports the planning proposal request for 73 Mary Street, 67, 69 & 71 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters to rezone the land from IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use and RE1 Public Recreation, subject to**
 - a) **inclusion of MLEP 2011 Schedule 1 additional permitted use of 'residential accommodation' as part of a mixed use development;**
 - b) **a limit on the quantum of residential development permitted to 50% of the total gross floor area to ensure that the precinct retains a mix of spaces for future and current industrial/ commercial tenants and residents;**
 - c) **amending proposed land use zoning for part of 67 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of this land;**
 - d) **removing 69 & 71 Mary Street from the planning proposal and updating the planning proposal documentation accordingly;**
 - e) **determination of an appropriate zoning for the Roberts Street 'pocket park' subject to the progression of any Voluntary Planning Agreement (VPA) for the planning proposal;**
 - f) **design amendments to ensure that the public open space lawn area receives at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area;**
 - g) **inclusion of site specific controls within Precinct 31 (Unwins Bridge Road) in Part 9 of MDCP 2011 as attached to this report; and**
 - h) **further contamination investigations being undertaken to address all identified deficiencies in the preliminary investigation report, in parallel with the submission of the planning proposal to the Department of Planning & Environment (DP&E) for Gateway determination.**
2. **forward the planning proposal to the DP&E for Gateway determination.**

C0316 Item 3	POST EXHIBITION REPORT - DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 4) - SIGNAGE ON BUS AND TAXI RANK SHELTERS	184
	File Ref: 15/4738/12786.16	

At its meeting on 1 December 2015 Council resolved (in part) to prepare a planning proposal to amend MLEP 2011 to incorporate a recommendation (Recommendation L-Sch2 (01)), relating to signage on bus and taxi rank shelters.

The planning proposal was forwarded to the Department of Planning & Environment who subsequently issued a Gateway Determination giving conditional approval for the planning proposal to proceed to public exhibition.

The planning proposal was publicly exhibited in accordance with the Gateway Determination between 9 February 2016 and 24 February 2016. Five submissions were received, one in support of the planning proposal and four submissions raising issues with the planning proposal.

The submissions did not raise any issues that would warrant not proceeding with the planning proposal, or require changes to be made to the planning proposal.

It is recommended that Council resolve to forward the draft amendment to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal.

RECOMMENDATION

THAT:

1. **the report be received and noted; and**
2. **Council forwards the draft amendment to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal.**

C0316 Item 4	1A HILL STREET, DULWICH HILL	192
	File Ref: DA201500246/21905.16	

This report concerns a development application that seeks approval to demolish the existing improvements, and construct a U-shaped 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking for 81 cars at 1A Hill Street, Dulwich Hill.

The development application relates to a type of development that the Minister of Planning and Environment has categorised as being of regional significance. The Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

Council officers have carried out an assessment of the application and the Council officer's report on the application has been forwarded to the Sydney East Joint Regional Planning Panel for the Regional Panel's consideration. A copy of the Council officer's assessment report on the development application is provided as **ATTACHMENT 1**. The officer's report recommends that the application be approved.

The matter has been set down for hearing by the Panel on Thursday 24 March 2016 at the Christie Centre, Level 3, 3 Spring Street, Sydney.

The matter is referred to the Council for information and the Council needs to determine whether it wishes to make a submission to the Panel in relation to the proposal, and if so, the contents of such submission.

PART E - RECOMMENDATION

THAT Council determine whether it wishes to make a submission to the Joint Regional Planning Panel – Sydney East in relation to the proposal, and if so, the contents of such submission.

C0316 Item 5**2016 WINTER SPORTS GROUND ALLOCATION****276**

File Ref: 16/5908/9204.16

Following an expression of interest process for the 2016 winter season sports ground hire, this report recommends allocations to balance local demand with the sustainable management of available sports grounds.

RECOMMENDATION**THAT:**

1. in relation to Arlington Reserve, Mahony Reserve, Steel Park, Henson Park and Marrickville Oval:
 - a. Council approve the 2016 winter season sports ground allocations for training and match play applicable from 1 April to 30 August 2016 inclusive, as proposed in the schedule at ATTACHMENT 2, subject to provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
 - b. pursuant to s337(1) of the Local Government Act 1993 the Council delegates to the General Manager the power to execute 2016 winter season sports ground licences; and
2. Council, in its capacity as reserve trust manager of Petersham Park (P500070), considers this report and decides to enter into winter season sports ground licences for the 2016 winter season with the clubs proposed to use Petersham Park (P500070) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;

3. Council, in its capacity as reserve trust manager of Camperdown Park (R8205 & D500444), considers this report and decides to enter into winter season sports grounds licences for the 2016 winter season with the clubs proposed to use Camperdown Park (R8205 & D500444) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
4. Council, in its capacity as reserve trust manager of Mackey Park (R80566), considers this report and decides to enter into winter season sports grounds licences for the 2016 winter season with the clubs proposed to use Mackey Park (R80566) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
5. Council, in its capacity as reserve trust manager of Tempe Recreation (D500215 & D1000502) Reserve considers this report and decides to enter into winter season sports ground licences for the 2016 winter season with the clubs proposed to use Tempe Recreation (D500215 & D1000502) Reserve as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees; and
6. the General Manager is delegated authority to enter into short term casual licence arrangements subject to availability and in accordance with the criteria for seasonal sports grounds allocation adopted by Council.

C0316 Item 6

**COMMUNITY GRANTS CONTINGENCY FUND REQUEST -
FINANCIAL ASSISTANCE FOR RHYTHMS, COLOURS AND
FLAVOURS OF PERU FESTIVAL AS PART OF OPEN
MARRICKVILLE**

282

File Ref: 16/5786/11155.16

The NSW Spanish and Latin American Association of Social Assistance (NSW SLASA) will be auspicing and supporting the Rhythms, Colours Flavours of Peru Festival being held during Open Marrickville 2016. NSW SLASA has requested financial support for the hire costs of Marrickville Town Hall on the 19 June 2016 for an afternoon of family entertainment, food tastings and activities for children.

RECOMMENDATION

THAT:

1. the report be received and noted; and

2. Council provides \$1,000 from the Community Grants Program Part 2, Contingency Program to assist NSW Spanish and Latin American Association of Social Assistance with the cost of hire for the use of Marrickville Town Hall on Sunday 19 June for an Open Marrickville event.

C0316 Item 7	TRANSPORT COMMITTEE MEETING MINUTES 11 FEBRUARY 2016	286
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File Ref: 317-01/18331.16

Transport Committee met most recently on 11 February 2016. Minutes setting out the topics discussed at the meeting are attached to this report.

RECOMMENDATION

THAT:

1. the report be received and noted; and
2. Council writes to RMS requesting that an enhanced pedestrian crossing environment, including the addition of a crossing on the missing arm, of the intersection of King Street/Wilson Street be implemented.

C0316 Item 8	NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT DURING 19 TO 22 JUNE 2016 - CALL FOR DELEGATES AND MOTIONS	294
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File Ref: 16/512/14932.16

The 2016 National General Assembly of Local Government will be held from 19 to 22 June 2016, at the National Convention Centre in Canberra. The Australian Local Government Association (ALGA) is calling for motions for the Assembly.

RECOMMENDATION

THAT:

1. the report be received and noted;
2. Council determines whether it wishes to send any delegates to the 2016 National General Assembly of Local Government and nominates such delegates (if required);
3. in the event that 5 or more Councillors are nominated to attend the National General Assembly, Council resolves an alternate date/time for the June Council Meeting; and
4. Council determines if motions are to be submitted on behalf of Council to enable staff to draft the motions for determination by Council at the 19 April 2016 Council Meeting.

C0316 Item 9	STATUS UPDATE ON LEGAL PROCEEDINGS	308
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File Ref: 16/4036/24218.16

This report provides an update on legal proceedings Council is involved in.

RECOMMENDATION

THAT the report be received and noted.

C0316 Item 10	STATUS UPDATE - RESOLUTIONS OF COUNCIL	351
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File Ref: 16/5449/5062.16

This report updates Councillors on the status of reports requested by Councillors; Questions on Notice and actions arising from Mayoral Minutes and Councillor Notice of Motions.

RECOMMENDATION

THAT the report be received and noted.

9 Notices of Motion

C0316 Item 11	NOTICE OF MOTION: PEDESTRIAN SAFETY AROUND HENSON PARK	389
C0316 Item 12	NOTICE OF MOTION: ONGOING TENURE OF NSW LOCAL GOVERNMENT COUNCILLORS FURTHER TO COUNCIL MERGER PROPOSALS	390
C0316 Item 13	NOTICE OF MOTION: WESTCONNEX LEGAL ADVICE	392
C0316 Item 14	NOTICE OF MOTION: SUPPORT FOR THE MARCH 20 PALM SUNDAY REFUGEE RALLY	394
C0316 Item 15	NOTICE OF MOTION: OPTIONS FOR RECOVERY OF COSTS FROM HIRERS OF SPORTING FIELDS NOT LEFT IN FIT CONDITION	397

10 Reports with Confidential Information

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

The confidential information has been circulated to Councillors separately.

C0316 Item 16	MARRICKVILLE HOSPITAL SITE REDEVELOPMENT - PROGRESS REPORT	398
C0316 Item 17	ANNETTE KELLERMAN AQUATIC CENTRE	411
C0316 Item 18	TENDER 21/15 CAMDENVILLE PARK UPGRADE - ASSESSMENT OF TENDERS	413
C0316 Item 19	TENDER 22/15 MARRICKVILLE PARK BUILDING UPGRADES - ASSESSMENT OF TENDERS	416
C0316 Item 20	TENDER 30/15 RENEWAL OF PICKET FENCES - MARRICKVILLE AND PETERSHAM PARKS	418
C0316 Item 21	TENDER 27/15 MAJOR COMMUNITY EVENTS PROGRAM - STAGING TENDER RESULTS	420
C0316 Item 22	TENDER 28/15 NEW DULWICH HILL LIBRARY - RECOMMENDATION FOR ENGAGEMENT OF CONTRACTOR	422

Minutes of Council Meeting held on Tuesday 16 February 2016

Meeting commenced at 6.37pm

ACKNOWLEDGEMENT OF COUNTRY BY CHAIRPERSON

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

COUNCILLORS PRESENT

Iskandar (Mayor)	Tyler (Deputy Mayor)	Barbar	Brooks
Ellsmore	Hanna	Gardiner	Leary
Macri	Phillips	Woods	

APOLOGIES:

Motion: (Iskandar/Barbar)

THAT the apology for Councillor Haylen be noted and leave of absence granted.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

DISCLOSURES OF INTERESTS:

Item 11 - Library to Provide Assistance to St Brigid's Catholic Primary School as a Result of Fire

Councillor Brooks declared a less than significant, non-pecuniary conflict of interest in Item 11 as the Librarian at St Brigid's is a close friend of her mother-in-law. She indicated that she would remain in the Chamber during that item of business.

CONFIRMATION OF MINUTES

Motion: (Iskandar/Macri)

THAT the Minutes of the Extraordinary Council Meeting held on Wednesday 27 January 2016 be confirmed.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

C0216 Item 1 MERGER PROPOSAL - DRAFT SUBMISSION TO DELEGATE**Motion:** (Iskandar/Macri)

THAT Council:

1. receive and note the Draft Submission to the Delegate (ATTACHMENT 1);
2. provide input and direction to the Draft Submission to the Delegate, in particular to parts (e), (e4) and (e5) under Section 263(3) of the Local Government Act, 1993;
3. publicly exhibit the Draft Submission; and
4. lodge its final Submission to the Delegate no later than Sunday 28 February 2016.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**Matter Arising out of Item 1: (Ellsmore/Hanna)**

THAT Council move a vote of thanks to the General Manager and the Mayor for presenting Marrickville's case so well at the recent Public Inquiry hearing for the merge proposal.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 2 TOWARDS NEW LOCAL GOVERNMENT LEGISLATION - PROPOSED PHASE 1 AMENDMENTS****Motion:** (Ellsmore/Woods)

THAT Council endorse the proposed responses (see ATTACHMENT 1) to the "New Local Government Act Development Consultation – Phase 1" for submission under the *Fit for the Future* local government reform program.

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree with proposed change to the wording of the purposes of the Act, and recommend that Ecologically Sustainable Development (ESD) principles remain specifically included in the Act;

Amendment Carried**For Amendment:** Councillors Barbar, Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips and Woods**Against Amendment:** Councillors Gardiner and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles".

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri, Phillips and Woods

Against Amendment: Councillors Gardiner and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Council disagree that the commitment to act as a "responsible employer" be replaced with a weaker commitment to "endeavour to involve and support its staff", and recommends instead a strengthened commitment to ensure Local Council acts as a model employer.

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Hanna, Iskandar, Leary, Phillips and Woods

Against Amendment: Councillors Gardiner, Macri and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

- Addition of a recommendation that provisions be added to ensure that a Council cannot be merged or abolished by the Minister or Executive without a poll of local residents.

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Iskandar, Leary, Phillips and Woods

Against Amendment: Councillors Gardiner, Hanna, Macri and Tyler

Amendment: (Ellsmore/Brooks)

THAT Council endorse the proposed responses to the "New Local Government Act Development Consultation - Phase 1" for submission under the Fit for the Future local government reform program, with the following amendment:

THAT a recommendation be added that the Local Government Act formally recognises Aboriginal and Torres Strait Islander Australians.

Amendment Carried

For Amendment: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Amendment: Nil

Amendment: (Leary/Hanna)

Item 4.1 of Council's submission be amended by deleting Point 2 relating to electronic voting and tallying technology.

Amendment Carried

For Amendment: Councillors Brooks, Ellsmore, Hanna, Iskandar, Leary, Macri and Woods

Against Amendment: Councillors Barbar, Gardiner, Phillips and Tyler

COUNCIL RESOLUTION:**Motion: (Ellsmore/Woods)**

THAT Council endorse the proposed responses (see ATTACHMENT 1) to the "New Local Government Act Development Consultation – Phase 1" for submission under the *Fit for the Future* local government reform program, with the following amendments:

1. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles";
2. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles";
3. Council disagree that the commitment to act as a "responsible employer" be replaced with a weaker commitment to "endeavour to involve and support its staff", and recommends instead a strengthened commitment to ensure Local Council acts as a model employer;
4. the addition of a recommendation that provisions be added to ensure that a Council cannot be merged or abolished by the Minister or Executive without a poll of local residents;
5. that a recommendation be added that the Local Government Act formally recognises Aboriginal and Torres Strait Islander Australians; and
6. Item 4.1 of Council's submission be amended by deleting Point 2 relating to electronic voting and tallying technology.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

Motion: (Iskandar/Macri)

THAT Council move into recess for a short period from 9.15 to 9:25pm.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

C0216 Item 3 IPART DRAFT REPORT ON THE REVIEW OF REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT**Motion:** (Macri/Tyler)

THAT Council:

1. lodges a submission to IPART in response to its draft report on *The Review of reporting and compliance burdens on Local Government*; and
2. endorses the proposed response (see ATTACHMENT 1) for submission.

Motion Carried**For Motion:** Councillors Barbar, Gardiner, Hanna, Iskandar, Macri, Tyler and Woods**Against Motion:** Councillors Brooks, Ellsmore, Leary and Phillips**C0216 Item 4 ENVIRONMENTAL IMPACT STATEMENT FOR WESTCONNEX STAGE 2 - NEW M5 (BEVERLY HILLS TO ST PETERS)****Motion:** (Iskandar/Gardiner)

THAT:

1. the report be received and noted;
2. Council endorses the Council submission and all attachments on the New M5 Environmental Impact Statement at ATTACHMENTS 1 to 5; and
3. Council forwards any additional comments arising from Council's consideration of this matter to the Department of Planning and Environment as an addendum to the submission.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Iskandar, Leary, Phillips and Woods**Against Motion:** Councillors Hanna, Macri and Tyler**Motion:** (Iskandar/Hanna)

THAT Council deals with Items 5, 6, 7, 8, 10, 11, 12, 13, 19, 20, 21, 22 and 23 en bloc.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 5 QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2015****Motion:** (Iskandar/Hanna)

THAT:

1. the report be received and noted; and
2. Council approve the variations identified as matters requiring budget adjustments and incorporate the changes into 2015/16 revised budget.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0216 Item 6 CHANGE TO CLAUSE 4.29 OF THE CODE OF CONDUCT FOR COUNCILLORS**Motion:** (Iskandar/Hanna)

THAT:

1. Council amends the Marrickville Council *Code of Conduct for Councillors* to update conflict of interest provisions under clause 4.29 of the Code in accordance with new requirements arising from the commencement of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*; and
2. the form of words for amending the Code be those recommended by the NSW Office of Local Government in its latest revision of the *Model Code of Conduct for Local Councils in NSW*.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 7 OUTCOMES FROM THE PUBLIC EXHIBITION OF THE COMMERCIAL TRAINER POLICY AND PROPOSED FEES AND CHARGES****Motion:** (Iskandar/Hanna)

THAT:

1. the report be received and noted;
2. Council adopts the draft Commercial Fitness Training Policy and proposed Fees & Charges as attached to this report;
3. all residents and stakeholders who made submissions during the public exhibition be notified of Council's determination; and
4. the Commercial Fitness Training Policy and Fees & Charges be reviewed annually to ensure management of recommended parks for commercial fitness training is meeting community needs.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 8 MARRICKVILLE WOMEN'S ADVISORY COMMITTEE TERMS OF REFERENCE****Motion:** (Iskandar/Hanna)

THAT Council adopt the attached Terms of Reference and Membership of the Marrickville Council Women's Committee.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0216 Item 9 SPORTS WALK OF HONOUR NOMINATIONS**Motion:** (Iskandar/Macri)

THAT:

1. the report be received and noted;
2. the list of recommended sportspeople in this report be represented on the Sporting Walk of Honour at Marrickville Park; and
3. further work be undertaken to identify some indigenous women sportspeople to add to the list.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 10 DELIVERY PROGRAM/OPERATIONAL PLAN PROGRESS REPORT - JULY TO DECEMBER 2015****Motion:** (Iskandar/Hanna)

THAT the six monthly progress report (July to December 2015) be received and noted.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 11 LIBRARY TO PROVIDE ASSISTANCE TO ST BRIGID'S CATHOLIC PRIMARY SCHOOL AS A RESULT OF FIRE****Motion:** (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 12 REFURBISHED ENTRANCE TO MARRICKVILLE LIBRARY TO MITIGATE FLOODING****Motion:** (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0216 Item 13 STATUS UPDATE - RESOLUTIONS OF COUNCIL**Motion:** (Iskandar/Hanna)

THAT the report be received and noted.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 14 CAMPERDOWN BOWLING CLUB REDEVELOPMENT - CORRECTION OF ENCROACHMENT ON PIDCOCK STREET**

Public speaker: Dean Thomas

Motion: (Ellsmore/Gardiner)

THAT Council take no action in relation to the encroachment on Pidcock Street.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 15 NOTICE OF MOTION: NO STOPPING SIGNS****Motion:** (Ellsmore/Phillips)

THAT:

1. except in circumstances where there are clearly no safety issues of concern, Council adopt a policy of installing a "No Stopping" sign when the sign:
 - a) has been requested by residents;
 - b) has concurrence from the Pedestrian, Cyclist and Traffic Calming Advisory Committee;
2. Council agrees to install signage which was recommended by the Pedestrian, Cyclist and Traffic Calming Advisory Committee for Henry Lane to prevent illegal parking within 10m of the intersection with Victoria Lane in Lewisham; and
3. signage installed should indicate to drivers the statutory 10 metre No Stopping distance where they are at risk of getting booked.

Motion Carried**For Motion:** Councillors Brooks, Ellsmore, Iskandar, Leary and Phillips, Macri and Tyler**Against Motion:** Councillors Barbar, Gardiner, Hanna, and Woods**C0216 Item 16 NOTICE OF MOTION: CAMDENVILLE PARK****Motion:** (Woods/Macri)

THAT the item be deferred to the next Council Meeting.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0216 Item 17 NOTICE OF MOTION: NO BUSINESS IN ABUSE CAMPAIGN

Public speakers: Viola Morris and Julie Colley

Motion: (Ellsmore/Iskandar)

THAT:

1. the General Manager sign the No Business in Abuse pledge on behalf of Marrickville Council;
2. Council's procurement policy be updated to ensure that no new contracts with Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, are entered into until their association with detention centers cease;
3. Council's investment policy be updated to ensure that Council is not investing in Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, until their association with detention centers cease; and
4. Council publicly promote Council's commitment, as one of a range of initiatives Council is undertaking to demonstrate support and welcome for refugees and asylum seekers.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Iskandar, Leary, Phillips and Woods

Against Motion: Councillors Gardiner, Hanna, Macri and Tyler

C0216 Item 18 NOTICE OF MOTION: EQUITY IN CHILDCARE FEES

Motion: (Ellsmore/Hanna)

THAT Council:

1. review and update its policies on holiday care and other childcare programs to ensure that duplicate fees are not required to be paid for the one child or family;
2. otherwise review and update its fees policies to ensure they can flexibly accommodate a range of family situations, including separated parents; and
3. refund the fees of any families that have been charged duplicate fees over the last 6-12 months.

Motion Carried

For Motion: Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION**C0216 Item 19 TENDER 12/15 MARRICKVILLE PARK UPGRADE - ASSESSMENT OF TENDERS****Motion:** (Iskandar/Hanna)

THAT Council:

1. resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 11(3) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993, and as such is to be treated as confidential; and
2. adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 20 TENDER 25/15 KENDRICK PARK, TEMPE - PROPOSED CYCLEWAY UPGRADE WORK****Motion:** (Iskandar/Hanna)

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENTS 1 and 2 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2) (c) and (d) of the Local Government Act 1993 and as such should be confidential;
2. the report be received and noted; and
3. Council adopts the recommendations contained in CONFIDENTIAL ATTACHMENTS 1 and 2.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 21 TENDER 1/16 MARRICKVILLE TOWN HALL ROOF RENEWAL AND IMPROVEMENTS****Motion:** (Iskandar/Hanna)

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993; and as such is to be treated as confidential;
2. Council adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1; and
3. the Director of Infrastructure Services sign the contract on behalf of Council.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

C0216 Item 22 TENDER 26/15 SYDENHAM GREEN PUBLIC TOILET**Motion:** (Iskandar/Hanna)

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993, and as such is to be treated as confidential;
2. Council adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1; and
3. the General Manager be delegated to execute the contract on behalf of Council.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 23 ACCESS COMMITTEE RECRUITMENT AND NEW MEMBER FOR 2015-17****Motion:** (Iskandar/Hanna)

THAT Council receive and note new membership of the Marrickville Access Committee for 2016 – 2018.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil**C0216 Item 24 MAYORAL MINUTE: SUBMISSION TO DELEGATE - ACHIEVING EFFECTIVE COMMUNITY REPRESENTATION**

The Mayoral Minute was withdrawn.

C0216 Item 25 MAYORAL MINUTE: SUBMISSION TO DELEGATE – PROPOSED WARD BOUNDARIES**Motion:** (Iskandar)

THAT Council:

1. submit to the Delegate a preference for a new Council area to be divided into 3 wards each comprising 5 Councillors allowing each existing LGA to remain largely intact as a ward area within the amalgamated Council; and
2. undertake to consult with the community on this preferred ward model and the option of a directly elected Mayor and the results to be included in Council's submission to the Delegate.

Motion Carried**For Motion:** Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods**Against Motion:** Councillors Brooks, Ellsmore, Gardiner, Leary and Phillips

Amendment: (Phillips/Brooks)

THAT:

- point 1 be deleted; and
- the word “this” be replaced to “the” in point 2.

Amendment Lost**For Amendment:** Councillors Brooks, Ellsmore, Gardiner, Leary and Phillips**Against Amendment:** Councillors Barbar, Hanna, Iskandar, Macri, Tyler and Woods**C0216 Item 26 MAYORAL MINUTE: INAUGURATION OF TILED ARTWORK IN TRAFALGAR STREET – EXTENSION OF INVITATION TO PORTUGUESE GOVERNMENT****Motion:** (Iskandar)

THAT Council:

1. extends an invitation to the Portuguese Government to be represented at the unveiling on 13 March 2016 of the tiled artwork by Luis Geraldès which is being relocated from Audley Street to Trafalgar Street in Petersham; and
2. liaises with the office of the Consul General of Portugal on contact with a suitable local representative and / or a representative of the Portuguese Government who may already be visiting Sydney around the time of the Barrio Festival.

Motion Carried**For Motion:** Councillors Barbar, Brooks, Ellsmore, Gardiner, Hanna, Iskandar, Leary, Macri, Phillips, Tyler and Woods**Against Motion:** Nil

Meeting closed at 9.45pm.

CHAIRPERSON

Item No: C0316 Item 1

Subject: MAYORAL MINUTE: SUPPORT FOR GENERATIONAL CHANGE TO END DOMESTIC AND FAMILY VIOLENCE

File Ref: 12/4674/25730.16

From Councillor Sam Iskandar, Mayor of Marrickville

MOTION:

THAT Council enter into a Memorandum of Understanding with the National Association for Prevention of Child Abuse and Neglect (NAPCAN), Leichhardt and Ashfield Councils to establish the governance arrangements for the partnership and the methodology and resources to support generational change to end domestic and family violence.

Background

I have received a letter (**ATTACHMENT 1**) from the Mayor of Leichhardt Council, seeking our support to stand together to end domestic and family violence in our communities.

Recently, Leichhardt Council and National Association for Prevention of Child Abuse and Neglect (NAPCAN) have been in discussions about how they can work together.

Through these discussions it was raised that an opportunity for the three neighbouring Councils of Leichhardt, Ashfield and Marrickville could partner with NAPCAN to implement an innovative community wide education program to teach children about how to have healthy and respectful relationships.

We are all aware that domestic and family violence has a devastating impact on local communities. Local Government is better placed than State or Federal agencies to show leadership and work with local schools, sporting clubs, businesses and churches to make our local communities safer for all women and children.

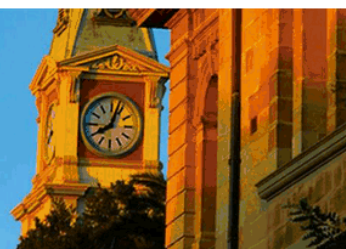
The first step is the creation of a Memorandum of Understanding to establish the governance arrangements for the partnership and the methodology and resources needed.

ATTACHMENTS

1. Letter from Leichhardt Mayor - Domestic Violence Campaign



Mayor of Leichhardt
Cr Darcy Byrne



8 February 2016

Councillor Sam Iskandar, Mayor of Marrickville
siskandar@marrickville.nsw.gov.au

Councillor Lucille McKenna, Mayor of Ashfield
lucille.mckenna@bigpond.com

Dear Lucille and Sam,

Re: Support for generational change to end Domestic and Family Violence

We are seeking your support to stand together to end domestic and family violence in our communities.

Recently, Leichhardt Council and National Association for Prevention of Child Abuse and Neglect (NAPCAN) have been in discussions about how we can work together.

It has become clear through these discussions that there is an opportunity for the three neighbouring Councils of Leichhardt, Ashfield and Marrickville to partner with NAPCAN to implement an innovative community wide education program to teach children about how to have healthy and respectful relationships.

As you are aware, domestic and family violence has a devastating impact on local communities. Local Government is better placed than State or Federal agencies to show leadership and work with local schools, sporting clubs, businesses and churches to make our local communities safer for all women and children.

Leichhardt Council recently launched the Speak Out Campaign to raise awareness about how to prevent family violence and abuse of children. Please find enclosed some of the campaign materials that have been developed, for your information.

In developing this campaign Council sought advice from NAPCAN about implementing education programs for children and young people. Coincidentally, NAPCAN had already been exploring the possibility of partnering with a group of councils through a coordinated program.

Over the last 10 years NAPCAN has developed and delivered an evidence based model for the education of children and young people from 3 to 17 years of age aimed at preventing domestic and family violence in the next generation. They have recently established a partnership with Western Sydney University to develop an evaluation framework to guide the continuous improvement of the programming. NAPCAN have indicated they are keen to establish a 3 – 5 year partnership with Leichhardt, Marrickville and Ashfield Councils to create generational change, by implementing the education framework of NAPCAN across our communities.

This is an opportunity to make use of new resources and expert advice to help in the protection and development of children and families across our three local government areas.

We invite Marrickville and Ashfield Councils to partner with Leichhardt Council and NAPCAN to take whole of community action to end domestic and family violence. The first step is the creation of a Memorandum of Understanding to establish the governance of the partnership and the methodology and resources.

Yours sincerely,

Cr Darcy Byrne
Mayor of Leichhardt

Richard Cooke
Chief Executive Officer, NAPCAN

Administrative Centre, 7-15 Wetherill Street, Leichhardt, NSW 2040 PO Box 45, Leichhardt, NSW 2040
Phone: (02) 9367 9191 Fax: (02) 9367 9103 Email: leichhardt@lmc.nsw.gov.au www.leichhardt.nsw.gov.au

WORKING WITH THE COMMUNITY

Item No: C0316 Item 2

Subject: POST COMMUNITY CONSULTATION REPORT ON PLANNING PROPOSAL REQUEST FOR 67, 69, 71 & 73 MARY STREET, 50 & 52 EDITH STREET & 43 ROBERTS STREET, ST PETERS (PRECINCT 75)

File Ref: 14/5390/15800.16

Prepared By: Maxine Bayley - Strategic Planner and Marcus Rowan - Manager, Planning Services

Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

At its meeting on 3 February 2016 Council resolved to defer the planning proposal for the land to enable a Councillor briefing and community consultation to be undertaken with properties in the immediate vicinity of the proposal and that this be reported to the March 2016 Council meeting.

In accordance with Council's resolution, consultation has been undertaken with 123 submissions received. The main issues raised in the submissions are summarised and assessed within this report. Copies of all submissions are included in a table at **ATTACHMENT 2** and lengthier submissions are shown at **ATTACHMENT 3**.

The submissions received generally raise issues previously identified and assessed in the report considered by Council at its 3 February 2016 meeting. Additional comments on these matters are included within this report. The matter was also addressed at a Councillor Conference held on 23 February 2016.

The recommendation in this report is essentially the same as the original February report's with the exception that:

- recommendation b) has been refined to include a 50% limit on the quantum of residential development on the site; and
- the proposed B4 Mixed use zoning for the rear of 69 & 71 Mary Street has been deleted and those properties retain their existing R2 Low Density Residential zoning (new recommendation (1) (c)).

It is recommended that Council forward the planning proposal request to the Department of Planning & Environment for Gateway determination, subject to the amendments identified in this report. It is further recommended that Council adopt the draft site specific planning controls for public exhibition concurrent with the planning proposal, with these to be incorporated into Part 9.31 of the Marrickville Development Control Plan (MDCP) 2011.

RECOMMENDATION

THAT Council:

1. supports the planning proposal request for 73 Mary Street, 67, 69 & 71 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters to rezone the land from IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use and RE1 Public Recreation, subject to
 - a) inclusion of MLEP 2011 Schedule 1 additional permitted use of 'residential accommodation' as part of a mixed use development;
 - b) a limit on the quantum of residential development permitted to 50% of the total gross floor area to ensure that the precinct retains a mix of spaces for future and current industrial/ commercial tenants and residents;
 - c) amending proposed land use zoning for part of 67 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of this land;

- d) removing 69 & 71 Mary Street from the planning proposal and updating the planning proposal documentation accordingly;
- e) determination of an appropriate zoning for the Roberts Street 'pocket park' subject to the progression of any Voluntary Planning Agreement (VPA) for the planning proposal;
- f) design amendments to ensure that the public open space lawn area receives at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area;
- g) inclusion of site specific controls within Precinct 31 (Unwins Bridge Road) in Part 9 of MDCP 2011 as attached to this report; and
- h) further contamination investigations being undertaken to address all identified deficiencies in the preliminary investigation report, in parallel with the submission of the planning proposal to the Department of Planning & Environment (DP&E) for Gateway determination.

2. forward the planning proposal to the DP&E for Gateway determination.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

- | | |
|------|--|
| 3.9 | Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |
| 3.10 | The community is active in finding creative solutions to complex urban sustainability issues |

BACKGROUND

At its meeting of 3 February 2016 Council considered a report on a planning proposal request to amend the planning controls for 73 Mary Street, 67, 69 & 71 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters (Precinct 75) to facilitate a creative employment precinct with residential uses, commercial/industrial uses, community facilities and associated car parking.

A copy of the report is attached as **ATTACHMENT 1**.

Following consideration of the report it was resolved:

"THAT Council:

1. *defer the determination of the planning proposal so that residents can be provided an opportunity to comment and that all relevant reports be provided to council;*
2. *urgently notify local residents in the immediate vicinity of the proposal directly, including notification of the date at which the planning proposal will return to the elected Council for decision;*
3. *make it clear to residents that, if the planning proposal is approved through the gateway process, there will be a community consultation process and opportunity to comment in relation to the required amendments to the LEP, and again in relation to any subsequent DA;*
4. *receive a report at the March meeting of Council on the feedback from residents;*
5. *receive a report on the likely impact of the proposed WestConnex on local traffic, when the planning proposal is returned to Council for decision; and*
6. *the matter be included on the agenda for the Councillor Conference to be held on 23 February 2016."*

A total of 282 letters were forwarded to property owners and residents within the immediate vicinity of the subject site on Monday 8 February 2016. The notification area exceeded that which would apply to an equivalent DA for the subject site in accordance with Council's policies. Supporting information was made available via the 'Your Say Marrickville' webpage and submissions were accepted until 23 February 2016. Following a request from a resident, the exhibition period was extended until Sunday 28 February 2016.

DISCUSSION

123 submissions were received during the consultation period.

90 submissions objected to the proposal

7 submissions supported in the proposal

26 submissions partially supported the proposal

The main areas of objection to the proposal relate to on-street parking and traffic generation; amenity impacts of the proposed development; suitability of the development for the area and construction impacts.

A building identification map is provided in Figure 1 below to assist with interpretation of this report.

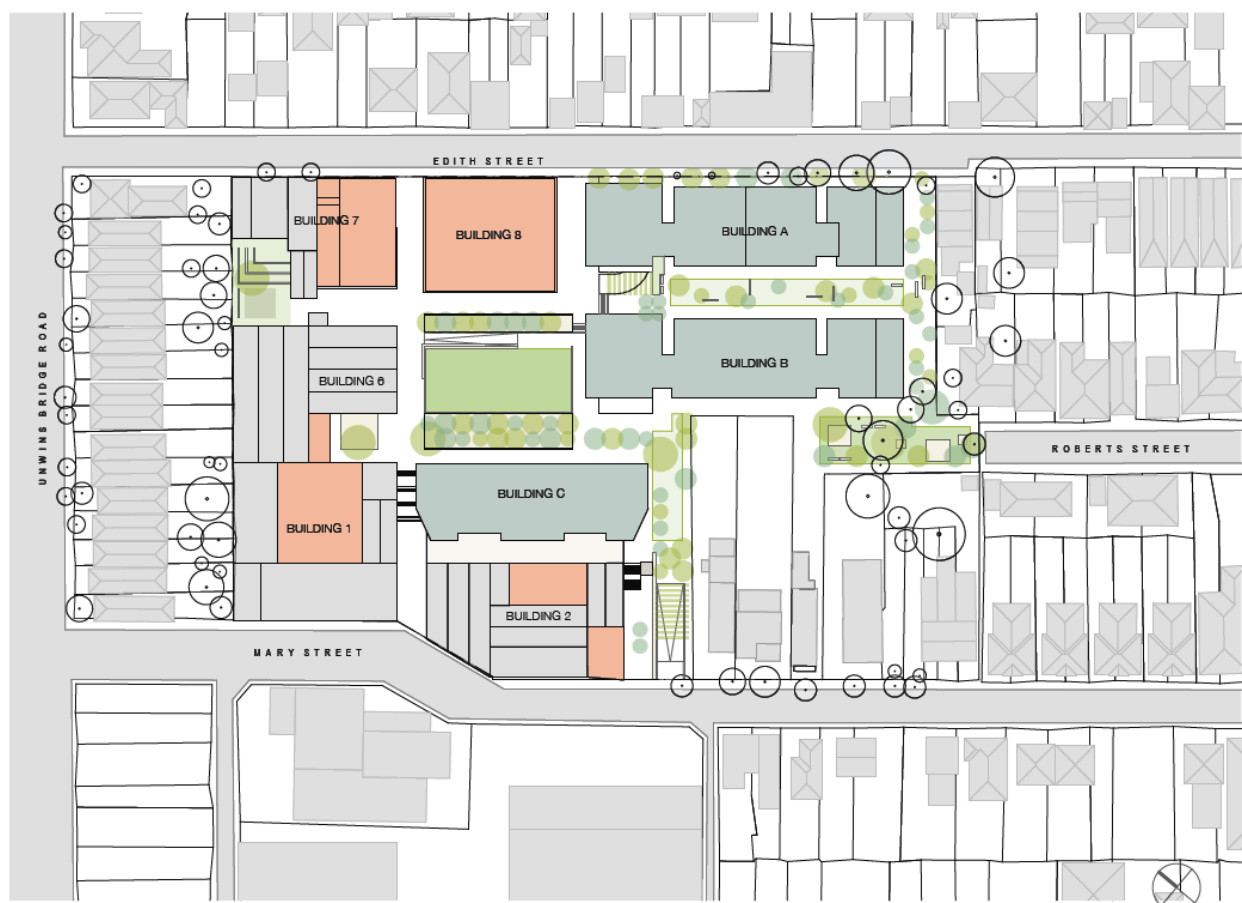


Figure 1: Building identification map

Response to Community Submission

The following discussion provides a summary of the main issues raised in the submissions with an officer's evaluation provided in respect to each:

- ***Lack of on street parking***

The inability of on street parking to meet demand was raised in the majority of submissions, including those partially supporting the proposal. It is evident that demand for on street parking spaces from residents is high, and is at times exacerbated by the activities of surrounding business or activities such as local markets. Residents are concerned that the proposed development will further exacerbate this existing problem.

Comment

The proposed development provides 340 off street parking spaces across two basement car park levels. These spaces will be distributed between residential uses and commercial tenancies. The proponent's traffic report states this represents a shortfall of 11 spaces from Council's DCP requirements. Final parking requirements for the proposal will depend upon the final mix of land uses and apartment types, however the proposed rate is considered acceptable due to the operational efficiencies associated with a large car parking numbers. Specifically, the mix of uses within the precinct will assist in spreading peak demand times which will improve the availability of car spaces within the car park. Additionally, the proposal includes 7 car share vehicles spaces to further alleviate any shortfall with Council's DCP requirements. There will be further opportunities to evaluate the level of parking proposed during the public exhibition process and as part of any future DA.

The submissions received indicate there is an existing issue with the lack of on street parking in the surrounding streets. Resident parking schemes are designed to protect parking for local residents. It is recommended that should the proposal proceed that Council evaluate the case for the establishment of a resident parking scheme in the locality. Council's current policy regarding Resident Permit Parking Schemes requires that requests be received from at least 10 individual properties before consideration will be given to the introduction of new resident parking schemes. The introduction/extension of Resident Parking Schemes are evaluated by the Pedestrian, Cyclist and Traffic Calming Advisory Committee, which meets on a monthly basis.

It should be noted that, in accordance with Council policy, a condition would be imposed on any future development consent granted for the subject site excluding residents of new developments from eligibility for any current or future resident parking scheme. Therefore, residents of any future development of the site would not be able to participate in a future resident parking scheme.

- ***Traffic generation, including impacts of WestConnex***

Comment

A traffic report, prepared by McLaren Traffic Engineering, was submitted as part of the supporting information for the planning proposal request. The report calculates an additional 156 peak hour vehicles trips as a result of the development. The report notes that *'the additional traffic within Mary Street will increase, however this is towards the northern end of Mary Street based on the development site's proposed exit driveway which will be away from dwellings further to the south on Mary Street.'*

Several intersections are critical to the performance of the road network, including the Mary Street and Unwins Bridge Road intersections. In relation to the performance of the Mary Street and Unwins Bridge Road intersection, the report states that *'the intersection of Unwins Bridge Road / Mary Street will maintain its performance of LoS (Level of Service) B under the additional traffic load.'* (Level of Service is a qualitative measure of performance describing operational conditions. There are six levels of service, designated from A to F, with A representing the best operational condition and level of service F the worst.)

The report concludes that the proposal is *'fully supportable in terms of its traffic and parking impacts'* subject to certain recommendations.

Regarding the potential impacts of WestConnex, in December 2015, Council commissioned TTM Traffic to assess traffic, transport and modelling aspects of the New M5 Environmental Impact Statement for Council's submission.

The TTM report concludes that:

'the traffic forecasts do not indicate significant traffic impacts on streets within the Marrickville Local Government Area with the addition of the New M5 only. An allowance will need to be made for the increase in traffic on Edgeware Road which will in addition to that forecast for the expansion of the Marrickville Metro shopping centre. The longer term forecasts with the completion of the full WestConnex project and the Southern extension show a major increase in peak period traffic flows on Edgeware Road and King Street. The implications of this have not been addressed in the EIS.'

The TTM report's main concern is with traffic increases on Edgeware Road and King Street. It has not raised concerns about other streets in the LGA, including Mary Street or Unwins Bridge Road. Therefore, based on the currently available information WestConnex Stage 2 would not result in significant increases in traffic on these two streets that would cause congestion and queuing of traffic entering and exiting the site from Mary Street. Changes to the phasing of traffic lights at the Mary Street / Unwins Bridge Road intersection to prioritise Unwins Bridge Road, potentially increasing queuing on Mary Street, are also not likely to be needed.

It is also not expected that the Mary Street precinct will be directly affected by noise, air pollution or other impacts from WestConnex Stage 2. This is because there is sufficient distance between the Mary Street precinct and the proposed St Peters interchange and road widening at Campbell Street.

The McLaren report notes that referral to Roads & Maritime Service (RMS) is required under the SEPP (Infrastructure) 2007. Further, it is anticipated that the RMS will be included as an agency for consultation should Gateway approval be issued. Therefore, the RMS will have an opportunity to comment on the proposal.

- Amenity issues, including overshadowing, lack of open space, privacy impacts

Solar Access to Open Space

Council's Urban Design Planner has provided the following comments:

"While MDCP 2011 currently does not contain specific controls for public open space, control C10 of Section 2.7.5.2 requires common open space to receive 2 hours solar access for 50% of the finished surface between 9.00am to 3.00pm in mid-winter. This would be the recommended requirement for public open space and Council would encourage the maximum possible solar access wherever possible, so that public open space has good amenity to be used in winter. Based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area around 1.00pm to 2.00pm. Lowering the southern side of Building 8 would achieve more solar access earlier in the day. The 'pocket park' open space on Roberts Street would receive 2 hours from 1.00pm to 3.00pm to 50% of the area.

In terms of solar access to Building B it is difficult to assess but it appears some of the lower floor would be shadowed but most of the levels would receive solar access from 10.00am to 12.00 noon – so would easily be able to meet the solar controls."

(Refer to **Figure 1**: Building identification map for building locations)

Comment

The Precinct 75 Design Report, submitted with the planning proposal request, includes shadow diagrams for the proposed development. It is agreed that the public open space lawn area is significantly overshadowed during midwinter. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public space, sufficient solar access needs to be provided.

Consequently, the draft planning controls (included at **ATTACHMENT 4**) include a requirement that the central lawn area receive at least 2 hours of solar access across 50% of its finished surface between 9.00am and 3.00pm midwinter. This may require some relocation/reduction of massing from Buildings 7 and 8. Buildings 7 and 8 are both retained existing buildings but include proposed additional storeys for commercial and residential purposes.

The abovementioned solar access requirement has also been included for the Roberts Street pocket park. Compliance would not likely require massing changes, based on the submitted plans that indicate an adequate level of solar access will be provided.

Solar access to 48 Edith Street, St Peters

The shadow diagrams also indicate that 48 Edith Street will have overshadowing to at least 50% of its private open space after 12.00 noon midwinter from Building A. Section 2.7.5.1 of MDCP 2011 contains the following control:

2.7.5.1 Attached dwellings, dwelling houses, semi-attached dwellings and secondary dwellings

C8 *Where site orientation permits, new buildings and additions must be sited and designed to maximise direct solar access to north-facing living areas and outdoor recreation areas such that:*

- i. At least one habitable room (other than a bedroom) must have a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9.00am and 3.00pm on 21 June.*
- ii. Private open space receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.*

48 Edith Street technically meets the solar access requirements of 2.7.5.1 C8 *ii.* as it will receive solar access to the majority its open space between 10.00am and 12.00 noon. It is noted that 41 Roberts Street is also overshadowed by Building B, however this site appears to have more than one area of private open space which lessens the overall impact.

The internal layouts of 48 Edith Street and 41 Roberts Street are unknown, therefore a full assessment against 2.7.5.1 C8 *i.* is not possible at this time. This matter would be subject to further and detailed assessment as part of any future development application with building design and bulk to ensure adequate solar access. It is noted that the eastern edges of Buildings A and B have been stepped down as part of the current design to alleviate impacts upon the above properties.

- The appropriateness of the development within the area

Comment

The subject site is one of several large remnant light industrial sites generally surrounded by traditional detached housing. The site retains its industrial character through its current use and industrial buildings. The site currently accommodates a range of light industrial uses, which contribute to the character and employment opportunities within the Marrickville local government area. The proposal seeks to preserve much of this character through adaptively reusing many of the existing structures on the site. This is considered to be an appropriate response to ensure the continuation of the site's aesthetic and historic values and as discussed in the previous report is consistent with the strategic direction for such sites in the Marrickville Urban Strategy (refer to **ATTACHMENT 5**).

To ensure that an appropriate mix of uses is accommodated on the site, the proposed site specific planning controls will dictate a mix of gross floor area to be made available for each land use, including residential, commercial, light industrial and community uses. The aim of those controls is to ensure that the precinct retains a mix of use with spaces for future and current industrial/commercial tenants and residents. The concept design plans submitted with the planning proposal indicate that approximately 50% of the total floor area is proposed to be residential. The extent of residential development proposed will ensure a balanced mix of land uses.

- Proposed scale of the development, including maximum building heights

Comment

Currently, there is no maximum height of building control for the subject site due to its industrial zoning.

The proposal incorporates a range of building heights ranging from 9.5 metres to 29 metres. Figure 2 below shows the proposed building heights across the site. The building heights are reduced towards the site's boundary with Edith Street, Mary Street and Roberts Street to reduce impacts on adjoining properties.



Figure 2: Proposed building heights

The indicative plans submitted with the planning proposal request indicate the following number of storeys for buildings (see Figure 1: Building Identification Map) as follows:

Building A: 6 storeys (HOB code S, Q and J)

Building B: 4 storeys (HOB code P and J)

Building C: 8 storeys (HOB code T2)

Building 1: 7 storeys (HOB code P and T2)

Building 2: 5 storeys (HOB code P)

Building 6: 4 storeys (HOB code P)

Building 7: 6 storeys (HOB code S)

Building 8: 5 storeys (HOB code S)

The proposed building heights are satisfactory, with changed to Building A and Buildings 7 and 8 as discussed further in this report. The proposed building heights are stepped down towards their interface with low density residential areas.

The tallest buildings will be located as additions to the retained Building 1 and new Building C located in the south eastern section of the site. The additions to Building 1 are proposed for commercial uses. Building C proposed to be a new residential building. The additional massing to Building 1 will be located approximately 15 metres from the building alignment of properties on Unwins Bridge Road. The building is also proposed to be used for commercial purposes. Building C is located internally on the site adjacent to the retained Building 2. It is considered a suitable height due to its siting on the land and the existing height and bulk of Building 2.

The buildings facing Edith Street (A, 7 & 8) are proposed to range from 9.5 metres (at the south eastern interface with 48 Edith Street) to 23 metres (submitted as a predominantly six storey built form). Pre planning proposal advice in June 2015 from the Architectural Excellence Panel and internal urban design advice did not raise any in-principle concerns to this six storey built form, but raised overshadowing concerns resulting from the proposed buildings fronting Edith Street. Based on that advice this report and the previous February 2016 report requires built form changes to reduce overshadowing impacts (Recommendation 1(f)).

With the community concern regarding a six storey height along Edith Street, Council may wish to consider amending the planning proposal at this stage to limit the building heights of Building A, 7 & 8 fronting Edith Street to a lower height. It should be noted that if the proposal were to proceed beyond the Gateway, this height would be the subject of further review and potential restrictions to the maximum permitted height, based on the current and future responses to community consultation.

- Impacts from construction including noise, dust and access concerns

Comment

Redevelopment of the subject site will involve extensive building works, commencing with necessary remediation works. These impacts are routinely managed via conditions of development approval and do not constitute grounds for refusal of the proposal.

- Future of employment lands and creative industries

Comment

An assessment of the proposal against relevant strategic policies and guidelines is included at **ATTACHMENT 5** to this report. Assessments against relevant Section 117 directions and State Environmental Planning Policies are included at **ATTACHMENT 6** and **ATTACHMENT 7** respectively. The proposed development is predominantly consistent with these provisions.

- Pedestrian amenity including lack of footpaths along Mary Street

Comment

Council's Development Engineer reviewed the traffic and parking impact assessment and provided the following comments in relation to footpaths along Mary Street:

Pedestrian Safety

During the site inspection it was noted that the footpath in Mary Street is of varying width and ends abruptly adjacent to a loading dock. In order to provide a continuous, safe and accessible path of travel for pedestrians along the Mary Street frontage the footpath should be redesigned and reconstructed to be of a more consistent width for the full length of the Mary Street frontage.

This matter has been included within the site specific planning controls applying to the site and will need to be addressed as part of any development application lodged for the site.

- **Proposed Land Use Zoning of 67, 69 & 71 Mary Street**

Comment

Two Mary Street properties, whilst not owned by the proponent, are included as part of the planning proposal request (69 & 71 Mary Street). These sites are isolated due to the inclusion of 67 Mary Street (owned by the proponent) within the development site. The planning proposal seeks to rezone all of these sites to B4 Mixed Use. The proposed zoning is shown in Figure 3 below.

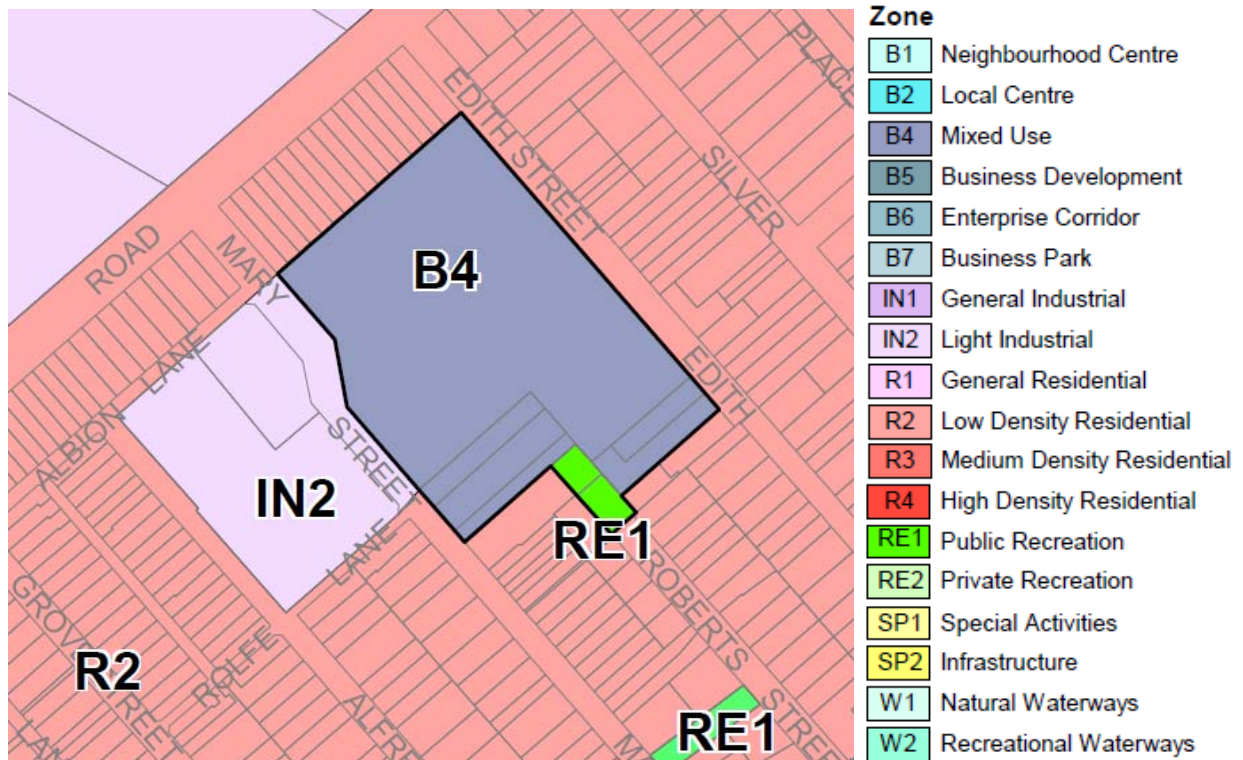


Figure 3: Proposed land use zoning for subject site as included in the planning proposal documentation

As noted in the planning proposal report, the land adjoining the subject site along Mary Street is characterised by low density residential dwellings. The Precinct 75 Design Report Part 3.18 (Long Term Vision) shows the retention of dwelling houses between 67 and 71 Mary Street rather than their incorporation into the development site.

A submission has been made by the owners of 71 Mary Street requesting that their property be removed from the proposal in its entirety.

The rezoning of those residential properties to a commercial zoning was initially proposed to avoid isolating these properties. However these zonings are not necessary to facilitate the development and as noted the character of Mary Street is not proposed to change from its current low density residential function.

It is recommended that these sites retain their current R2 Low Density Residential zoning and they be removed from the planning proposal request. This zone is considered appropriate as it reflects their current and intended future use.

Whilst 67 Mary Street is owned by the proponent, this site should also retain its current zoning, to be consistent with 69 and 71 Mary Street. To facilitate the broader objectives of the planning proposal, a small portion at the rear of this site (beyond the southern alignment of Roberts Street) is appropriate for a B4 Mixed Use zoning, as shown in Figure 4 below.

Consequently, the HOB, FSR and zoning maps applying to the planning proposal will require amendment to remove 69 and 71 Mary Street from the proposal. This change may result in minor adjustments to the overall FSR for the entire site and to update the planning proposal prior to any amendment to the LEP.

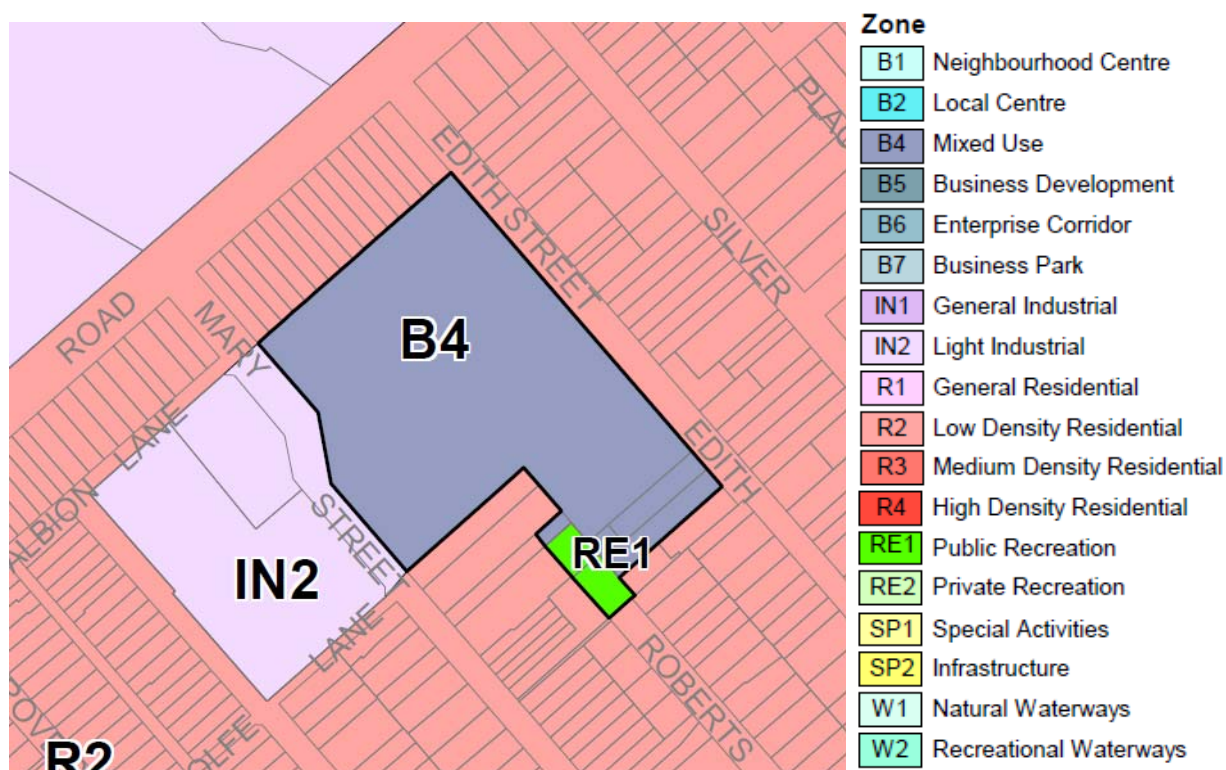


Figure 4: Proposed amended zoning for subject site

Request for inclusion in rezoning: 49 Mary Street

The landowners of 49 Mary Street have requested that the rear area of their property (20m x 12m) be included in the proposed re-zoning as they are concerned their land could potentially become landlocked due to the rezoning of 43 Roberts Street. The owners also note a right of way operates over 43 Roberts Street benefitting their site and their desire to seek better access to Roberts Street.

Comment

The rear of 49 Roberts Street is located adjacent to 43 Roberts Street, which is included within the land subject to the Planning Proposal and is owned by the proponent. The proposed future for 43 Roberts Street is for the existing dwelling house to be demolished and the space made into a pocket park and pedestrian access point. It is not considered that the proposal isolates 49 Mary Street or compromises its future use as a dwelling house. The right of way will continue to operate despite any change in ownership at 43 Roberts Street. Improvement to the access to Roberts Street via the right of way is a matter to be negotiated directly with the developer.

Contamination

A site investigation report was prepared by Environmental Investigations Australia (EIA) and included with the planning proposal. The report was reviewed by Council's Environmental Services Section who provided the following comments and condition recommendations:

- Based on previous history and the limited Detailed Site Investigation (DSI), the site contains significant contamination in soil samples, and in groundwater. The site has a history of industrial use, most notably paint manufacturing.
- In addition the site is known to have underground storage tanks, and it is unknown the amount or precise locations of the underground storage tanks, what they were used to store, or if these have been satisfactorily decommissioned.
- Due to existing industrial uses and site limitations from existing hardstand and buildings, a comprehensive DSI was not conducted, therefore the full extent and nature of contamination has not been determined. The DSI is clear that due to the contamination found, a Remediation Action Plan (RAP) is to be developed for the site.

- *In many sampling locations, concentrations of contaminants including heavy metals, chlorinated solvents and petroleum have been found exceeding health-based criteria for these substances. In particular, hot-spots of contamination seem to be high in the western areas of the site. It is noted that at this location, several existing buildings are proposed to remain with the development.*
- *Due to the topographical nature of the site and groundwater movements, there is a high chance that contaminated groundwater may be impacting on neighbouring property. Given this, and the nature of pollutants present, the site should be reported to the NSW EPA as per Section 60 of the Contaminated Land Management Act.*
- *The site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed.*
- *A comprehensive Remedial Action Plan (RAP) is to be prepared in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW OEH 2011). In addition, the RAP should address how issues addressed in the limited DSI and limitations and recommended further investigation of this assessment will be managed during remediation, and if relevant, during construction and use of the site after construction. The RAP should also assess contamination risks and associated management of the site as a whole, including any land and buildings to remain onsite.*
- *The proponent is to engage a suitably qualified contaminated site auditor to oversee the remediation process. The auditor must be able to certify that contamination is remediated or contained to a level suitable for the proposed use and surrounding site uses.*
- *It is suspected that contaminated groundwater may be impacting surrounding land. The proponent is to report this to the NSW EPA under Section 60(3) (a) of the Contaminated Land Management Act (1997).*
- *Upon the completion of any remediation works stated in the Remedial Action Plan, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites.*
- *All soil to be removed from the site is to be classified as per the NSW EPA Waste Classification Guidelines: Part 1 – Classifying waste (EPA 2014) and disposed of to a licensed waste facility.*

Comment

The historical use of the site for paint manufacturing has resulted in significant contamination across the site. As noted in the comments from Council's Environmental Services section, there is also the potential that the contaminants have migrated off the subject site to adjoining residential properties.

Council officers have notified the applicant of their obligations in relation to reporting contaminants under Section 60(3) of the Contaminated Land Management Act (1997). Additionally, Council officers have forwarded all relevant information to the NSW EPA. On 15 January 2016, the EPA issued a Notice to the landowner requiring records to be provided under Section 77 of the *Contaminated Land Management Act 1997*.

The EIA report concludes, inter alia, that:

"The suitability of the site for the proposed development, however, could not be ascertained based on existing data. It is recommended further investigation remediation work be carried out to render the site suitable for the development."

The limitations of the report are related to the existing structures on site making these areas inaccessible for intrusive investigation. Additionally, 67 Mary Street, 43 Roberts Street and 50 and 52 Edith Street were not assessed as part of the investigations due to lack of access. The report does not mention 69 and 71 Roberts Street despite their inclusion (and proposed rezoning) within the planning proposal.

The report concludes that it cannot ascertain the suitability of the proposed development due to the limitations of the data. It does not preclude the site being redeveloped for a mixed use development, however cannot be conclusive that the proposed development is suitable. The report specifically makes the recommendation for the development of a Remedial Action Plan (RAP) to ensure that the site is suitable for the proposed use.

Due to the proposed rezoning of the land to more sensitive land uses, including residential, it will be necessary for the site to be thoroughly investigated to ensure it is able to be safely accommodated for future users. It is recommended that the RAP be prepared (as per EIA's recommendation and the recommendation from Council's Environmental Services) and provided post Gateway Determination. It should be noted that the risk associated with the ability of the land to be remediated to an acceptable standard is borne by the proponent. Specifically, should the site not be able to be remediated to a satisfactory level or be cost prohibitive then the LEP amendments outlined in the Planning Proposal, and/or future redevelopment of the land would not proceed.

- ***Aircraft noise and Australian Noise Exposure Forecast (ANEF)***

Comment

An acoustic report, prepared by Acoustic Logic, was submitted with the planning proposal. The report states that the site is affected by ANEF contours 20-25 and makes recommendations accordingly. However, whilst the majority of the site is subject to ANEF 20-25, a small part in the north-western corner of the subject site is within the ANEF 25-30. Council requested that the acoustic report and recommendations prepared by Acoustic Logic be updated to reflect the site's ANEF affectation. This updated was made accordingly.

An assessment has been undertaken against section 117 Direction No. 3.5 *Development Near Licensed Aerodromes* which notes that no residential accommodation is proposed within the ANEF 25-30 contours. The direction further states that a planning proposal that rezones land for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25 must include a provision to ensure that development meets AS 2021 regarding interior noise levels. This is consistent with MLEP 2011 Clause 6.5 (Development in areas subject to aircraft noise) which addresses noise attenuation criteria for certain properties in AS 2021. This can be further assessed as part of any future development and conditioned accordingly.

Additional Matter: Proposed zoning

During the assessment of the planning proposal an issue was identified with the permissibility of the development within the proposed B4 Mixed Use zone. The planning proposal request seeks to rezone the land to B4 Mixed Use with a small area of RE1 Public Recreation for the site. **Figure 3** shows the proposed zoning for the site.

The MLEP 2011 objectives of the B4 Mixed Use and RE1 Public Recreation zones are as follows:

B4 Mixed Use

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.*
- *To promote commercial uses by limiting housing.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*
- *To constrain parking and restrict car use.*

RE1 Public Recreation

- *To enable land to be used for public open space or recreational purposes.*

- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for a range of community facilities, services and compatible land uses.

The B4 Mixed Use zone generally permits the uses proposed within the planning proposal. However, the Zone B4 does not permit new residential accommodation in a form other than 'shop top housing'. For a development to be 'shop top housing', no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of 'shop top housing' within the MLEP 2011. These buildings would be considered 'mixed use' developments incorporating either 'commercial premises' and/or 'community facility' and a 'residential flat building'. As 'residential flat buildings' are prohibited in the B4 Mixed Use zone, a Schedule 1 inclusion to permit a residential flat building only as part of a mixed use development is required.

As detailed in the original report, it is recommended that the planning proposal be amended to request a Schedule 1 additional permitted use as follows:

(2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

The RE1 Public Recreation zone proposed for the 'pocket park' proposed near Roberts Street is suitable dependent upon its future ownership and if it is to be dedicated to Council. Should the park not be dedicated to Council as part of a VPA it could still be used as a park but to avoid any acquisition liability for Council should be zoned B4 Mixed Use.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

It is a legal requirement that further public participation in the form of community consultation will be undertaken should Council resolve to support the planning proposal request and the Department of Planning & Environment issue a Gateway Determination.

CONCLUSION

This further report assesses a planning proposal request the rezone land at 67, 69, 71 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters, to allow its redevelopment as a mixed use precinct, following a period of community consultation and Councillor briefing. A total of 123 submissions were received during the consultation period. Concerns raised include parking and traffic generation, proposed building heights, land contamination and the suitability of the development within its context.

The proposal has strategic merit as it involves rezoning industrial land that is not part of a wider industrial precinct, while retaining 50% of floor area on the site for non-residential/employment based uses.

The site's redevelopment has the potential to provide community benefit through the provision of new public open space area, community facilities and improved pedestrian and cyclist linkages. To ensure the site's redevelopment meets the objectives of the planning proposal request, draft planning controls have been developed to accompany the planning proposal which establish the desired future outcome for the site.

Item 2

Subject to the changes discussed in this report, the planning proposal request is considered acceptable for submission to the DP&E for Gateway determination, subject to recommendations of this report.

It is further recommended that Council endorse the site specific planning controls for their public exhibition concurrent with the planning proposal, dependent upon the outcome of the Gateway determination.

ATTACHMENTS

1. Report to February 2016 Infrastructure, Planning and Environmental Services Committee Meeting IP0216 Item 4
2. Table of Submissions Received during Public Consultation Period
3. Copy of Longer Submissions Received during Public Consultation Period
4. Draft Site Specific Planning Controls
5. Strategic Assessment of Planning Proposal
6. Assessment of Planning Proposal Against Section 117 Directions
7. Assessment of Planning Proposal Against Relevant State Environmental Planning Policies

Item No: IP0216 Item 4
Subject: **PLANNING PROPOSAL FOR 73 MARY STREET, 67, 69 AND 71 MARY STREET, 50 & 52 EDITH STREET & 43 ROBERTS STREET, ST PETERS**
File Ref: 14/5390/144029.15

Prepared By: Maxine Bayley - Strategic Planner and Georgia Lee - Student Strategic Planner
Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

On 30 September 2015, Council received a planning proposal request incorporating 67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters (the former Taubmans Paint Factory site). The planning proposal request seeks to amend the MLEP 2011 for the subject site to rezone the land from IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use (for commercial and residential uses) and RE1 Public Recreation to facilitate a creative industry precinct with residential uses, community facilities and car parking.

The proposal involves the amalgamation of 6 lots and the selective demolition and adaptive reuse of existing warehouse/industrial buildings on the site. Council's Architectural Excellence Panel considered the concept plans at the pre-Planning Proposal stage and internal comments have been provided regarding the submitted proposal.

The application proposes a graduated Height of Building control from 9.5 metres to 14 metres, 17 metres, 20 metres and 26 metres to apply across the site, and an increase in Floor Space Ratio from the current 0.95:1 to 2.2:1. Indicative plans propose 180 new residential apartments in buildings up to 8 storeys, commercial floor space, a neighbourhood centre and public domain enhancements. Car parking for 340 vehicles is proposed to be provided across two basement levels. Entry to the site for cars is proposed via Edith Street, with Mary Street to provide an exit point. Service vehicles will enter and exit via Mary Street.

The proponent has submitted a draft VPA which comprises an offer of publically accessible open space and an area within the ground level of one of the buildings for community space. There has been no agreement to this offer to date with the value of the public benefit still the subject of evaluation and negotiation with the proponent. The final terms of the offer can be finalised after any gateway determination and prior to any amendment to the LEP.

Overall, the planning proposal is considered suitable to progress to the Department of Planning & Environment for Gateway determination, subject to resolution of issues identified in this report. These concerns include the scope of the preliminary contamination investigation submitted with the planning proposal request, proposed level of solar access to the public open space lawn area, the proposed rezoning of residential properties at 67, 69 & 71 Mary Street, the proposed RE1 zoning of the Roberts Street 'pocket park', and the suitability of the proposed zoning to permit the proposed development on the site.

RECOMMENDATION

THAT Council:

1. supports the planning proposal request for 73 Mary Street, 67, 69 & 71 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters to rezone the land from IN2 Light Industrial and R2 Low Density Residential to B4 Mixed Use and RE1 Public Recreation, subject to:

- a) inclusion of MLEP 2011 Schedule 1 additional permitted use of 'residential accommodation' as part of a mixed use development;
- b) a limit on the quantum of residential development permitted to ensure that the precinct retains a mix of spaces for future and current industrial/commercial tenants and residents;
- c) amending proposed land use zoning for part of 67, 69 & 71 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of these buildings;
- d) determination of an appropriate zoning for the Roberts Street 'pocket park' depending upon the final Voluntary Planning Agreement (VPA) for the planning proposal;
- e) design amendments to ensure that the public open space lawn area receives at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area;
- f) inclusion of site specific controls within Precinct 31 (Unwins Bridge Road) in Part 9 of MDCP 2011 as attached to this report;
- g) further contamination investigations being undertaken to address all identified deficiencies in the preliminary investigation report and this report in parallel with the submission of the planning proposal to the Department of Planning & Environment (DP&E) for Gateway determination; and

2. forward the planning proposal to the DP&E for Gateway determination.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

- | | |
|-----|--|
| 3.9 | Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |
|-----|--|

BACKGROUND

In April 2015 Council received a request for pre-planning proposal advice from Caliph Pty Ltd regarding the subject site. A formal discussion was held with Council officers on 13 June 2014. Council officers reviewed the documentation and provided written advice on the proposal, including comments from Council's Architectural Excellence Panel (AEP), in July 2014.

The planning proposal request was lodged with Council on 30 September 2015. A full copy of the planning proposal is available at: <http://www.marrickville.nsw.gov.au/en/development/planning-controls>.

DISCUSSION

The subject site is currently zoned IN2 Light Industrial and R2 Low Density Residential under Marrickville Local Environmental Plan (MLEP) 2011 and has a site area of 16,629 m². The subject site comprises eight lots (8) including two which are not owned by the applicant. The extent of the subject site is shown at Figure 1 below.

The site is bounded by Mary Street to the west, Edith Street to the east and Roberts Street to the south. The northern boundary of the site abuts residential properties addressing Unwins Bridge Road.

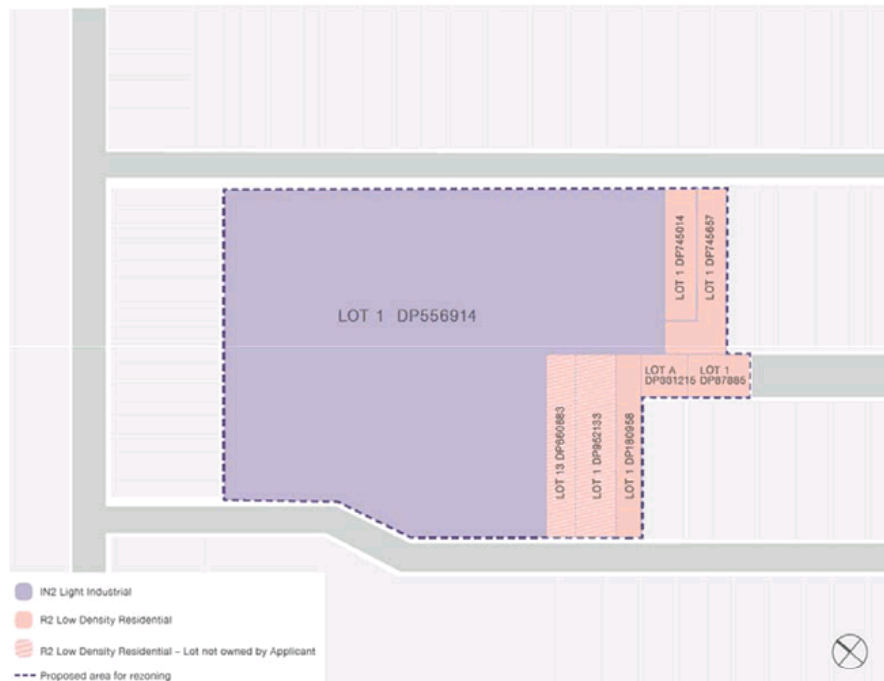


Figure 1: The subject site

The subject site is currently known as 'Precinct 75' and contains a mix of light industries and commercial uses including design businesses, recording studios, coffee roaster and a microbrewery. Parking for approximately 80 vehicles is provided on site. The site currently accommodates approximately 13,780m² of leasable floor area.

73 Mary Street currently contains 12 buildings used for light industrial and commercial purposes up to three storeys in height, and a large hardstand parking area. The bulkiest buildings on the site are concentrated in the northern section and along its Mary and Edith Street frontages. These buildings tend to be masonry with lightweight structures acting as add-on elements. A large, open hardstand parking area dominates the south eastern corner of the site facing Edith Street. The planning proposal also includes six adjoining low density residential properties, three addressing Mary Street, two addressing Edith Street and one at the end of Roberts Street. Two of these properties, 67 and 71 Mary Street, are not owned by the applicant but are included within the planning proposal.

73 Mary Street is devoid of any significant landscaping and contains no through links for pedestrians or cyclists in either a north-south or east-west direction. Roberts Street intersects with the site at its south eastern boundary although it is a cul-de-sac and does not provide access into 73 Mary Street.

The six residential properties are free standing, low density residential properties. Each dwelling is contained on one allotment of land, with the exception of 43 Roberts Street which comprises two allotments. These buildings generally have small front setbacks and associated landscaping. The buildings are typical of the type of low density residential development surrounding the site.

Figure 2 below shows the location of existing structures within the subject site.

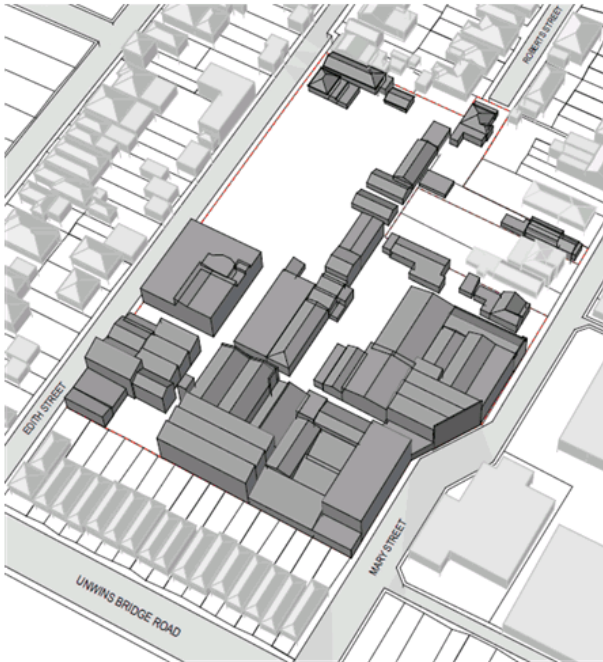


Figure 2: Existing structures on the subject site

The land uses surrounding the subject site include low density residential uses along Mary, Edith and Roberts Street, and Unwins Bridge Road. Land to the south of the site along Mary Street contains a mix of light industrial and employment uses.

Mary Street operates as a one way (east to west) local road linking the Princes Highway and Unwins Bridge Road. Edith Street has a two way operation with generally unrestricted parking on both sides of the street. Both streets intersect with Unwins Bridge Road, however only Mary Street is signalised.

Proposed Development

Indicative concept design plans were submitted with the application, including an Architectural Design Report and Landscape Report. The concept plans show:

- Retention and adaptive reuse of select existing structures;
- Demolition of select existing structures;
- Introduction of new structures across the site (maximum eight storeys);
- Additions to several retained structures across the site;
- Net total of approximately 15,628m² commercial gross floor area;
- Introduction of 230m² gross floor area for community uses;
- Inclusion of approximately 180 dwellings, with a net total of approximately 16,568 residential gross floor area;
- Provision of basement parking for 340 vehicles across two basement car parks;
- Pedestrian links to be included through the site via Roberts Street;
- Public domain improvements including provision of public art works;
- Introduction of landscaping onto the site, including a 600m² publicly accessible lawn area; and

- Inclusion of space for community uses.

The proposed location of buildings, open space, landscaping opportunities and site links is shown in Figure 3 below.

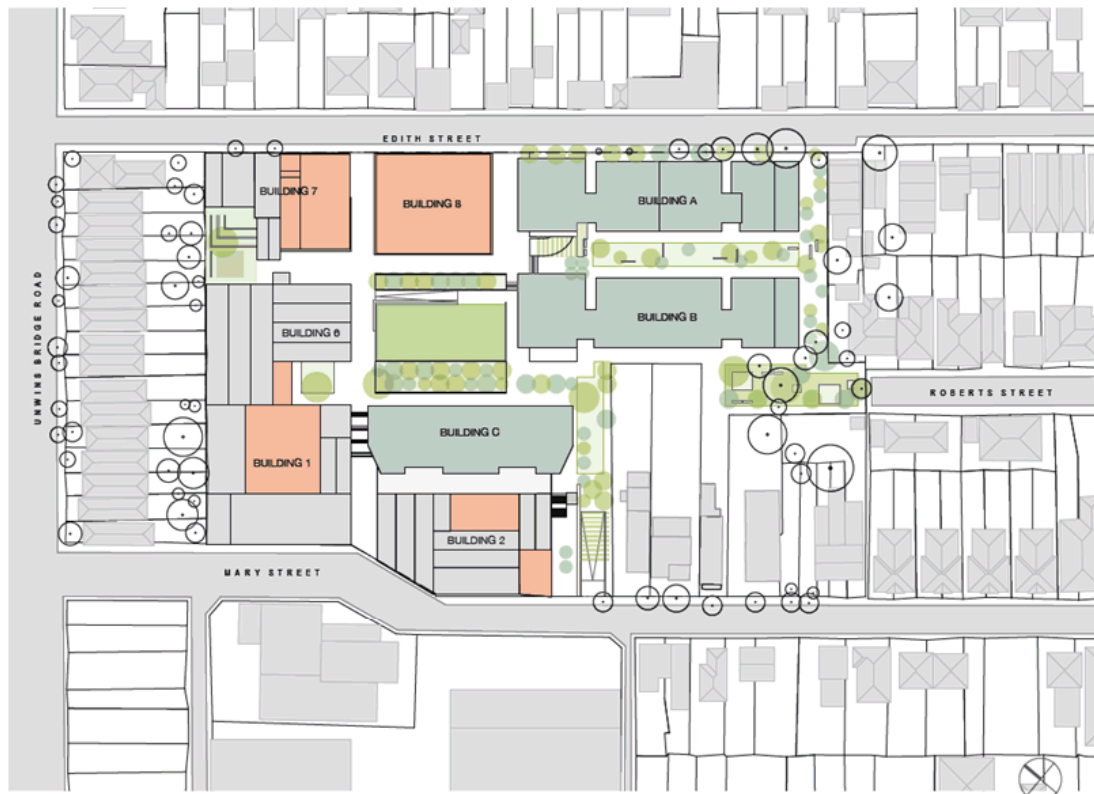


Figure 3: Building identification map

The subject site does not include listed heritage items, nor is it contained within a heritage conservation area. However, the site has an existing industrial character which is worthy of retention as part of redevelopment. The applicant has undertaken a heritage assessment to identify which structures should be retained as part of the proposal.

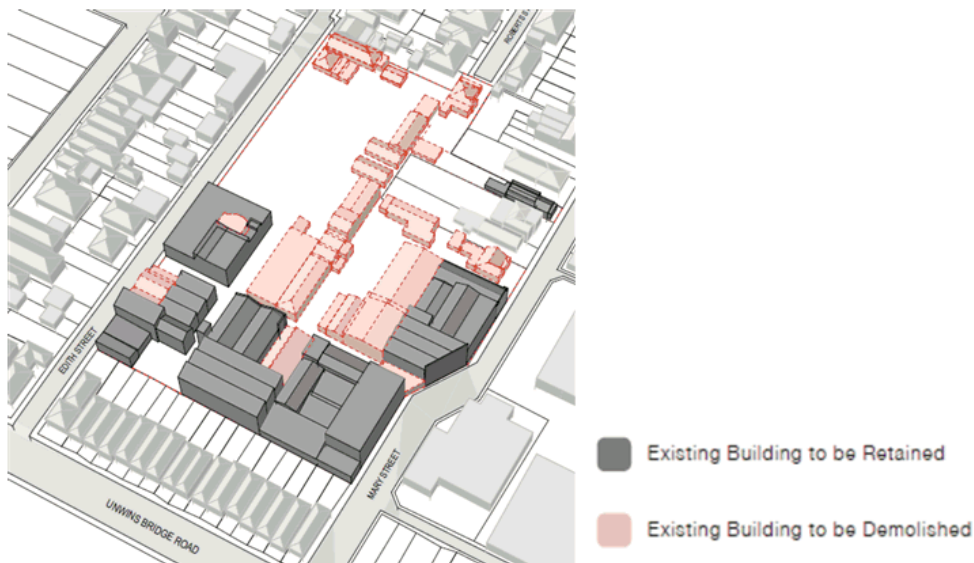


Figure 4: Buildings to be retained and demolished on the subject site

Figure 4 indicates which structures are to be retained and which are to be demolished on the subject site. The residential building at 67 Mary Street (along with the properties at 69 & 71 Mary Street not owned by the applicant) is proposed to be retained. The residential properties at 43 Roberts Street and 50 & 52 Edith Street are proposed to be demolished. Additions are proposed to some of the retained buildings.



Figure 5: Long term vision for the subject site

Figure 5 represents the long term design concept for the site. New buildings and additions to existing buildings are shown in white. Landscaping and open space opportunities are also represented, as is the pedestrian and cyclist access to be provided via Roberts Street.

Comment

The overall aim to create a mixed-use precinct incorporating commercial, residential and community uses is supported. The redevelopment of the site as a mixed-use development ensures the site continues to provide employment opportunities for a range of commercial and light industrial uses. It also provides an opportunity to improve the environmental performance of the site through the introduction of landscaping, especially deep soil planting. The improved pedestrian connectivity through the site will benefit local residents seeking to access Unwins Bridge Road and surrounding streets.

The site currently accommodates a range of light industrial uses, which contribute to the character of the Marrickville local government area. Redevelopment of the site should ensure that a considerable quantum of and light industrial uses are retained and/or introduced onto the site.

To ensure that an appropriate mix of uses is accommodated on the site, the proposed site specific planning controls will dictate a mix of gross floor area to be made available for each land use, including residential, commercial, light industrial and community uses. The aim of those controls is to ensure that the precinct retains a mix of use with spaces for future and current industrial/commercial tenants and residents. The concept design plans submitted with the planning proposal indicate approximately 50% of the total floor area is proposed to be residential. The extent of residential development proposed would ensure a balanced mix of land uses .

Current zoning

The subject site is currently zoned IN2 Light Industrial and R2 Low Density Residential under MLEP 2011 and is used for a range of light industrial, commercial purposes and low density residential purposes. The current zoning of all lots contained within the planning proposal request is shown below in Figure 6.

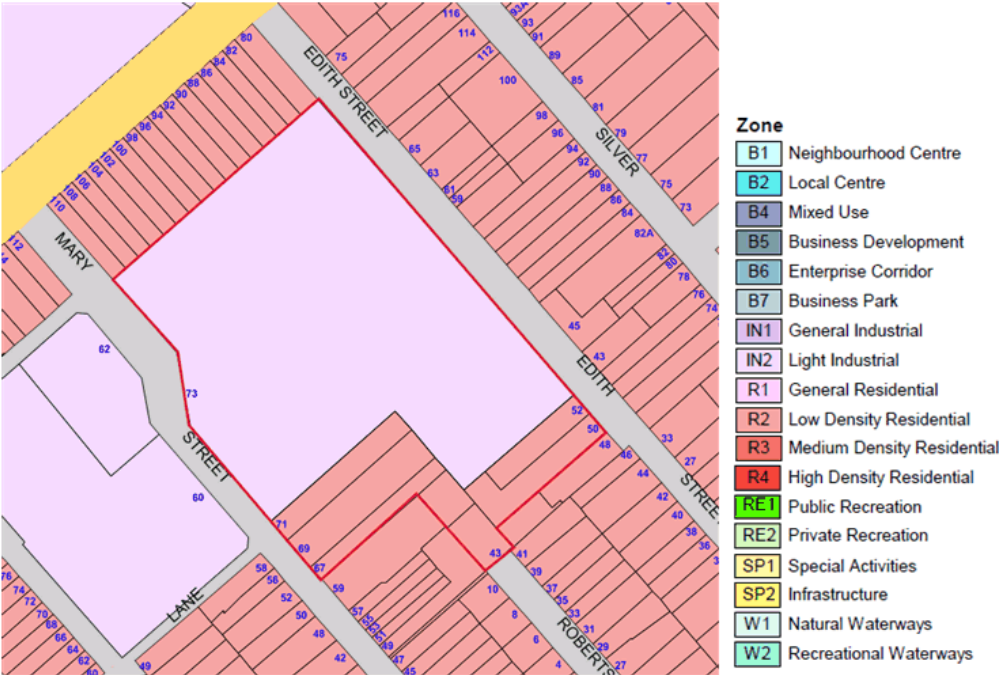


Figure 6: MLEP 2011 Current land zoning of subject site and environs (bounded by red line)

Proposed zoning

The planning proposal request seeks to rezone the land to B4 Mixed Use with a small area of RE1 Public Recreation for the site. Figure 7 shows the proposed zoning for the site.

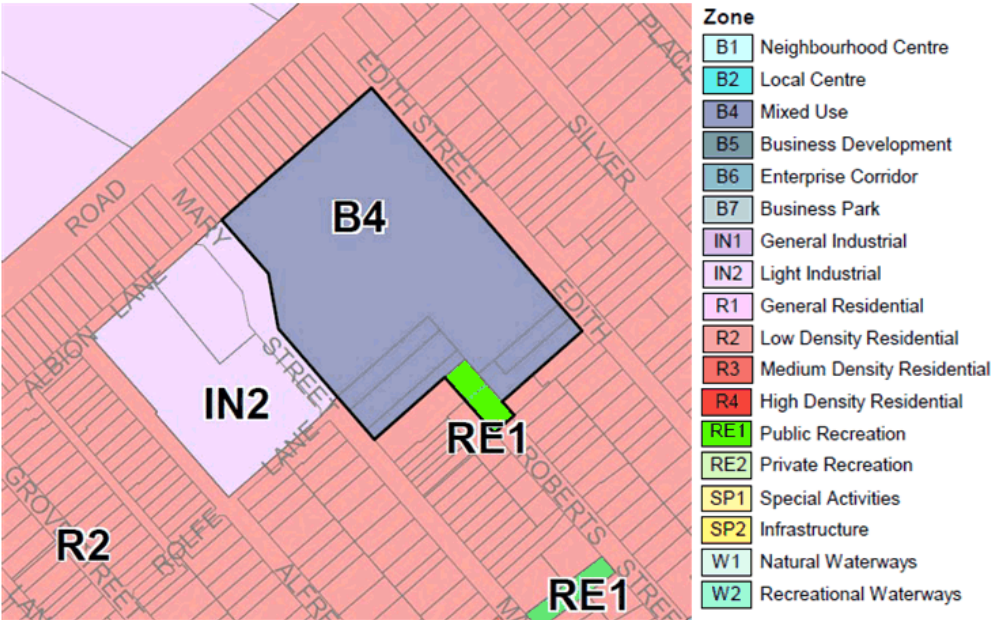


Figure 7: Proposed land use zoning for subject site

The MLEP 2011 objectives of the B4 Mixed Use and RE1 Public Recreation zones are as follows:

B4 Mixed Use

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- To promote commercial uses by limiting housing.
- To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- To constrain parking and restrict car use.

RE1 Public Recreation

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for a range of community facilities, services and compatible land uses.

Comment

The B4 Mixed Use zone generally permits the uses proposed within the planning proposal. However, the Zone B4 does not permit new residential accommodation in a form other than 'shop top housing'. For a development to be 'shop top housing', no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of 'shop top housing' within the MLEP 2011. Those buildings would be considered 'mixed use' developments incorporating either 'commercial premises' and/or 'community facility' and a 'residential flat building'. As 'residential flat buildings' are prohibited in the B4 Mixed Use zone, a Schedule 1 inclusion to permit a residential flat building only as part of a mixed use development is required.

Consequently, it is recommended that the planning proposal be amended to request a Schedule 1 additional permitted use as follows:

(2) Development for the purpose of residential accommodation is permitted with consent, but only as part of a mixed use development.

The RE1 Public Recreation zone is suitable for the site as it permits public open space, recreation areas and community facilities. However, the 'pocket park' proposed near Roberts Street should only be zoned RE1 Public Recreation if it is to be dedicated to Council. Should the park not be dedicated to Council as part of a VPA, it should be zoned B4 Mixed Use.

Proposed Land Use Zoning of 67, 69 & 71 Mary Street

Council notes that two Mary Street properties, whilst not owned by the proponent, are included as part of the planning proposal request (69 & 71 Mary Street). Those sites are isolated due to the inclusion of 67 Mary Street within the development site. The planning proposal seeks to rezone all of these sites to B4 Mixed Use.

As noted in the planning proposal report, the land adjoining the subject site along Mary Street is characterised by low density residential dwellings. The Precinct 75 Design Report Part 3.18 (Long Term Vision) shows the retention of dwelling houses between 67 and 71 Mary Street rather than their incorporation into the development site.

The existing R2 Low Density Residential zoning for those residential sites is considered appropriate as it reflects their current and intended future use. The rezoning of those residential properties to a commercial zoning is not considered necessary to facilitate the development. The character of Mary Street is not proposed to change from its current low density residential function.

Rezoning those sites to B4 Mixed Use Development may further permit the redevelopment of the two isolated lots as a separate development which is not desirable.

It is recommended that the planning proposal be amended to retain the zoning of 67, 69 & 71 Mary Street as R2 Low Density Residential (to a point consistent with the alignment of Lot A DP 331215 and B4 Mixed Use Development for the remaining rear portion of the lot as shown in Figure 8 below.

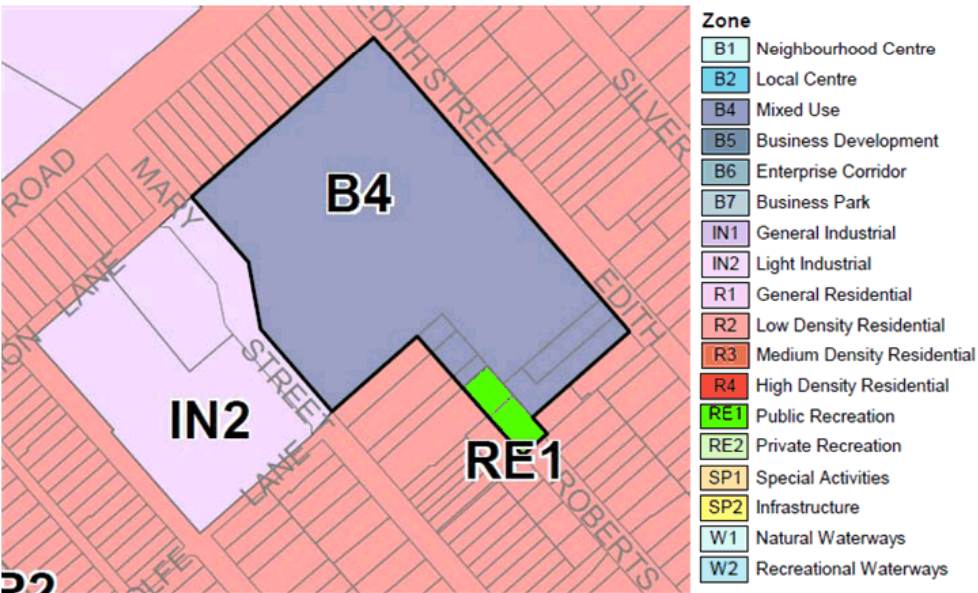


Figure 8: Proposed amendment to proposed zoning for 67, 69 & 71 Mary Street

This proposed zoning allows for the future incorporation of the rear of 69 and 71 Mary Street into the subject site. This would further improve access via the Roberts Street pocket park by continuing the existing entry through to the southern end of Building C as one continuous path.

Consequently, the FSR maps applying to the planning proposal require amendment to reflect an F code. This change may result in a need to review the proposed FSR for the subject site and to update the planning proposal as necessary.

Proposed Building Heights

Currently, there is no maximum height of building control for the subject site due to its industrial zoning.

The proposal incorporates a range of building heights ranging from 9.5 metres to 29 metres. Figure 9 shows the proposed building heights across the site. The building heights are reduced towards the site's boundary with Edith Street, Mary Street and Roberts Street to reduce impacts on adjoining properties.

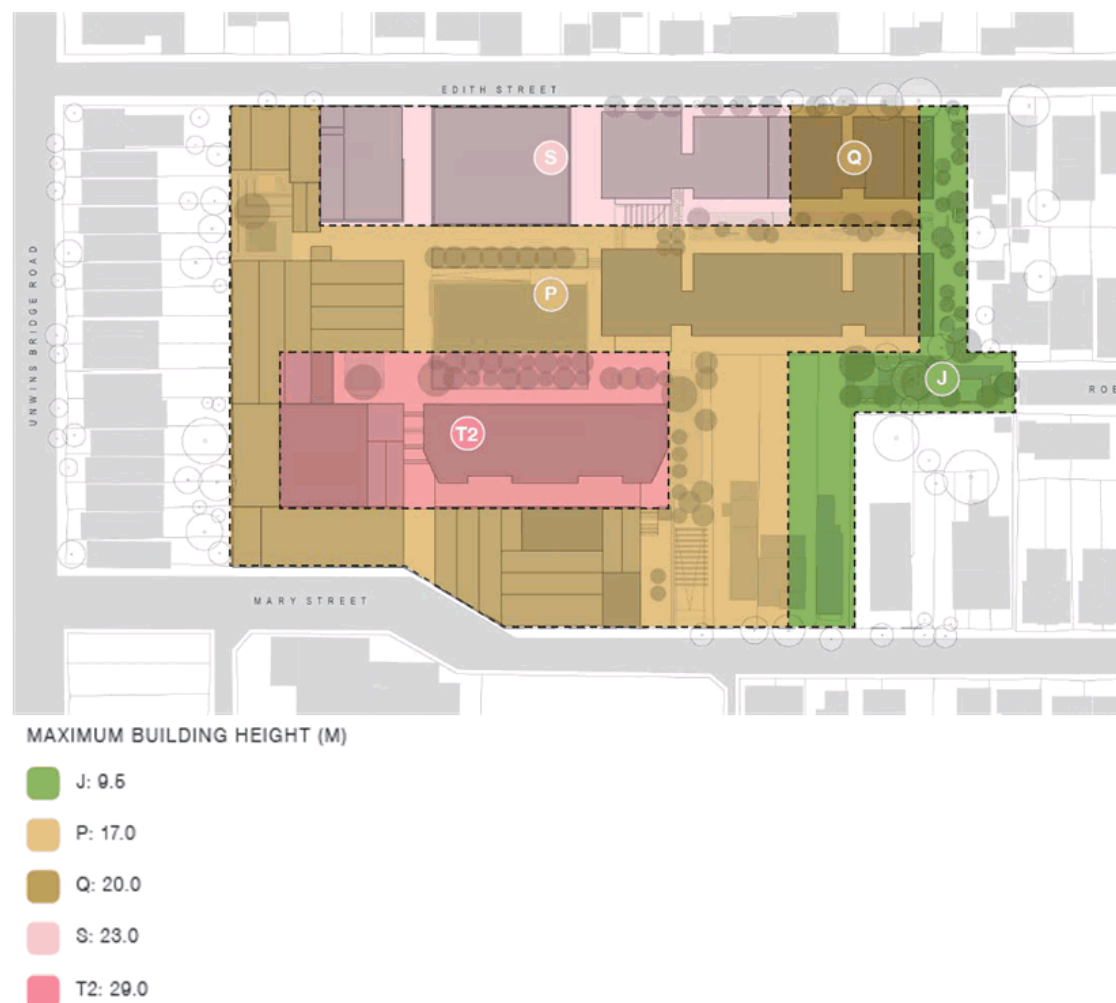


Figure 9: Proposed building heights

The proposed building heights are considered reasonable, with the exception of Buildings 7 & 8 as discussed further in this report. The proposed building heights are stepped down towards their interface with low density residential areas. These matters are discussed in detail further in this report.

Planning Controls

To establish the desired future outcome for the site, planning controls have been drafted to accompany the planning proposal. The controls include provisions relating to matters such as building heights, heritage, site design, open space and landscaping, traffic and parking, and waste management. Those controls will be included within Part 9.31 (Unwins Bridge Road) of MDCP 2011. The draft controls will be publicly exhibited concurrently with the planning proposal.

A copy of the draft planning controls is included at **ATTACHMENT 1** to this report.

Heritage and Urban Design

There are no heritage items within the site, nor is it located within a heritage conservation area. However, following a pre-Planning Proposal meeting in June 2014, Council requested *"that a heritage assessment be undertaken for the entire site, in order to establish the heritage values and overall character of the site and the immediate surrounding residential context."*

The heritage assessment report accompanying the planning proposal request states that *"while the site in itself does not meet the criterion for local heritage significance; the history of use, contribution to the local character and the community of tenants established through the variety of leases since 1965 contribute towards a recommendation that the site be adaptively reused as a sustainable outcome that retains a tangible link to the former industrial use."* Consequently, certain structures are identified for retention and adaptive reuse as part of the concept design.

Council's Heritage and Urban Design Advisor has reviewed the concept plans for the planning proposal request and has provided the following comments:

"The proponents have demonstrated a thorough and thoughtful analysis of the site constraints and opportunities. They have clearly expressed their architectural and social vision for the site as a mixed use precinct which retains some of the raw industrial character buildings, expands the existing creative employment uses, creates a community centre with public facilities including open green space at ground level, incorporates residential development and improves on-site environmental qualities."

Many elements of the proposal are attractive and beneficial, with several positive features resulting from modifications after the pre-planning proposal advice. However, negative features resulting from modifications after the pre-planning proposal advice are as follows:

- *Car parking has remained similar at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident.*
- *Green roof tops have been deleted."*

The referral makes the following recommendations:

1. *Public Domain:*

The commitment to increasing the public domain is very welcome, but it will need to be formalised as public rights of way or some equivalent arrangement.

Comment

This matter is being dealt with as part of the Voluntary Planning Agreement (VPA) for the site which will be the subject of a separate report to Council.

2. Height and Overshadowing

The heights of proposed buildings are contextually acceptable generally creating minimal impact, however in the case of buildings A & B their height is generating significant overshadowing of 48 Edith Street, St Peters. Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations.

Comment

This matter is dealt with in detail later in the report.

3. Heritage

Conditions requiring the guidance of the Heritage Architect throughout demolition and the development of strategies to enable retention of specific components within the site where they contribute to the character of the former industrial site.

Comment

This can be included as a condition of consent as part of any development application lodged for the subject site. This requirement will be included within site specific MDCP 2011 controls.

4. Documentation

The 3D montages have not been updated and do not represent the new site planning. These will require amendment for the DA stage.

Comment

Noted.

5. Traffic and Car use

A strategy for reducing personal car use at the site should be developed. Car share facilities should be provided to the public (suggest 10). Title of car spaces should be separated from apartments. The number of car spaces provided is not clarified but appears to be 400. This is a high volume on the current road network and needs further investigation as to suitability. Residential parking should be significantly reduced due to close proximity to Sydenham station and the scale of surrounding roads. Council should be considering timed/resident parking within 800m of all rail stations.

Comment

The proposed parking rates are less than those required under the MDCP 2011. The subject site is within MDCP 2011 Parking Area 3 and generates a parking requirement of 351 spaces. The proposal includes parking for 340 spaces and this rate is considered suitable for the proposed development. It is considered that the provision of car share facilities would benefit the development and this should be investigated by the applicant prior to the lodgement of a development application for the site.

Comments on traffic and parking provided by Council's Development Engineer are provided further in this report.

6. Context

The articulation of Buildings A & B, so they appear as smaller, separate buildings will be required at the DA stage, in order to retain the grain of the precinct.

Comment

Detailed plans have not been submitted as part of this planning proposal request. It is agreed that without sufficient articulation, Buildings A and B may appear bulky and overbearing when viewed from Edith Street. The design report states that *'the massings are subdivided into smaller blocks in order to integrate the buildings into the existing street pattern'*. It is considered this can be further refined as part of the DA process with the support of site-specific development controls to be included with an amendment to the MDCP 2011 controls.

7. Sustainability

The green roofs have been deleted from the proposal. The opportunity exists for good outdoor amenity on roof tops. Ensure requirement for sustainable features is embedded in the proposal.

Comment

It is agreed that the subject site provides an opportunity to introduce a range of greening techniques including open space, landscaping, deep soil plantings and green walls and/or roofs. The requirement to include additional greening can be included within site specific MDCP 2011 controls.

8. Use

Ensure, through conditions or zoning, that the use retains light industrial / manufacturing and creative uses rather than retail.

Comment

As noted previously, the B4 Mixed Use zone permits commercial premises (which include business premises, office premises and retail premises) and light industries amongst other uses. The desired outcome for the subject site would include a mix of employment uses operating from the site. The site specific DCP controls developed for the site will define the quantum of uses to occur on the site with the aim of maintaining diversity of uses.

Solar Access to Open Space

Council's Urban Design Planner has provided the following additional comments:

"While MDCP 2011 currently does not contain specific controls for public open space, control C10 of Section 2.7.5.2 requires common open space to receive 2 hours solar access for 50% of the finished surface between 9.00am to 3.00pm in mid-winter. This would be the recommended requirement for public open space and Council would encourage great solar access wherever possible, so that public open space has good amenity to be used in winter. Based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area around 1.00pm to 2.00pm. Lowering the southern side of building 8 would achieve more solar access earlier in the day. The 'pocket park' open space on Roberts Street would receive 2 hours from 1.00pm to 3.00pm to 50% of the area.

In terms of solar access to Building B it is difficult to assess but it appears some of the lower floor would be shadowed but most of the levels would receive solar access from 10.00am to 12.00 noon – so would easily be able to meet the solar controls.”

(Refer to Figure 3: Building identification map for building locations)

Comment

The Precinct 75 Design Report, submitted with the planning proposal request, includes shadow diagrams for the proposed development. It is agreed that the public open space lawn area is significantly overshadowed during midwinter. As this is the predominant open space area within the development, this is not considered to be a suitable outcome. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public congregation space, sufficient solar access needs to be provided.

Consequently, the draft planning controls for the subject site include a requirement that the central lawn area receive at least 2 hours of solar access across 50% of its finished surface between 9.00am and 3.00pm midwinter. This may require some relocation of massing from Buildings 7 and 8. Buildings 7 and 8 are both retained existing buildings but include proposed additional storeys for commercial and residential purposes.

The abovementioned solar access requirement has also been included for the Roberts Street pocket park. Compliance would not likely require massing changes, based on the submitted plans that indicate a level of solar access will be provided.

Solar access to 48 Edith Street, St Peters

The shadow diagrams also indicate that 48 Edith Street will suffer overshadowing to least 50% of its private open space after 12.00 noon midwinter from Building A. Section 2.7.5.1 of MDCP 2011 contains the following control:

2.7.5.1 Attached dwellings, dwelling houses, semi-attached dwellings and secondary dwellings

C8 *Where site orientation permits, new buildings and additions must be sited and designed to maximise direct solar access to north-facing living areas and outdoor recreation areas such that:*

- i. At least one habitable room (other than a bedroom) must have a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9.00am and 3.00pm on 21 June.*
- ii. Private open space receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.*

48 Edith Street technically meets solar access requirements of 2.7.5.1 C8 ii. as it will receive solar access to the majority its open space between 10.00am and 12.00 noon. It is noted that 41 Roberts Street is also overshadowed by Building B, however this site appears to have more than one area of private open space which lessens the overall impact.

The internal layouts of 48 Edith Street and 41 Roberts Street are unknown, therefore an assessment against 2.7.5.1 C8 i. is not possible. It is considered that this matter will require further assessment at development application stage. The eastern edges of Buildings A and B have been stepped down in an attempt to alleviate impacts upon the aforementioned

properties. The amenity impact on these properties will need to be assessed in detail as part of the development application stage.

Traffic and Access

Council's Development Engineer has reviewed the traffic and parking impact assessment and has provided the following comments:

Access and Traffic

- *The 340 car spaces proposed represent a shortfall of 11 car spaces. However, the applicant's inclusion of 7 'car share' vehicles within the development will negate this shortfall. With regard to servicing of the site, the Traffic Study recommends the inclusion of a loading bay for the residential component able to accommodate a 12.5m Heavy Rigid Vehicle (HRV). For the non-residential uses 2 loading bays able to accommodate Heavy Rigid Vehicles and 2 loading bays able to accommodate Small Rigid Vehicles are recommended.*
- *The development proposes entry only for cars from Edith Street, while Mary Street will accommodate entry and exit for service vehicles and exit only for cars. There will be no vehicle access from Roberts Street. The proposed vehicle access arrangements as proposed are satisfactory as they limit the amount of additional traffic on the residential section of Mary Street (Southern End). The additional car movements generated by the development will only access the northern part of Mary Street when they turn right out of the development.*
- *The applicant has submitted a Traffic Study in support of the proposal by McLaren Traffic Engineering. The Traffic Study found that the proposal will generate an additional 156 peak hour vehicle trips split between Mary and Edith Streets. During the Morning peak Edith Street will receive an additional 112 vtpm while Mary Street receives an additional 44 vtpm. In the afternoon peak Edith Street receives an additional 35vtpm while Mary Street receives an additional 121 vtpm. The Traffic study assessed the impact of the additional traffic generated using SIDRA and found that all intersections maintain their existing Level of Service including the critical intersections of Canal Road with the Princes Highway and Mary Street with Unwins Bridge Road.*
- *The Traffic Study also assessed the residential amenity of the increased traffic on both Edith and Mary Streets and found that Edith Street remains within the RMS Guidelines for residential amenity of 200-300 vpd for local streets. Mary Street is already operating above the 600-900 vpd amenity threshold for a collector road however the additional traffic will not impact on residential amenity further as a majority of additional car movements generated by the development are restricted to the northern end of Mary Street (i.e. right turn exit from the site) where there are a few residential properties.*

The following changes are recommended to the parking restrictions in Edith Street:

- Time Restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods (To assist with the efficiency of traffic movements at this intersection);
- Install "No Stopping" 5m either side of Edith Street driveway. (reduced from the 10m either side recommended in the Traffic Study); and
- Install "No Stopping" along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles (refer to Appendix G of the McLaren Traffic Study for clarity).

The above changes recommended would need to be referred to the Pedestrian, Cyclist and Traffic Calming and Advisory Committee for its consideration.

Comment

The recommended parking restrictions have been included within the site specific controls for inclusion within the MDCP 2011. These matters will be subject to further assessment as part of any future development applications lodged for the subject site.

Pedestrian Safety

During the site inspection it was noted that the footpath in Mary Street is of varying width and ends abruptly adjacent to a loading dock. In order to provide a continuous, safe and accessible path of travel for pedestrians along the Mary Street frontage the footpath should be redesigned and reconstructed to be of a more consistent width for the full length of the Mary Street frontage.

Comment

This matter has been included within the site specific planning controls applying to the site and will need to be addressed as part of any development application for the site.

Flooding

The Alexandra Canal Flood Study by Lucas (1998) identified flooding at the trapped low point in Edith Street. The redevelopment of the site provides an opportunity to provide a formalised overland flow path through the site from Edith Street through to Mary Street. The overland flow path shall be allowed for the redevelopment of the site. The Flood Study may be made available to the developer.

Comment

A copy of Alexandra Canal Flood Study will be made available to the developer to assist in their development of detailed engineering plans for the subject site.

Contamination

A site investigation report was prepared by Environmental Investigations Australia (EIA) and included with the planning proposal. The report was reviewed by Council's Environmental Services who provided the following comments and condition recommendations:

- *Based on previous history and the limited Detailed Site Investigation (DSI), the site contains significant contamination in soil samples, and in groundwater. The site has a history of industrial use, most notably paint manufacturing.*
- *In addition the site is known to have underground storage tanks, and it is unknown the amount or precise locations of the underground storage tanks, what they were used to store, or if these have been satisfactorily decommissioned.*
- *Due to existing industrial uses and site limitations from existing hardstand and buildings, a comprehensive DSI was not conducted, therefore the full extent and nature of contamination has not been determined. The DSI is clear that due to the contamination found, a Remediation Action Plan (RAP) is to be developed for the site.*

- *In many sampling locations, concentrations of contaminants including heavy metals, chlorinated solvents and petroleum have been found exceeding health-based criteria for these substances. In particular, hot-spots of contamination seem to be high in the western areas of the site. It is noted that at this location, several existing buildings are proposed to remain with the development.*
- *Due to the topographical nature of the site and groundwater movements, there is a high chance that contaminated groundwater may be impacting on neighbouring property. Given this, and the nature of pollutants present, the site should be reported to the NSW EPA as per Section 60 of the Contaminated Land Management Act.*
- *The site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed.*
- *A comprehensive Remedial Action Plan (RAP) is to be prepared in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (NSW OEH 2011). In addition, the RAP should address how issues addressed in the limited DSI and limitations and recommended further investigation of this assessment will be managed during remediation, and if relevant, during construction and use of the site after construction. The RAP should also assess contamination risks and associated management of the site as a whole, including any land and buildings to remain onsite.*
- *The proponent is to engage a suitably qualified contaminated site auditor to oversee the remediation process. The auditor must be able to certify that contamination is remediated or contained to a level suitable for the proposed use and surrounding site uses.*
- *It is suspected that contaminated groundwater may be impacting surrounding land. The proponent is to report this to the NSW EPA under Section 60(3) (a) of the Contaminated Land Management Act (1997).*
- *Upon the completion of any remediation works stated in the Remedial Action Plan, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites.*
- *All soil to be removed from the site is to be classified as per the NSW EPA Waste Classification Guidelines: Part 1 – Classifying waste (EPA 2014) and disposed of to a licensed waste facility.*

Comment

The historical use of the site for paint manufacturing has resulted in significant contamination across the site. As noted in the comments from Council's Environmental Services section, there is also the potential that the contaminants have migrated off the subject site to adjoining residential properties. Council officers have notified the applicants of their obligations in relation to reporting contaminants under Section 60(3) of the Contaminated Land Management Act (1997).

The EIA report concludes, inter alia, that:

"The suitability of the site for the proposed development, however, could not be ascertained based on existing data. It is recommended further investigation remediation work be carried out to render the site suitable for the development."

The limitations of the report are related to the existing structures on site making these areas inaccessible for intrusive investigation. Additionally, 67 Mary Street, 43 Roberts Street and 50 & 52 Edith Street were not assessed as part of the investigations due to lack of access. The report does not mention 69 & 71 Roberts Street despite their inclusion (and proposed rezoning) within the planning proposal.

The report concludes that it cannot ascertain the suitability of the proposed development due to the limitations of the data. It does not preclude the site being redevelopment for a mixed use development, however cannot conclusively comment that the proposed development is suitable. The report specifically makes the recommendations for the development of a Remedial Action Plan (RAP) to ensure that the site is suitable for the proposed use.

Due to the proposed rezoning of the land to more sensitive land uses, including residential, it is essential that the site be thoroughly investigated to ensure it can be made safe for all users. It is recommended that the RAP be prepared (as per EIA's recommendation and the recommendation from Council's Environmental Services) and provided post Gateway Determination. The RAP should also ensure that investigations include all properties proposed for inclusion within the planning proposal, including Nos. 69 & 71 Mary Street.

Culture and Recreation

Council's Culture and Recreation section has advised that the proposal is supported from a cultural planning perspective as the precinct has the potential to become a focal point for creative industries and the local community. However, concerns are raised regarding the potential displacement of local creative workers, especially due to the site's current IN2 Light Industrial zoning (currently in short supply across the inner west). The following comments on the proposal were made:

- *A percentage of art project commissions should be reserved for local artists.*

Comment

The applicant has indicated the inclusion of public art works within the development. The DCP controls have included a control to state that local artists should be given preference for such works.

- *A free multi-purpose community room be included in the proposal which should be close to ground level where possible. The inclusion of play elements, passive recreation areas or community gardens is also recommended as there is currently limited open space in the St Peters area.*

Comment

The proposal includes approximately 250 square metres of community space to be provided at ground level within Building B.

- *The location of the Roberts Street pocket park is questioned as overshadowing from surrounding buildings will result in limited solar access. To overcome this, it is recommended that green areas be increased in the central plaza or along street frontages such as Edith Street.*

Comment

The Roberts Street pocket park has been examined by Council's Urban Design Planner who has advised that *the 'pocket park' open space on Roberts St would receive 2 hours from 1-3pm to 50% of the area.* This level of solar access is a minimum considered acceptable. This requirement applies to both the 'pocket park' and open space lawn area and has been included within the planning controls for the subject site.

- *Given the site is likely to result in intensification, a contribution to the upgrade / greening of relevant sections of Unwins Bridge Road, Edith and Mary Streets should be considered, as well as enhancing walkability / cyclability through the St Peters and Sydenham Station areas and Camdenville Park.*

Comment

A Voluntary Planning Agreement (VPA) is being negotiated for the proposed development. The terms of the offer may take this into consideration. These matters are also able to be considered in further detail as part of any subsequent development applications.

- *As plans promote cross-site walkability, need to address safe pedestrian access to site, especially on the Mary St side, see pedestrians walking out onto the road – where there is a fairly constant stream of cars coming off Princes Hwy – as the road has a bendy bit, it can be hard to see.*

Comment

Detailed engineering plans will be developed as part of any development application for the redevelopment of the site. Issues relating to access and pedestrian safety will be considered in detail at this stage. A planning control relating to the improvement of the existing footpath along part of the site's Mary Street frontage has been included.

- *Parking also an issue but note plans include underground parking... loading bay access for community uses and creative workers important, as well as parking of customers / patrons of the creative uses.*

Comment

As noted above, detailed engineering plans will need to be developed for the site. Matters such as loading bays and customer parking will need to be examined in detail at this stage. The proposal currently indicates that all parking is to be provided below ground.

Landscaping

- *Trees and planting to be flush with surrounding finish levels (no raised planters)*
- *Planting of trees is desirable in these spaces*
- *Trees to be planted in minimum 1m of soil plus mulch and drainage*

Comment

These matters have been included within the draft planning controls for the subject site. They also refer to maximising deep soil planting areas to encourage the extensive greening of the currently barren site.

- *It is recommended that local native provenance plants be used within all the landscaping for optimum biodiversity outcomes and provide a unique showcase for local native plants within an urban development.*

Comment

Council's Street Tree Master Plan 2014 will be used to guide the detailed landscape design.

- *The proposal should also include opportunities for green walls and roofs using native local plants, which appear to be deleted from the original proposal.*

Comment

The green building elements included as part of an earlier iteration of the development have been deleted. A planning objective to increase greenery across the site, including green roofs and/or walls, has been included in the site specific controls.

- *It is also recommended that a local native grass meadow or lawn be included rather than a mowed lawn area to increase biodiversity values on site and provide a unique and interesting feature and possible educational component and resident involvement.*

Comment

This is a matter of detail for a landscape plan at and later development application stage.

- *One aspect of the proposal that is currently unclear is whether any of the areas are to be dedicated to Council for ongoing maintenance.*

Comment

A Voluntary Planning Agreement (VPA) is being negotiated for the proposed development and will be reported to Council as part of a separate report.

Waste Management

A waste management plan was included with the planning proposal. Officers from Council's Environmental Services have provided the following comments:

- *It is essential to ensure that residential and commercial waste are kept separate (i.e. cannot be accessed by one another) and there must be adequate storage space in bin rooms and at the collection point.*
- *In other large development, a bin storage room at street level adjacent to an on street layback works effectively to avoid blocking residential and commercial traffic flow into the development.*
- *Buildings with residential components greater than 4 storeys require access to residential garbage and recycling on each floor.*
- *Bin rooms and collection points must provide adequate storage space.*

Comment

The above matters relate to controls contained in Part 2.21 – Site Facilities and Waste Management of MDCP 2011. Compliance with those controls will be considered at development application stage.

Australian Noise Exposure Forecast (ANEF)

An Acoustic report, prepared by Acoustic Logic, was submitted with the planning proposal request. The planning proposal report and the accompanying acoustic report state that the site is affected by ANEF contours 20-25 and makes recommendations accordingly. However, whilst the majority of the site is subject to ANEF 20-25, a small part in the north-western corner of the subject site is within the ANEF 25-30. Council requested that the acoustic report and recommendations prepared by Acoustic Logic be updated to reflect the site's ANEF affectation.

Further, Section 4.3.2(6) of Part 2 of the planning report states that section 117 Direction 3.5 (Development near licensed aerodromes) is not applicable to the planning proposal request. This is not correct due to the portion of the site being subject to the 25-30 ANEF. The applicant has been requested to update the planning proposal report to include an assessment against this Direction. This can occur as part of the Gateway review.

Consistency of Proposed LEP Amendment with Strategic Planning Policies

To rezone industrially zoned land, Council needs to ensure that adequate strategic justification is provided for the proposed changes to its planning controls. The following discussion provides an assessment of the proposal against the State Government's and Council's strategic planning directions for the Marrickville LGA. .

Marrickville Urban Strategy (2007)

The Marrickville Urban Strategy (MUS) was adopted by Council in 2007. It establishes a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville LGA. The MUS was developed in response to employment and housing targets established through the dSSS and its overriding strategy, Sydney Metropolitan Strategy *City of Cities, A Plan for Sydney's Future* (December 2005).

The MUS does not specifically discuss the subject site. However, the MUS does support the rezoning of industrial land located approximately 100 metres from the site in Grove Street, St Peters. This land has subsequently been developed for residential development.

The MUS adopted six urban renewal approaches to inform policy options for future residential development within the LGA. These are:

1. Focus on residential density in and around centres;
2. Focus on commercial zoned land in centres;
3. Rezone select industrial sites;
4. Develop new centres;
5. Rezone select special use sites; and
6. Increase density in infill areas.

It is considered that the subject site is consistent with Approach 3 – rezone select industrial sites. The following criterion was established for consideration in rezoning industrial sites and it is considered that the subject site meets the criteria as follows:

- *Is located close to a centre*

The subject site is located approximately 8 kilometres from the Sydney central business district. It is located approximately 300 metres from the Princes Highway which, despite not being a local centre, contains a mix of business types including service stations. The subject site is also within 1 kilometre of the Marrickville Metro shopping centre.

- *Is redundant from historical industry perspective*

The subject site is currently being used for a range of light industrial activities. The site will continue to accommodate these uses should it be rezoned to B4 Mixed Use. It no longer functions for its original purpose of paint manufacturing, which would no longer be permissible on the site due to its IN2 Light Industrial zoning.

- *Is well serviced by public transport*

The subject site is within 800 metres of Sydenham Station. Bus services operate along the Princes Highway into the city and into Rockdale to the south.

- *Is within walking distance of public open space*

The subject site is within 800 metres of public open space located at Sydenham Green, Simpson Park (Campbell Street, St Peters) and Camdensville Park (May Street, St Peters). The proposal also includes two new public open space areas.

- *Provide opportunities for improving public domain*

Currently the subject site is completely devoid of any landscaping other than that contained within the residential properties included in the proposal. The site is also closed to the general public and provides no through links. It is considered that the proposal will provide substantial improvement to the public domain through the provision of greening the site and also providing public thoroughfare through the site.

- *Is not located close to strategic assets (port, airport or freight lines); and*

The subject site is located in proximity to the Marrickville/Sydenham industrial lands, however it is fragmented from it by residential development. Consequently, it cannot be viewed as a component of the Marrickville/Sydenham industrial lands precinct.

- *Rezoning would not result in conflict between residential uses and industrial uses that impact upon residential amenity, and hinder business competitiveness.*

The subject site is in close proximity to residential uses. It is not considered that the development would exacerbate any existing conflicts between land uses. It is anticipated that the proposal will improve the relationship between the land uses through the provision of open space areas, community facilities and improved permeability of the site.

Draft South Subregional Strategy (2007)

The site and surrounding light industrially zoned sites were designated as Category 1, or land to be retained for industrial purposes, within the draft South Subregional Strategy (dSSS). The dSSS was drafted in 2005 and never adopted as a final document. Since that time, land to the south of the subject site in Grove Street, St Peters, has been rezoned for low density residential development. Council has also been in receipt of a number of proposals seeking the rezoning of industrial land for other and/or additional uses. The Department of Planning & Environment have generally been supportive of those proposals, even when they have been

inconsistent with its own policies. It is considered that the planning proposal request has strategic merit and should proceed for Gateway determination.

Marrickville Employment Lands (MELS) Review (2015)

The MELS Review was an undertaken to update the original study completed in 2008. The study area for the review included all IN1 General Industrial and IN2 Light Industrial zoned land within the Marrickville LGA. The MELS Review concluded that there is sufficient capacity in Marrickville's industrial lands to accommodate projected growth in demand for industrial land. Consequently, the report advises that some rezoning of land from industrial to other land uses 'is possible and will likely produce better social and economic outcomes'.

The MELS Review sets actions for the future management of the LGA's industrial land including *Action 1.1 – Designate the Marrickville-Sydenham precinct as a subregionally significant industrial precinct and zone accordingly*. As has been discussed above, the subject site is not considered to form part of the Sydenham/Marrickville industrial lands. Therefore, the proposed rezoning of the subject site is not inconsistent with this action.

The report also includes *Action 4.3 – Consider rezoning of select residential interface sites to B4 Mixed Use*. This relates to industrial land peripheral to the main industrial precincts which have good public transport accessibility. A B4 Mixed Use zone is recommended for these sites as this would not compromise their existing industrial activity or their future role as industrial precincts. This approach is consistent with the planning proposal for the subject site. The light industrial activities currently operating on the subject site can continue under the proposed B4 Mixed Use zone. The planning proposal request is considered to be consistent with the objectives of the MELS review to protect strategic industrial land whilst allowing for peripheral or fragmented industrial land to accommodate additional uses.

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney (the Plan) was released in late 2014 and sets the direction for planning in Sydney over the next 20 years. Subregional planning strategies, to support the aims of the Plan, are currently being developed. The Plan includes *Action 1.9.2: Support key industrial precincts with appropriate planning controls*. The Plan states that the *Industrial Lands Strategic Assessment Checklist* will guide the assessment of proposed rezonings of industrial lands. The checklist poses questions about whether the site is near or within direct access to key economic infrastructure, how it contributes to a significant industry cluster, and how the proposed rezoning would impact on industrial land stocks and employment objectives in each subregion.

As this planning proposal request involves the rezoning of IN2 Light Industrial land, an assessment against the checklist has been undertaken as follows:

- *Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

The subject site is zoned IN2 Light Industrial in MLEP 2011 (and includes several residential zoned properties). As previously noted, the draft South Subregional Strategy (dSSS), which was prepared in 2005 but never formalised, designated the land as Category 1 (land to be retained for industrial purposes). Although the dSSS was prepared in 2005 it was never finalised. Since this time, land to the south of the subject site (Grove Street) has been rezoned for residential purposes and redeveloped as a low density residential area.

Council commissioned a review of the Marrickville Employment Lands 2008. The MELS Review supports the rezoning of peripheral or fragmented industrial land to B4 Mixed Use. The rezoning does not compromise the Sydenham/Marrickville strategic industrial lands.

- *Is the site:*
 - o *near or within direct access to key economic infrastructure?*
 - o *contributing to a significant industry cluster?*

The subject site and environs are peripheral to other large areas of industrially zoned land. It is located adjacent to low density residential development, with only one other IN2 Light Industrial site located to the west of the subject site. A site on Grove Street, St Peters, was rezoned from light industrial to residential now contains low density residential development. It is not considered to be contributing to a significant industry cluster.

The uses operating from the subject site vary. The proposed B4 Mixed Use zone will permit the light industrial uses currently operating on the site. These uses will be complemented by other commercial uses and residential uses to create a precinct with a range of land uses operating. The site is currently underutilised and has the ability to accommodate a more intensive type of development.

- *How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?*

The draft South Subregional Strategy identifies 187.5 hectares of industrially zoned land within the local government area. The subject site incorporates approximately 1.66 hectares of this land, or less than 1% of the total land available for industrial uses. It is not considered that the planning proposal would significantly undermine industrial land stocks within the subregion.

- *How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?*

The planning proposal request seeks a zoning of B4 Mixed Use to accommodate a range of light industrial, commercial, community and residential land uses. Therefore, employment will be retained on the site and will increase under the proposal.

- *Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?*

The proposal is to keep utilising the site for light industrial purposes whilst introducing a range of additional land uses including commercial and residential. The B4 Mixed Use zoning proposed for the subject site is aimed at creating a precinct which accommodates a range of land uses, including industrial uses.

- *Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?*

The land is not considered critical to meeting an identified alternative purpose in either a NSW Government or endorsed council planning strategy.

State Environmental Planning Policies (SEPPs)

SEPPs are environmental planning instruments which address planning issues within the State. An assessment has been made against all relevant SEPPs and is included at **ATTACHMENT 2** to this report. The assessment does not raise any major concerns or inconsistencies with the relevant SEPPs.

Section 117 Directions

These are directions issued by the Minister under section 117(2) of the EP&A Act identifying particular matters for consideration relating to planning proposals and environmental planning instruments. The following s.117 Directions are relevant to this planning proposal request:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulphate Soils
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

A full assessment against those s.117 Directions is provided at **ATTACHMENT 3**. The planning proposal request is considered to be inconsistent with Directions 1.1 (Business and Industrial Zones) and 6.3 (Site Specific Provisions). However, these inconsistencies are considered to be of minor significance as outlined in **ATTACHMENT 3**.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

Public participation in the form of community consultation would occur should Council resolve to support the planning proposal request and the Department of Planning & Environment issue a Gateway Determination to allow for the public exhibition of the planning proposal.

CONCLUSION

This report assesses a planning proposal request the rezone land at 67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters, to allow its redevelopment as a mixed use precinct. On balance, the planning proposal request is considered acceptable for submission to the DP&E for Gateway determination, subject to amendments identified in this report.

The proposal is considered to have strategic merit as it involves rezoning light industrial land which is not part of a wider industrial precinct, such as the Sydenham/Marrickville employment lands. The site's redevelopment has the potential to provide community benefit through the provision of new public open space area, community facilities and improved pedestrian and cyclist linkages. To ensure the site's redevelopment meets the objectives of the planning proposal request, draft planning controls have been developed to accompany the planning proposal which establish the desired future outcome for the site.

It is recommended that Council resolve to forward the planning proposal to the DP&E for Gateway determination, subject to amendments :

- To limit the proposed B4 Mixed Use zoning for the properties 67, 69 and 71 Mary Street to the rear of those properties and retain the existing R2 Low Density Residential zone for the remainder of those properties to reflect the current and intended future use of those properties;
- To limit on the quantum of residential development permitted to ensure that the precinct retains a mix of spaces for future and current industrial/ commercial tenants and residents; and
- To ensure that the public open space lawn area receives at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area.

ATTACHMENTS

1. Draft Site Specific DCP Planning Controls - 73 Mary Street, St Peters
2. Assessment Against Relevant State Environmental Planning Policies
3. Assessment Against Relevant Section 117 Directions

Submissions received in relation to consultation process of proposed planning amendments to land in Mary, Edith and Roberts Streets, St Peters

Submissions received until Sunday 28 February 2016

Main TRIM Folder: 14/5390

Submissions subfolder: 16/SF121

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
1.	10/02/16	Object	<ul style="list-style-type: none"> - Strongly object to this proposal. - The loss of amenity, privacy and solar access to the properties bordering the proposal will have a huge impact on existing residents. - There will be a significant adverse impact on the quality of life and standard of living of everyone who lives in the vicinity of the proposal. - Construction noise and dust will also negatively impact on the amenity of local residents. - The increased traffic flow will also have a huge impact. Mary St is already incredibly busy for such a narrow street (Westconnex's proposal will also increase traffic flow along Mary St) and more cars exiting onto Mary St will considerably increase the wait time at the traffic lights at the intersection of Unwins Bridge Rd, particularly during peak hour. - Edith St is also very narrow with only one car able to pass along the street at a time secondary to existing street parking. - An increase of 340 (at least) vehicles along this street will create hazardous driving conditions as people fail to stop to allow other vehicles to pass. - This proposal is nothing short of a nightmare. 	16100.16
2.	10/02/16	Object	<ul style="list-style-type: none"> - It is completely inappropriate for the area. - It does not suit the local landscape or design of the local community. - Traffic will be appalling and already limited street access will be put under further pressure. - Roberts Street is a quite family street and it is unacceptable to expect that a apartment block would fit into the area. 	16102.16
3.	10/02/16	Object	<ul style="list-style-type: none"> - It is a horrible idea and will ruin the area. - If the council accepts this proposal they are clearly more focused on making money then they are focused on fostering the wonderful friendly and family community that exists on Mary, Edith and Roberts Street. - This proposal does not fit in with the local area and will result in dangerous traffic conditions. - The local community will protest against this proposal at every chance. - It is not welcome. 	16107.16
4.	10/02/16	Object	<ul style="list-style-type: none"> - Does not suit the area. - Does not have enough car spaces for the residents of the building so there will inevitably be overflow onto already packed streets. - It is impossible already to get parks on any of these three streets. 	16109.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<ul style="list-style-type: none"> - This proposal will result in dangerous traffic conditions and will ruin the area. - It does not fit into the existing landscape and is not wanted or needed. - Will be incredibly ugly and will stand out horribly. - Traffic flow is already too high on these streets and this additional pressure can not be tolerated. 	
5.	10/02/16	Object	<ul style="list-style-type: none"> - I oppose the proposal to rezone land in Mary, Edith and Roberts Street, St Peters so that the area could be developed into a creative industry precinct with residences, community facilities and car parking. - I strongly object to the erection of buildings up to eight storeys. - It will destroy the area, create an ugly shadow and overpopulate the area. 	16123.16
6.	10/02/16	Object	<ul style="list-style-type: none"> - de-sac, and have loved the safe, friendly community. - We are alarmed by what is being proposed at Precinct 75. Monster 8-storey apartment blocks are not fitting with the architecture, character or the family environment of the area. The fact that this proposed development will attract hundreds and potentially thousands of people and cars to the area using the small streets that surround the Precinct is incredibly dire. You must also take into consideration that the St Peters area is going to unfortunately feel the full negative effect of the hideous WestConnex. - Mary Street is already incredibly busy for the size of the street and with the WestConnex thousands of cars will be dumped onto this tiny street and others. - I feel also our privacy and way of life will be severely disrupted. - 8-storey apartments will leave many homes in unnatural darkness and views out of buildings will look straight into our backyards. - I understand that development of St Peters is an attractive opportunity but it needs to be right for the neighbourhood, therefore I strongly object to this proposal as I feel that it is not keeping with the character of the suburb and the current residents of St Peters' way of life will be adversely affected. - I will be contacting media to voice my concerns. 	16150.16
7.	10/02/16	Object	<ul style="list-style-type: none"> - Resident whose home backs on to the Precinct 75 complex. - Strongly against the proposed development/rezoning of this area. - Since the development of Precinct 75, we have seen an increase in traffic congestion and parking problems. As it stands, it has become frequently impossible for residents to find street parking from Monday to Friday - and can be even more problematic on weekends - especially Market Days. The surrounding streets fill up and this also spills onto Unwins Bridge Road. There is a knock on effect of traffic congestion as residents and visitors drive around trying to find parking - and increased pedestrian risk as everyone tries to negotiate the overcrowded streets. - Not every resident has the physical mobility to allow them to park many blocks away from their homes and walk from there. 	16212.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
8.	10/02/16	Object	<ul style="list-style-type: none"> - I am aware that some of our neighbours have even resorted to parking in the "Fruitworld" car park on Unwins Bridge Road due to lack of parking in Edith Street and surrounding streets. - To add 180 new high rise residences as well as more commercial spaces would overload an area that is already stretched and unable to support the population and activity as it now stands. - If anything Council should be looking to resolve the current congestion and parking problem, instead of adding to it. 24 hour. - It is getting worse and worse for the residents - to the point where you avoid going out at particular times and on market days because you know there will be nowhere to park when you come back. I am therefore against the proposal as it stands - we can't cope with more residents and more activity in an area that was never designed to accommodate this - and where resources are already at breaking point. <p>I write to you as a concerned Resident, with reference to the above mentioned 'Rezoning Proposal.'</p> <p>I currently reside in Mary Street, St Peters</p> <p>We have resided in our home for 14 years.</p> <p>I am sure you are aware of the amount of vehicles that enter via Mary Street on a daily basis. Not just cars, but also trucks and buses as well as Emergency Vehicles etc.</p> <p>I am opposed to the 'Proposal to Rezone' for the following reasons;</p> <ul style="list-style-type: none"> • Increase in traffic via Mary Street • Exit from proposed car park via Mary Street • Further disruption to residents • Noise pollution/ traffic pollution • Increase in 'road rage' from motorists • Lack of parking spaces for current residents • Shifting of housing foundations • further increase in traffic, due to West Connex & the development of new apartments in Mascot <p>Given the reasons listed above, I strongly oppose the proposal to rezone Mary Street.</p> <p>I believe by allowing the Rezoning will add to the increase in traffic, in particular as there are two lanes conversing into one lane from Canal Road. It is chaotic as is.</p> <p>As a resident my son and I are subjected to constant abuse by motorists on a daily basis and have witnessed physical abuse from one motorists to another. Being abused for reversing our vehicle into our own driveway. There is no respect or consideration towards the residents. Motorists tend to forget they are driving through a residential area.</p> <p>I sincerely hope that the above mentioned concerns are considered when negotiations are taking place between the necessary parties.</p> <p>It maybe time for the media to become involved.</p>	16262.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
9.	11/02/16	Partial support	<ul style="list-style-type: none"> - Whilst I support development and improvement of the suburb, I am extremely worried about traffic and parking issues that have been problematic the past few years. - Having lived in areas where medium density apartments have been constructed, there is an impact on parking around the area for other residents due to limited spaces in complexes for residents. - With the increase in businesses in the area, parking has also been a problem in all 3 streets included in this proposal. - I would like to see a parking permit scheme revisited for the area limited to current residents (who mostly do not have off street parking). 	16449.16 & 16462.16 (duplicate)
10.	11/02/16	Partial support	<ul style="list-style-type: none"> - Support the rezoning of the land however I raise the following points re: concept plans: <ul style="list-style-type: none"> • very concerned about impacts on street parking. Street parking in the immediate area is already scarce. • consider 3 residential buildings being somewhat ambitious due to the negative impacts on street parking, noise, overshadowing. - FY1 - residential properties from 60-94 Alfred Street, St Peters did not receive notification. Please ensure we are notified for any future planning proposal regarding this development. 	16468.16
11.	10/02/16	Support	<ul style="list-style-type: none"> - I would like to voice support on behalf of my husband and myself, St Peters on this proposal. - We welcome any and all initiatives that will bring more vibrancy to our neighbourhood, and have been so pleased with all the developments so far like the brewery, markets and cafe's. - We especially welcome additional parking on the street as this has been the only negative side to all the wonderful developments: we can't find parking near our own home sometimes. We encourage the parking to be free or low priced so we don't have too much congestion on our street for residents, or for the street parking to be resident only if possible. - In short again we would like to voice our enthusiastic support for this and similar initiatives. 	16474.16
12.	12/02/16	Object	<ul style="list-style-type: none"> - Mary Street is a very busy street already and it is difficult enough getting parking as it is now. - I don't agree with the proposal as I find it will change the context of the area. - I feel there is already enough development going on in the area which we do not know how it will effect the traffic in Mary street. 	16945.16
13.	12/02/16	Partial support	<ul style="list-style-type: none"> - Making a detailed submission, based partly on differences with Marrickville Urban Strategy, and partly on the fact that the 'employment lands' are, it seems, no longer employing locals, or indeed, have no useful items for sale.. many of the items sold are made overseas-hardly helping local artisans.. Superficially, the proposal does follow the guidelines for redevelopment of industrial lands, but what guarantee is there that the 'creative industry' will stay. 	17402.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
14.	12/02/16	Partial support	<ul style="list-style-type: none"> - This rezoning with mixed use is in accordance with stated guidelines in Marrickville Urban Strategy, but I do not support it in its present form...it is an over-use of the site, and would generate too much traffic into 2 very small streets, Mary and Edith Streets - The stated cultural precinct would have too little open space, there is too little garden space to be of significant visual amenity, and I do not think that buyers of the proposed units would welcome the markets or the emissions from the boutique brewery. - We, the residents close to the area, have no guarantee that any of the artisans presently there would stay after some of the Precinct became residential, and that there would not be then a very dreary housing complex....I would be more inclined to support this proposal if the mix of artisans and residents would be guaranteed FOREVER... This is not the case now, and there are some major tenants with only a 2-year lease, which only seems to confirm this - There are other issues I am concerned about - There seems to be no proposal for any toilets for the public who may visit the site for alleged cultural activities. There are no toilets in the 2 coffee shops, and with a stated 4,000 or so visitor to the Saturday markets, this is a planning disaster. There is at the moment, one toilet with a security code, not readily accessible. - RISK TO SURROUNDING HOUSES WHEN EXCAVATING. "the report considers there is low risk of geotechnical conditions preventing basement excavations" ..this is no guarantee that there will not be problems caused in surrounding houses. It also does not guarantee problems with dust caused by the excavation, or any guarantee that there is no contaminated material buried on that area - The report has too many broad unsubstantiated statements, eg, p. 108: "the redevelopment of this site will experience a tangible positive effect on the quality of their lives of the occupants and residents as a result of the introduction of mixed uses". This is neither semantically correct or factual. I have supported every new development on this site until now, but I fail to see how 180 new residences will improve the quality of anyone's life, including the new occupants, who are squeezed into a very small area, with little visual amenity...and the increased traffic will not be an improvement - I do not agree that "an active and well-populated pedestrian environment is a highly effective strategy for crime prevention"(p.35) This is vague and not substantiated - "The best protection is having bouncers outside drinking establishments. When I was recently a Volunteer in Policing, one of the worst areas was around RPA hospital, an area with very high pedestrian traffic - P. 21 States the present site is "not easily accessible to persons with disabilities" I see no plan to reduce the slope in the new site, and I find no trouble walking through the precinct at present I see no improvement in "pedestrian amenity" with a new pedestrian-friendly site-I have never had a wish to go to Roberts St. - I DO have a problem walking down Mary St to the brewery Willie the Boatman, as the footpath is non-existent in places and one has to walk on the road. this major problem does not seem to be addressed. There was a pedestrian fatality this week in Tempe and I really feel Mary St footpath is very dangerous for even an able-bodied person. It is also not wide enough, and when the doors of various businesses are open they totally block the footpath, and I have to lift my walking frame up and down constantly, to walk on the road 	17412.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<ul style="list-style-type: none"> - Employment Lands: The Metropolitan Urban Strategy states the employment lands are to be retained and employment increase in each area this proposal for rezoning will actually demolish some of those buildings, and give the community very little apart from the coffee shops and craft beer facility (and the coffee shops close at 3 pm). The boutique shops do not seem to employ any locals, they are owner-operated and came complete with staff, who do not live in the area (I have been surveying this) - Run-off from impervious surfaces in the complex...this environmental aim for water management as stated p.65 of Urban Strategy "opportunities for decreasing the effective impermeable surface areas to 10%" does not seem to be addressed - In summary, I do not feel that the present or future community has anything to gain from rezoning Precinct 75 with the current proposal for a rather cramped residential area, with its inherent traffic problems and a rather vague "cultural precinct" where many of the artefacts are not made locally, or even in Australia. 	
15.	13/02/16	Partial support	<ul style="list-style-type: none"> - I attended the 'artisan markets today and found there WERE actually several toilets for market customers. - However, there has been a new problem...maybe more people are coming to the markets, or maybe the reason is that the old carpark is closed pending building work, but my driveway was (marginally) parked in as 2 cars were either side, both marginally over the driveway, it was inaccessible, and cars were parked out front, so my lift was unable to pick me up easily... This was impossible, so I rang Newtown police, the first time in about 20 years. - I am now concerned that friends of intended occupiers of the 180 new units on Precinct 75 will make my life very difficult, as I don't consider that there are enough allocated spaces in the underground carpark for friends, or even really for all the unit owners....I do not consider this problem has been addressed sufficiently in the traffic report. - There was an independent report on the usage of cars by market attendees today, but the interviewer was not at the gate, and only approached a few hundred people all day (Council can check for this) 	17415.16
16.	14/02/16	Partial support	<ul style="list-style-type: none"> - Roberts Street is a "No Through Road" and should remain only for residents. - No outside traffic per pedestrians, bicycles etc. With the playground and many children safety is prime!! No garages so cars are parked on both street sides and exclusivity for residents. - Westconnex will cause greater traffic flow in Mary Street. Roberts Street Residents use Edith St for entry from North, and speed bumps in Mary and Edith Sts do not stop accelerating traffic between bumps. A speed restriction, advantageous. - Final developer plans to accept and include a substantial privacy property line fence at least four meters high, encircling 41 Roberts Street, for security and visual matters, both development and Roberts Street. 	17337.16
17.	14/02/16	Object	<ul style="list-style-type: none"> - I do not support this rezoning proposal. - My major concerns are; - Traffic/Parking/Pedestrian access: <ul style="list-style-type: none"> • Insufficient parking spaces provided for residents of proposed apartments, existing business operators and visitors. 	17607.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<ul style="list-style-type: none"> Entrance via Edith Street and exit via Mary Street will force more vehicles onto Unwins Bridge Road. The vehicle exit on to Mary Street will create noise for residents on either side of the driveway. The vehicle entrance on Edith Street will increase traffic, cause congestion and reduce 'on-street' parking spaces. Unwins Bridge Road has limited, restricted parking and additional vehicles would inconvenience the residents, especially those living between Silver Street and Mary Street. This has been proven on recent 'Market Days'. Additional traffic on Mary and Edith Streets could impact laneways between Edith and Mary Streets and Edith and Silver Streets. This development will not improve pedestrian access to anything. Mary Street does not have a footpath in some sections. Pedestrians are forced to walk on the roadway - quite a feat for the able bodied, impossible for the handicapped, wheelchair users and people with children in prams. Edith Street has a footpath in very poor condition. On both streets doors from Precinct 75 buildings open outward on to the footpath thus reducing space for pedestrians. <p>Business/Employment:</p> <ul style="list-style-type: none"> There is no guarantee that existing businesses will remain or that there would be any opportunities for new businesses to join Precinct 75 after the rezoning. <p>What would happen to the existing businesses during development of the site?</p> <p>Public Transport</p> <ul style="list-style-type: none"> The State Government is planning major transport projects which could result in Sydenham station being closed for an indefinite amount of time. St Peters station may be used as an alternative but can only be accessed by stairs - only the able bodied could use this option. Two bus routes service the area along Princes Highway, route 348 does not operate at night, route 422 does not operate early on Sunday morning. <p>Excavation</p> <ul style="list-style-type: none"> Concerns about excavation of the existing carpark are; <ul style="list-style-type: none"> Noise Dust Stability of existing buildings Unearthing of contaminated material I have not opposed previous developments on this site and am happy to support some of the businesses currently operating there but I do not see how this rezoning offers any benefit to the existing community or will be of any benefit to a future community. 	
18.	14/02/16	Object	<ul style="list-style-type: none"> I don't think an 8 storey building suits the area as I don't know any other buildings that tall in the surrounds. 	17339.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<ul style="list-style-type: none"> - It would be out of place next to the quaint terraces and houses and would ruin the quiet feel of the area. 	
19.	15/02/16	Object	<ul style="list-style-type: none"> - The traffic along Edith Street is extremely busy as it is. - There are so many apartments being built at the present time that there will be a glut of housing. - The proposal is for 350 car spaces very good however there is limited off street parking at present. - The factory complex is great the way it is it supports urban living plus now also has the markets - I don't appreciate the thought of an eight storey complex the entrance to the street I think will be an eyesore. - Too many people too many cars I do not support this proposal at all. 	17408.16
20.	15/02/15	Support	<ul style="list-style-type: none"> - This is precisely the kind of development this area needs. - Wholeheartedly support. 	17409.16
21.	15/02/16	Partial support	<ul style="list-style-type: none"> - The change in rezoning will affect our property. - We wish for our property to also be rezoned as with this current proposal. - our land is in danger of becoming landlocked 	17410.16
22.	15/02/16	Object	<ul style="list-style-type: none"> - There are way too many apartment blocks without adding to the burden. 	17808.16
23.	15/02/16	Support	<ul style="list-style-type: none"> - Yes supports the proposal. 	17767.16
24.	15/02/16	Object	<ul style="list-style-type: none"> - Garage entrance is on Edith Street. - When the market is on it is very difficult to drive along Edith Street. Even on a normal day to go along Edith Street in the mornings some days you have problems with through traffic. - Last weekend the council booked the cars for parking on the kerb. The thing is if the people parked their car on the road fully and not to get a ticket it would be impossible to drive up and down Edith Street. One neighbour said you could not get passed the market end a part of the time. 	18101.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
25.	16/02/16	Object	<ul style="list-style-type: none"> - As someone who has lived on Mary Street for the past 8.5 years, one thing which myself and other residents have noticed has been the ever increasing traffic on and around Mary Street. - I feel that these apartments being built at the end of Mary Street will, most definitely, add to the traffic congestion, but also it could very well open the flood gate for more apartment blocks being built around this part of St Peters. - I also feel that a big motivation for these apartments is money, as the housing prices in Sydney continues to rise, so to does the construction of homes and apartments (whether people live in them or not, is not a concern to the developers, they just want to make money). - Also, the facilities at the end of Mary Street (Unwins Bridge Road end) are fantastic as they are. Many community projects are ran out of these and many locals support that. I don't want to see this building go. - Not to mention to road works and building noises which could go on for months. 	20292.16
26.	16/02/16	Partial support	<ul style="list-style-type: none"> - Not in favour of 6-8 storey development. - Would support max 2-3 storey buildings. 	20298.16
27.	16/02/16	Object	<ul style="list-style-type: none"> - I re-submit a recent (13/2/2016) Council Request # 1237065 which supports my current position regarding this proposal, i.e. until parking and traffic issues on Edith Street are addressed I can't support a proposal which could exacerbate the current traffic and parking concerns. - 'Dear Marrickville Council, I wish to report an increase in cars parking opposite and across our driveway that at times prevent us from entering and exiting the driveway. The situation is making me increasingly angry and frustrated at people's lack of awareness and consideration of how their decision to park where they park will make it difficult, if not impossible, for other people to get out of their driveway. Today (13/2/16), for instance there were a number of vehicles parked illegally on the verge opposite our driveway because there was a Market Day at Precinct 75. I spoke to Rachel, a Ranger from Marrickville Council who was driving up and down our street assessing the parking and discussed the situation with her. She advised I get in contact with Council. At other times during the week day, there are a number of service vehicles (linked to the townhouse development further up our street - closest to Unwins Bridge Road) parked either illegally on the verge or legally on the street opposite our driveway. At times, trucks and other larger vehicles are unable to pass through when there are two cars parked either side of the street. Many a time I have seen and heard trucks reversing back up the street and having to choose an alternative path. I have photo evidence that I have collected over a period of time to support my claims, including today (13/2). Please advise what measures Council can take to relieve this situation if not prevent it.' 	20305.16
28.	16/02/16	Object	<ul style="list-style-type: none"> - Our streets are already constrained with open parking without time restrictions meaning residents are finding parking extremely difficult as it is. - A large development would only make matters worse. - Our area is already under attack from West Connex dumping traffic in our streets. - Also noisy planes landing and taking off and covering the area with kerosene! 	20307.16

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			<ul style="list-style-type: none"> - This new Development certainly will add to our daily stress! 	
29.	17/02/16	Partial support	<ul style="list-style-type: none"> - As I resident of Mary Street I don't mind this area being redeveloped but an 8 storey building would be ridiculous and ugly. - As you well know there are a lot of semi-detached and smaller houses in these streets and this proposed building would tower over them affecting sunlight into our homes, as well as bringing more traffic into the area which our very narrow one lane streets could not handle. - The residents of St Peters in particular already have a fight on their hands with the threat of Westconnex, lets not have another monster like this on our doorsteps. - I would not have a problem with a building that would equal the height of Precinct 75, but no bigger please. 	20308.16
30.	17/02/16	Object	<ul style="list-style-type: none"> - I am a resident in Edith St and there already is heavy traffic running through it with cars using Edith St to cut through to Princess Highway. - Parking is a major issue also as most residents have 2 or more cars and most dwelling dont have off street parking. - Currently resident use the footpaths to park their cars. - I feel there will be a significant impact and congestion to the small street if this development was to proceed. 	20310.16
31.	17/02/16	Partial support	<ul style="list-style-type: none"> - We are currently in the process of construction We are a group of friends repurposing an old factory in four apartments that we will be living in. - While I don't wholly object to the development, I am very concerned about the proposed density of what is being suggested by these plans. Eight stories! 180 new residences! - The parking for Edith street and Mary Street is already compromised for the existing residents - how will this be affected by visitors to the new complex? - When I look at the plans I think that it looks great for visitors and awful for the locals who have to negotiate the daily reality of increased traffic and visitors. - So far I have discovered St. Peters to be a great community. Welcoming and genuinely interested in each other. Myself and others are concerned that such rapid expansion will just turn Edith street and Mary Street into busy thoroughfares, not liveable streets. 	20314.16
32.	18/02/16	Object	<ul style="list-style-type: none"> - No to buildings with eight storeys - no to the large number of apartments proposed 	20318.16
33.	18/02/16	Object	<ul style="list-style-type: none"> - Humongous density proposed for such a small site. - No to eight storey buildings. Too many residential apartments. - It will create many problems for existing residents around the surrounding area. 	20323.16

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34.	22/02/16	Partial support	<ul style="list-style-type: none"> - My partner and I, and a group of friends, are currently nearing the end of a residential construction factory into four apartments that we plan to live in. - We initially greeted the news of the proposed redevelopment of Precinct 75 happily, as we know the architecture firm TZG has designed some extraordinary and sensitive sites. But now that we have seen the plans for re-zoning and the anticipated density, we are disappointed that this already busy area will simply become a thoroughfare for visitors, overlooking the complications this will create for existing residents. - It is blatantly obvious that Mary Street is already operating beyond its capacity with regards to traffic flow. With West Connex on the way, and now this proposed re-zoning for Precinct 75, we wonder what the Council will be doing to alleviate congestion? - While we are not wholly opposed to the development, we are deeply concerned about the impact it will have on traffic and parking, and therefore day to day living for the locals. Will it become a great place to visit and an awful one to live? 	20325.16
35.	18/02/16	Support	<ul style="list-style-type: none"> - It's a fantastic idea and more of this sort of planning should be sought to make our precinct more vibrant and a great place to live, work and play. 	20326.16
36.	21/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20328.16
37.	21/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20330.16
38.	18/02/16	Partial support	<ul style="list-style-type: none"> - We need a creative precinct for artist in the community. - 8 stories is too high. 4-6 max. 	20331.16
39.	18/02/16	Support	No comments	20333.16
40.	22/02/16	Object	<ul style="list-style-type: none"> - I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. - My objection is based on environmental concerns and traffic congestion and parking concerns. - As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that 	20334.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<p>the health and safety of the community are protected.</p> <ul style="list-style-type: none"> - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. - In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	
41.	18/02/16	Object	<ul style="list-style-type: none"> - To fill up this space with multi-story residential buildings will do nothing but fail to provide appropriate parking on the surrounding streets, causing current residents to be unfairly effected and increase the traffic on the already congested streets. - St Peters station is an insufficient travel hub in order for people to move around without the need for vehicles. Already the station is rarely monitored by staff on location. - Residents will also be stripped of their privacy by having their properties encroached upon and overshadowed by the proposed buildings and their property prices will be significantly effected as no one wants to live in a house where their privacy is severely reduced. - Obviously, councils desire to rezone the lands come from a purely financial aspect but the cost is solely borne by the residents and their property value. 	20335.16
42.	18/02/16	Partial support	<ul style="list-style-type: none"> - Too dense for traffic capabilities in that area - Maybe should wait for consequences of WestConnex construction and completion(?) before anything is confirmed for this area. - Mary St is already too congested and dangerous. - Not enough parking planned as per usual. - Height sounds a bit dodgy. 	20336.16
43.	18/02/16	Support	<ul style="list-style-type: none"> - Highly supportive of any moves to revitalise the area and bring about more residents. - Would like to see something similar in the Marrickville industrial area near Sydenham Station. - Whilst I understand there are flood issues, these can be mitigated by clever design. Aircraft noise if often an excuse in this area too but I find people aren't too concerned with such these days - especially when the noise exists before they live there. 	20339.16
44.	18/02/16	Object	<ul style="list-style-type: none"> - We need small spaces for creative business and artists. The proposal sounds like just another high rise development. - As a business owner who used to lease here, the renovation of the existing building has been a great asset to the area and availability for badly needed artist/creative spaces. Plus the existing buildings retain some of the heritage of this old factory. 	20343.16

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			<p>The offices in our old premises were the original offices and boardroom etc with timber paneling, staircase etc.</p> <ul style="list-style-type: none"> - Also the aircraft noise and pollution is very high. And I was under the impression that development was not allowed under the flight path so close to the airport. - My experience is the planes are often flying same height as the top floor in Building 2. 	
45.	18/02/16	Partial support	<ul style="list-style-type: none"> - The proposal is very large for the size of the streets leading into and out of the site with Mary Street already being a busy through road. - I am concerned the promised community facility will never eventuate or be restricted in its operations due to the size of the residential component of the site. - Is this lip service community to obtain maximum development approval for residential and commercial operations. 	20345.16
46.	19/02/16	Object	<ul style="list-style-type: none"> - Mary Street is already ridiculously busy, trucks, cars, noisy bikes - all using the street for a thoroughfare to Marrickville. Trucks - and I mean LARGE trucks use the street - often to a point where they are just fitting, bypassing cars that are parked there by only cm's... even though they should not be using it. I have no idea how there has not been an accident. - Taxis often pull up on the side of the street where they are not supposed to, causing further delays and traffic nightmares. The traffic on the street continues to build, frustrated drivers are using their horns and waking sleeping shiftworkers and babies in the household. Multiple times during the day - It is unfair to ask us again to risk increasing the traffic even further. I also think adding high rises to this area will detract from the charm of the area - making it feel more like a university site (aka zettlands) than a charming, old style precinct. We do not want an extra bunch of young, noisy dwellers taking over our streets. - Recently there has been an influx of backpacker style younger kids hanging out at the park (at the beginning of the street), near the side by side town houses at 14-18 and this has also not been pleasant - Please Marrickville council, rather than just a commercial decision, make this one an ethical one that supports the current residents issues 	20346.16
47.	19/02/16	Partial support	<ul style="list-style-type: none"> - I must say that this proposal looks amazing and will bring a much needed boost to the area. - My only concern is the height of the new residential buildings. Living in close proximity (but not as close as others who would definitely have an issue with it) I wonder about my privacy of those upper level apartments who will have clear view of all the back gardens in the area. 	20347.16
48.	19/02/16	Partial support	<ul style="list-style-type: none"> - In general, I support higher-density redevelopment where appropriate, and this proposed rezoning seems mostly reasonable. - I am concerned however that while the site is in proximity to public transport, it is not directly at hand. There is a 10-15 walk to Sydenham Station, mostly along Unwin's Bridge Road - which has terrible amenity for pedestrians. In fine weather this walk may well be reasonable for most people, but when raining or cold, people may well opt to use private transport. It may 	20348.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<p>not be at all feasible for people who are mobility impaired.</p> <ul style="list-style-type: none"> - Further, while bus services are available on Pacific Hwy, the stops are serviced only by two low-frequency services, only one of which services the CBD, which is entirely inadequate for medium density development. - Since public transport access for the site is poor, the Council should implement some means to encourage its use. Some possible options include one or more of: <ul style="list-style-type: none"> 1. Encouraging active transport options - build a grade-separated, prioritised bicycle path connecting the site with Sydney Station and the rest of the Sydney bicycle network, also provide similar better facilities for pedestrians (note: not a shared path, since this is dangerous for both cyclists and pedestrians). 2. Negotiating with the State Government to increase public transport services to the area - in particular, providing a service along Unwins Bridge Road that would ideally connect the site with train services at Sydneyham Station. 3. Implementing a low maximum private parking space rule for development at the site, to discourage private vehicle ownership. I only support the proposal if the Council if action takes action along these lines. 	
49.	21/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20359.16
50.	22/02/16	Object	<ul style="list-style-type: none"> - This is a contaminated site in a residential area. - It needs to be cleaned up and turned in to open space. - We are losing all our parks to the other side of Westconnex. - This land should be retained as a refuge for the native birds and flying foxes that rely on this area to rest between the Botanical Gardens and the Botany Bay National Park. 	20389.16
51.	22/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20395.16
52.	22/02/16	Object	No comments	20398.16
53.	22/02/16	Object	<ul style="list-style-type: none"> - I have lived in Roberts St St Peters for 30 years. It is a cul de sac or a no through road. - In the submission from Mary, Edith St proposal for re zoning it shows that a pedestrian thoroughfare at the end of Roberts St. - The majority of the owners in this street do not have garages, with an extra 180 units using this street as a walk through bike riders etc the damage is horrific. - The children in this street are able to play together safely, something that is truly special in this day and age. - No doubt visitors will be seeking parking in surrounding streets, trying to vie with what little space is available. 	20400.16

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			<ul style="list-style-type: none"> - I also think that congestion with the underground parking system with have adverse problems in exiting and entering Mary St and Edith St. - I hope this submission will be heard and this proposal is not just given the green light. 	
54.	22/02/16	Partial support	<ul style="list-style-type: none"> - Addition of limited number of dwellings is ok- but 8 stories is definitely not in keeping with the local area. - Welcome land enhancements, welcome creative space and neighbourhood centre facilities. - Land should not be zoned for more than 3-4 stories. - Excessive car parking and car facilities is definitely NOT welcome - this is not in keeping with the local community, and must be focused on promoting local transport- including Car sharing options, and predominantly bike parking. - Driving on Mary and Edith street is already difficult- the suggestion to add this amount of extra traffic- in addition with the expected increase from WestConnex is completely unworkable. 	20403.16
55.	22/02/16	Partial support	<ul style="list-style-type: none"> - While I am not opposed to developing the site, my concern is the volume density of the units. - I believe 180 units is too high for the area - I think a more viable number for the area is close to 100. - Additionally I do not believe height of eight stories fits within the current landscape of the suburb, and will also create a precedent for other new developments in the area. - The recent planning survey released for the development of Sydney near trainlines does not reflect this height for the St Peters area, and the plans should be reviewed - 4 - 5 stories would be a much better fit for the area. - Impact on infrastructure – - 1. Traffic - Mary St is already at capacity at peak periods with traffic flow from canal road and the highway - and this will only increase with the west Connex. The proposed plan for underground parking to exit on Mary St will just create a bottle neck. Also Edith street is a residential street and directing the residential and commercial traffic onto this street is also going to cause traffic chaos. Traffic flow into other local streets should be considered too. - 2. St Peters public school is a small school with limited capacity to deal with a large influx of students during a small period of time. This needs to be put into consideration. - I believe all of my above concerns illustrate that the development should be rezoned at a smaller capacity. 	20407.16
56.	21/02/16	Object	<ul style="list-style-type: none"> - Eight reports are not accessible. Error message "Error extracting record for download. Please try later" comes up when trying to select the following reports: Planning Project Report, Acoustic Report, Engineering Report, Ecological Sustainable Design Report, Geotechnical Investigations Report, Landscape Report, Traffic Report, and the Waste Management Report. 	20409.16
57.	21/02/16	Object	<ul style="list-style-type: none"> - I am horrified by this assault on our small community. - The traffic burden is unsustainable for our small traffic choked streets. - Edith at is already one side parking only and I constantly have to pull up onto the curb to allow traffic from the other direction. 	20413.16

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			<ul style="list-style-type: none"> - Any neutral observer would see numerous points that would alarm other residents. - It is unjust that three whole streets of people will be paying mortgages for devalued homes while a group of investors profit at their expense. Is this Australia? 	
58.	21/02/16	Object	<ul style="list-style-type: none"> - The presence of two underground tanks, obviously for the storage of chemicals, negates the suitability of the area for residential zoning. - Added to this is the lack of exact location of the tanks, preventing any analysis of, or lack of, integrity of the tanks. - The EPA will have registration details of the tanks; if not, then the owner must be prosecuted for endangering the environment due to failure to register them. 	20415.16
59.	21/02/16	Object	<ul style="list-style-type: none"> - We do not need more high density residences around here. - We need to support our vibrant community 	20426.16
60.	21/02/16	Object	No comments	20431.16
61.	21/02/16	Object	No comments	20433.16
62.	21/02/16	Partial support	<ul style="list-style-type: none"> - 340 car spaces is not appropriate for 180 units. - Many apartments will house more than one car owner. Apartments typically do not have appropriate storage with car spaces often used for storage forcing owners to park on the street contributing to further shortage of on street parking. - 180 apartments is far too many for the local area. - I am in favour of the proposal for a neighbourhood centre, a creative industry precinct and a SMALL number of apartments, no more than 20. - With WestConnex likely to go ahead and this proposal of a further 340 cars on local streets will contribute to existing noise, traffic, pollution, shortage of parking and a general unpleasantness in the area. 	20435.16
63.	21/02/16	Object	<ul style="list-style-type: none"> - The existing site has already workshops, businesses, coffee shops, studios and shops and warehouses etc. plus car parking. - Traffic load from this has already been problematic to surrounding streets. - Seems to be already operating almost as proposed. 	20437.16
64.	21/02/16	Object	<ul style="list-style-type: none"> - Please no am terrified of the building process and parking and pollution and noise while building. - Then can't imagine the congestion once complete. - Edith st almost 1 way already - So unfair to existing residents. 	20438.16

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			<ul style="list-style-type: none"> - The WestConnex development is already going to create chaos. Please not more. - Make it a market place and a park but not a high rise of dense living. 	
65.	21/02/16	Object	<ul style="list-style-type: none"> - There should be no changes to the area. - Any proposal should consider keeping the historic and open space value of this cluster of properties. - It does not need developing for development sake. - There are too many developments in Sydney that are not area thoughtful. They are bulky large and inhumane. - Nor does it height need to rise and people will lose home privacy. The stress on the local community from excessive people residing here cannot be judged on a piece of paper. - And Wolli Creek is not a cultural area. 	20442.16
66.	21/02/16	Object	<ul style="list-style-type: none"> - I do not believe the proposal will have a positive impact on the street. - The growth of traffic, parking issues will escalate, increased noise and pollution. 	20446.16
67.	21/02/16	Object	<ul style="list-style-type: none"> - I think it would put too much pressure on local roads and facilities. Including available grocery stores and retail. - The roads and shops already do not cater effectively to population demand. 	20447.16
68.	21/02/16	Object	<ul style="list-style-type: none"> - Infrastructure not adequate to support additional units 	20460.16
69.	21/02/16	Object	<ul style="list-style-type: none"> - I do not support this. - There is a small community here and Mary Street already has 6000+ cars a day entering the street. - It seems that money talks to Marrickville council though..... 	20461.16
70.	21/02/16	Object	<ul style="list-style-type: none"> - As a resident of Mary Street I strongly oppose this proposal on the following grounds: - The revamping of the Precinct has led to a significant increase in traffic and a loss of parking for local residents as the existing parking allocation onsite at the Precinct does not cater for the number of tenants and visitors that access the Precinct during the week, making life for those of us that live in the surrounding streets increasingly difficult. - Drawing more vehicle and foot traffic to an already heavily congested area will only further increase stress to local residents. - Many of us residents feel duped by this plan to re-zone the land, as when we purchased our houses we did so with the knowledge of the Precinct being a commercial zone, adding such high density housing is out of line with the area and would be an eyesore. - The report states that the proposed re-zoned land contains carcinogenic lead and petrochemicals at unacceptable levels requiring remediation, as a resident with a young family (many of Mary Street's residents are young families), the impact this may have on our health is a SERIOUS concern and one of the main reasons why i oppose this proposal. 	20466.16

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			<ul style="list-style-type: none"> - The streets that surround the proposed re-zoning site are narrow and busy at peak times as they are now. - The proposed parking allotment will do nothing to alleviate the parking stress local residents are experiencing as a direct result of the re-vamping of the Precinct space. Edith street is becoming gridlocked at times with an increase in two-way traffic on a very narrow road space. The report states that Mary Street is already carrying more than it's share of traffic congestion. Adding hundreds of more people and more shopping space to an already congested area will dramatically change the liveability of the area. - I strongly suggest you do not consider the corrupt practice of rezoning this land, it is not fair to the local residents who call this place home. It leaves many of us concerned about where else council will consider re-zoning. The space and its surrounding streets will simply not cope with such a huge and sudden increase in traffic and people. 	20467.16
71.	21/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20468.16
72.	20/02/16	Partial support	<ul style="list-style-type: none"> - We do not object to the idea of redevelopment of the subject site in principle but are concerned about the traffic impacts on the surrounding streets. As noted in the Traffic & Parking Impact Assessment (McLaren Traffic Engineering, 2015) Mary Street is already "operating at traffic levels above the RMS residential amenity thresholds for a collector road". This development will lead to further increases in traffic movements along the street and no mitigation measures have been proposed to address this increase. - There also seems to be an inconsistency in the modelling for the future movements from Mary Street to Unwins Bridge Road where 67% of movements are assumed to be a left turn which is the reverse of the existing situation. - We note that egress from the site into Mary Street during peak times on Mon-Sat will be affected by queuing that already occurs in Mary Street. This will result in long delays to residents leaving the redeveloped site, and additional delays for vehicles otherwise using Mary Street. - As relatively new residents of Mary Street, we were initially surprised at how long it can take to (1) get out of our driveway, and (2) turn into Unwins Bridge Road. Whilst we appreciate it is an existing problem, it's not reasonable to further reduce the level of service in this respect, nor expose a much larger local population to the problem. - The impacts of Westconnex on local traffic are not discussed in the report. We are concerned that the traffic monitoring undertaken as part of this study will not be relevant given the large changes expected in the area once the Westconnex motorway interchange at St Peters is operating. Given the Westconnex EIS has now been released, we think that this study should be updated to account for the information now available. - We do not believe that the Traffic & Parking Impact Assessment (McLaren Traffic Engineering, 2015) fairly reflects the nature of traffic movements along Edith Street and Robert Lane currently. Both streets are very narrow due to the parked cars and traffic has to proceed very slowly along both streets to allow for oncoming vehicles. - The pavement in Edith Street in particular is in very poor condition and this also leads to vehicles needing to slow down to travel along the road. The proposed mitigation measures of introducing two no-stopping zones and restricting parking near Unwins Bridge Road do not seem sufficient for the increase in vehicle movements that could be expected from the 	20468.16

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			<ul style="list-style-type: none"> development, particularly given that 20% of incoming vehicle movements are expected from the Princes Highway. To conclude, we don't like an outcome that sterilises land that is otherwise capable of supporting this sort of redevelopment and the additional residents, businesses, community facilities and vitality that comes with it. But it's not reasonable to support such a large change to the local area in a way that further burdens existing residents. We would expect the above issues and measures required to mitigate traffic impacts would be assessed more thoroughly prior to Council making a decision to support the proposed rezoning. 	
73.	20/02/16	Object	<ul style="list-style-type: none"> The existing site is already utilised for parking and businesses as well as markets coffee shops and workshops etc. The amount of traffic from that alone with delivery trucks and cars etc. Is already becoming problematic for residential traffic and general traffic. I think it should be left as is. 	20469.16
74.	19/02/16	Object	<ul style="list-style-type: none"> See separate Attachment 2 	20472.16
75.	22/02/16	Object	<ul style="list-style-type: none"> I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected. If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	20480.16
76.	22/02/16	Object	<ul style="list-style-type: none"> I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that 	20759.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<p>the health and safety of the community are protected.</p> <ul style="list-style-type: none"> - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	
77.	22/02/16	Object	<ul style="list-style-type: none"> - I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. - As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected. - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	20763.16
78.	22/02/16	Object	<ul style="list-style-type: none"> - I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. - As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected. - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	20768.16

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79.	22/02/16	Object	<p>exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).</p> <ul style="list-style-type: none"> - I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. - As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected. - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	20773.16
80.	22/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	20775.16
81.	22/02/16	Object	<ul style="list-style-type: none"> - I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns and traffic congestion. - As Council is aware, the site was once a LEAD paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected. - If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2). 	20778.16

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82.	22/02/16	Object	- See separate Attachment 2	20780.16 & 20781.16 (duplicate)
83.	23/02/16	Object	- See separate Attachment 2	20782.16
84.	23/02/16	Object	- See separate Attachment 2	20784.16
85.	23/02/16	Object	- See separate Attachment 2	21284.16
86.	22/02/16	Partial support	<ul style="list-style-type: none"> - The area in question is so unique and I think its preservation of utmost importance. - It is impossible to make an informed comment with the lack of information - Are the original buildings being preserved? etc. - I believe if a person purchases a property with development limitations they should accept the rules. - What is the point of heritage listing and zoning if an individual can amend for their own needs? 	21425.16
87.	22/02/16	Object	<ul style="list-style-type: none"> - An eight story development in this residential area is appalling. - There are no other buildings in residential streets in the surrounding area that have this kind of street profile. This building would be an eyesore that could be seen for kms. - This is not a business strip, but residential, most of which is no bigger than two stories. The over shadowing of surrounding properties is unacceptable. Not to mention the loss of privacy for all the properties that the development would look over. - and units would be able to look directly into my back yard. The extended commercial space is a huge concern. - Parking is already difficult with spaces only on one side of the road in Mary St and no resident or timed parking, unlike other adjoining streets. - The current increase in commercial use on the site has already created parking issues during office hours and on weekends, with the monthly market on the site. Which has been proposed for every Saturday. Impossible. You simply cannot use your car and hope to get a park anywhere on Mary St once you return. Peak hours already create a back log of traffic banking up down Mary St. - Added traffic would result in further traffic problems on Princess Hwy, which has just been touted as one of the worst roads in Sydney with an average 10km speed during peak times. - The idea that a further 180 residential unit with multiple residents, cars and commercial space is ridiculous. Have you ever driven down Edith or Mary streets? They are not capable of dealing with this level of population and have no way of supporting the volume and infrastructure to deal with even a quarter of this proposal. - This is not Green square! This is not and has never been, a fully industrial area that you can flatten and build high rise without having huge negative impacts on the visual environment. 	21427.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<ul style="list-style-type: none"> - This would be a huge loss for the residents, their life style, quality of life and property prices. - I will fight any future developments that are so insensitive to the area and the needs of the residents. This kind of development cannot be allowed. If it goes through, it will set a dangerous precedents and before you know it, St Peters will look like Green Square and parts of Roseberry. NOT ON. 	
88.	22/02/16	Object	No comment	21428.16
89.	22/02/16	Partial support	<ul style="list-style-type: none"> - While the transformation of Precinct 75 thus far has been a welcome development, rezoning the area to allow 180 residences and buildings up to 8 storeys will fundamentally alter the area for the worse. - Edith, Mary and Roberts St are narrow streets that struggle to accommodate the existing volume of traffic, which can only worsen under rampant development. - Cars in our street already sustain regular damage from careless drivers and people attempting three point turns so increased traffic to the area would only exacerbate the problem. - In addition is there any guarantee that an underground parking lot would be accessible only to residents, not business visitors, making parking on the surrounding streets worse than it is already? - This area of St Peters is home predominantly to townhouses, semi-detached and predominantly single storey dwellings and such a development would stick out like the proverbial dog's balls and destroy the historical beauty of the area, as well as create a lack of privacy for many houses in the surrounding area, many of which are home to children whose parents are not comfortable with the idea that people could be watching kids as they play in their backyards. - Furthermore, the area's history as a paint factory raises unpleasant questions about what contaminants, including lead, will be the particles this sort of construction is kicking up. 	21429.16
90.	22/02/16	Object	<ul style="list-style-type: none"> - I strenuously object to the entire development proposal at Precinct 75. There is decades of lead paint that would be disturbed during excavation of the proposed carpark for 300+ cars. The effects of lead paint disturbance on the immediate local environment poses health risks to residents. - This area is comprised of young families with children under 10 years. The social impact of construction would significantly affect the quality of life to local residents. These families live in mostly workers cottages and semi detached terraces. - Residents need access to green space and this development threatens to disrupt access during the construction phase, and later restrict access as a result of unacceptable population increases. - The traffic levels under this proposal would be safe for children living in the immediate area. The traffic congestion in general would be unfeasible, creating gridlocks in Mary St from Canal Rd, and down the single car only Edith St. - The current markets already create traffic chaos on the streets with cars exceeding the available car spaces on roads that barely have enough spaces for residents. - The existing businesses in Precinct 75 already add significant traffic loads to congested streets. Willie the Boatman customers saturate Mary St, while large groups for Maniax are often seen drinking alcohol and parking in Edith St prior to 	21431.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<p>their axe throwing session.</p> <ul style="list-style-type: none"> - The owners of Precinct 75 assured residents that traffic would not be impacted but such businesses. The Precinct 75 also enthusiastically uses its internal parking as an added enticement to prospective tenants. - The price for rent reflects this carpark as rental rates are above industrial market rates. It is therefore difficult to believe the same assurances being given that narrow local streets would not be impacted by such a proposal. - I also have concerns about Privacy. The proposed 8 stories would see into every surrounding backyard. Privacy would be impossible. Under the proposal by Precinct 75, children playing in backyards could be exposed to child predators, and photographically exploited. - Health reports show that it is important for people to live in spaces where they can use small local amenities. The addition of high density living in such a small area would affect people's health. 	
91.	22/02/16	Object	<ul style="list-style-type: none"> - There would be severe compromise in privacy due to height of proposed buildings as well as the excessive number of proposed apartments. - Edith is a narrow street and such a large scale development proposal would be detrimental and give rise to traffic congestion and complications for existing residents. - This proposal would adversely affect the streetscape. 	21435.16
92.	22/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	21438.16
93.	23/02/16	Partial support	<ul style="list-style-type: none"> - I am happy for the land use the former Taubmans Paint Factory site to be changed to housing and some business. - I the development in the area is a good thing. - Can I also state for the record, that it in no way is part of the development. - But I am strongly opposed to having a monolithic 7 storey building that will tower over our property. From the developers own drawings part of property will be severely shadowed by the development and any privacy we had will be totally gone as the apartments will look straight into our backyard. - Although i happy, in fact encouraging of development of the former Taubmans Paint Factory site please, please dont allow such a huge building to change all of St Peters. It will be a blot on the landscape and change the whole feel for the area. 	21439.16
94.	23/02/16	Object	<ul style="list-style-type: none"> - My neighbours and I have significant concerns about the implications of re-zoning which could lead to over-development on this site. - The narrow Edith and Mary Streets are already experiencing traffic increases and issues since the expansion of Precinct 75. - I strongly object and oppose the possibility of Roberts St becoming a through driveway or vehicle access point at any stage in the future.. Local concerns are that this may be a later inevitability. This would have major negative impacts on Roberts St where most residential houses do not have off street parking. - Children play in this street and would any through traffic would be a major safety hazard for these children. In addition a 	21442.16

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95.	23/02/16	Object	<p>number of elderly people live within these streets and people with disabilities. These residents would also be placed at risk of injury with increased traffic.</p> <ul style="list-style-type: none"> - Parking is already at capacity on these streets. It is becoming dangerous to turn off Unwins Bridge Road onto Edith Street due to over-parking since Precinct 75 has increased its retail businesses. - The proposal for 8 storey development is completely inappropriate to the historical look of this local area. The number of additional cars brought by 180 apartments would be completely unsustainable in these narrow streets. - There is no precedent for development of such height in these streets. In addition this area is subject to aircraft noise and would expose new residents to high noise levels at such height. - This proposal for such high density development would put the local environment, existing residents and amenity under significant stress. Local residents need to be assured that development of up to eight storeys would not be possible within this site bounded by small local roads. - There are also concerns about contamination from lead based paint. Excavation of this site is of extreme concern to the safety of local residents, in particular for the health of young children. - The existing footprint of this site should not be changed for the reasons mentioned above. - Re-zoning should be carefully considered by Council as it could lead to many negative impacts for the Marrickville LGA and the St Peters locality specifically. 	21444.16
			<ul style="list-style-type: none"> - I have large concerns about the implications of re-zoning which could lead to over-development on this site. - I strongly object and oppose the possibility of Roberts St becoming a through driveway or vehicle access point at any stage in the future. Our fears are that this may be a later inevitability which is not being presented clearly by the proponent in order to get this zoning proposal through Council. This would have major negative impacts on Roberts St where most residential houses do not have off street parking. Our young children play in this street and any through traffic would be a major safety hazard for these them. There are also a number of ageing people who have lived within these streets for their entire lives as well as people with disabilities. These sensitive and vulnerable residents would also be placed at risk of injury with increased traffic. - Parking is already at capacity on these streets. It is becoming dangerous to turn off Unwins Bridge Road onto Edith Street due to over-parking since Precinct 75 has increased its retail businesses. - The proposal for 8 storey development is completely inappropriate to the historical look of this local area. - The number of extra cars brought by 180 apartments would be completely unsustainable in these narrow streets. - There is no precedent for development of such height in these streets. Such high development is not in keeping with the visual amenity of the local area. - In addition this area is subject to aircraft noise and would expose any new residents to high noise levels at such height. - This zoning proposal for such high density development would put the local environment, existing residents and amenity under significant stress. - Local residents need to be assured that development of "up to eight storeys" would not be possible within this site bounded 	

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			<ul style="list-style-type: none"> by small local roads - There are also health concerns about contamination from lead based paint on this site. Excavation of this site is of extreme concern to the safety of local residents, in particular for the health of young children. - The existing footprint of this site should not be changed for the reasons mentioned above. - Re-zoning should be carefully considered by Council as it could lead to massive adverse impacts for the Marrickville LGA and the St Peters locality more specifically. 	
96.	23/02/16	Partial support	<ul style="list-style-type: none"> - Improving the area is a positive if facilities were improved - services for local area (cafes, bakery, shops etc) - The character of ST Peters will change from a very mixed industrial area - increasing density of population in this area will put an additional burden on an already heavily trafficked area - 8 stories is a bit much and would be out of character with the remaining suburb - Adopting such large ad-hoc planning proposals is a mistake. - Develop a strategic vision for the area (based on community views) and then assess applications against that vision. In that way merits of development can all be assessed against specific values (amenity, traffic, services) 	21451.16
97.	23/02/16	Object	<ul style="list-style-type: none"> - I wish to strongly object to the re-zoning of the former Taubmans Paint Factory site in St Peters. - Please note that 71 Mary St is NOT part of the proposal, and should be removed from all documentation. - We have concerns that major building work on an old lead paint factory could have environmental impact for local residence property and wellbeing and we see no details in the proposal on how that should be dealt with. - We believe that Mary St is already an extremely busy one way residential street and by such a large development being built will greatly add to the current traffic congestion and reduce air quality. - Also we see no plans for visitor parking on the site and this also concerns us as parking on Mary St is already extremely limited for existing residence as we can only park on one side of the street. - But the crux of our objection is the towering height of the new development. We believe the building a high rise block of apartments up to 26meters is much too high and the grossly exceeds low density residential (R2) measures in place. We will lose much of our property to shade and will lose total privacy by having up to 8 storeys of residence peer into the rear of our house. - We feel that any development that exceeds the height of the existing building on the property would be inappropriate for a low rise residential area. - These are not just our concerns, but the concerns of many of neighbours as we all will be adversely affected by such large development 	21453.16
98.	23/02/16	Object	<ul style="list-style-type: none"> - Mary st is already too congested with traffic from canal st. Adding an extra 340 cars onto it is ridiculous and beyond expectation for a small residential street. As it is I cannot sleep at night with my window open because of the constant traffic 	21454.16

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			on Mary st. Adding to it will just cause a major traffic snarl across the princes highway. Which was recently named the worst patch of road in Australia for traffic.	
99.	23/02/16	Object	<ul style="list-style-type: none"> - This is already a high density area. - More residential property is absurd. 	21455.16
100.	23/02/16	Object	<p>I object to this proposal for the following reasons</p> <ul style="list-style-type: none"> - 1) The scale & size of this development is completely out of character with the existing low to medium density housing in the area. - 2) I Consider what is proposed to be more of a housing development with some shopping (Markets etc) & warehousing rather than a 'Creative Hub'. Many long established businesses, for example a mechanics workshop used by many in the local community are being forced out of the site because they are no longer deemed to be a suitable fit for the new look 75 Precinct. We need to retain space for local business that serve the community like mechanics, cabinet makers, machine shops etc not reduce it. One of the aspects of St Peters that I love is that it has always had that mix of residential & commercial properties. which I think is both healthy & necessary in the inner city. - 3) I am concerned the area will be swamped by this high density development, with increases in traffic & resulting in increased parking issues in ours & surrounding streets. - 4) I am Concerned that Roberts Street with the proposed 'Pedestrian & Bicycle' access to 75 Precinct via Roberts Street will become an overflow carpark for either residents or visitors to those living or working in this proposed development. There are many families on Roberts St with young children including my own, at present this is in my humble opinion a unique and very special street. It is a cul-de-sac so we have know through traffic, this makes it very safe for the children and infact all residents of the street. FYI My Journey to Sydenham station is extremely pleasant, a walk through this proposed development will certainly not enhance it. - 4) Eight Story block of units is way too high for the surrounding area to absorb 	21459.16
101.	22/02/16	Object	<p>I object to this proposal for the following reasons</p> <ul style="list-style-type: none"> - 1) I consider what is proposed to be more of a housing development with some shopping & warehousing rather than a 'Creative Hub'. I like the St Peters markets but I do not think we need more shops selling candles and cushions. Many long established businesses, for example a mechanics workshop used by many in the local community are being forced out of the site because they are no longer deemed to be a suitable fit for the new look 75 Precinct. We need to retain space for local business that serve the community like mechanics, cabinet makers, machine shops etc not reduce it. One of the aspects of St Peters that I love is that it has always had that mix of residential & commercial properties, which I think is both healthy & necessary in the inner city. - 2) I am concerned that with the proposed "Pedestrian & Bicycle" access to 75 Precinct via Roberts Street will become an overflow carpark for either residents or visitors to those living or working in this proposed development. There are many 	21460.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
102.	23/02/16	Object	<p>families on Roberts St with young children including my own, at present this is in my humble opinion a unique and very special street. It is a cul-de-sac so we have know through traffic, this makes it very safe for the children and in fact all residents of the street. I will check the stats on this but currently I do not believe that there is a high crime rate will be negatively affected by the pedestrian access in fact it might make it increase!</p> <ul style="list-style-type: none"> - 3) I am really concerned that there will be toxic waste when a car park is built under the current development, Precinct 75 was of course a paint factory! - 4) The scale & size of this development is completely out of character with the existing low to medium density housing in the area. Eight Story block of units is way too high for the surrounding area to absorb - 5) I am concerned the area will be swamped by this high density development, with increases in traffic & resulting in increased parking issues in ours & surrounding streets. I think, St Peters is a community that is prepared to fight for it's uniqueness and I feel that the developers ought to think again as I know there will be much negative community feeling towards this project no matter how well the marketing spin and offers of extra community facilities are portrayed. 	21461.16 & 21462.16 (duplicate)
103.	23/02/16	Partial support	<ul style="list-style-type: none"> - This land is contaminated. - The current proposal does not fit with the Precinct 31 DCP 2011. - There will be a massive increase in pedestrian and vehicle movements. An increase in over size vehicles in Mary St (service access for this site). - Increase in pollution during construction. - Loss of vegetation. - No public open space. - Lack off access except from two small residential streets (already over run with traffic). - There are many incorrect facts, errors and speculation in the submitted documents. - There are no positive benefits for existing residents. <p>While we're in favour of a invigoration of the area, we oppose the proposal on several grounds.</p> <ul style="list-style-type: none"> - Height: We strongly oppose the construction of eight storey buildings. The current heights of the buildings in the precinct should remain and no new building should be higher than this. - Residents privacy will be lost. - Noise from residential and business will (and does already) carry. - Density Change: This would irrevocably alter the nature of our area. A low rise, light industrial/residential area. When we bought into the area we did so because there were no huge apartment buildings. This changes the very nature of our community. - Traffic impact: We are also highly concerned about the impact on traffic in the area, specifically on Mary Street and the flow on to Unwins Bridge Road, which is already at a standstill most weekday afternoons and more troubling on weekends. With the only vehicle exit from the precinct onto Mary Street this is highly troubling. The singular bus route, 422 to and from the 	21463.16

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			<p>city is highly unreliable and will promote the use of cars for commercial visits to the site.</p> <ul style="list-style-type: none"> - Commercialisation rather than light industry: While the new owners of the precinct have revitalised their tenancy, to their gain, it hasn't always been at the benefit or in agreement with residents. Eg Maniax axe throwing. This isn't creative and it isn't industry. How many more new tenants will be at odds with what is being proposed? - Parking: Parking is already at a premium, and with the clearways on Unwins Bridge Road of an afternoon, traditionally residents in our block have parked behind their properties in Albion Lane. With the increase of commercial activity in Precinct 75, visitors to the precinct are increasingly taking these spots and the residents are left struggling to find appropriate parking. While there may be proposed parking for 340 cars, a lot of one and two bedroom apartments require two car spots plus visitor parking. Our quiet residential area cannot and should not have to cater to this. - Conclusion: This proposal does not promote the idea 'neighbourhood focused living' for the current property owners, but rather the focus and benefits are primarily for the new. 	
104.	23/02/16	Object	<ul style="list-style-type: none"> - The addition of extra businesses, 180 new apartments and the associated 340 car spaces in this rezoning proposal, will result in a further over-congestion of the roads in the local area, in particular Mary St, Edith St and Roberts Lane. - Mary Street is currently at capacity and the traffic backs up from the Unwins Bridge Road end through to the Princes Hwy and Canal Road, therefore, a further increase in traffic congestion in Mary St is not viable. - Mary St is a small residential street, which should be blocked off to the through traffic coming across from Canal road or turning off the Princess Highway, as the noise levels and pollution cause by the traffic is currently unacceptable for a residential area. A further increase in the volume of cars into Mary Street and Edith St to access the development area at the far end of these streets, will result in further traffic chaos, and associated environmental and noise pollution. - In addition, with the increase in proposed businesses with the development, there is a requirement for ample parking spaces to accommodate the visitors to the businesses- Mary St, Edith St, Unwins Bridge roads and surrounding streets have limited parking options:- 1. Mary St is a one way street with some street parking on one side, which residents need to use; 2. Edith St is a narrow unkept road full of potholes with street side parking, which is used by the residents of the street on one side, and garage entrances on the opposite side. 3. Unwins Bridge road has some parking on the roadway and clearway parking restrictions during certain times on the weekdays. - Overall, the redevelopment proposal will be a hindrance to traffic congestion, pollution and noise levels in the local area of Mary St, Edith St and Roberts Lane and surroundings. 	21465.16
105.	23/02/16	Partial support	<ul style="list-style-type: none"> - I can understand what the state Govt is proposing. - Whilst I am not adverse to changes, I do believe you need to fit within the community and the area, these street will not be able to cope with the amount of traffic that is being proposed, Mary street already has higher traffic runs than it can accommodate being the link between the airport and the inner west. - To fit within the current area any building should not go above the height of the precinct 75. - Apartment numbers should not be more than 30-40 apartments as this would fit into the area at a reasonable rate. Trying to 	21466.16

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			<p>accommodate for 180 odd apartments seems ludicrous for this area and once again the State Govt shows it's true colours about pandering to the Developers/Corporates and not to communities as it has shown so well i.e westconnex, Lock Out laws etc etc.</p> <ul style="list-style-type: none"> Marrickville Council should do everything it can to hold this proposal back and not be steam rolled by state Govt Business interests. 	
106.	23/02/16	Object	<ul style="list-style-type: none"> See separate Attachment 2 	21467.16
107.	23/02/16	Object	<ul style="list-style-type: none"> I am writing to express my concern and objection to the proposed rezoning of 67 & 73 Mary St, 50 & 52 Edith St and 42 Roberts St, St Peters. This is based on environmental concerns (I am aware that there was an old ?lead/paint factory on the proposed site) and traffic congestion. 	21469.16
108.	23/02/16	Object	<ul style="list-style-type: none"> I am writing to voice my objection to the proposed rezoning and development of 67-73 Mary St and 50-52 Edith Stand 42 Roberts Lane St. Peter's. My objection is based on the environmental impacts, traffic congestion and maintaining current residential zoning. It has been brought to my attention that the proposed site of the development used to be a former LEAD factory. This begs the questions; what will be the environmental impacts of disturbing this land? And secondly, what impacts will this have on the health and safety of residents. I expect Marrickville council to conduct a full and independent review with a right to reply from residents, before this proposal can even be considered. The issue of traffic congestion is also worth noting. According to Roads Maritime, Unwins Bridge Rd and Mary St are currently at capacity. Meanwhile Edith St, although a two way street, can only cater for one car passing at any one time, due to its narrowness. Proposing to build 8 storey apartments, will only create further traffic congestion and street chaos. Although providing parking for residents of the proposed developments, the proposal fails to propose adequate parking for the Precincts existing retail and entertainment staff and customers. The demand is so high now, that there isn't sufficient car parking. The impact of this is residents on Mary and Edith St with access to only street parking are being parked out of their street, due to the lack of parking providing for Precinct users. Furthermore, a proposal to rezone the land for high rise apartments, is contrary to the areas low density residential zoning. Any proposed development of the area should comply with the current zoning, reflecting the areas character and layout. 	21470.16
109.	23/02/16	Object	<ul style="list-style-type: none"> The proposal does not address parking adequately, nor congestion, nor the change to the community- there are mainly houses in this area- nor the problems that may occur due to the land's history as a paint factory. Edith and Mary streets are already overextended. 	21471.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
110.	23/02/16	Object	<ul style="list-style-type: none"> - I previously submitted a submission last night. - I have since thought of a few other issues, that I've documented below. - Parking; On quite a few occasions when someone in Edith St has hosted a party or there's been a function at Precinct 75, people have partially parked across our driveway. This has meant we've either not been able to park our car on our property or it's been extremely difficult to get in or out. I foresee this happening more frequently if this development goes ahead. - The construction period of such an enormous area will cause terrible traffic disruption and parking issues. We've recently lived through the building of a new residence at 68 Silver St, the renovation of the house Silver St) and the rebuilding of the old 2 storey building on Edith St (opposite the current Precinct 75 car park). Tradies vehicles, cement mixers, etc, have caused a lot of inconvenience and annoyance. Precinct 75's construction will bring in far more vehicles and go on for a far larger longer time and I dread to think about the impact it will have on the local community. - And that's not even mentioning the noise pollution. 	21472.16
111.	23/02/16	Object	<ul style="list-style-type: none"> - As a local resident I strongly oppose this proposal on the following grounds: - The revamping of the Precinct has led to a significant increase in traffic and a loss of parking for local residents as the existing parking allocation onsite at the Precinct does not cater for the number of tenants and visitors that access the Precinct during the week, making life for those of us that live in the surrounding streets increasingly difficult. Drawing more vehicle and foot traffic to an already heavily congested area will only further increase stress to local residents. - Many of us residents feel duped by this plan to re-zone the land, as when we purchased our houses we did so with the knowledge of the Precinct being a commercial zone, adding such high density housing is out of line with the area and would be an eyesore. - The report states that the proposed re-zoned land contains carcinogenic lead and petrochemicals at unacceptable levels requiring remediation, as a resident with a young family (many of the residents in surrounding Street's are young families), the impact this may have on our health is a SERIOUS concern and one of the main reasons why I oppose this proposal. - The streets that surround the proposed re-zoning site are narrow and busy at peak times as they are now. The proposed parking allotment will do nothing to alleviate the parking stress local residents are experiencing as a direct result of the re-vamping of the Precinct space. Edith street is becoming gridlocked at times with an increase in two-way traffic on a very narrow road space. The report states that Mary Street is already carrying more than it's share of traffic congestion. Adding hundreds of more people and more shopping space to an already congested area will dramatically change the liveability of the area. - I strongly suggest you do not consider the corrupt practice of rezoning this land, it is not fair to the local residents who call this place home. - It leaves many of us concerned about where else council will consider re-zoning. The space and its surrounding streets will simply not cope with such a huge and sudden increase in traffic and people. 	21474.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
112.	23/02/16	Object	<ul style="list-style-type: none"> - It is thoroughly unacceptable that the purchase and possible development of a single residential property: 43 Roberts Street, could change the entire street. - Roberts Street is currently a cul de sac. People have decided to live in that street for that very reason. - To devalue all the properties in that street and the quality of life of the residents must not be permitted. - With the possibility of WestConnex being built in St Peters, and nowhere for the extra vehicles to go, traffic on local roads will become even more congested. This sort of development that is proposed will only make local traffic worse. 	21475.16
113.	23/02/16	Object	<ul style="list-style-type: none"> - I have lived in St Peters since 2008 and I am against this proposal to rezone the land - I think not only would the creation of an 8 story building be an environmental eyesore to the suburb, I think it would create an overflow of traffic into an already congested Mary Street and provide traffic and safety risks with additional people and traffic into the area. As someone with a small family, I have already had many close calls from people driving too fast down Mary Street and Albion lane (from Mary street) due to the increased traffic from newly built townhouses. - In addition, the noise, traffic, congestion, environmental rubbish from the renovations would be long lasting with such expansive plans. - Given the community feel of St Peters and the beauty it has with its houses and terraces, it would be a shame to become another suburb which has high density housing 	21479.16
114.	23/02/16	Object	<ul style="list-style-type: none"> - I'm a resident of St Peters and am familiar with Edith St as I have friends who live there, and I've also visited businesses in Precinct 75. - This is a neighbourhood of older houses and quite narrow streets. - The rezoning plan involving 180 apartments and 340 car spaces as well as a commercial area, is far too big. - It is a largely low rise area, and the traffic change for locals would be dramatic and greatly affect their amenity. - As someone who cares a lot about St Peters and the people who live there, I think any development must be sympathetic to the surrounding dwellings. - St Peters is already facing a huge influx of cars from the Westconnex, that will create bottle necks at various places in the suburb. - I hope that council doesn't flood another area of St Peters with traffic by ok-ing this project. 	21481.16
115.	23/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	21482.16
116.	23/02/16	Support	<ul style="list-style-type: none"> - Yes I fully support and encourage more creative space in the area. - I love how the Precinct currently provides to the community including the markets and food stalls. - Would love to see more open space for kids to play whilst parents enjoy eating and drinking there - even live music. - However more parking and toilet amenities also need to be provided. 	21483.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
117.	23/02/16	Object	<ul style="list-style-type: none"> - I'm also concerned that if more residential apartments are built, where will their kids go to school or daycare? - Both Mary St and Edith St have so much traffic now, that the increase that this will bring will make our lives here intolerable. - Our small area can not cope with a residential rezoning in that site. It should be left as an industrial/commercial site in line with the buildings that are there now. - Parking in Edith St is already an incredible thing for us residents, I cannot conceive that a housing development on that site will work. And with WesConnex coming our way (if we cannot stop it !!!) our lives are more important to me that his dollars. - Absolutely NOT in favour of this. 	21487.16
118.	23/02/16	Object	<ul style="list-style-type: none"> - This rezoning proposal should be rejected by council. - The area under consideration should be redeveloped as a creative precinct without the residential component. - This area is one of the last, if not the last, spaces where such developments can happen in this part of the Marrickville area and it is vital to keeping and developing the diversity that we look for in our life as residents. - The loss of this space for future expansion as a creative zone is not the only problem with rezoning. Edith and Mary Sts are already at capacity and the addition of the amount of residential development proposed will render them unworkable despite the proposed off street parking in the applicants plans to support this application. Its already difficult to access/exit Edith St now without an additional development of the scale of this proposal. - Marrickville is already having enough new medium to high density development zoning with the development of the Sydenham to Bankstown rail line mandated by the state government. - Please keep this area for a creative precinct not just another high rise development dressed up as creative. 	21488.16
119.	23/02/16	Object	<ul style="list-style-type: none"> - This is a highly populated traffic zone area on Mary St. - I personally wrote to Council in 2013 after 2 near misses with cars just missing hitting with my family. Very impressed that something was done about this. However, concerned about the large increase of traffic with 350 additional spaces exiting onto Mary St. - Since the re development of the site there with X fit, Maniax etc, and new parking zones, laneway parking in Albion St has become harder to obtain. This places large risks to my young family having to find alternative parking and then walking with two children to access my property. Again cars are increasing accessing the laneway at speeds which are concerning to avoid the traffic that is backing up at the lights. - Furthermore, I have concerns about the large number of apartments proposed for an already highly dense area. - In review of the property market and recent trends, I have concerns of the devaluation of my property being located so close to a "mini city". It will take away the community environment of St Peters, which is a family orientated area. - In addition, I am concerned with the apartments encroaching on my personal and family space, with occupiers having full view into my backyard. 	21489.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
120.	26/02/16	Object	<ul style="list-style-type: none"> - The proposed rezoning and possible development will negatively impact me and my family in Edith Street, St Peters. - There are a number of issues involved with this development including the following: <ul style="list-style-type: none"> - Parking Residents already find it difficult to find a free car parking space on Edith Street. The offices and shops at Precinct 75 have an 80 space car park for their employees and tenants to use. Yet these employees are parking on the street and taking up spaces that residents regularly use despite them having their own dedicated car park. Earlier this week one of the employees parked their SUV in front of our driveway completely blocking us in. We had to ask this person to move their car and not park in our driveway again. This is not the first time its happened and is completely frustrating. I understand the new development will have an underground car park for residents but what about the car park for the employees of Precinct 75 - where will all their car park spaces go? This development will cause issues with parking spaces, more traffic and congestion in our street and is not something we want. - Overshadowing and height of structure The height of this proposed structure is eight storeys! Edith Street is currently made up of mostly single storey houses with some two storey houses. There are two unit blocks at each end of Edith Street and they are only a maximum two levels. There is construction of a new terrace house building which is a maximum of three levels. This proposed structure is more than twice the height of any existing buildings on Edith Street. Any new approved developments on Edith Street should be kept in line with the current buildings on the street so that it blends in with the street. An eight level building will not blend in with existing buildings and will loom over the rest of the street - a complete eyesore. A building that is a maximum 3-4 levels will fit in much better. Council should restrict this development to a 3-4 level building as a maximum so as to preserve the current look and feel of Edith Street and not overcrowd and overpopulate our street! 	22894.16
121.	27/02/16	Object	<ul style="list-style-type: none"> - See separate Attachment 2 	23947.16
122.	27/02/16	Object	<p>1) Inappropriate development in its current form: Does not meet the guidelines and objectives of the Marrickville Development Control Plan (MDCP), refer section 9.31 Unwins Bridge Road (Precinct 31) and specifically section 9.31.2 Desired future character - points 1 to 9</p> <p>2) With apartments in buildings up to eight storeys, the development will not blend in with the surrounding neighbourhood and architecture and tend to dominate & overshadow it. ie. Poor residential infil in a precinct with many heritage single storey dwellings. The residents in the apartments on the top floors will be looking directly into the backyards of the surrounding neighbourhood. ie no privacy.</p> <p>3) Marrickville Local Environmental Plan Section 6.5 restricts noise sensitive developments under flight path, refer sections (1), (2), (3) & (4). The residents in the new apartments would be severely affected by noise from take-offs and landings.</p> <p>4) Residential Density targets refer MDCP and Marrickville Local Environmental Plan</p>	23824.16

No.	Date	Response to proposal	Summary of comments/issues	Trim No.
			<p>5) Floor space ratio (FSR) targets refer MDCP and Marrickville Local Environmental Plan</p> <p>6) The development will add to traffic congestion in the area. Mary Street is basically a single lane, One-Way street with limited on-street parking for residents. With increased traffic movements due to the proposed development the traffic flow will be disrupted.</p> <p>Edith Street is basically the same but allows traffic in both directions. For Edith Street to operate (where two cars are approaching in opposite directions) requires one driver to pull into the curb to allow the other driver to pass. With increased traffic movements as a result of the proposed development it would be necessary to make Edith Street One-Way to maintain traffic flow.</p> <p>When the Clearway operates in Unwins Bridge Road most residents move their cars into either Edith or Mary Street reducing the available on-street parking spots. Visitors to the proposed apartments and commercial spaces will most likely park their vehicles in the on-street parking spots previously used by residents, resulting in a shortage. To alleviate the situation, Council would have to implement parking restrictions and employ parking police to enforce.</p> <p>7) The development (180 residential apartments & and 340 vehicles) will increase the noise levels in the neighbourhood. ie traffic, residents on balconies, music, radios etc</p> <p>8) The proposed eight storey development will have a line of sight view of the WestConnex/ M5 Ventilation stack.</p> <p>9) Properties adjacent to the proposed development are zoned residential.</p>	
123.	27/02/16	Object	- See separate Attachment 2	23950.16

ATTACHMENT 2

Submission 36:

I am writing to highlight objections to the proposed rezoning and the intended amendment to the Marrickville Local Environmental Plan 2007 concerning land at 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street. This document will go on to explain the impacts this proposal will have on traffic (both foot traffic and vehicle traffic), parking, noise and contamination/pollution and the effect it will have on the residing community and properties.

In addition to these later points I would firstly like to call out the unethical way this situation has been handled. After speaking to neighbours it is evident that only select properties have been notified about these changes – and the entire one side of Edith Street did not receive any notification. All houses in the street – and the surrounding streets – will be impacted by these proposed changes and by withholding this information you are limiting their opportunity to oppose the development which is ethically incorrect.

I wish to object to this planning proposal on the following grounds:

The potential intensity of residential development at the site is in conflict with the Marrickville Urban Strategy - Action 1.1 *Encourage urban renewal in and around centres*. The planning proposal materially undermines strategic policy to increase residential densities through redevelopment of land in and around identified centres. The subject site is outside of the designated centres of Sydenham and St Peters, and their respective 400-800 m radius. On this basis, the proposed rezoning would lead to a relatively high density residential development in an inappropriate location contrary to the provisions of the Urban Strategy.

On page 209 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the B4 Mixed Use Zone “does not permit new residential accommodation in a form other than ‘shop top housing’”. For a development to be ‘shop top housing’, no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of ‘shop top housing’ within the MLEP 2011”.

This is a direct contradiction to MLEP 2011.

On page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that “based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area around 1.00pm to 2.00pm”.

The proposal fails to demonstrate how the minimum solar access requirements will be met.

Furthermore on page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the “public open space lawn area is significantly overshadowed during midwinter”. As this is the predominant open space area within the development, this is not considered to be a suitable outcome. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public congregation space, sufficient solar access needs to be provided”

Again, the proposal fails to demonstrate how the minimum solar access requirements will be met

Traffic/Parking

Page 1

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On page 217 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the traffic study found that “during the morning peak Edith Street will receive an additional 112vtph” with an additional 35vtph during the afternoon peak. This is in addition to the existing heavy traffic flow due to Edith Street being the only road within a wide radius that allows access onto Princes Highway. The photos attached to this email clearly show that Edith Street is already at capacity. This additional traffic will push Edith Street over the 200-300 vpd capacity for local streets.

With regards to the proposed parking provided within the development:

- On page 213 it states that “Car parking has remained at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident”
- It further states on page 216 that “the 340 car spaces proposed represent a shortfall of 11 car spaces”
- And on page 217 it recommends:
 - “Time restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods
 - Install ‘No Stopping’ 5m either side of Edith Street driveway
 - Install ‘No Stopping’ along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles”

Given the existing limited parking on Edith Street – which will only be further exacerbated with ‘No Stopping’ sections and the addition of vehicles resulting from the development, what is the plan to cater for all these vehicles?

Also, these recommendations conflict with page 214 of the same report which states “council should be considering timed/resident parking within 800m of all rail stations” (Edith Street is approx. 750m from Sydenham Station and approx. 1km from St Peters station)

An additional point to note here is that an email was sent on 11/02/2016 to all the market stall holders attending the markets on 14/02/2016. The email advised the stall holders that “there is no parking on site at any Precinct 75 lot. Please use the available street parking”. If there is insufficient parking available for the handful of market stalls that exist today, how will 340 car spaces be suitable for 180 units, employees at the commercial units and visitors of the community events?

NB: Email available on request

Noise

The planning proposal fails to demonstrate compliance with Section 117 Direction 3.5 *Development Near Licensed Aerodromes*. The site is affected by aircraft noise associated with Sydney Airport to the extent which unacceptably compromises residential amenity for any future residents. Treatments to any building envelope recommended in the submitted Noise Report are insufficient to secure an acceptable level of residential amenity for future occupiers of the site.

Page 14 of the Marrickville Urban Strategy (MUS) references aircraft noise as a development constraint. The site is mapped within Australian noise forecast area (ANEF) 25 with a small part in the north-western corner of the subject site within the ANEF 25-30. The strategy states that residential areas should not be developed where the noise level exceeds 25 with the absolute constraint where areas are affected by ANEF above 30. The noise level submitted by the applicant considers aircraft noise and makes recommendations for residential properties, which include laminated glazing etc. However this does not protect or address the protection of outdoor spaces.

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Furthermore, no thought has been given to the extra noise pollution that the high pedestrian traffic and Community events will have on the local residents, especially given that many of these homes were built in the 1800s and do not have adequate sound-proofing for the events this proposal will bring.

Contamination

On page 218 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the “site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed”. A contradiction to this statement was performed in late 2015 in which a 10m deep hole was dug within the Precinct. During this excavation exercise there were no suitable security precautions in place and once the investigations were complete – the same soil was backfilled back into the plot. This is considered as “incorrectly managed” and poses a direct risk to the local residents.

Character

The proposed intensity of the development, and in particular it’s proposed maximum height of 29 metres, does not respond positively to the predominately low density and low rise residential properties defining the overall character of this locality. Even if the permitted maximum height within the site can be transitioned to minimise impacts on occupiers at the adjoining properties, any future multi-storey development of the land as intended would appear out of context with it’s surroundings and would negatively affect the current amenity. On this basis, the proposed scale of the development, to be located adjacent to minor / residential roads, would be inconsistent with the well established residential nature of the neighbourhood.

On page 42 (and throughout) of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it introduces “The Plaza” which will be at the heart of the development and will be a multipurpose social and civic space for the local community, of which performances and cultural events will be held. These events will be in direct contrast to the area today and will not be keeping with the existing ambience.

On page 203 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it recommends “amending proposed land use zoning for part of 67, 69 & 71 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of these buildings”. In the same report on page 204 it states that “these buildings generally have small front setbacks and associated landscaping. The buildings are typical of the type of low density residential development surrounding the site”. On page 210 it further states that “rezoning those sites to B4 Mixed Use Development may further permit the redevelopment of the two isolated lots as a separate development which is not desirable. It is recommended that the planning proposal be amended to retain the zoning of 67, 69 & 71 Mary Street as R2 Low Density Residential (to a point consistent with the alignment of Lot A DP331215 and B4 Mixed Use Development for the remaining rear portion of the lot)”

Further comments from the report state that:

- “Buildings A and B may appear bulky and overbearing when viewed from Edith Street” (page 214)
- Streetscape design control must “reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the characters of these areas” (page 232)

Each of these points highlight the requirement to maintain the existing character and design of the area – which the development does not. I propose that if these points are applicable to Mary St, then these

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sanctions should also be applied to Edith Street, which has similar small front setbacks, low density residential developments – and any changes to these developments will appear “bulky and overbearing”.

Shadowing

On pages 66-81 of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it details the shadowing impact on 48 Edith Street. Between 10-11am in mid-winter the side of the house would be in complete shadow. This is the part of the house where a habitable room (the livingroom) has a window. It is unclear from the report (which only has hourly snapshots) if this would facilitate the min 2hrs of direct sunlight between 9am – 3pm over a minimum of 50% of the glazed surface, as required by section 2.7.5.1 of MDCP 2011.

On page 213 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that although “the heights of the proposed buildings are contextually acceptable generally creating minimal impact” in the case of “buildings A&B their height is generating significant overshadowing of 48 Edith Street, St Peters. Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations”. As mentioned above, the proposed changes would restrict the hours of direct sunlight on both the habitable room in the house currently receiving daylight on that side of the building – in addition to the private open space at the rear of the property.

Reduction in industrial space

The planning proposal is in conflict with Section 117 Direction 1.1 *Business and Industrial Zones* as it would lead to a reduction of potential floor space area used for industrial purposes at the site. The proposal does not provide sufficient justification of rezoning which would compromise the industrial potential of the land and its future development for this purpose. The extent of the inconsistency with Ministerial Direction 1.1 is severe and therefore the planning proposal should not be supported.

Furthermore, it is considered that development control measures are not appropriate or sufficient to safeguard industrial use of the site in the long term and prevent gradual marginalisation of light industrial uses within the intended mixed use zoning. Therefore, the planning proposal does not comply with Ministerial Direction 1.1 requiring protection of the development potential of industrial land.

Section 55 and 117 of the Environmental Planning and Assessment Act requires a proposal for re-zoning to comply with all ministerial directions. Direction 1.1 states:

1.1 Business and Industrial Zones

Objectives

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
 - (b) *protect employment land in business and industrial zones, and*
 - (c) support the viability of identified strategic centres.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*

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- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The proposal to remove the current industrial uses by demolishing buildings with existing long-standing businesses is contrary to this direction as a whole and points 4 b, c and d in particular.

On page 237 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the "planning proposal is inconsistent with the direction as it does reduce the total potential floor space area for industrial uses"

Further Queries

The planning proposal is contrary to the Marrickville Urban Strategy Action 1.4 *Select rezoning of industrial sites*. The strategy clearly states that the industrial site at Grove Street, St Peters is not suitable for a mixed use development. Based on the details of The Urban Strategy Map (4.8 of the document), it is asserted that the Grove Street site extends between Edith Street and Grove Street, and encompasses the land subject to this planning proposal. As such, the planning proposal contradicts the intent of the strategy to the extent of rezoning of this industrial land.

Insufficient information has been provided to demonstrate that the proposed maximum height of future development at the site will not have adverse impact on the aviation safety and aircraft movement associated with Sydney Airport.

The houses in the area were built in the 1800's – what precautions are being taken to ensure there is no health risk resulting from the presence of asbestos when they are demolished?

In closing, I hope my comments are considered in the upcoming proposal review. In general I feel that development will have a positive impact on the area and if handled correctly could be good for the community. However, if the points above are not addressed, it will not have the positive effect the development aims to deliver. I am more than happy to answer any questions you may have, my contact details are given below

Item 2



Attachment 3



Item 2

Attachment 3

Item 2



Attachment 3



Item 2

Attachment 3

Item 2



Attachment 3

Submission 37:

I am writing to highlight objections to the proposed rezoning and the intended amendment to the Marrickville Local Environmental Plan 2007 concerning land at 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street. This document will go on to explain the impacts this proposal will have on traffic (both foot traffic and vehicle traffic), parking, noise and contamination/pollution and the effect it will have on the residing community and properties.

In addition to these later points I would firstly like to call out the unethical way this situation has been handled. After speaking to neighbours it is evident that only select properties have been notified about these changes – and the entire one side of Edith Street did not receive any notification. All houses in the street – and the surrounding streets – will be impacted by these proposed changes and by withholding this information you are limiting their opportunity to oppose the development which is ethically incorrect.

I wish to object to this planning proposal on the following grounds:

The potential intensity of residential development at the site is in conflict with the Marrickville Urban Strategy - Action 1.1 Encourage urban renewal in and around centres. The planning proposal materially undermines strategic policy to increase residential densities through redevelopment of land in and around identified centres. The subject site is outside of the designated centres of Sydenham and St Peters, and their respective 400-800 m radius. On this basis, the proposed rezoning would lead to a relatively high density residential development in an inappropriate location contrary to the provisions of the Urban Strategy.

On page 209 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the B4 Mixed Use Zone “does not permit new residential accommodation in a form other than ‘shop top housing’”. For a development to be ‘shop top housing’, no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of ‘shop top housing’ within the MLEP 2011”.

This is a direct contradiction to MLEP 2011.

On page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that “based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area around 1.00pm to 2.00pm”.

The proposal fails to demonstrate how the minimum solar access requirements will be met.

Furthermore, on page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the “public open space lawn area is significantly overshadowed during midwinter”. As this is the predominant open space area within the development, this is not considered to be a suitable outcome. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public congregation space, sufficient solar access needs to be provided”

Again, the proposal fails to demonstrate how the minimum solar access requirements will be met

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Traffic/Parking

On page 217 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the traffic study found that “during the morning peak Edith Street will receive an additional 112vtph” with an additional 35vtph during the afternoon peak. This is in addition to the existing heavy traffic flow due to Edith Street being the only road within a wide radius that allows access onto Princes Highway. The photos attached to this objection clearly show that Edith Street is already at capacity. This additional traffic will push Edith Street over the 200-300 vpd capacity for local streets.

With regards to the proposed parking provided within the development:

- On page 213 it states that “Car parking has remained at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident”
- It further states on page 216 that “the 340 car spaces proposed represent a shortfall of 11 car spaces”
- And on page 217 it recommends:
 - “Time restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods
 - Install ‘No Stopping’ 5m either side of Edith Street driveway
 - Install ‘No Stopping’ along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles”

Given the existing limited parking on Edith Street – which will only be further exacerbated with ‘No Stopping’ sections and the addition of vehicles resulting from the development, what is the plan to cater for all these vehicles?

Also, these recommendations conflict with page 214 of the same report which states “council should be considering timed/resident parking within 800m of all rail stations” (Edith Street is approx. 750m from Sydenham Station and approx. 1km from St Peters station)

An additional point to note here is that an email has been sighted which stipulates to stall holders of the monthly markets that they are prohibited to park within the precinct. The email recommends they park in the neighbouring streets instead. If there is insufficient parking available for the handful of market stalls that exist today, how will 340 car spaces be suitable for 180 units, employees at the commercial units and visitors of the community events?

Noise

The planning proposal fails to demonstrate compliance with Section 117 Direction 3.5 Development Near Licensed Aerodromes. The site is affected by aircraft noise associated with Sydney Airport to the extent which unacceptably compromises residential amenity for any future residents. Treatments to any building envelope recommended in the submitted Noise Report are insufficient to secure an acceptable level of residential amenity for future occupiers of the site.

Page 14 of the Marrickville Urban Strategy (MUS) references aircraft noise as a development constraint. The site is mapped within Australian noise forecast area (ANEF) 25 with a small part in the north-western corner of the subject site within the ANEF 25-30. The strategy states that residential areas should not be

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developed where the noise level exceeds 25 with the absolute constraint where areas are affected by ANEF above 30. The noise level submitted by the applicant considers aircraft noise and makes recommendations for residential properties, which include laminated glazing etc. However this does not protect or address the protection of outdoor spaces.

Furthermore, no thought has been given to the extra noise pollution that the high pedestrian traffic and Community events will have on the local residents, especially given that many of these homes were built in the 1800s and do not have adequate sound-proofing for the events this proposal will bring.

Contamination

On page 218 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the "site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed". A contradiction to this statement was performed in late 2015 in which a 10m deep hole was dug within the Precinct. During this excavation exercise there were no suitable security precautions in place and once the investigations were complete – the same soil was backfilled back into the plot. This is considered as "incorrectly managed" and poses a direct risk to the local residents.

Character

The proposed intensity of the development, and in particular it's proposed maximum height of 29 metres, does not respond positively to the predominately low density and low rise residential properties defining the overall character of this locality. Even if the permitted maximum height within the site can be transitioned to minimise impacts on occupiers at the adjoining properties, any future multi-storey development of the land as intended would appear out of context with it's surroundings and would negatively affect the current amenity. On this basis, the proposed scale of the development, to be located adjacent to minor / residential roads, would be inconsistent with the well established residential nature of the neighbourhood.

On page 42 (and throughout) of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it introduces "The Plaza" which will be at the heart of the development and will be a multipurpose social and civic space for the local community, of which performances and cultural events will be held. These events will be in direct contrast to the area today and will not be keeping with the existing ambience.

On page 203 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it recommends "amending proposed land use zoning for part of 67, 69 & 71 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of these buildings". In the same report on page 204 it states that "these buildings generally have small front setbacks and associated landscaping. The buildings are typical of the type of low density residential development surrounding the site". On page 210 it further states that "rezoning those sites to B4 Mixed Use Development may further permit the redevelopment of the two isolated lots as a separate development which is not desirable. It is recommended that the planning proposal be amended to retain the zoning of 67, 69 & 71 Mary Street as R2 Low Density Residential (to a point consistent with the alignment of Lot A DP331215 and B4 Mixed Use Development for the remaining rear portion of the lot)"

Further comments from the report state that:

- "Buildings A and B may appear bulky and overbearing when viewed from Edith Street" (page 214)

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Streetscape design control must “reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the characters of these areas” (page 232)

Each of these points highlight the requirement to maintain the existing character and design of the area – which the development does not. I propose that if these points are applicable to Mary St, then these sanctions should also be applied to Edith Street, which has similar small front setbacks, low density residential developments – and any changes to these developments will appear “bulky and overbearing”.

On page 213 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that although “the heights of the proposed buildings are contextually acceptable generally creating minimal impact” in the case of “buildings A&B their height is generating significant overshadowing of 48 Edith Street, St Peters. Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations”. As mentioned above, the proposed changes would restrict the hours of direct sunlight on both the habitable room in the house currently receiving daylight on that side of the building – in addition to the private open space at the rear of the property.

Reduction in industrial space

The planning proposal is in conflict with Section 117 Direction 1.1 Business and Industrial Zones as it would lead to a reduction of potential floor space area used for industrial purposes at the site. The proposal does not provide sufficient justification of rezoning which would compromise the industrial potential of the land and its future development for this purpose. The extent of the inconsistency with Ministerial Direction 1.1 is severe and therefore the planning proposal should not be supported.

Furthermore, it is considered that development control measures are not appropriate or sufficient to safeguard industrial use of the site in the long term and prevent gradual marginalisation of light industrial uses within the intended mixed use zoning. Therefore, the planning proposal does not comply with Ministerial Direction 1.1 requiring protection of the development potential of industrial land.

Further Queries

The planning proposal is contrary to the Marrickville Urban Strategy Action 1.4 Select rezoning of industrial sites. The strategy clearly states that the industrial site at Grove Street, St Peters is not suitable for a mixed use development. Based on the details of The Urban Strategy Map (4.8 of the document), it is asserted that the Grove Street site extends between Edith Street and Grove Street, and encompasses the land subject to this planning proposal. As such, the planning proposal contradicts the intent of the strategy to the extent of rezoning of this industrial land.

Insufficient information has been provided to demonstrate that the proposed maximum height of future development at the site will not have adverse impact on the aviation safety and aircraft movement associated with Sydney Airport.

The houses in the area were built in the 1800’s – what precautions are being taken to ensure there is no health risk resulting from the presence of asbestos when they are demolished?

Submission 49

RE: Proposal to rezone land in Mary, Edith and Roberts Streets, St Peters

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I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns, traffic congestion in the 2044 area and the impact this has on local amenity.

As Council is aware, the site was once a **LEAD** paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected.

Secondly, if the site is rezoned, it should not exceed low density residential (i.e. R2). This is in keeping with the current neighbourhood and previous land rezoning in the immediate vicinity, for example, the rezoning of former factories at 14 Mary Street and 63 Grove Street. Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

As Council is aware, traffic on Mary Street is currently well in excess of limits, therefore **any** additional burden should not be viewed favourably. Edith Street is a very narrow two-way street and struggles with the current volume of traffic as two cars travelling in opposite directions cannot pass, it is simply unable to cope with an additional pressure. There appears to only be plans for resident parking, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site, where will those cars go?

Finally, I would like to remind Marrickville Council of their support for the Millers Point community and suggest that, if at all possible, they may demonstrate this support by mandating affordable housing options in rezoned industrial sites within the Local Government Area. This would help ensure the interesting and diverse character of the Marrickville Local Government area remains.

Submission 51

I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns, traffic congestion in the 2044 area and the impact this has on local amenity.

As Council is aware, the site was once a **LEAD** paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected.

Secondly, if the site is rezoned, it should not exceed low density residential (i.e. R2). This is in keeping with the current neighbourhood and previous land rezoning in the immediate vicinity, for example, the rezoning of former factories at 14 Mary Street and 63 Grove Street.

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Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

As Council is aware, traffic on Mary Street is currently well in excess of limits, therefore **any** additional burden should not be viewed favourably. Edith Street is a very narrow two-way street and struggles with the current volume of traffic as two cars travelling in opposite directions cannot pass, it is simply unable to cope with an additional pressure. There appears to only be plans for resident parking, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site, where will those cars go?

Finally, I would like to remind Marrickville Council of their support for the Millers Point community and suggest that, if at all possible, they may demonstrate this support by mandating affordable housing options in rezoned industrial sites within the Local Government Area. This would help ensure the interesting and diverse character of the Marrickville Local Government area remains.

Submission 71

Dear Sirs, I am writing to highlight objections to the proposed rezoning and the intended amendment to the Marrickville Local Environmental Plan 2007 concerning land at 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street. This document will go on to explain the impacts this proposal will have on traffic (both foot traffic and vehicle traffic), parking, noise and contamination/pollution and the effect it will have on the residing community and properties.

In addition to these later points I would firstly like to call out the unethical way this situation has been handled. After speaking to neighbours it is evident that only select properties have been notified about these changes – and the entire one side of Edith Street did not receive any notification. All houses in the street – and the surrounding streets – will be impacted by these proposed changes and by withholding this information you are limiting their opportunity to oppose the development which is ethically incorrect.

I wish to object to this planning proposal on the following grounds:

- The potential intensity of residential development at the site is in conflict with the Marrickville Urban Strategy - Action 1.1 Encourage urban renewal in and around centres. The planning proposal materially undermines strategic policy to increase residential densities through redevelopment of land in and around identified centres. The subject site is outside of the designated centres of Sydenham and St Peters, and their respective 400-800 m radius. On this basis, the proposed rezoning would lead to a relatively high density residential development in an inappropriate location contrary to the provisions of the Urban Strategy. On page 209 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the B4 Mixed Use Zone “does not permit new residential accommodation in a form other than ‘shop top housing’”. For a development to be ‘shop top housing’, no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and

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community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of 'shop top housing' within the MLEP 2011". This is a direct contradiction to MLEP 2011.

- On page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that "based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area around 1.00pm to 2.00pm". The proposal fails to demonstrate how the minimum solar access requirements will be met. Furthermore on page 215 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the "public open space lawn area is significantly overshadowed during midwinter". As this is the predominant open space area within the development, this is not considered to be a suitable outcome. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public congregation space, sufficient solar access needs to be provided" Again, the proposal fails to demonstrate how the minimum solar access requirements will be met
- Traffic/Parking: On page 217 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that the traffic study found that "during the morning peak Edith Street will receive an additional 112vtp" with an additional 35vtp during the afternoon peak. This is in addition to the existing heavy traffic flow due to Edith Street being the only road within a wide radius that allows access onto Princes Highway. Edith Street is already at capacity so this additional traffic will push Edith Street over the 200-300 vpd capacity for local streets.
- With regards to the proposed parking provided within the development:
 - On page 213 it states that "Car parking has remained at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident"
 - It further states on page 216 that "the 340 car spaces proposed represent a shortfall of 11 car spaces"
 - And on page 217 it recommends: - "Time restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods - Install 'No Stopping' 5m either side of Edith Street driveway - Install 'No Stopping' along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles"
- Given the existing limited parking on Edith Street – which will only be further exacerbated with 'No Stopping' sections and the addition of vehicles resulting from the development, what is the plan to cater for all these vehicles? Also, these recommendations conflict with page 214 of the same report which states "council should be considering timed/resident parking within 800m of all rail stations" (Edith Street is approx. 750m from Sydenham Station and approx. 1km from St Peters station)
- An additional point to note here is that an email was sent on 11/02/2016 to all the market stall holders attending the markets on 14/02/2016. The email advised the stall holders that "there is no parking on site at any Precinct 75 lot. Please use the available street parking". If there is insufficient parking available for the handful of market stalls that exist today, how will 340 car

spaces be suitable for 180 units, employees at the commercial units and visitors of the community events? NB: Email available on request

- Noise: The planning proposal fails to demonstrate compliance with Section 117 Direction 3.5 Development Near Licensed Aerodromes. The site is affected by aircraft noise associated with Sydney Airport to the extent which unacceptably compromises residential amenity for any future residents. Treatments to any building envelope recommended in the submitted Noise Report are insufficient to secure an acceptable level of residential amenity for future occupiers of the site. Page 14 of the Marrickville Urban Strategy (MUS) references aircraft noise as a development constraint. The site is mapped within Australian noise forecast area (ANEF) 25 with a small part in the north-western corner of the subject site within the ANEF 25-30. The strategy states that residential areas should not be developed where the noise level exceeds 25 with the absolute constraint where areas are affected by ANEF above 30. The noise level submitted by the applicant considers aircraft noise and makes recommendations for residential properties, which include laminated glazing etc. However this does not protect or address the protection of outdoor spaces. Furthermore, no thought has been given to the extra noise pollution that the high pedestrian traffic and Community events will have on the local residents, especially given that many of these homes were built in the 1800s and do not have adequate sound-proofing for the events this proposal will bring.
- Contamination: On page 218 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the "site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed". A contradiction to this statement was performed in late 2015 in which a 10m deep hole was dug within the Precinct. During this excavation exercise there were no suitable security precautions in place and once the investigations were complete – the same soil was backfilled back into the plot. This is considered as "incorrectly managed" and poses a direct risk to the local residents.
- Character: The proposed intensity of the development, and in particular it's proposed maximum height of 29 metres, does not respond positively to the predominately low density and low rise residential properties defining the overall character of this locality. Even if the permitted maximum height within the site can be transitioned to minimise impacts on occupiers at the adjoining properties, any future multi-storey development of the land as intended would appear out of context with it's surroundings and would negatively affect the current amenity. On this basis, the proposed scale of the development, to be located adjacent to minor / residential roads, would be inconsistent with the well established residential nature of the neighbourhood. On page 42 (and throughout) of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it introduces "The Plaza" which will be at the heart of the development and will be a multipurpose social and civic space for the local community, of which performances and cultural events will be held. These events will be in direct contrast to the area today and will not be keeping with the existing ambience. On page 203 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it recommends "amending proposed land use zoning for part of 67, 69 & 71 Mary Street from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of these buildings". In the same report on page 204 it states that

“these buildings generally have small front setbacks and associated landscaping. The buildings are typical of the type of low density residential development surrounding the site”. On page 210 it further states that “rezoning those sites to B4 Mixed Use Development may further permit the redevelopment of the two isolated lots as a separate development which is not desirable. It is recommended that the planning proposal be amended to retain the zoning of 67, 69 & 71 Mary Street as R2 Low Density Residential (to a point consistent with the alignment of Lot A DP331215 and B4 Mixed Use Development for the remaining rear portion of the lot)” Further comments from the report state that:

- “Buildings A and B may appear bulky and overbearing when viewed from Edith Street” (page 214)
- Streetscape design control must “reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the characters of these areas” (page 232)
- Each of these points highlight the requirement to maintain the existing character and design of the area – which the development does not. I propose that if these points are applicable to Mary St, then these sanctions should also be applied to Edith Street, which has similar small front setbacks, low density residential developments – and any changes to these developments will appear “bulky and overbearing”.
- Shadowing: On pages 66-81 of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it details the shadowing impact on 48 Edith Street. Between 10-11am in mid-winter the side of the house would be in complete shadow. This is the part of the house where a habitable room (the livingroom) has a window. It is unclear from the report (which only has hourly snapshots) if this would facilitate the min 2hrs of direct sunlight between 9am – 3pm over a minimum of 50% of the glazed surface, as required by section 2.7.5.1 of MDCP 2011. On page 213 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states that although “the heights of the proposed buildings are contextually acceptable generally creating minimal impact” in the case of “buildings A&B their height is generating significant overshadowing of 48 Edith Street, St Peters. Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations”. As mentioned above, the proposed changes would restrict the hours of direct sunlight on both the habitable room in the house currently receiving daylight on that side of the building – in addition to the private open space at the rear of the property.
- Reduction in industrial space: The planning proposal is in conflict with Section 117 Direction 1.1 Business and Industrial Zones as it would lead to a reduction of potential floor space area used for industrial purposes at the site. The proposal does not provide sufficient justification of rezoning which would compromise the industrial potential of the land and its future development for this purpose. The extent of the inconsistency with Ministerial Direction 1.1 is severe and therefore the planning proposal should not be supported. Furthermore, it is considered that development control measures are not appropriate or sufficient to safeguard industrial use of the site in the long term and prevent gradual marginalisation of light industrial uses within the intended mixed use zoning. Therefore, the planning proposal does not comply with Ministerial Direction 1.1 requiring protection of the development potential of industrial

land. Section 55 and 117 of the Environmental Planning and Assessment Act requires a proposal for re-zoning to comply with all ministerial directions.

- Direction 1.1 states: 1.1 Business and Industrial Zones Objectives (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. Where this direction applies (2) This direction applies to all relevant planning authorities. When this direction applies (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). What a relevant planning authority must do if this direction applies (4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. The proposal to remove the current industrial uses by demolishing buildings with existing long-standing businesses is contrary to this direction as a whole and points 4 b, c and d in particular. On page 237 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the "planning proposal is inconsistent with the direction as it does reduce the total potential floor space area for industrial uses" Further Queries The planning proposal is contrary to the Marrickville Urban Strategy Action 1.4 Select rezoning of industrial sites. The strategy clearly states that the industrial site at Grove Street, St Peters is not suitable for a mixed use development. Based on the details of The Urban Strategy Map (4.8 of the document), it is asserted that the Grove Street site extends between Edith Street and Grove Street, and encompasses the land subject to this planning proposal. As such, the planning proposal contradicts the intent of the strategy to the extent of rezoning of this industrial land.
- Insufficient information has been provided to demonstrate that the proposed maximum height of future development at the site will not have adverse impact on the aviation safety and aircraft movement associated with Sydney Airport. The houses in the area were built in the 1800's – what precautions are being taken to ensure there is no health risk resulting from the presence of asbestos when they are demolished? In closing, I hope my comments are considered in the upcoming proposal review. In general I feel that development will have a positive impact on the area and if handled correctly could be good for the community. However, if the points above are not addressed, it will not have the positive effect the development aims to deliver.

Submission 74

I wholeheartedly OBJECT to this proposal on the following grounds:

- As an owner-occupier and rate payer who has lived in Edith Street for 10 years, I have observed that the Precinct has attracted many more cars (business owners, staff, customers, deliveries) from the businesses now based there. This, in turn, has resulted in far more vehicle and foot traffic, making my neighbourhood noisier and busier.

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- I strongly object to a development that will bring even more vehicles through an already congested area – Edith and Mary streets primarily, however Silver Street is also already impacted, with motorists (myself included) using it and then cutting down Edith Lane to get to Edith Street. Given more cars, and trucks, are parking in Edith Lane, this can be hard to negotiate. Yet the traffic impact on Silver Street/Edith Lane was not included in the Traffic Report.
- From about 50 Edith Street to the Princes Hwy, the road narrows, With more cars parking on both sides of Edith Street in the last year (which I only expect to become more frequent), I foresee more bottlenecks resulting, as motorists have to wait down the Precinct end to allow 1 car through the narrow roadway at a time. Currently, it's sometimes possible for a car to pull over into a parking space to let another car pass. But with on-street parking fast vanishing since the Precinct's growth, this will become near impossible. So to have Edith Street as the entry to the proposed apartment complex is simply untenable.
- At the last Precinct markets on February 13, there was traffic chaos in Edith Street, with cars parked half on the road, half on footpath (including opposite my driveway) for most of the day. At some points in the day, there was gridlock in Edith Street, with no cars able to pass. Given the Precinct owner has proposed making the markets weekly - in addition to this proposed development and the extra vehicles it would bring - traffic will be untenable in my street, and that is unacceptable to me!
- the Geotechnical Report notes that "Lead, asbestos, Carcinogenic and Total Poly Aromatic Hydrocarbons were detected" along with "Exceedances of heavy metals" under the car park and other sites on the property. Excavating the site to provide underground parking is likely to endanger current residents of the area, along with current tenants of the Precinct. In particular, the report noted that concentrations of lead had "with multiple exceedances in the fill material observed at BH5, BH14, BH17, BH21 and BH22." I cannot support a project that threatens the health of the area's residents and businesses.
- I am greatly concerned about recommendations in the Traffic Report: "it is recommended that kerbside parking be modified by either of the following: 1. Remove kerbside parking in Edith Street within 20m of Unwins Bridge Road 2. Time restrict kerbside parking in Edith Street within 20m of Unwins Bridge Road, such that No Parking is permitted during the morning and evening peak periods. So, taking away another 10m of parking space in Edith Street (in addition to the RMS-enforced 10m at the corner of Unwins Bridge Rd) equals the loss of 2-3 car spaces on both sides of Edith Street, i.e. 4-6 car spaces at that end of the street.
- The report continues: "Additionally, based on the increase in traffic flows along Edith Street as a result of the development, passing opportunities should be provided. It is recommended that two passing opportunities be provided along Edith Street, in addition to the recommendation above in Edith Street at Unwins Bridge Road: Provide "No Stopping" along the site frontage, 10m either side of the Edith Street driveway (total 20m – or 4-6 car spaces) – Provide "No Stopping" along the site frontage for approximately 20m (or 4-6 car spaces) near the existing speed hump in Edith Street (near to the existing loading dock driveway to the north of the site which provides existing passing opportunity)". So, that's at least another 12 – 18 car spaces to be sacrificed in a street where on-street parking for existing residents has already diminished since the Precinct's redevelopment. The developer (who does not live or work in the area) proposes to solve the anticipated traffic issues by further inconveniencing current Edith Street residents and reducing on-street parking options, in order to accommodate access for the estimated extra 340 vehicles his development will bring?

- The combination of health risks and major traffic and parking congestion makes this a completely unrealistic, unmanageable proposal and I trust Council will serve the interests – and wellbeing – of its current rate payers, and not be dazzled by developer dollars.

Submission 80

I wish to express my concern and objection to the proposed rezoning of Mary Street, Edith Street and Roberts Street, St Peters. My objection is based on environmental concerns, damage caused by foundation construction on the arboretum, traffic congestion in the 2044 area and the impact this has on local amenity.

My environmental concern is the fact that the site was once a LEAD paint factory involved in the manufacturing and deposit of numerous other toxic substances. Surely the proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and workmen on the site and should ensure that the health and safety of all is protected.

At the back of properties 71, 69, 67 and 65 Mary there is an arboretum which is the jewel of Mary Street. These trees and vegetation have been established over years to reach their stage of growth and provide a natural environmental air filter for the residents both within the Precinct and Mary Street. As "Marrickville Council values private trees as an integral component of [Marrickville's urban forest](#)"*surely Council is not going to approve their destruction due to foundations damaging tree root systems.

Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. I drive to Oatley on Saturdays about 12.30 and Tuesdays about 6.30 and it can take me 20 minutes to access the highway to proceed south. This situation has deteriorated within the short period of 24 months. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode.

Residents of Mary and Edith streets are similarly effected due to lack of parking space for Precinct 75. There appears to only be plans for resident parking, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site, where will those cars go?

In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

Submission 82

I am writing to highlight objections to the proposed rezoning and the intended amendment to the Marrickville Local Environmental Plan 2007 concerning land at [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#). This document will go on to explain the impacts this proposal will have on traffic (both foot traffic and vehicle traffic), parking, noise and contamination/pollution and the effect it will have on the residing community and properties.

In addition to these later points I would firstly like to call out the unethical way this situation has been handled. After speaking to neighbours it is evident that only select properties have been notified about these changes – and the entire one side of Edith Street did not receive any notification. All houses in the

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street – and the surrounding streets – will be impacted by these proposed changes and by withholding this information you are limiting their opportunity to oppose the development which is ethically incorrect.

I wish to object to this planning proposal on the following grounds:

The potential intensity of residential development at the site is in conflict with the Marrickville Urban Strategy - Action 1.1 *Encourage urban renewal in and around centres*. The planning proposal materially undermines strategic policy to increase residential densities through redevelopment of land in and around identified centres. The subject site is outside of the designated centres of Sydenham and St Peters, and their respective 400-800 m radius. On this basis, the proposed rezoning would lead to a relatively high density residential development in an inappropriate location contrary to the provisions of the Urban Strategy.

On page 209 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states the B4 Mixed Use Zone “does not permit new residential accommodation in a form other than ‘shop top housing’”. For a development to be ‘shop top housing’, no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of ‘shop top housing’ within the MLEP 2011”.

This is a direct contradiction to MLEP 2011.

On page 215 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states that “based on the solar access diagrams from the Design Report, while the perimeter of the open space area is not shown, it appears that the central landscaped open space area will only receive approximately 1 hour of solar access for 50% of the area [around 1.00pm to 2.00pm](#)”.

The proposal fails to demonstrate how the minimum solar access requirements will be met.

Furthermore on page 215 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states that the “public open space lawn area is significantly overshadowed during midwinter”. As this is the predominant open space area within the development, this is not considered to be a suitable outcome. The proposed additions to Buildings 7 and 8 have exacerbated the overshadowing of the lawn area. Due to the proposed function of this space as a public congregation space, sufficient solar access needs to be provided”

Again, the proposal fails to demonstrate how the minimum solar access requirements will be met

Traffic/Parking

On page 217 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states that the traffic study found that “during the morning peak Edith Street will receive an additional 112vtp” with an additional 35vtp during the afternoon peak. This is in addition to the existing heavy traffic flow due to Edith Street being the only road within a wide radius that allows access onto Princes Highway. The photos attached to this objection clearly show that Edith Street is already at capacity. This additional traffic will push Edith Street over the 200-300 vpd capacity for local streets.

With regards to the proposed parking provided within the development:

- On page 213 it states that “Car parking has remained at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident”
- It further states on page 216 that “the 340 car spaces proposed represent a shortfall of 11 car spaces”
- And on page 217 it recommends:

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- "Time restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods
- Install 'No Stopping' 5m either side of Edith Street driveway
- Install 'No Stopping' along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles"

Given the existing limited parking on Edith Street – which will only be further exacerbated with 'No Stopping' sections and the addition of vehicles resulting from the development, what is the plan to cater for all these vehicles?

Also, these recommendations conflict with page 214 of the same report which states "council should be considering timed/resident parking within 800m of all rail stations" (Edith Street is approx. 750m from Sydenham Station and approx. 1km from St Peters station)

An additional point to note here is that an email has been sighted which stipulates to stall holders of the monthly markets that they are prohibited to park within the precinct. The email recommends they park in the neighbouring streets instead. If there is insufficient parking available for the handful of market stalls that exist today, how will 340 car spaces be suitable for 180 units, employees at the commercial units and visitors of the community events?

Noise

The planning proposal fails to demonstrate compliance with Section 117 Direction 3.5 *Development Near Licensed Aerodromes*. The site is affected by aircraft noise associated with Sydney Airport to the extent which unacceptably compromises residential amenity for any future residents. Treatments to any building envelope recommended in the submitted Noise Report are insufficient to secure an acceptable level of residential amenity for future occupiers of the site.

Page 14 of the Marrickville Urban Strategy (MUS) references aircraft noise as a development constraint. The site is mapped within Australian noise forecast area (ANEF) 25 with a small part in the north-western corner of the subject site within the ANEF 25-30. The strategy states that residential areas should not be developed where the noise level exceeds 25 with the absolute constraint where areas are affected by ANEF above 30. The noise level submitted by the applicant considers aircraft noise and makes recommendations for residential properties, which include laminated glazing etc. However this does not protect or address the protection of outdoor spaces.

Furthermore, no thought has been given to the extra noise pollution that the high pedestrian traffic and Community events will have on the local residents, especially given that many of these homes were built in the 1800s and do not have adequate sound-proofing for the events this proposal will bring.

Contamination

On page 218 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states the "site is currently unsuitable for the proposed change of use due to significant contamination of soil and groundwater. Disturbing soil and groundwater in their current state pose significant risks to the environment and people if incorrectly managed. Remediation is required to the site before any development is to be allowed". A contradiction to this statement was performed in late 2015 in which a 10m deep hole was dug within the Precinct. During this excavation exercise there were no suitable security precautions in place and once the investigations were complete – the same soil was backfilled back into the plot. This is considered as "incorrectly managed" and poses a direct risk to the local residents.

Character

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The proposed intensity of the development, and in particular it's proposed maximum height of 29 metres, does not respond positively to the predominately low density and low rise residential properties defining the overall character of this locality. Even if the permitted maximum height within the site can be transitioned to minimise impacts on occupiers at the adjoining properties, any future multi-storey development of the land as intended would appear out of context with it's surroundings and would negatively affect the current amenity. On this basis, the proposed scale of the development, to be located adjacent to minor / residential roads, would be inconsistent with the well established residential nature of the neighbourhood.

On page 42 (and throughout) of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it introduces "The Plaza" which will be at the heart of the development and will be a multipurpose social and civic space for the local community, of which performances and cultural events will be held. These events will be in direct contrast to the area today and will not be keeping with the existing ambience.

On page 203 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it recommends "amending proposed land use zoning for part of 67, 69 & [71 Mary Street](#) from B4 Mixed Use to R2 Low Density Residential to reflect the current and intended future use of these buildings". In the same report on page 204 it states that "these buildings generally have small front setbacks and associated landscaping. The buildings are typical of the type of low density residential development surrounding the site". On page 210 it further states that "rezoning those sites to B4 Mixed Use Development may further permit the redevelopment of the two isolated lots as a separate development which is not desirable. It is recommended that the planning proposal be amended to retain the zoning of 67, 69 & [71 Mary Street](#) as R2 Low Density Residential (to a point consistent with the alignment of Lot A DP331215 and B4 Mixed Use Development for the remaining rear portion of the lot)"

Further comments from the report state that:

- "Buildings A and B may appear bulky and overbearing when viewed from Edith Street" (page 214)
- Streetscape design control must "reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the characters of these areas" (page 232)

Each of these points highlight the requirement to maintain the existing character and design of the area – which the development does not. I propose that if these points are applicable to Mary St, then these sanctions should also be applied to Edith Street, which has similar small front setbacks, low density residential developments – and any changes to these developments will appear "bulky and overbearing".

Shadowing

On pages 66-81 of the Precinct 75 Design Report produced in September 2015 by tonkinzulaikhagreer architects it details the shadowing impact on [48 Edith Street](#). Between [10-11am](#) in mid-winter the side of the house would be in complete shadow. This is the part of the house where a habitable room (the livingroom) has a window. It is unclear from the report (which only has hourly snapshots) if this would facilitate the min 2hrs of direct sunlight between [9am – 3pm](#) over a minimum of 50% of the glazed surface, as required by section 2.7.5.1 of MDCP 2011.

On page 213 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states that although "the heights of the proposed buildings are contextually acceptable generally creating minimal impact" in the case of "buildings A&B their height is generating significant overshadowing of [48 Edith Street, St Peters](#). Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations". As mentioned above, the proposed changes would restrict the hours of direct sunlight on both

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the habitable room in the house currently receiving daylight on that side of the building – in addition to the private open space at the rear of the property.

Reduction in industrial space

The planning proposal is in conflict with Section 117 Direction 1.1 *Business and Industrial Zones* as it would lead to a reduction of potential floor space area used for industrial purposes at the site. The proposal does not provide sufficient justification of rezoning which would compromise the industrial potential of the land and its future development for this purpose. The extent of the inconsistency with Ministerial Direction 1.1 is severe and therefore the planning proposal should not be supported.

Furthermore, it is considered that development control measures are not appropriate or sufficient to safeguard industrial use of the site in the long term and prevent gradual marginalisation of light industrial uses within the intended mixed use zoning. Therefore, the planning proposal does not comply with Ministerial Direction 1.1 requiring protection of the development potential of industrial land.

Section 55 and 117 of the Environmental Planning and Assessment Act requires a proposal for re-zoning to comply with all ministerial directions. Direction 1.1 states:

1.1 Business and Industrial Zones

Objectives

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
 - (b) *protect employment land in business and industrial zones, and*
 - (c) support the viability of identified strategic centres.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
- (a) give effect to the objectives of this direction,
 - (b) retain the areas and locations of existing business and industrial zones,
 - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
 - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
 - (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

The proposal to remove the current industrial uses appears contrary to this direction as a whole and points 4 b, c and d in particular.

On page 237 of Item No IP0216 Item 4, the Planning Proposal for [73 Mary Street](#), 67/69/71 Mary Street, 50/52 Edith Street & [43 Roberts Street](#) (File Ref 14/5390/144029.15) it states the “planning proposal is inconsistent with the direction as it does reduce the total potential floor space area for industrial uses”

Can we quote any of the businesses that are closing???

Further Queries

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The planning proposal is contrary to the Marrickville Urban Strategy Action 1.4 *Select rezoning of industrial sites*. The strategy clearly states that the industrial site at Grove Street, St Peters is not suitable for a mixed use development. Based on the details of The Urban Strategy Map (4.8 of the document), it is asserted that the Grove Street site extends between Edith Street and Grove Street, and encompasses the land subject to this planning proposal. As such, the planning proposal contradicts the intent of the strategy to the extent of rezoning of this industrial land.

Insufficient information has been provided to demonstrate that the proposed maximum height of future development at the site will not have adverse impact on the aviation safety and aircraft movement associated with Sydney Airport.

The houses in the area were built in the 1800's – what precautions are being taken to ensure there is no health risk resulting from the presence of asbestos when they are demolished?

In closing, I hope my comments are considered in the upcoming proposal review. In general I feel that development will have a positive impact on the area and if handled correctly could be good for the community. However, if the points above are not addressed, it will not have the positive effect the development aims to deliver.

Submission 83

To whom it may concern

Re :Proposed rezoning and amendment to the Marrickville Local Environmental Plan 2007 concerning land at 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street, St Peters

I am writing this letter to detail the reasons I strongly protest and DO NOT SUPPORT the planning proposal request.

Please note the listed negative impacts this proposal will have on noise and contamination/pollution, traffic (both foot traffic and vehicle traffic), parking, and what I feel to be negative impacts it will have on the residing community and properties.

Also note that the time frame between receiving the council letter, dated 8 february, and the due date for submissions on 23 february, is only 15 days – and was in fact less than 2 weeks by the time we received it.

As the first of a 5 step process ending with the decision by the minister, this lack of notice (and for some residents of Edith street, NO notice) does not inspire any confidence that the rights and amenity enjoyed by the existing residents will be upheld or protected by the developer OR the Council, let alone the Minister.

I oppose the planning proposal for the following reasons:

Discrepancies and conflicts in the proposal

The potential intensity of residential development at the site is in conflict with the Marrickville Urban Strategy - Action 1.1 *Encourage urban renewal in and around centres*. The planning proposal materially undermines strategic policy to increase residential densities through redevelopment of land in and around identified centres. The subject site is outside of the designated centres of Sydenham and St Peters, and their respective 400-800 m radius. On this basis, the proposed rezoning would lead to a relatively high density residential development in an inappropriate location contrary to the provisions of the Urban Strategy.

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B4 Mixed Use Zone “does not permit new residential accommodation in a form other than ‘shop top housing’. For a development to be ‘shop top housing’, no residential accommodation is to be provided at ground floor level. Council notes that Buildings A and B are proposed to contain a mix of commercial and community uses at ground floor level for a portion of the building only, with residential accommodation proposed to be provided at ground floor level within these buildings. Consequently, those buildings would not fall under the definition of ‘shop top housing’ within the MLEP 2011”.

This is a direct contradiction to MLEP 2011.

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The proposal fails to demonstrate how the minimum solar access requirements will be met.

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Again, the proposal fails to demonstrate how the minimum solar access requirements will be met

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applicant considers aircraft noise and makes recommendations for residential properties, which include laminated glazing etc. However this does not protect or address the protection of outdoor spaces.

Furthermore, no thought has been given to the extra noise pollution that the high pedestrian traffic and Community events will have on the local residents, especially given that many of these homes were built in the 1800s and do not have adequate sound-proofing for the events this proposal will bring.

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The proposed intensity of the development, and in particular it's proposed maximum height of 29 metres, does not respond positively to the predominately low density and low rise residential properties defining the overall character of this locality. Even if the permitted maximum height within the site can be transitioned to minimise impacts on occupiers at the adjoining properties, any future multi-storey development of the land as intended would appear out of context with it's surroundings and would negatively affect the current amenity. On this basis, the proposed scale of the development, to be located adjacent to minor / residential roads, would be inconsistent with the well established residential nature of the neighbourhood.

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Further comments from the report state that:

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overshadowing of 48 Edith Street, St Peters. Additionally shadow impacts on Building B by Building A require clarification by depicting shadows on elevations". As mentioned above, the proposed changes would restrict the hours of direct sunlight on both the habitable room in the house currently receiving daylight on that side of the building – in addition to the private open space at the rear of the property.

Reduction in industrial space

The planning proposal is in conflict with Section 117 Direction 1.1 *Business and Industrial Zones* as it would lead to a reduction of potential floor space area used for industrial purposes at the site. The proposal does not provide sufficient justification of rezoning which would compromise the industrial potential of the land and its future development for this purpose. The extent of the inconsistency with Ministerial Direction 1.1 is severe and therefore the planning proposal should not be supported.

Furthermore, it is considered that development control measures are not appropriate or sufficient to safeguard industrial use of the site in the long term and prevent gradual marginalisation of light industrial uses within the intended mixed use zoning. Therefore, the planning proposal does not comply with Ministerial Direction 1.1 requiring protection of the development potential of industrial land.

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(2) This direction applies to all relevant planning authorities.

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On page 237 of Item No IP0216 Item 4, the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) it states the "planning proposal is inconsistent with the direction as it does reduce the total potential floor space area for industrial uses"

Further Queries

- The planning proposal is contrary to the Marrickville Urban Strategy Action 1.4 *Select rezoning of industrial sites*. The strategy clearly states that the industrial site at Grove Street, St Peters is not suitable for a mixed use development. Based on the details of The Urban Strategy Map (4.8 of the document), it is asserted that the Grove Street site extends between Edith Street and Grove Street, and encompasses the land subject to this planning proposal. As such, the planning proposal contradicts the intent of the strategy to the extent of rezoning of this industrial land.
- Insufficient information has been provided to demonstrate that the proposed maximum height of future development at the site will not have adverse impact on the aviation safety and aircraft movement associated with Sydney Airport.

- The houses in the area were built in the 1800's – what precautions are being taken to ensure there is no health risk resulting from the presence of asbestos when they are demolished?

Traffic

(the Planning Proposal for 73 Mary Street, 67/69/71 Mary Street, 50/52 Edith Street & 43 Roberts Street (File Ref 14/5390/144029.15) On page 217 of Item No IP0216 Item 4,)

The traffic study found that during the morning peak Edith Street will receive an additional 112vtp with an additional 35vtp during the afternoon peak.

There is already existing heavy traffic flow due to Edith Street being the only road within a wide radius that allows left turn-access onto the Princes Hwy during the morning peak period.

Already Edith street is at a major disadvantage over other nearby streets running between Unwins Bridge road and the PrinceH highway. Its is one of the narrowest streets in the vicinity and appears poorly maintained compared to many others. Most of the other streets are much wider, in better condition and certainly capable of carrying much more traffic far more easily. Yet despite this, the other streets do not allow 24/7 access to the highway.

Even if the rezoning and development were to not go ahead, I strongly suggest that ALL the other streets between Unwins Bridge road and the Highway be given 24/7 access to the highway to help 'spread the load' of an already over burdened street.

I have attached photos clearly showing Edith street in gridlock. Additional traffic pushes Edith Street over the 200-300 vpd capacity for local streets.

Parking

Re the proposed parking:

- *On page 213 it states that "Car parking has remained at approx. 400 spaces (approx. 200 per level), no strategy for reducing car use is evident"*
- *It further states on page 216 that "the 340 car spaces proposed represent a shortfall of 11 car spaces"*

And on page 217 it recommends:

- *"Time restrict kerb side parking in Edith Street within 20m of the Unwins Bridge Road intersection during the morning and afternoon peak periods*
- *Install 'No Stopping' 5m either side of Edith Street driveway*
- *Install 'No Stopping' along the site frontage for approximately 20m near the existing speed hump in Edith Street to provide passing opportunities for vehicles"*

Have the developers considered using a tape measure?

If you have no stopping for 20m from Unwins Bridge road, and then 20m (near) the speed bump, and 10m (5m before and 5m) after then a very large section of the street will no longer provide the desperately needed car spaces **currently being filled to capacity**. On the 'so far' problematic Saturday markets that have started with little community consultation, that parking and traffic situation has already achieved gridlock.

There is currently on Edith street, a new development of 4 apartments in the old warehouse opposite the carpark, that will add an additional 4-8 cars to the street. The developers of this were not permitted off street parking.

We need to add car parking options to the street, not blindly hit the delete button.

With a view to mimimizing the harm of this proposal to parking, i would suggest other alternatives:

- *"Time restrict kerb side parking in Edith Street within 10m of the Unwins Bridge Road intersection during the morning and afternoon peak periods (whilst 10m is not ideal it is already more parking restriction than this street could handle)*
- *Install 'No Stopping' 2m either side of Edith Street driveway and for 5m opposite*

(This is actually more suitable than a distance of 5m before and 5m after, in that the distance before and after is less important than having a wider zone for turning. By providing a (5m) no stopping zone opposite the driveway, and 2m before and 2m after, the end result is a better, easier to navigate turning area, whilst being a lesser reduction in existing resident parking)

- *Alternatively, install **45degree or 90degree** rear to curb parking, from 50 edith st to the existing factory building west of the driveway, with the only exception being the **No Stopping' 2m either side of Edith Street driveway.***

The space required to accomodate this to be gifted by the developers to the council, with the new footpath set back just inside what is currently the site fence. This would be seen as a goodwill gesture to offset the huge negative factors the proposal that would affect existing residents yet could easily be achieved by the developers with little changes required.

Discrepancies:

The recommendations conflict with page 214 of the same report which states "council should be considering timed/resident parking within 800m of all rail stations" (Edith Street is approx. 750m from Sydenham Station and approx. 1km from St Peters station)

Market traffic and parking

The market held on the 13/02/16 was unfortunately not the community success it could have been, for a number of reasons.

I did not receive notification that my street and environment would be **affected so negatively**.

All day the traffic on Edith street was totally unmanageable, with regular extended periods where no cars were able to move in any direction for periods of over 15 minutes. The street was at standsill on a regular basis and parking was totally full with many people parking illegally.



This is a duty of care responsibility in that emergency vehicles would not be able to attend residents or stall holders or visitors to the markets.

This is of particular concern and should be addressed before the next markets are held.

In an email sent to stall holders of the monthly markets, it stated that they were prohibited to park within the precinct. The email recommends they park in the neighbouring streets instead.

Was council fully aware of this? and if not, it is another issue to be addressed before the markets are next held.

If there is insufficient parking available for the handful of market stalls that exist today, how will 340 car spaces be suitable for 180 units, employees at the commercial units and visitors of the community events?

Faith in the developers ability to manage a project of this magnitude efficiently and ethically.

From simply a planning side, disregarding ethical issues, the increasingly early closure of gates has seen site tenants and customers increasingly having to park on Edith street because of the real concern they will be locked in in the evening. Both customers and tenants have had major issues accessing business during their trading hours, and there are accounts of people arguing with site security to be allowed to remove vehicles that have been locked inside the premises, to be told to contact head office and pay to arrange out of hours egress. This is poor practice seeing as existing businesses, (that never wanted nor intended to leave their tenancy until the new micro-managed rules of the new owners), have historically traded past the increasingly early gate closure times.

An example placing doubt in the ability to manage a project like this safely which, although mentioned elsewhere, is the case of the developers digging a 10m deep hole, with what appeared to be illegally close site fencing (within 50cm). It was done without any shoring up procedures and although the fill at this location has a known toxicity issue and is clearly stated as being not able to be disturbed without remedial action being undertaken, the same soil (which sat outside the site fencing, in an area where children could access and play upon it) this same fill, was simply dumped back into the hole with total disregard of apparent safety issues.

Site access before and during construction.

There is obviously no considered plan to manage site access and Occupation Health and Safety issues before, during and after the development undertaken.

How is the development team able to SAFELY AND EFFICIENTLY with MINIMAL IMPACT manage a project of this size, when last week, simply during the process of undertaking some minor external painting to the exterior of factory near Edith Street, to remove the cherry picker from site, the developers needed to close down a lane of traffic on Unwins Bridge Road.

This was undertaken without any police or council road closure permits.

Photo of cherrypicker obstructing southbound traffic on unwins bridge road.



Lack of ethics?

In addition to these later points I would firstly like to call out what appears to be the unethical way the whole situation has been handled. After speaking to neighbours and from my own experience it is evident that only select properties have been notified about these changes – and the entire one side of Edith Street did not receive any notification. All houses in the street – and the surrounding streets – will be impacted by these proposed changes and by

withholding this information you are limiting their opportunity to oppose the development which is ethically incorrect.

All of the business that have newly opened in the site, including a bakery that I was informed operated without approval as a cafe, a brewery, a cafe, a winery and even an axe throwing business, all opened and began trading with little notification prior.

I can only be thankful that the axe throwing business's application for an alcohol licence was denied.

Considering how strongly affected by these changes of use I am, due to my extreme proximity to the site, I should have been more fully informed each step of the way.

From a personal perspective, i would have thought that an ethical business model, may have included, right from the very start, some form of communication, or introduction from the developers.

As our house would be extremely adversely affected by shadowing, privacy with views into our bedroom areas, noise, parking, traffic, health and safety and construction issues and its associated problems, it is frankly disgusting that there has never been a single effort of communication made by the developers.

Also there is anecdotal evidence that the new owners of the property were ruthless in how they treated tenants who existed at time of purchase, and most of the original tenants have now gone. This included, I believe, massive increases in rent to people whose leases had expired, and causing businesses to involve lawyers and large legal fees to dispute 'business inhibiting new rules' that appear to an outsider have been introduced merely to make the business owner break their lease to escape further victimisation.

Some of that may be hearsay that can be taken with a grain of salt but all of it, the sheer amount of it including the aforementioned 'banning stall holders from onsite parking' does not inspire confidence in the conduct of business in an ethical manner.

Suggested expanded site change proposal

As the current proposal is not beneficial for a multitude of reasons, with a major one being traffic management, I feel the whole proposal should be delayed until the developers have obtained 2 adjacent properties facing onto Unwins bridge road. In addition to the entry from edith st, and the exit onto Mary street, a pedestrian and two way vehicular access to Unwins Bridge road should be proposed.

If this 2 way access were to be left turn only from Unwins Bridge road south bound into the driveway and left turn only from the driveway onto unwins bridge road, south bound it would

have little negative impact onto unwins traffic and significant positive improvements to edith and roberts street.

I cannot stress how vital this is, as with the construction of the West Connex, we will be heavily impacted by works on the St Peters Interchange, and Campbell Streets, making the immediate vicinity an unmitigated traffic and parking disaster for existing residents.

In closing, I hope my comments are considered in the upcoming proposal review. In general I feel that development, if managed much better than this current proposal, may have a positive impact on the area, and if handled correctly could be good for the community. However, if the points above are not addressed, it will not have the positive effect the development should aim to deliver. I am more than happy to answer any questions you may have, my contact details are given below

Submission 84

I wish to express my concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. My objection is based on environmental concerns, amenity issues and traffic congestion.

As Council is aware, the site was once a **LEAD** paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected.

The surrounding areas are all zoned low density residential R2. The existing buildings on site have obviously been there for some time but the proposal to demolish a number of these and replace with apartments of up to 8 storeys in height is not in keeping with the adjacent zoning and character of the area. There will be particular impact on the existing 1 and 2 storey low density residential properties along the north side of Edith St facing the proposed development.

If the site is rezoned, it should not exceed low density residential (i.e. R2). Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. We also note from the traffic report that:

1. On-site car parking for residential tenants and disabled tenants complies with Council's DCP requirement. **The numeric shortfall of parking can be adequately accommodated by the provision of GoGet car share vehicles.**

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2. On-site car parking for non-commercial uses complies with Council's DCP requirements, **however a degree of dual use parking between residential visitors and commercial office can be established and detailed at D.A stage.**

My concern is that the development appears not to be providing adequate car parking and is relying on other measures such as car share and dual use parking to address these shortfalls. It is not clear that these measures will in fact be adopted by the developers nor that they will be effective in addressing the shortfall in parking numbers. The proposal also proposes removal/restriction of existing on street parking along Edith St.

In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

Submission 85

RE: Proposal to rezone land in Mary, Edith and Roberts Streets, St Peters

We wish to express our concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. Our objection is based on environmental concerns, traffic congestion in the 2044 area and the impact this has on local amenity.

As Council is aware, the site was once a **LEAD** paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected.

Secondly, if the site is rezoned, it should not exceed low density residential (i.e. R2). This is in keeping with the current neighbourhood and previous land rezoning in the immediate vicinity, for example, the rezoning of former factories at 14 Mary Street and 63 Grove Street.

If the site is rezoned to B4 mixed uses and RE1 public recreation, building heights should be limited to a maximum height of 23 metres (S) for building C and a maximum height of 14 metres (N) for building A and building B. The FSR for the site should be limited to 1.60:1 (S2).

Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, and frequent accidents at the intersection of Unwins Bridge Road and Edith Street. Traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

As Council is aware, traffic on Mary Street is currently well in excess of limits, therefore **any** additional burden should not be viewed favourably. Edith Street is a very narrow two-way street and struggles with the current volume of traffic as two cars travelling in opposite directions cannot pass, it is simply unable to cope with an additional pressure. There appears to only be plans for resident parking, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site, where will those cars go?

As well as increasing the demand for on-street parking, to cater for the additional traffic flow to Edith Street the proposal recommends removal of on-street parking and limiting the availability of on-street parking during clearway times. This will exacerbate the existing problem, reduce local amenity and indicates that the proposed rezoning isn't sustainable in terms of traffic congestion and on-street parking.

Finally, I would like to remind Marrickville Council of their support for the Millers Point community and suggest that, if at all possible, they may demonstrate this support by mandating affordable housing options in rezoned industrial sites within the Local Government Area. This would help ensure the interesting and diverse character of the Marrickville Local Government area remains.

Submission 92

My wife and I are totally opposed to this development! The property runs between Silver St and Edith St. We have rear access to the back of the property from Edith St and we park our car in the rear of the property. The rear of our property is Edith St, which along with 52 Edith St are supposed to be sadly demolished and high rise buildings built.

- **High Rise Buildings:** We are opposed to high rise buildings near to our house because we know that come the afternoon, the sun will disappear behind the proposed buildings and our back garden will be in shade. We both love spending time in our sun filled garden. We previously lived near a 5 storey building and after we moved in, we discovered that we lost the afternoon sun because of this building. For the 5 years we lived there we hated it! In the Planning Proposal, Andrew Darroch, the Consultant Planner, states that the height limit "is not likely to rise to any particular environmental impact". Well, it will have an environmental impact on us, as we will be sun deprived. We both have jobs where we spend most of our day indoors, so the back garden as a much needed source of vitamin D, is very important to us. We also have many sun loving plants plus grow tomatoes and other vegetables in the back yard and without the sun doubt they will thrive (as we previously experienced when living in the shadow of a 5 storey building).
- **Traffic:** In the mornings when I try to drive out of our driveway (generally between 8.30 - 8.45am), it can be very difficult to get out because of a stream of 'cut through rats' using Edith St, as a cut through to Princes Highway. For some time I've been thinking to request that council put up a sign stating, 'No left turn onto Princes Highway before 10am' as there are on other streets. I drive down Edith St to Unwins Bridge Road and nearly every day I have problems with people turning into Edith St causing road blockage. The streets around here are just not wide enough to cater for a proposal of this size.
- **Parking:** As a resident I can inform you that parking is already difficult on Edith St. There are times when I just want to park on Edith St and not put the car away, but it's often very difficult to find a park near our house, so I have to end up opening the gates and parking the car on property for a short time. The proposal for only 190 resident's parking spaces for 180 dwellings (a substantial amount of 2 and 3 bedroom units that could easily have 2 cars), is preposterous! With the amount of increased traffic and visitors I can foresee a parking nightmare. We are lucky that we also have the option of parking on Silver St is but that is fast becoming a parking problem. With the development of an ugly 2 storey modern residence at 68 and 68A Silver St (that is totally out of character with the rest of the houses and is frankly an eyesore), these people have added 3 cars to on street parking on Silver St. In their original development plan there were 2 ground floor level garages for parking, so we were happy with that (and didn't oppose it), but after the building was completed these did not eventuate and they are a living area. We've seen

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from this that once an application to build has been approved it's very easy to change the plans and we are very concerned that something like this may happen with the Precinct 75 proposal. Whenever a market has been held at Precinct 75, there have been increased parking problems. We frequently go to Marrickville Market on a Sunday and know how difficult it can be to find a street park any near the market or get a park in the car park. And the Precinct 75 proposal doesn't have anywhere near the off street parking capacity that Marrickville Market does.

- **Other factors:** We are against any attractive old buildings being demolished, especially 52 Edith St. We feel it ruins the beautiful heritage nature that attracted us to live in the area, especially when an ugly high rise is built e.g. the 2 ugly new high rises on Hutchison St, St Peters. The extra amount of people and traffic in the area will also detract from it's quiet and peaceful nature. We request that council out rightly reject this proposal. We also know that some of our very elderly neighbours, who have lived in the area for many years, are very upset and totally opposed to this development but they don't use computers or are not up to submitting a submission. Please don't give into a development purely driven by property developer greed. A phenomenon that is being witnessed far too often in Sydney these days!

Submission 106

Our objections to the new proposal is as follows:

- 1. Street frontage and scale; We object to 6 stories and/ height of 17m high proposed to Building A due to bulk and scale not in keeping with residential streetscape. We object to 8 stories and/ height of 26m height within the development. Survey of properties surrounding site not correct- page 45 of the planning proposal document states the north side of Edith street across from the proposed development site is "predominantly residential interspersed with former small scale warehouse uses". This is incorrect, the whole area is low rise residential with any small scale warehouse spaces having already been converted to residences, with heights of one to two storey and one of 3 storey, with the third storey set back from the street. Directly across from these 1,2 and 3 storey residences it is proposed to construct Building A, up to 6 storeys facing directly on Edith Street, with no gradual build up of heights, or consideration for surrounding properties, totally overpowering and dominating the area to the detriment of these surrounding residences. Nowhere in the vicinity is there residential of more than 3 storeys. A 6 storey block of units is also not in keeping with the streetscape or neighbourhood on Edith Street. The proposal of up to 8 storeys and up to 26m height within the development parcel is not in keeping with the residential neighbourhood and streets that bound the property. A maximum 3 storey 9.5m limit should be set on Building A zone.
- 2. Traffic and parking congestion: We object to the volume of residences and no consideration for adequate parking for retail/commercial tenancies and visitors, especially on proposed market days. With the sale and the subsequent revised marketing and new tenancies of some of the premises of the current site there has been a large increase in the number of vehicle movements of both workers and visitors to site, and combined with the new monthly markets the traffic and parking situation has become untenable. Under this new proposal, with the construction of 180 new residential units and the commercial tenancies continuing on site, (with no allowance for parking for these tenancies, with their current carpark taken up by the residential development) and an even increased effort to attract visitors to site due to the new "commercial space, a neighbourhood centre, public area enhancements" this only exacerbates the issues of traffic congestion and parking issues for surrounding streets and residents. With regards to the proposed car parks for 340 vehicles with its entrance on Edith street and exit on Mary street, Edith street is a quiet side street that cannot accommodate those extra car movements, and

Mary street is already at capacity with its feeder off Canal road. There is also no consistency between the plans and traffic report and guidelines from council with entry and exit points. With the proposal for these 180 units, this will lead to an increase in heavy vehicle movements around the area, both during construction, and after to service waste collection and deliveries for the large residential component, as well as any increased commercial uses at the site. Therefore we object to the volume of residences and tenancies proposed. We also object to the insufficient parking on premise. We would also like the developer to upgrade both Edith and Mary Street roads prior to completion to mitigate the degradation of the roads.

- 3. Amenities and green space for the neighbourhood: We would like to know how the developer would be contributing to the local schools to enable the existing local residents, as well as the possible purchasers of any development, ability to access schools in the area. What is the capacity of the current public child care, primary and secondary schools in the area? Green space should be provided to Edith Street frontage to soften the hardscape of the development, and provide appropriate setback.
- 4. Noise pollution: I would also be very concerned by the possibility of impacts from plane noise impacting on tall buildings. There would be a possibility of the substantial plane noise present to be exacerbated by tall buildings facing each other and the reverberation of this noise between these buildings, especially with buildings of up to 26 metres being constructed.

Submission 115

My husband and I are totally opposed to this development! The property runs between Silver St and Edith St. We have rear access to the back of the property from Edith St and we park our car in the rear of the property. The rear of our property is Edith St which, along with 52 Edith St, is supposed to be regrettably demolished and high rise buildings built which will tower over the area and be completely incongruous with the surroundings.

I suspect the owner is hoping we are all to be distracted with WestCONnex to put up a fight about another attempt to destroy the neighbourhood with his idealised 'vision' of what the reality will be like for those living next to proposed monstrosity. Boy is he wrong.

High Rise Buildings: We are opposed to high rise buildings near to our house because we know that come the afternoon, the sun will disappear behind the proposed buildings and our back garden will be in shade. We both love spending time in our sun-filled garden. We previously lived near a 5 storey building and after we moved in, we discovered that we lost the afternoon sun because of this building. For the 5 years we lived there we hated it! In the Planning Proposal, Andrew Darroch, the Consultant Planner, states that the height limit "is not likely to rise to any particular environmental impact". Well, it will have an environmental impact on us, as we will be sun deprived. We both have jobs where we spend most of our day indoors, so the back garden - as a much-needed source of vitamin D - is very important to us. We also have many sun loving plants plus grow tomatoes and other vegetables in the back yard and without the sun we doubt they will thrive (as we previously experienced when living in the shadow of a 5 storey building).

Traffic: In the mornings when my husband tries to drive out of our driveway (generally between 8.30 - 8.45am), it can be very difficult to get out because of a stream of 'cut through rats' using Edith St, as a cut through to Princes Highway. For some time we've been thinking to request that council put up a sign stating, 'No left turn onto Princes Highway before 10am' as there are on other streets. He drive down Edith St to Unwins Bridge Road and nearly every day had problems with people turning into Edith St causing road blockage. The streets around here are just not wide enough to cater for a proposal of this size. Parking: As a resident I can inform you that parking is already difficult on Edith St. There are times when we just want to park on Edith St and not put the car away, but it's often very difficult to find a park near our house, so we have to end up opening the gates and parking the car on property for a short time. The proposal for only

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190 residents parking spaces for 180 dwellings (a substantial amount of 2 and 3 bedroom units that could easily have 2 cars), is preposterous! With the amount of increased traffic and visitors I can foresee a parking nightmare. We are lucky that we also have the option of parking on Silver St but that is fast becoming a parking problem. With the development of an ugly 2 storey modern residence at 68 and 68A Silver St (that is totally out of character with the rest of the houses and is frankly an eyesore), these people have added 3 cars to on street parking on Silver St. In their original development plan there were 2 ground floor level garages for parking, so we were happy with that (and didn't oppose it), but after the building was completed these did not eventuate and there are living areas in place of much-needed car parking. We've seen from this that once an application to build has been approved it's very easy to change the plans and we are very concerned that something like this may happen with the Precinct 75 proposal. Whenever a market has been held at Precinct 75, there have been increased parking problems. We frequently go to Marrickville Market on a Sunday and know how difficult it can be to find a street park any near the market or get a park in the car park. And the Precinct 75 proposal doesn't have anywhere near the off street parking capacity that Marrickville Market does. Currently no one seems to park in the existing on-site car parking when a market is held - they use the street instead, depriving residents of the already limited parking opportunities. If this building were to be constructed the effect on the local roads during construction would be a complete nightmare - tradies will be parking in every available spot nearby and roads would be blocked with deliveries. It was bad enough when the monstrosities known as 68 and 68A Silver Street were being build - at least five parking spaces were taken up and we couldn't park outside our own house. If WestCONnex goes ahead can you imagine the impact when the idiots behind that white elephant in the making are threatening to seize residential parking for their workmen? Utterly unacceptable.

Other factors: We are against any attractive old buildings being demolished, especially 52 Edith St. We feel it ruins the beautiful heritage ambience that attracted us to live in the area, especially when an ugly high rise is built e.g. the 2 ugly new high rises on Hutchison St, St Peters. The extra amount of people and traffic in the area will also detract from its quiet and peaceful nature. What about the lead that is known to be lurking somewhere under the site? Given the slapdash, cavalier manner in which asbestos is being removed from the former dial-a-dump landfill site for WestCONnex I hold little hope removal of this lead would be adequately monitored or policed. That's a major health concern so close to a school.... We find the artist impressions of how the area will look risible and are not fooled by the happy floating community pictures on iota - one only has to look at the Rinalto building on Hutchinson Street and wonder where on earth all the trees are that are depicted as surrounding the building, particularly on the side that connects with the footpath.... We request that council outright reject this proposal. We also know that some of our very elderly neighbours, who have lived in the area for many years, are very upset and totally opposed to this development but they don't use computers or are not up to submitting a submission. Please don't give into a development purely driven by property developer greed - a phenomenon that is being witnessed far too often in Sydney these days, with whole neighbourhoods being ruined by towering blocks casting shade onto what used to be a pleasant, sunny neighbourhood! Don't let our areas be decimated.... We implore you to stand up to these developers who are trying to take away the very things that make the Inner West so pleasant to live in.

Submission 121**RE: Proposal to rezone land in Mary, Edith and Roberts Streets, St Peters**

We write to express our concern and objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. The objection is based on contamination and environmental concerns, infrastructure and traffic congestion in the 2044 area, the conflict of the proposal with the NSW Government's Sydenham to Bankstown Renewal Corridor strategy, and the negative impact a development of the inappropriate scale proposed would have on local amenity.

Contamination and environmental concerns

As Council is aware, the site is well known as having as its principal historical use the production of lead-based paints. The documentation now coming forward makes clear the factory was involved in the manufacturing and deposit of numerous other toxic substances. The site was a heavy industrial production facility for paint and chemicals over a long period of very limited environmental regulation, producing, storing and distributing seriously carcinogenic and biohazardous materials including heavy metals, petrochemicals, DDT, etc.

In spite of the site's known history, the site was never referred by Council for inclusion in the Register of Contaminated Land, and appears never to have been substantively assessed for contamination, despite the legal responsibilities of the landowners and of Council. This site does not carry a trivial history of contamination. The historical uses of the site are consistent with the land uses of the most contaminated sites in NSW.

The landowner's own environmental consultants have been sufficiently prudent as to avoid claiming that the land is suitable for alternate use. Council's evaluation appropriately identifies serious concerns in respect of contamination (page 218). Even from the very limited site investigation information supplied by the landowner, as Council's officers have stated,

- the site contains significant contamination in soil samples, and in groundwater
- the site is known to have underground storage tanks, and it is unknown the amount or precise locations of the underground storage tanks, what they were used to store, or if these have been satisfactorily decommissioned
- a comprehensive investigation was not conducted, therefore the full extent and nature of contamination has not been determined.

Information about the fire in 1950 which severely damaged the factory as at that time is readily publicly available¹. I understand from review of relevant Council records that following the 1950 fire, the worst of the contamination at the site was buried into two deep wells at the site, and concrete-capped. One of the

¹ <http://trove.nla.gov.au/newspaper/article/57085007>

Proposal to rezone land in St Peters

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capped 1950 contamination wells appears to be at the rear of the yard of what is now the residential property 71 Mary St St Peters, where a large and very thick concrete cap may be seen in the yard. The other contamination well is elsewhere on the factory site.

Neither of these seriously contaminated sites has been identified or assessed in the 'detailed site assessment' that is provided with the planning proposal.

The proponent's report does identify

- that the site is associated with DDT production in addition to lead-based paint production
- that the site is contaminated with lead, other heavy metals and petrochemicals
- that the site's known contamination hotspots were not assessed
- that the site has not been substantively tested for heavy metals and petrochemical contamination
- that the site has not been tested for expected DDT contamination
- that the site has two remaining very large underground storage tanks remaining from the time of industrial operation, the locations and contents of which are not disclosed, and for which test results are not disclosed
- that the landowner's own environmental consultant was not provided access to parts of the site necessary to complete a substantive assessment
- that the landowner's own environmental consultant has not determined that the site is suitable for alternate land use.

The planning proposal should not be considered without a full and independent environmental assessment, sufficient to satisfy the *Contaminated Land Management Act 1997* and the NSW Environmental Protection Authority. The full substantive assessment, and associated remediation plan, must then be made available to the public with sufficient time for further expert review and comment.

Council has a duty of care to residents and should ensure that the health and safety of the community are protected. Council has already failed in its responsibility to refer the currently available contamination information under the *Contaminated Land Management Act 1997*. Despite the provision of a 'detailed site investigation' report among the documents provided to the community, the extent of lead, mercury, DDT and other carcinogenic and biohazardous contamination at the site has not been effectively assessed.

Until a substantive, thorough and credible contamination assessment is conducted, no prudent assessment of the site's potential suitability for alternate land use can be made.

Infrastructure and traffic congestion in the 2044 area

As noted above, there is sufficient information about carcinogenic and biohazardous contamination at the site, currently unquantified, that suitability for alternate land use cannot be determined. Assuming that a program of remediation of contamination at the site is feasible, and alternate land use may be considered, the proposed Mixed Use zoning and scale of development proposed are not appropriate.

If the site were to be rezoned to allow parts of the site to transition to residential use, scale and density cannot not exceed low density residential (i.e. R2). This is in keeping with the current neighbourhood and previous land rezoning in the immediate vicinity, for example, the rezoning of former factories at 14 Mary Street and 63 Grove Street.

Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, traffic volume and management of this road is a serious concern to residents. Unwins Bridge Road is

routinely in gridlock in afternoons, from the Campbell St / Unwins Bridge Road intersection all the way to Tempe Station.

In addition, as is well known to Council, traffic congestion on Unwins Bridge Road will be multiplied many times over by WestConnex, when three lanes of motorway traffic are presented at the Campbell St / Unwins Bridge Road intersection some 400 metres from the site. RMS will need to expedite the transit of traffic on Unwins Bridge Road to clear the Westconnex tunnel exits, and therefore egress from all streets in the precinct will become problematic. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council cannot consider rezoning that exceeds low density residential (R2).

As Council is aware, traffic on Mary Street is currently well in excess of limits, therefore any additional burden should not be viewed favourably. Edith Street is a very narrow two-way street and struggles with the current volume of traffic as two cars travelling in opposite directions cannot pass, it is simply unable to cope with an additional pressure. There appears to only be plans for resident parking for the proposed development, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site. When Westconnex commences operation, Unwins Bridge Road will be a Clearway, without capacity for parking. All the residential street surrounding the precinct will have to sustain parking for the disenfranchised residents of houses on Unwins Bridge Rd. These street are beyond parking capacity, with proposals already with Council for resident-only parking schemes.

Where will the development's residents park when they become aware it will take 15 mins to exit their own facility onto Unwins Bridge Road? Where will those cars proposed for the Mixed Use commercial operations go? There is nowhere for them to go. Nowhere on site, nowhere in surrounding streets, nowhere on Unwins Bridge Road. The proposal is infeasible, because the scale of the proposed development cannot be supported by the infrastructure, meaning the proposed change in land use and associated development is absolutely inappropriate for the location.

Conflict of the proposal with the NSW Government's Sydenham to Bankstown Renewal Corridor strategy

Council will be well aware that the NSW Government is completing a process to determine suitable land uses, including appropriate densities of residential development, in the Sydenham to Bankstown Renewal Corridor. The process takes a range of authoritative and independent evidentiary sources into consideration in looking at opportunities for more homes, jobs, better public spaces, shops and cafes that are within walking distance of the eleven train stations between Sydenham and Bankstown.

The Department of Planning's Land Use and Infrastructure Analysis for the Sydenham precinct² recommends

- increased presence of creative industries; currently sustained by the Light Industrial zoning of the site, but which would be priced out upon a transition to Mixed Use zoning by retail and other commercial land uses
- continuing to limit standard housing development in the Sydenham enterprise area
- retention of the 73 Mary St site as an Industrial Area
- limiting residential development of St Peters between Railway Rd and Campbell St to single dwelling areas.

The initial thinking of the Sydenham to Bankstown strategy was to allow residential development up to 4 stories for all areas within 800 metres of stations, including Sydenham station. In many areas, where the infrastructure is adequate to that scale of development, development to that scale is recommended by the strategy.

Development to that scale and density is specifically not recommended for St Peters, or for the 73 Mary St site, in recognition of the infrastructure constraints which apply. The traffic gridlock in the area which will present when WestConnex commences operation, and three lanes of motorway traffic are presented at the Campbell St / Unwins Bridge Road intersection some 400 metres from the site, make high-density development infeasible.

As detailed in DPE's Sydenham Land Use and Infrastructure Plan, given the infrastructure constraints, residential development between Railway Rd and Campbell Streets must be limited to single dwelling areas. In this context, Council cannot consider rezoning for the site that exceeds low density residential (R2). R2 scale development would greatly moderate the site's impact on surrounding infrastructure, and on neighbourhood amenity. The approach would also allow preservation of the light industrial zoning of historic factory buildings, and thereby to preserve the employment and other benefits generated by creative industries.

Negative impact on local amenity

As detailed above, the site currently presents unquantified and un-assessed serious contamination risks. The site should have been referred by Council to the Environment Protection Authority, and remediation actions carried forward, long before today. Nothing negatively affects local amenity like the illnesses consequent to carcinogenic and biohazardous contamination. The site must be urgently independently assessed, and remediated as directed by the EPA.

Assuming alternate land use is feasible following remediation – and there is currently no evidentiary basis to think so - development of the site to the density and scale proposed is infeasible, with impoverished amenity outcomes for the existing community, and for the new residents of the site. The surrounding infrastructure is inadequate to the scale of development proposed.

Reasonable amenity and economic outcomes may be achieved by a redevelopment of the site which is appropriately scaled, in accordance with Sydenham Land Use and Infrastructure Plan.

It also worth noting that proposal documentation currently very falsely represents the state of park and green space values as current today, and as would be delivered by the development. Council has established and maintain a "pocket park" between Mary and Roberts Streets approx 30 metres from the development. The planning proposal pretends this existing Council park does not exist, and that a duplication of this pocket park presents a benefit currently unavailable.

In fact, establishment of the proposed additional "pocket park", a park of 1 metre deep soil above a carpark, would greatly negatively affect neighbourhood amenity. Excavation for the carpark beneath would require the killing by root excavation of approximately 500 years of mature tree growth in the yards of adjoining residential properties at 59, 67, 69 and 71 Mary Streets. These properties sustain a significant community resource of mature trees, which in turn sustain population of local and migratory native birds and other wildlife.

The planning proposal documents falsely represents that these mature, 30 metre high trees are not currently there; that there are not negative outcomes by excavating their root systems; that losing communities of native birds is a benefit; and inaccurately represents that killing these mature and protected trees and replacing them with a 1 metre skin of soil in a pocket park (which duplicates an existing pocket park 30 metres away) is somehow a neighbourhood amenity improvement.

It is very disappointing that Council's evaluation of the proposal does not identify these green space and wildlife issues, which would also greatly negatively effect neighbourhood amenity.

A collaborative process to refresh and redevelop the site

Council is may be correct in thinking that the site presents some opportunity for renewal.

Once the site's suitability for alternate land use, after remediation, has been confirmed, a variety of land uses may be considered.

It would be of benefit to everyone – Council, existing residents, and the site's owners – for a properly mediated process to be convened by Council, with independent experts, to explore options for to consider alternate uses of the site which are feasible, consistent with the NSW Government's strategy, and which sustain community amenity.

Submission 123

We wish to express our objection to the proposed rezoning of 67 and 73 Mary Street, 50 and 52 Edith Street and 42 Roberts Street, St Peters. Our objection is based on environmental concerns, traffic congestion in the 2044 area and the impact this has on local amenity.

As Council is aware, the site was once a lead paint factory and involved in the manufacturing and deposit of numerous other toxic substances. Therefore proposal should not be considered without a full and independent environmental assessment, made fully available to the public with sufficient time for further expert review and comment. It is very concerning for local residents that such a site be disturbed. Council has a duty of care to residents and should ensure that the health and safety of the community are protected.

Secondly, if the site is rezoned, it should not exceed low density residential (i.e. R2). This is in keeping with the current neighbourhood and previous land rezoning in the immediate vicinity, for example, the rezoning of former factories at 14 Mary Street and 63 Grove Street.

If the site is rezoned to B4 mixed uses and RE1 public recreation, building heights should be limited to a maximum height of 23 metres (S) for building C and a maximum height of 14 metres (N) for building A and building B. The FSR for the site should be limited to 1.60:1 (S2).

Unwins Bridge Road has a traffic volume exceeding capacity and regularly prone to grid-lock. There have been two fatalities in an approximately one kilometre strip of Unwins Bridge Road in the past 18 months, and frequent accidents at the intersection of Unwins Bridge Road and Edith Street. Traffic volume and management of this road is a serious concern to residents. In addition, traffic congestion on Unwins Bridge Road will be compounded by the proposed WestConnex. Council should be exploring ways to reduce traffic volume onto Unwins Bridge Road not increasing it. Any increase in vehicle numbers on Unwins Bridge will

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Attachment 2: Submissions received in relation to consultation process of proposed planning amendments to land in Mary, Edith and Roberts Streets, St Peters

impact amenity for all Marrickville Local Government Area and especially for the 2044 postcode. In light of these significant issues, Council should not be considering rezoning that exceeds low density residential (R2).

As Council is aware, traffic on Mary Street is currently well in excess of limits, therefore **any** additional burden should not be viewed favourably. Edith Street is a very narrow two-way street and struggles with the current volume of traffic as two cars travelling in opposite directions cannot pass, it is simply unable to cope with an additional pressure. There appears to only be plans for resident parking, with no clear outline (or possibility) of parking options for all the patrons and visitors to the retail and entertainment outlets for the site, where will those cars go? Moreover, in recent months the traffic passing down Edith street during morning peak hour has increased substantially, with the majority of the cars seen to be taking a short cut to the Princes Highway. Already the burden on this street is too much to bear.

As well as increasing the demand for on-street parking, to cater for the additional traffic flow to Edith Street the proposal recommends removal of on-street parking and limiting the availability of on-street parking during clearway times. This will exacerbate the existing problem, reduce local amenity and indicates that the proposed rezoning isn't sustainable in terms of traffic congestion and on-street parking.

Finally, I would like to remind Marrickville Council of their support for the Millers Point community and suggest that, if at all possible, they may demonstrate this support by mandating affordable housing options in rezoned industrial sites within the Local Government Area. This would help ensure the interesting and diverse character of the Marrickville Local Government area remains.

Also, I am aware that this notice comes one week after the cut-off date but I am hoping you can make an exception in this instance.

9.31.5 Site-specific planning controls

9.31.5.1 73 Mary Street, 50 Edith Street, 52 Edith Street, 43 Roberts Street and rear of properties 67-71 Mary Street, St Peters

Objectives

- O1** To provide for the redevelopment of the site into a mixed use precinct incorporating commercial, community and residential uses.
- O2** To ensure that the precinct provides an appropriate mix of land uses by limiting the amount of residential development permitted to a maximum of 50% of the total floor area.
- O3** To retain and adaptively re-use select existing buildings to reflect the industrial heritage and character of the site.
- O4** To ensure that new buildings are of exceptional design quality.
- O5** To ensure that new residential development provides good amenity for residents and does not adversely impact on existing surrounding development.
- O6** To ensure that the site is remediated to an acceptable standard to accommodate residential development.
- O7** To increase the amount of landscaping and greenery across the site, including deep soil plantings, green roofs and walls and open space areas.
- O8** To improve permeability through the site to benefit the wider area.
- O9** To provide safe pedestrian and cyclist access through the site to improve local connectivity.
- O10** To provide an accessible space for community purposes.
- O11** To accommodate a range of building heights across the site up to 29 metres.

Controls

- C1** Building heights:
Future building heights must:
 - i. Provide lower transitional heights (for Building A and B) to the eastern boundary interface with 48 Edith Street and 41 Roberts Street;
 - ii. Respect the low density residential character of the properties 67, 69 & 71 Mary Street;
 - iii. Minimise overshadowing of open space areas and buildings on the site and adjacent sites;
 - iv. Minimise the impacts of taller development to the surrounding residential street; and
 - v. Building heights must generally be a maximum of:
 - a. Building A: 17m (5 storeys)
 - b. Building B: 17m (5 storeys)
 - c. Building C: 29m (8 storeys)
 - d. Building 1: 29m (7 storeys)
 - e. Building 2: 17m (5 storeys)

- f. Building 6: 17m (4 storeys)
- g. Building 7: 17m (5 storeys)
- h. Building 8: 17m (5 storeys)

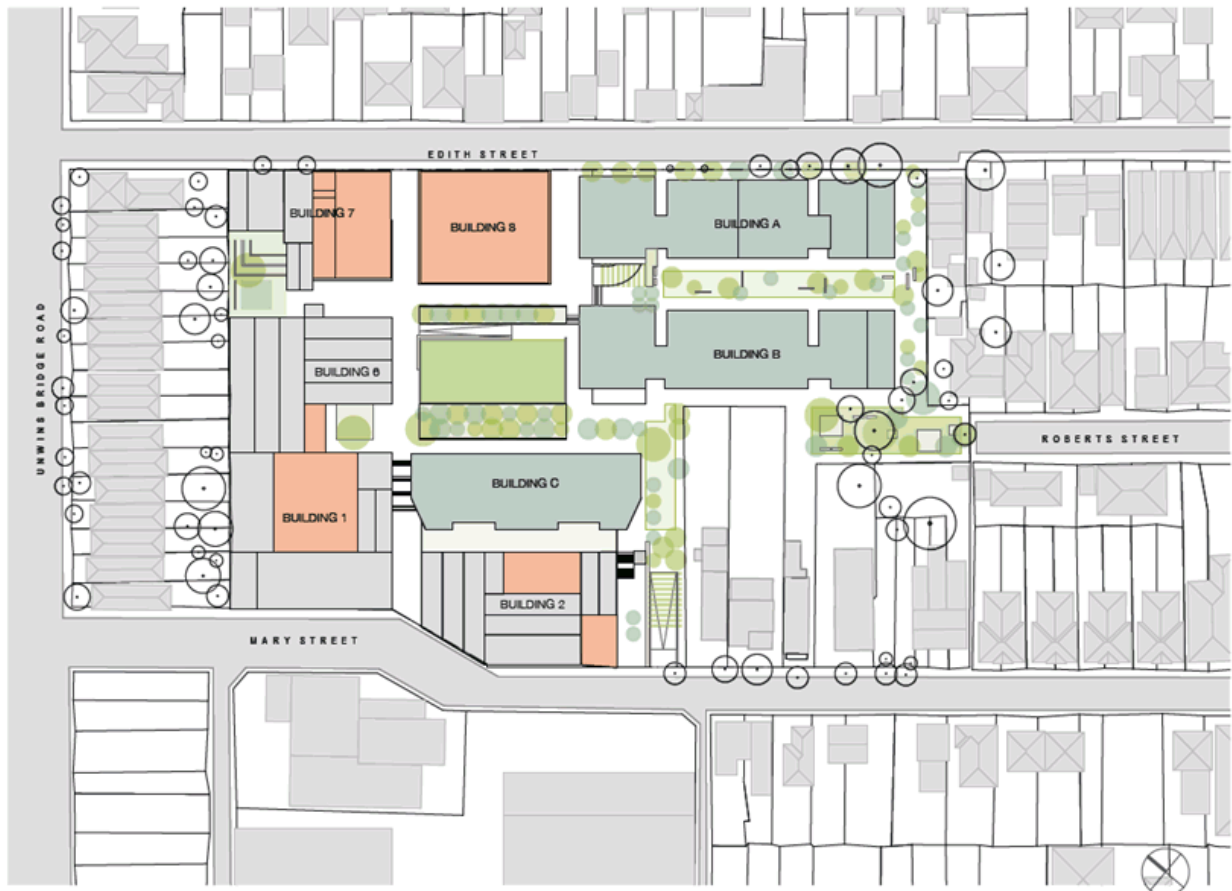


Figure 1: Building identification and locations

C2 Site design must:

- i. Ensure buildings along Edith Street respect their interface with low density residential development;
- ii. Ensure Building A and Building B are setback adequately to respect their interface with 48 Edith Street and 41 Roberts Street;
- iii. Ensure that adequate separation is provided between Building A and Building B to avoid excessive overshadowing and to provide adequate amenity to residents;
- iv. Provide articulation of Building A and Building B to reduce their visual bulk and retain a fine grained feel of the precinct;
- v. Provide significant greening of the subject site through the use of landscaping as well as greening of buildings such as green roofs and/or walls;
- vi. Use the design of new building facades to reflect the use, orientation, prominence and context of the frontage;
- vii. Make all entries clearly visible, safe and accessible;
- viii. Where buildings are additions to retained structure, have a complementary scale and facade sensitive to the retained building;
- ix. Use setbacks to promote appropriate building mass and provide adequate amenity and privacy to all uses on site;

- x. Ensure that the central public open space lawn area and the Roberts Street 'pocket park' receives adequate solar access.
- xi. Accommodate pedestrian and cyclist access off Roberts Street into the subject site, with through links into both Mary Street and Edith Street.
- xii. Where possible accommodate local artists in any works commissioned for the site.

C3 Land use:

A maximum of 50% of the total gross floor area is to be used for residential purposes to ensure a mix of uses on the site is provided.

C4 Heritage:

Buildings to be retained and buildings to be demolished (either in part or entirely) are shown on the following image:

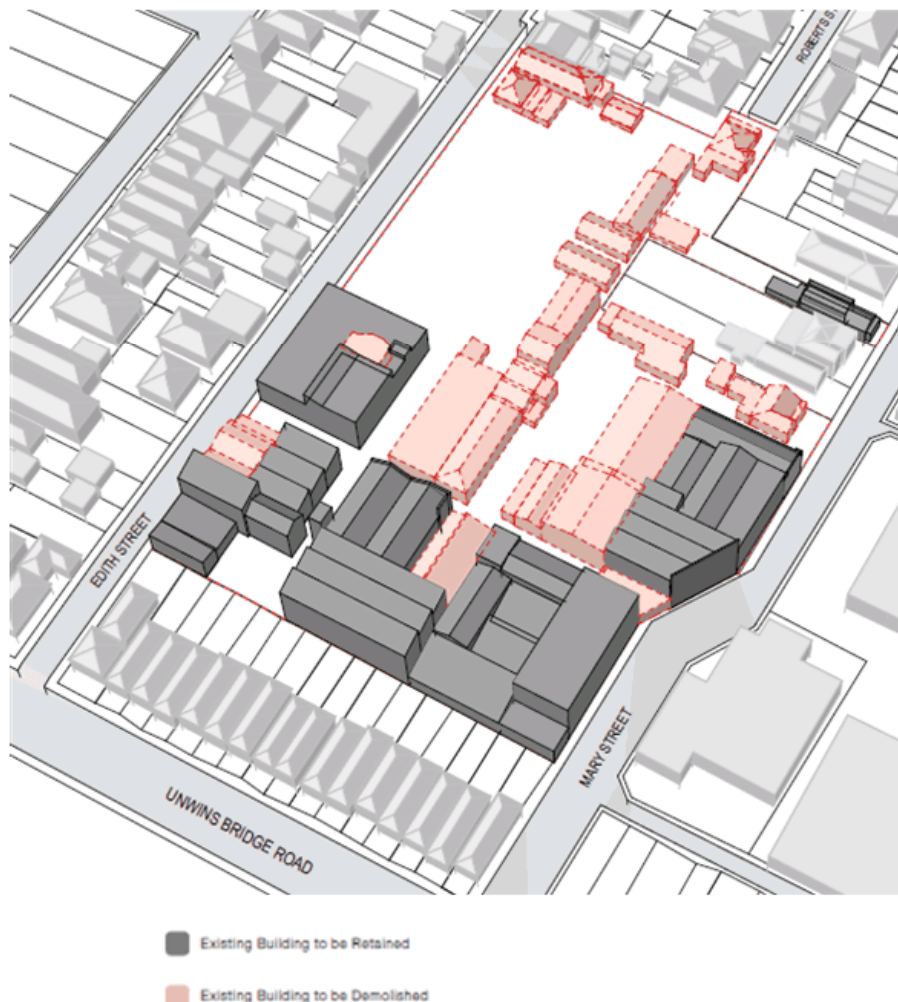


Image 2: Buildings to be demolished and buildings to be retained

- i. The buildings built to the street, including parts of Buildings 1, 2, 6, 7 & 8 have landmark qualities, within their immediate streetscape context, and are considered worthy of retention and adaptive reuse;
- ii. A heritage interpretation strategy is to be developed as part of a development application for the site, detailing elements to be

either retained in situ or relocated to other parts of the site and how these elements are to be presented and explained, including:

- a. Elements relating to the site's former industrial use to be retained in situ including the good hoist in Building 6, ceramic insulators and fire bells on the exterior of the buildings and various crane rails and hoisting jibs; and
 - b. Elements relating to the site's former industrial use contained within building to be demolished to be salvaged and relocated on site.
- iii. The Mary Street entrance to Building 2, timber stairs and office on the first floor must be retained to reflect their role as the main public entrance to the larger Taubmans site;
 - iv. Any alterations or additions to a retained buildings must be clearly discernible from the original fabric;
 - v. Adaptation of building interiors must aim for maximum retention of original spaces and fabric while allowing for the adequate adaptation to new uses.
 - vi. New development within the site must be contemporary in design with sensitivity to the heritage items through the proportions, alignments, colours and materials used in the new development.
 - vii. An archaeological assessment must be undertaken prior to excavation works and an archaeologist is to be on call during the construction phase of the development.

C5 Open space and landscaping:

- i. Development within the site must create a series of high quality public spaces including passive recreational areas, access routes and circulation areas.
- ii. The central public open space lawn area must be at least 600m² and must receive at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area.
- iii. The 'pocket park' open space on Roberts Street must receive at least 2 hours of solar access between 9.00am and 3.00pm midwinter for 50% of its finished surface area.
- iv. The central public open space lawn must be planted with a local native grass meadow or lawn.
- v. Local native provenance plants are to be used within all the landscaping for optimum biodiversity outcomes.
- vi. Planting for shade in summer and sunlight penetration in winter must be provided in open public spaces.
- vii. Landscape design must promote screening between different building uses for the privacy of occupants.
- viii. An arborist's report is to be prepared to accompany any development application for the site assessing all existing mature trees on the site.
- ix. Significant deep soil zone areas are to be developed for the site within open space areas.
- x. Trees and planting are to be flush with surrounding finish levels (no raised planters).
- xi. Trees must be planted in minimum 1 metre depth of soil plus mulch and drainage.

- C6** Streetscape design must:
- i. Reinforce the existing landscape characters of Edith Street, Mary Street and Roberts Street;
 - ii. New buildings in proximity to Mary Street, Edith Street and Roberts Street are to be more articulated to reflect the character of these areas; and
 - iii. The existing footpath along Mary Street currently ends adjacent to the loading dock. In order to provide a continuous, safe and accessible path of travel for pedestrians along the Mary Street frontage the footpath must be redesigned and reconstructed to be of a more consistent width for the full length of the Mary Street frontage.

- C7** Built form proposals must:
- i. Encourage a variety of complementary building styles within the site including adaptive re-use of retained buildings;
 - ii. Offer high quality contemporary architecture that responds to, but does not mimic, the existing architectural character of the site with appropriate proportions and articulation to the building massing;
 - iii. Have a distinct base and middle with high quality roof treatments that are integrated with the architecture of the buildings;
 - iv. Treat facades as front elevations to all sides of the building;
 - v. Use high quality materials throughout;
 - vi. Ensure the architectural expression of residential buildings offers a balance of solid to void without depending on continuous balconies to create articulation and interest;
 - vii. Treat materials accessible at ground level for graffiti resistance;
 - viii. Incorporate environmentally appropriate facade treatments according to orientation;
 - ix. Provide shading and good internal amenity including cross ventilation, solar access, adjoining indoor and outdoor living spaces and generously sized rooms; and
 - x. Ensure that the residential components of buildings comply with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide.

Vehicular access

- C8** Vehicular access must be generally operate as follows:
- i. Car entry to site via Edith Street;
 - ii. Car exit from site via Mary Street;
 - iii. Service vehicles entry and exit from Mary Street; and
 - iv. No vehicle access from Roberts Street.

Parking

- C9** Parking:
- All car parking is to be underground.

ATTACHMENT 4

Consistency of Proposed LEP Amendment with Strategic Planning Policies

To rezone industrially zoned land, Council needs to ensure that adequate strategic justification is provided for the proposed changes to its planning controls. The following discussion provides an assessment of the proposal against the State Government's and Council's strategic planning directions for the Marrickville LGA. .

Marrickville Urban Strategy (2007)

The Marrickville Urban Strategy (MUS) was adopted by Council in 2007. It establishes a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for the Marrickville LGA. The MUS was developed in response to employment and housing targets established through the dSSS and its overriding strategy, Sydney Metropolitan Strategy *City of Cities, A Plan for Sydney's Future* (December 2005).

The MUS does not specifically discuss the subject site. However, the MUS does support the rezoning of industrial land located approximately 100 metres from the site in Grove Street, St Peters. This land has subsequently been developed for residential development.

The MUS adopted six urban renewal approaches to inform policy options for future residential development within the LGA. These are:

1. Focus on residential density in and around centres;
2. Focus on commercial zoned land in centres;
3. Rezone select industrial sites;
4. Develop new centres;
5. Rezone select special use sites; and
6. Increase density in infill areas.

It is considered that the subject site is consistent with Approach 3 – rezone select industrial sites. The following criterion was established for consideration in rezoning industrial sites and it is considered that the subject site meets the criteria as follows:

- *Is located close to a centre*

The subject site is located approximately 8 kilometres from the Sydney central business district. It is located approximately 300 metres from the Princes Highway which, despite not being a local centre, contains a mix of business types including service stations. The subject site is also within 1 kilometre of the Marrickville Metro shopping centre.

- *Is redundant from historical industry perspective*

The subject site is currently being used for a range of light industrial activities. The site will continue to accommodate these uses should it be rezoned to B4 Mixed Use. It no longer functions for its original purpose of paint manufacturing, which would no longer be permissible on the site due to its IN2 Light Industrial zoning.

- *Is well serviced by public transport*

The subject site is within 800 metres of Sydenham Station. Bus services operate along the Princes Highway into the city and into Rockdale to the south.

- *Is within walking distance of public open space*

The subject site is within 800 metres of public open space located at Sydenham Green, Simpson Park (Campbell Street, St Peters) and Camdenville Park (May Street, St Peters). The proposal also includes two new public open space areas.

- *Provide opportunities for improving public domain*

Currently the subject site is completely devoid of any landscaping other than that contained within the residential properties included in the proposal. The site is also closed to the general public and provides no through links. It is considered that the proposal will provide substantial improvement to the public domain through the provision of greening the site and also providing public thoroughfare through the site.

- *Is not located close to strategic assets (port, airport or freight lines); and*

The subject site is located in proximity to the Marrickville/Sydenham industrial lands, however it is fragmented from it by residential development. Consequently, it cannot be viewed as a component of the Marrickville/Sydenham industrial lands precinct.

- *Rezoning would not result in conflict between residential uses and industrial uses that impact upon residential amenity, and hinder business competitiveness.*

The subject site is in close proximity to residential uses. It is not considered that the development would exacerbate any existing conflicts between land uses. It is anticipated that the proposal will improve the relationship between the land uses through the provision of open space areas, community facilities and improved permeability of the site.

Draft South Subregional Strategy (2007)

The site and surrounding light industrially zoned sites were designated as Category 1, or land to be retained for industrial purposes, within the draft South Subregional Strategy (dSSS). The dSSS was drafted in 2005 and never adopted as a final document. Since that time, land to the south of the subject site in Grove Street, St Peters, has been rezoned for low density residential development. Council has also been in receipt of a number of proposals seeking the rezoning of industrial land for other and/or additional uses. The Department of Planning & Environment have generally been supportive of those proposals, even when they have been inconsistent with its own policies. It is considered that the planning proposal request has strategic merit and should proceed for Gateway determination.

Marrickville Employment Lands (MELS) Review (2015)

The MELS Review was undertaken to update the original study completed in 2008. The study area for the review included all IN1 General Industrial and IN2 Light Industrial zoned land within the Marrickville LGA. The MELS Review concluded that there is sufficient capacity in Marrickville's industrial lands to accommodate projected growth in demand for industrial land. Consequently, the report advises that some rezoning of land from industrial to other land uses 'is possible and will likely produce better social and economic outcomes'.

The MELS Review sets actions for the future management of the LGA's industrial land including *Action 1.1 – Designate the Marrickville-Sydenham precinct as a subregionally significant industrial precinct and zone accordingly*. As has been discussed above, the subject site is not considered to form part of the Sydenham/Marrickville industrial lands. Therefore, the proposed rezoning of the subject site is not inconsistent with this action.

The report also includes *Action 4.3 – Consider rezoning of select residential interface sites to B4 Mixed Use*. This relates to industrial land peripheral to the main industrial precincts which have good public transport accessibility. A B4 Mixed Use zone is recommended for these sites as this would not compromise their existing industrial activity or their future role as industrial precincts. This approach is consistent with the planning proposal for the subject site. The light industrial activities currently operating on the subject site can continue under the proposed B4 Mixed Use

zone. The planning proposal request is considered to be consistent with the objectives of the MELS review to protect strategic industrial land whilst allowing for peripheral or fragmented industrial land to accommodate additional uses.

A Plan for Growing Sydney (2014)

A Plan for Growing Sydney (the Plan) was released in late 2014 and sets the direction for planning in Sydney over the next 20 years. Subregional planning strategies, to support the aims of the Plan, are currently being developed. The Plan includes *Action 1.9.2: Support key industrial precincts with appropriate planning controls*. The Plan states that the *Industrial Lands Strategic Assessment Checklist* will guide the assessment of proposed rezonings of industrial lands. The checklist poses questions about whether the site is near or within direct access to key economic infrastructure, how it contributes to a significant industry cluster, and how the proposed rezoning would impact on industrial land stocks and employment objectives in each subregion.

As this planning proposal request involves the rezoning of IN2 Light Industrial land, an assessment against the checklist has been undertaken as follows:

- *Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?*

The subject site is zoned IN2 Light Industrial in MLEP 2011 (and includes several residential zoned properties). As previously noted, the draft South Subregional Strategy (dSSS), which was prepared in 2005 but never formalised, designated the land as Category 1 (land to be retained for industrial purposes). Although the dSSS was prepared in 2005 it was never finalised. Since this time, land to the south of the subject site (Grove Street) has been rezoned for residential purposes and redeveloped as a low density residential area.

Council commissioned a review of the Marrickville Employment Lands 2008. The MELS Review supports the rezoning of peripheral or fragmented industrial land to B4 Mixed Use. The rezoning does not compromise the Sydenham/Marrickville strategic industrial lands.

- *Is the site:*
 - o *near or within direct access to key economic infrastructure?*
 - o *contributing to a significant industry cluster?*

The subject site and environs are peripheral to other large areas of industrially zoned land. It is located adjacent to low density residential development, with only one other IN2 Light Industrial site located to the west of the subject site. A site on Grove Street, St Peters, was rezoned from light industrial to residential now contains low density residential development. It is not considered to be contributing to a significant industry cluster.

The uses operating from the subject site vary. The proposed B4 Mixed Use zone will permit the light industrial uses currently operating on the site. These uses will be complemented by other commercial uses and residential uses to create a precinct with a range of land uses operating. The site is currently underutilised and has the ability to accommodate a more intensive type of development.

- *How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?*

The draft South Subregional Strategy identifies 187.5 hectares of industrially zoned land within the local government area. The subject site incorporates approximately 1.66 hectares of this land, or less than 1% of the total land available for industrial uses. It is not considered that the planning proposal would significantly undermine industrial land stocks within the subregion.

- *How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?*

The planning proposal request seeks a zoning of B4 Mixed Use to accommodate a range of light industrial, commercial, community and residential land uses. Therefore, employment will be retained on the site and will increase under the proposal.

- *Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?*

The proposal is to keep utilising the site for light industrial purposes whilst introducing a range of additional land uses including commercial and residential. The B4 Mixed Use zoning proposed for the subject site is aimed at creating a precinct which accommodates a range of land uses, including industrial uses.

- *Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?*

The land is not considered critical to meeting an identified alternative purpose in either a NSW Government or endorsed council planning strategy.

Attachment 2: Section 117(2) Directions

The planning proposal has been assessed against all relevant section 117(2) Directions. The planning proposal has been assessed as follows:

The planning proposal is inconsistent with the following section 117(2) Directions:

- 1.1 Business and Industrial Zones
- 3.5 Development Near Licensed Aerodromes
- 6.3 Site Specific Provisions

In all cases, the inconsistencies are of a minor nature.

The planning proposal is consistent with the following section 117(2) Directions:

- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

A detailed assessment of all relevant section 117(2) Directions is as follows:

1.1 Business and Industrial Zones

Objectives

- (1) *The objectives of this direction are to:*
- (a) *encourage employment growth in suitable locations,*
 - (b) *protect employment land in business and industrial zones, and*
 - (c) *support the viability of identified strategic centres.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
- (a) *give effect to the objectives of this direction,*
 - (b) *retain the areas and locations of existing business and industrial zones,*
 - (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,*

- (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
 - (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Assessment

This direction is relevant to this planning proposal as it proposes the rezoning of land located within an existing industrial zone. The planning proposal aims to rezone land from IN2 Light Industrial to B4 Mixed Use within the MLEP 2011.

It is considered that the planning proposal is not inconsistent with the objective of the direction to encourage employment growth in suitable locations and to protect employment land in business and industrial zones as employment is to be maintained on the site.

The planning proposal is inconsistent with the direction as it does reduce the total potential floor space area for industrial uses. However, this inconsistency is considered to be of a minor nature applying to a peripheral parcel of IN2 Light industrial land which will continue to permit light industrial uses with consent.

It is also inconsistent with the direction as the planning proposal is not in accordance with a strategy that is approved by the Director-General of the Department of Planning due to its inconsistency with the draft South Subregional Strategy (dSSS). The dSSS designated the subject site and surrounding IN2 Light Industrial zoned sites as land to be retained for industrial purposes to provide for local services. However, this document was released as a draft in 2005 and has not been updated or finalised since this time. It is considered that this information, which is nearly ten years old, is outdated and needs to be reviewed. Further, Council has resolved to consider alternative options for this land as a result of landowner submissions.

On balance, it is considered that any inconsistencies with Direction 1.1 are of minor significance.

2.3 Heritage Conservation

Objective

- (1) *The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must contain provisions that facilitate the conservation of:*
- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
 - (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
 - (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:*
- (a) *the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
 - (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

Assessment

This direction applies to all relevant planning authorities when they prepare a planning proposal. The planning proposal comprises a site specific amendment to the MLEP 2011. MLEP 2011 contains heritage protection provisions as per the Environmental Planning and Assessment Act 1979. This planning proposal does not propose any amendments to these provisions.

It is considered this planning proposal is consistent with this direction.

2.4 Recreation Vehicle Areas

Objective

- (1) *The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):*
- (a) where the land is within an environmental protection zone,*
 - (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,*
 - (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:*
 - (i) the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and*
 - (ii) the provisions of the guidelines entitled Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) justified by a strategy which:*
 - (i) gives consideration to the objective of this direction, and*
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) is approved by the Director-General of the Department of Planning, or*
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) of minor significance.*

Assessment

This direction applies to all relevant planning authorities when they prepare a planning proposal. The planning proposal does not contain any provisions relating to recreation vehicles areas.

It is considered this planning proposal is consistent with this direction.

3.1 Residential Zones

Objectives

- (1) *The objectives of this direction are:*
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (5) *A planning proposal must, in relation to land to which this direction applies:*
- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*

- (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.*

Assessment

This direction is relevant to this planning proposal as it includes land within a residential zone. The planning proposal will expand the types of accommodation available due to the inclusion of new residential development on the subject site.

The planning proposal is consistent with this direction as the subject site is located in close proximity to an existing commercial centre with well-established infrastructure. Therefore, it will reduce the consumption of land for housing as it is located within an existing developed area.

The planning proposal will set development controls for the subject site as deemed suitable within its context.

It is considered that the planning proposal is consistent with objectives of this direction.

3.2 Caravan Parks and Manufactured Home Estates

Objectives

- (1) *The objectives of this direction are:*
- (a) *to provide for a variety of housing types, and*
 - (b) *to provide opportunities for caravan parks and manufactured home estates.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities. This direction does not apply to:*
- (a) *Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989, except Crown land reserved for accommodation purposes, or*
 - (b) *land dedicated or reserved under the National Parks and Wildlife Act 1974.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:*
- (a) *retain provisions that permit development for the purposes of a caravan park to be carried out on land, and*
 - (b) *retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.*
- (5) *In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:*
- (a) *take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,*
 - (b) *take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and*
 - (c) *include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

- (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

Assessment

This planning proposal does not relate to caravan parks or manufactured home estates. It is considered that the planning proposal is consistent with objectives of this direction.

3.4 Integrating Land Use and Transport

Objective

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
 - (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*
 - (e) *providing for the efficient movement of freight.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
 - (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and*
 - (b) *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
 - (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Assessment

This planning proposal seeks to rezone the subject site to permit additional land uses. It is considered that this planning proposal is consistent with the objectives of this direction to improve access to housing, jobs and services by walking, cycling and public transport;

increasing the choice of available transport and reducing dependence on cars; reducing travel demand; and supporting viable public transport services. The subject site is located within close proximity of an existing commercial centre. It is well located to services and public transport options, for example Sydenham Station and bus routes along the Princes Highway.

It is considered that this planning proposal is consistent with the aims and objectives of this direction.

3.5 Development Near Licensed Aerodromes

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure the effective and safe operation of aerodromes, and
 - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
 - (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:
 - (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
 - (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,
 - (c) for land affected by the OLS:
 - (i) prepare appropriate development standards, such as height, and
 - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome
 - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (5) A planning proposal must not rezone land:
 - (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or
 - (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
 - (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.
- (6) A planning proposal that rezones land:
 - (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or
 - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or
 - (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) of minor significance.

Assessment

The subject site within the planning proposal is subject to ANEF 20-25 and a small part in the north-western corner of the subject site is within the ANEF 25-30.

This direction states that planning proposal must not rezone land:

- (d) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25.

This planning proposal is inconsistent with this part of the direction. The B4 Mixed Use zone does permit limited amounts of residential accommodation. However, the part of the subject site is affected by ANEF 25-30 is not proposed to contain any residential accommodation.

The direction also states that a planning proposal that rezones land for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25 must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

This part of the direction applies to the subject site as it lies within ANEF 20-25. MLEP 2011 contains Clause 6.5 (Development in areas subject to aircraft noise) which addresses noise attenuation criteria for certain properties in AS 2021.

It is considered that the planning proposal is inconsistent with 5(a) of this direction, however the inconsistency is considered to be of minor significance and will not result in residential accommodation within the ANEF exceeding 25.

4.1 Acid Sulfate Soils

Objective

- (1) *The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.*

What a relevant planning authority must do if this direction applies

- (4) *The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.*
- (5) *When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:*
- (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or*
 - (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.*
- (6) *A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.*
- (7) *Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).*

Consistency

- (8) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (b) of minor significance.*

Assessment

The subject site is affected by Class 5 Acid Sulfate Soils under the MLEP 2011. A Preliminary Geotechnical Investigation Report prepared by Environmental Investigation was submitted with the planning proposal request.

It is considered that this planning proposal is consistent with this direction.

6.1 Approval and Referral Requirements

Objective

- (1) *The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must:*
- (a) *minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and*
 - (b) *not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*
 - (i) *the appropriate Minister or public authority, and*
 - (ii) *the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),*
prior to undertaking community consultation in satisfaction of section 57 of the Act, and
 - (c) *not identify development as designated development unless the relevant planning authority:*
 - (i) *can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and*
 - (ii) *has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.*

Consistency

- (5) *A planning proposal must be substantially consistent with the terms of this direction.*

Assessment

This direction aims to minimise approval and referral requirements within planning proposals.

This planning proposal does not propose any additional referral or concurrence requirements. Therefore, the planning proposal is consistent with this direction.

6.3 Site Specific Provisions

Objective

- (1) *The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*
 - (a) *allow that land use to be carried out in the zone the land is situated on, or*
 - (b) *rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
 - (c) *allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*
- (5) *A planning proposal must not contain or refer to drawings that show details of the development proposal.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.*

Assessment

This direction applies to this planning proposal as it aims to allow a site specific development to be carried out on the subject site. The planning proposal seeks to rezone the subject site to another zone to permit the development.

The aim of applying the B4 Mixed Use zone is to permit the development of a precinct comprising residential, commercial and light industrial land uses. It is considered necessary to include a Schedule 1 inclusion to ensure that the development is permissible on the land following its rezoning.

The Schedule 1 provision is not considered to be onerous or unnecessarily restrictive. Rather, they are necessary to ensure the permissibility of the development in its proposed form.

Although the planning proposal is inconsistent with this direction, it is considered to be a minor and necessary inconsistency to ensure the proposed development can be considered permissible on the subject site.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Objective

- (1) *The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.*

Where this direction applies

- (2) *This direction applies to land comprising of the following local government areas:*

Ashfield	Holroyd	Pittwater
Auburn	Hornsby	Randwick
Bankstown	Hunters Hill	Rockdale
Baulkham Hills	Hurstville	Ryde
Blacktown	Kogarah	Strathfield
Blue Mountains	Ku-ring-gai	Sutherland
Botany Bay	Lane Cove	Warringah
Burwood	Leichhardt	Waverley
Camden	Liverpool	Willoughby
Campbelltown	Manly	Wollondilly
Canada Bay	Marrickville	Woollahra
Canterbury	Mosman	
City of Sydney	North Sydney	
Fairfield	Parramatta	
Hawkesbury	Penrith	

When this direction applies

- (3) *This direction applies when a Relevant Planning Authority prepares a planning proposal.*

What a Relevant Planning Authority must do if this direction applies

- (4) *Planning proposals shall be consistent with:
the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:*
- (a) *is of minor significance, and*
 - (b) *the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.*

Assessment

This planning proposal assists in the creation of additional residential and commercial development well located in close proximity to an existing centre. This is consistent with the overall objective of the Metropolitan Plan for Sydney 2036 for the majority of new residential development to be located within existing centres. It also creates opportunity for new local employment options.

It is considered that the planning proposal is consistent with this direction.

Assessment against applicable State Environmental Planning Policies (SEPPs)

67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters

State Environmental Planning Policy	Consistent Y/N	Comment
State Environmental Planning Policy No 1—Development Standards	Y	Clause 1.9 of the MLEP 2011 precludes the application of State Environmental Planning Policy No 1—Development Standards from the subject site.
State Environmental Planning Policy No 19—Bushland in Urban Areas	Y	The subject site contains no significant plantings or landscaping.
State Environmental Planning Policy No 21—Caravan Parks	Y	This planning proposal does not relate to caravan parks.
State Environmental Planning Policy No 30—Intensive Agriculture	Y	This planning proposal does not relate to intensive agriculture.
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Y	The planning proposal involves the rezoning of land to provide additional land uses including residential development.
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Y	This planning proposal does not relate to hazardous or offensive development.
State Environmental Planning Policy No 36—Manufactured Home Estates	Y	This planning proposal does not relate to manufactured home estates.
State Environmental Planning Policy No 50—Canal Estate Development	Y	This planning policy does not relate to the development of canal estates.
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Y	This planning proposal does not relate to farm dams or other works in land and water management plan areas.
State Environmental Planning Policy No 55—Remediation of Land	Y	The land has been identified as previously operating as an industry capable of contaminating land. A detailed site

Attachment 2: SEPPs assessment for 67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters

		investigation report has been submitted with the planning proposal request. Further reporting has been recommended within Council's report. It is considered that the process followed with this planning proposal is consistent with the aims and objectives of the SEPP to ensure that land is made safe for its intended purpose.
State Environmental Planning Policy No 62—Sustainable Aquaculture	Y	This planning proposal does not relate to sustainable aquaculture.
State Environmental Planning Policy No 64—Advertising and Signage	Y	This planning proposal does not include matters relating to signage.
State Environmental Planning Policy No 65--Design Quality of Residential Flat Buildings	Y	The PP will achieve consistency with the SEPP through application of design excellence provisions. The Architectural Concept Plan addresses in detail the implications for realising the design quality principles in the SEPP and demonstrated an appropriate built form on the site.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
State Environmental Planning Policy (Infrastructure) 2007	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.

Attachment 2: SEPPs assessment for 67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters

State Environmental Planning Sustainability Index: BASIX) 2004	Policy (Building	Y	The planning proposal does not contain provisions that contradict or hinder application of this SEPP.
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Attachment 2: SEPPs assessment for 67 & 73 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters

Item No: C0316 Item 3
Subject: POST EXHIBITION REPORT - DRAFT MARRICKVILLE LOCAL ENVIRONMENTAL PLAN 2011 (AMENDMENT NO. 4) - SIGNAGE ON BUS AND TAXI RANK SHELTERS
File Ref: 15/4738/12786.16

Prepared By: Peter Wotton - Strategic Planning Projects Coordinator

Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

At its meeting on 1 December 2015 Council resolved (in part) to prepare a planning proposal to amend MLEP 2011 to incorporate a recommendation (Recommendation L-Sch2 (01)), relating to signage on bus and taxi rank shelters.

The planning proposal was forwarded to the Department of Planning & Environment who subsequently issued a Gateway Determination giving conditional approval for the planning proposal to proceed to public exhibition.

The planning proposal was publicly exhibited in accordance with the Gateway Determination between 9 February 2016 and 24 February 2016. Five submissions were received, one in support of the planning proposal and four submissions raising issues with the planning proposal.

The submissions did not raise any issues that would warrant not proceeding with the planning proposal, or require changes to be made to the planning proposal.

It is recommended that Council resolve to forward the draft amendment to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal.

RECOMMENDATION

THAT:

1. the report be received and noted; and
2. Council forwards the draft amendment to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
3.3	The community walks, rides bikes and uses public transport.
4.6	Council consults, engages and communicates with the community effectively.

BACKGROUND

Council considered a report on draft Marrickville Local Environmental Plan 2011 (Amendment No. 4) at its Infrastructure, Planning and Environmental Services Committee Meeting on 1 December 2015 (Item 2 IP1215).

The report recommended that Council resolve to prepare a draft planning proposal to make a number of amendments to Marrickville Local Environmental Plan 2011. The changes recommended were primarily housekeeping matters that seek to amend misdescriptions, mapping anomalies and improve communication in the Plan. One of the other changes was in response to a request from Council's Manager Design and Investigation to facilitate the installation of advertising on bus and taxi rank shelters.

An extract from the report in relation to advertising on bus shelters and taxi ranks is **ATTACHMENT 1**.

In dealing with the Item Council resolved as follows:

“THAT:

1. *action on draft amendments to MLEP 2011 and MDCP 2011 be deferred and referred to a Councillor Conference, with the exception of the bus shelter item (Recommendation L-Sch2 (01)) which is to proceed;*
2. *Council resolves to prepare a Planning Proposal to amend MLEP 2011 to incorporate recommendation (Recommendation L-Sch2 (01)), relating to signage on bus and taxi rank shelters;*
3. *Council submits the draft Planning Proposal to the Department of Planning and Environment for Gateway determination; and*
4. *Council publicly exhibits the draft Planning Proposal.”*

The planning proposal request and supporting documentation were forwarded to the Department of Planning & Environment (DP&E) in December 2015. A Gateway Determination was issued by the DP&E on 28 January 2016. A copy of the Gateway Determination is **ATTACHMENT 2**.

The planning proposal was publicly exhibited between 9 February 2016 and 24 February 2016.

DISCUSSION

Five submissions were received in response to the public notification of the planning proposal, one submission in support of the planning proposal and four submissions raising issues with the planning proposal.

The submissions received and the response to the issues raised, are discussed below:

Submission 1

“I support the proposal to allow signage that meets specified standards to proceed without requiring approval.”

Submission 2

“Again, clearly a way to increase revenue by allowing private enterprise to demolish functioning spaces that cease to be public space and become constant advertising. When will the almighty dollar stop be the reason to provide services to the community? If, under Clause 97 bus shelters are "exempt development" why even ask anyone's opinion.”

Comment:

The request to amend MLEP 2011 to facilitate the installation of advertising on bus and taxi rank shelters was from Council's Manager Design and Investigation. The original report advised that the funding of Council's bus shelter program through Council's contractor is based on the contractor being able to obtain advertising revenue to cover the capital costs of shelters and their ongoing maintenance.

As detailed in the original report, Council's Manager Design and Investigation advised that:

“Each advertising shelter funds itself plus an additional 2 non advertising shelters. The provision of shelters is considered an important initiative in encouraging public transport use.

In addition to this business model providing council with potentially up to 111 roadside shelters to service public transport (bus and taxi zones) at no cost to Council (an equivalent \$2.5 million capital investment plus ongoing maintenance over 15 years).

Council also shares in revenue raised from advertising which in turn is utilised to fund other public infrastructure.

This business model is common throughout local government for the provision of road side shelters. If not able to be continued it would place a significant financial burden on council's ability to provide such public infrastructure."

In relation to the last issue raised in the submission, whilst bus shelters are exempt development under Clause 97 of State Environmental Planning Policy (Infrastructure) 2007, commercial advertising on bus shelters is not exempt development.

Under the planning proposal, advertising on bus and taxi rank shelters would be exempt development under MLEP 2011 where the advertising meets the standards for that development, being:

- "(1) Must be on Council owned or controlled land.*
- (2) Must not extend beyond the perimeter of the shelter.*
- (3) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides.*
- (4) Must not contain flashing or neon signage.*
- (5) Must be positioned to not adversely impact on pedestrian movements.*
- (6) Must not obstruct the line of sight of vehicular traffic or pedestrian traffic."*

and complies with the other requirements in Clause 3.1 Exempt development of MLEP 2011.

Submission 3

"No thanks. I would prefer that council reduce, rather than facilitate advertising. The less it intrudes in public space, the better. I find it degrades the amenity and sense of community. I'm OK with advertising per se (I work for an advertising company), but it needs to be well targeted and consistent with the context. Public spaces and community resources are best left to fulfil their primary purpose."

Comment:

As detailed in the request from Council's Manager Design and Investigation the *"business model is common throughout local government for the provision of road side shelters. If not able to be continued it would place a significant financial burden on council's ability to provide such public infrastructure."* Relevantly, under the business model the advertising directly benefits the community unlike most billboards/signage which creates mostly private benefit.

It should also be noted that the purpose of the planning proposal is to rectify an anomaly that has arisen as a consequence of new mapping requirements under the Standard Instrument which requires all roads to be zoned. This means that where the surrounding zone is predominantly residential advertisements are prohibited. This is despite the land use (roadway) not functioning as a residential zone. In previous environmental instruments such as Marrickville Local Environmental Plan 2001 most roads were unzoned and all development on unzoned land was permitted with approval. Consequently, the erection of an advertising structure on a bus or taxi rank shelter on roadways was permitted subject to it being suitable. The determination of suitability was essentially based on the criteria (above) recommended in the current planning proposal.

Submission 4

Is there not enough advertising on TV, on the radio, in magazines, on billboards? Can a person not approach a humble bus shelter or taxi rank and not be slugged by more of it? Please keep the visual environment quieter and cleaner, and reject this clearly-money-driven idea."

Comment:

As per comments on previous submissions.

Submission 5

"The provision of new bus shelters to facilitate advertising as has happened in the City of Sydney has come at the expense of pedestrian use of the footpath and should not be allowed. This is also creeping into Marrickville. A prime example of this is the new bus shelter at Marrickville Road near Fraser Park. A new bus shelter has been constructed in the last few months which now takes most of the footpath and makes it difficult for pedestrians to pass this and I see pedestrians now walking on the street to pass each other. This is a real safety risk as well as inconvenience."

Comment:

Two of the standards that the advertising is required to meet to be exempt development under the planning proposal are:

- (5) *Must be positioned to not adversely impact on pedestrian movements.*
- (6) *Must not obstruct the line of sight of vehicular traffic or pedestrian traffic."*

The new bus shelter referred to in the submission is located adjacent to the property 102 Marrickville Road, Marrickville. A development application (DA201500575) was submitted on 14 October 2015 to erect an advertising panel on a replacement bus shelter adjacent to the property at 102 Marrickville Road, Marrickville. The proposed replacement bus shelter including the advertising panel were setback a minimum of 1.95 metres from the kerb alignment. The development application was approved under delegated authority on 23 November 2015 and the replacement bus shelter and advertising panel have been erected.

Officers from Council's Infrastructure Services Division have inspected the site and advised that the bus shelter clearance dimensions comply and the cross fall and longitudinal grades comply with DDA standards. The distance to kerb was measured at 1.95 metres and the distance between STA bollard and shelter was measured at 1.5 metres.

A photograph of the subject bus shelter is provided below:



Image 1: Photograph of bus shelter in Marrickville Road adjacent to 102 Marrickville Road, Marrickville

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

The planning proposal was public exhibited in accordance with the Gateway Determination issued by the DP&E between 9 February 2016 and 24 February 2016.

Five submissions were received, one submission in support of the planning proposal and four submissions raising issues with the planning proposal. The submissions received, and the response to the issues raised, are detailed in the Discussion section of this report.

CONCLUSION

This report has addressed all relevant issues raised in public submissions. The standards set for such developments include appropriate measures relating to the positioning of structures to not *“adversely impact on pedestrian movements”* or *“obstruct the line of sight of vehicular traffic or pedestrian traffic.”* Council's Infrastructure Services Division will be responsible to ensure that such developments meet the standards set.

It is recommended that Council resolve to forward the draft amendment to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal.

ATTACHMENTS

1. Extract from Report on Signage on Bus Shelters (IP1215 Item 2)
2. Gateway Determination - Department of Planning and Environment

SIGNAGE ON BUS SHELTERS

An extract from the Council officer's report in relation to the matter, considered by Council at its Infrastructure, Planning and Environmental Services Committee Meeting on 1 December 2015, is reproduced below.

"MLEP 2011: Schedule 2 Exempt development

Signage on bus shelters

Council's Manager Design and Investigation has requested an amendment be made to MLEP 2011 to facilitate the installation of advertising on bus and taxi rank shelters.

The request reads (in part) as follows:

"By way of background, the funding of council's bus shelter program through our contractor Adshel is premised on them being able to obtain advertising revenue to cover the capital costs of shelters and their ongoing maintenance.

Each advertising shelter funds itself plus an additional 2 non advertising shelters. The provision of shelters is considered an important initiative in encouraging public transport use.

In addition to this business model providing council with potentially up to 111 roadside shelters to service public transport (bus and taxi zones) at no cost to Council (an equivalent \$2.5 million capital investment plus ongoing maintenance over 15 years). Council also shares in revenue raised from advertising which in turn is utilised to fund other public infrastructure.

This business model is common throughout local government for the provision of road side shelters. If not able to be continued it would place a significant financial burden on council's ability to provide such public infrastructure.

The current LEP prevents new shelters with advertising panels in residential areas even though these may be on major transport routes such as Salisbury Road, hence Council cannot provide additional shelters under the current rollout.

There are already several advertising shelters on such routes under existing use rights.

I understand from discussions with Adshel that other councils (Canada Bay, Baulkham Hills Shire were nominated examples) have amended their LEPs to resolve this anomaly.

The timeline for the contract rollout of shelters is well advanced and is now being hindered by the LEP restrictions. It's highly desirable that this be addressed as soon as possible."

Comment

Under Clause 97 of State Environmental Planning Policy (Infrastructure) 2007 bus shelters (but not including any commercial advertising on them) are exempt development subject to satisfying certain criteria.

Clause 10 (1) of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) reads as follows:

- (1) *“Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions:*
- environmentally sensitive area*
 - heritage area (excluding railway stations)*
 - natural or other conservation area*
 - open space*
 - waterway*
 - residential** (but not including a mixed residential and business zone, or similar zones)*
 - scenic protection area*
 - national park*
 - nature reserve”*

Under the mapping requirements under the Standard Instrument all roads were required to be zoned. In earlier environmental instruments such as Marrickville Local Environmental Plan 2001 (MLEP 2001) most roads were unzoned. Under Clause 30 of MLEP 2011 the erection of a structure was permitted with development consent. Consequently the erection of an advertising structure on a bus or taxi rank shelter on an unzoned road was permitted with development consent.

The coming into effect of Marrickville Local Environmental Plan 2011 in December 2011 meant that advertising structures on bus and taxi rank shelters on land in zones and descriptions specified in SEPP 64 was prohibited.

Some Councils, such as Canada Bay, Fairfield City and Willoughby have amended their respective LEP’s to make such signage exempt development subject to satisfying certain criteria.

To address the issue raised by Council’s Manager Design and Investigation it is recommended that a provision be included in Schedule 2 Exempt development of MLEP 2011 that permits advertisements on bus shelters and taxi rank shelters as exempt development.

Recommendation L-Sch2 (01):

That an additional development type be included in Schedule 2 of MLEP 2011 after “Advertisements – real estate signs (advertising premises or land for sale or rent) in residential zones” reading as follows:

“Advertisements – signage on bus and taxi rank shelters

- (1) Must be on Council owned or controlled land.
- (2) Must not extend beyond the perimeter of the shelter.
- (3) Only 1 advertising panel per shelter that may comprise an advertisement on 2 sides.
- (4) Must not contain flashing or neon signage.
- (5) Must be positioned to not adversely impact on pedestrian movements.
- (6) Must not obstruct the line of sight of vehicular traffic or pedestrian traffic.”

Planning &
Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2016_MARRI_001_00): to add the development type 'Advertisements – signage on bus and taxi rank shelters' under Schedule 2 – Exempt Development of *Marrickville Local Environmental Plan 2011*.

I, the Director, Metropolitan (CBD), 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 2011* to add the development type 'Advertisements – signage on bus and taxi rank shelters' under Schedule 2 – Exempt Development, should proceed subject to the following conditions:

1. 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 **14 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 LEPs* (Department of Planning and Environment website).
2. 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).
3. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 28th day of January 2016

Lee Mulvey
Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2016_MARRI_001_00 (16/01820)

Item No: C0316 Item 4

Subject: 1A HILL STREET, DULWICH HILL

File Ref: DA201500246/21905.16

Prepared By: Patrick Nash - Town Planner - Development Assessment

Authorised By: Judy Clark - Manager, Development Assessment

SUMMARY

This report concerns a development application that seeks approval to demolish the existing improvements, and construct a U-shaped 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking for 81 cars at 1A Hill Street, Dulwich Hill.

The development application relates to a type of development that the Minister of Planning and Environment has categorised as being of regional significance. The Sydney East Joint Regional Planning Panel is the consent authority for the purposes of determining the application.

Council officers have carried out an assessment of the application and the Council officer's report on the application has been forwarded to the Sydney East Joint Regional Planning Panel for the Regional Panel's consideration. A copy of the Council officer's assessment report on the development application is provided as **ATTACHMENT 1**. The officer's report recommends that the application be approved.

The matter has been set down for hearing by the Panel on Thursday 24 March 2016 at the Christie Centre, Level 3, 3 Spring Street, Sydney.

The matter is referred to the Council for information and the Council needs to determine whether it wishes to make a submission to the Panel in relation to the proposal, and if so, the contents of such submission.

1. Background

A development application (DA201500246) was submitted to Council on 20 May 2015, seeking consent to demolish the existing improvements, and construct a 9 part 10 storey residential flat building with 66 dwellings and 3 levels of basement car parking at 1A Hill Street, Dulwich Hill. During the assessment the application was amended resulting in a 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking for 81 cars.

The application was notified in accordance with Council's Notification Policy and 43 submissions (including one in support) were received in response to the neighbour notification.

Council officers have carried out an assessment of the application and the officer's report on the application has been forwarded to the Sydney East Joint Regional Planning Panel for the Regional Panel's consideration. The officer's report recommends that the application be approved.

A copy of the report on the application for the Joint Regional Planning Panel's consideration is provided as **ATTACHMENT 1**.

2. Council representation to a Joint Regional Planning Panel

Section 4.11 of the Department of Planning and Environment's "Joint Regional Planning Panels Operational Procedures" relates to "Council representation to the Regional Panel". That section of the Procedures reads as follows:

“4.11 Council representation to the Regional Panel

An elected council may make a submission on a DA within their LGA that is to be determined by a regional panel up to seven days before the regional panel meeting. The applicant may consider it appropriate to provide a briefing to council prior to the council prior to the council framing its submission to the panel.

After the assessment report has been forwarded to the secretariat, it may be provided to the elected council to assist in its decision as to whether it will be making a submission to the regional panel. The elected council's submission should not be prepared by persons involved in the assessment of the application, and should be prepared by another council officer, or a consultant.

A council submission may not be specifically addressed in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the regional panel at the meeting to express the views of council.

Councillors who are also panel members have an independent role because they have been nominated by their council as its nominee to the regional panel. They should declare any interest in a DA for regional development that comes before their council (or council committee) meeting. They should also not remain in the council chamber during council's deliberations.”

3. Conclusion

The Panel Secretariat has advised that the matter has been scheduled for hearing by the Joint Regional Planning Panel on Thursday 24 March 2016 in the Christie Centre Conference Centre, 3 Spring Street, Sydney.

Council needs to determine whether it wishes to make a submission to the Panel in relation to the proposal, and if so, the contents of such submission. It should be noted that specific time constraints apply to the Council making a submission on a development application that is required to be determined by a Joint Regional Planning Panel.

Under the Department of Planning and Environment's "Procedures for the operation of Joint Regional Planning Panels" any submission that the Council make in relation to the proposal should be received by Panel Secretariat no later than Thursday 17 March 2016, on the basis of the matter being considered by the Panel on Thursday 24 March 2016.

PART E - RECOMMENDATION

THAT Council determine whether it wishes to make a submission to the Joint Regional Planning Panel – Sydney East in relation to the proposal, and if so, the contents of such submission.

ATTACHMENTS

1. JRPP Assessment Report - Residential Flat Building

File Ref: DA201500246

Synopsis

This report relates to an application to demolish the existing improvements, and construct a U-shaped 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking for 81 cars with associated landscape works.

The development has a capital investment value (CIV) of \$22,627,420. Applications with a CIV of more than \$20 million must be referred to the Joint Regional Planning Panel (JRPP) to exercise its consent authority functions under Schedule 4A of Environmental Planning and Assessment Act 1979.

Since lodgment, the application was amended to delete the top level and reduce the number of units from 66 to 64 units, with the rearrangement of units and a revised unit mix.

In terms of key compliances, the building generally complies with the building height development standard (except for roof top structures) in Marrickville Local Environmental Plan 2011 (MLEP 2011) although exceeds the number of storeys control in the Marrickville Development Control Plan 2011 (MDCP 2011) by one storey. The floor space ratio (FSR) development standard applying to the site under MLEP 2011 is 1.75:1 and the proposal has an FSR of 1.95:1 (inclusive of additional basement car parking spaces). The development amounts to a 5% departure from the height development standard and 11.6% from the FSR development standard.

The site is part of a Masterplan area in MDCP 2011 (MA11.1) and the adjoining site at 6 - 26 Grove Street has been approved with a height up to 8 storeys and a FSR of 2:1 (where the MLEP 2011 FSR standard is a slightly lower at 1.7:1).

42 objections were submitted in response to the notification of the proposal, and the most common concerns raised were cumulative impacts with other development in the area/precinct, the height relative to surrounding one-storey dwelling houses and traffic/parking impacts. It is true that the surrounding scale of existing dwelling houses (excluding the adjoining Masterplan sites) is low, and mostly one storey in height and the proposal marks a significant change in scale to such surrounds. However, this was envisaged by the planning controls that included site specific masterplan for this site and adjacent lots occupied by redundant industrial buildings. The height (except for roof top structures) generally complies with the MLEP 2011 standard and is compatible with adjoining approved development. While the FSR does exceed the maximum in MLEP 2011, the scale is similar to that envisaged by the controls and adjoining development; the proposal is considered to be consistent with the objectives of the height and FSR development standards and the submitted Clause 4.6 submissions addressing the height and FSR departures are considered justified and well founded.

The design of the proposal is contemporary and high quality, and the amenity of the apartments is acceptable having regard to the provisions of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) and the associated former Residential Flat Design Code (RFDC). The proposal was also supported by Council's independent Architectural Excellence Panel (AEP). There are a number of benefits associated with the proposal including the provision of a substantial Greenway link adjoining the light rail corridor and improved surrounding landscape interface with Hill Street.

While there is a non-compliance with the MLEP 2011 FSR development standard (and less so for the height standard), on balance, the proposal is considered worthy of approval and is recommended for deferred commencement consent subject to terms and conditions relating to submission of a Remediation Action Plan.

**Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL****PART A - PARTICULARS**

Location: Southern side of the western termination of Hill Street, immediately east of the light rail corridor, approximately 60 metres west of the intersection of Hill Street and Grove Street, Dulwich Hill. The site forms part of the northern extremity of the Masterplan area (MA 11.1) within wider Hoskins Park Precinct in MDCP 2011. To the immediate south and east of the site is another Masterplan site undergoing construction (known as 6-26 Grove Street and 60-64 Constitution Road).



Image 1: Location Map

D/A No: 201500246

Application Date: 20 May 2015. Additional information submitted during October 2015, including changes to the proposed plans, January and February 2016.

Proposal: To demolish the existing improvements and construct a 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking with associated landscape works.

Estimated Cost: \$22,627,420

Applicant: Beraldo Design Pty Ltd

Zoning: R1 - General Residential

PART B - THE SITE AND ITS ENVIRONMENT

Improvements: A one storey masonry warehouse-style building(s) occupies the site, with a pitched metal roof and verandah structure to the east. The building is surrounded by concrete/bitumen at ground level, used for parking and vehicular manoeuvring. The site is generally devoid of trees and landscaping, except adjoining the north-eastern boundary, where a row of semi-mature conifer trees partially shield the building from view from Hill Street. A double-width concrete driveway services the site along the eastern boundary, for which there is a joint right-of-way with the adjoining

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL

site to the east, while a second double driveway services the site at the corner of Hill Street, adjoining the dwellings to the north-east at No 1-3 Hill Street. Electricity and water infrastructure traverse the site.



Image 2-4: The Site

Current Use: Meat processing (Andrews Meat Industries)

Prior Determinations: Development Consent No. 1929, dated 4 May, 1977 to use the premises for the purpose of a meat boning and packing plant, including the installation of freezing rooms, refrigerator motors and compressors and a band saw, together with the wholesaling and retailing of meat.

Development Consent No. 13524, dated 8 February, 1991 to carry out alterations and additions to the existing meat boning and packing factory.

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL

(This consent was never acted upon.)

Development Consent No. 17114, dated 10 June, 1997 to carry out alterations and additions to the building for the purposes of creating a larger cool room and freezer for the existing meat processing plant and to continue the use of the premises for the purposes of distribution of prepared meat and processing of meat related products together with the wholesaling and retailing of meat.

Determination No. 200500631, dated 20 April 2006, refused development consent to use existing unauthorised works carried out to a premises at 1A Hill Street, Dulwich Hill for the processing, packaging and wholesale distribution of meat products.

Environment:

Residential in nature. The site is part of a Masterplan site which is currently being developed, generally ranging from 4 to 8 storeys (surrounding the site to the east and south). That development is under construction/excavation, with approval for 249 dwellings across 4 buildings. Otherwise, the nature of the surrounding area and development along Hill Street is low scale residential, with occasional interspersed flat buildings and light industrial uses in the surrounding area. The light rail corridor adjoins the site to the west. The zoning and planning controls applying to the site and surrounds have resulted in a transition in the nature of the built environment from light industrial/warehousing interspersed with residential uses to predominantly residential.

PART C - REQUIREMENTS**1 Zoning**

Is the proposal permissible under zoning provisions?

Yes

2 Development Standards (Statutory Requirements):

Type	Required	Proposed
Height of Buildings (max)	29 metres	30.6 metres
Floor Space Ratio (max)	1.75:1	1.95:1

3 Departures from Development Control Plan:

Type	Required	Proposed
Parking	73 spaces	81 spaces
Site Coverage	30%	28%
Unit Mix	5% Studio	2% studio (other types comply)
Building footprint/shape	Irregular	U-Shaped
Number of storeys	8	9

4 Community Consultation:

Required: Yes (newspaper advertisement, on site notice and resident notification)
Submissions: 42 submissions (including 1 in support and 41 objections)

5 Other Requirements:

ANEF 2033 Affectionation:	<20 ANEF
Marrickville Section 94/94A Contributions Plan 2014	\$1,142,684.98
State Environmental Planning Policy (State and Regional Development) 2011	
State Environmental Planning Policy No.55 – Remediation of Land	
State Environmental Planning Policy (Infrastructure) 2007	
State Environmental Planning Policy (BASIX) 2004	

**Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL**

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

PART D - ASSESSMENT**1. The Site and Surrounds**

The site has an area of 2,883sqm and is generally flat, with a frontage of 37 metres to Hill Street and has an irregular hatchet shape, with a long axis adjoining the light rail corridor to the west. The site is located on the southern side of Hill Street, generally at a bend near the western termination of the street and currently contains single storey structures (accommodating a meat processing use) surrounded by hard paved areas for parking, storage and manoeuvring.

The surrounding area is undergoing transition, particularly associated with the light rail corridor and former industrial sites undergoing redevelopment to higher density residential. These sites are interspersed and accommodate a higher built form than surrounding lower scale predominantly residential housing, such as occurred at the Waratah Flour Mills site across the light rail corridor to the north-west of the site.

To the immediate north of the site at the bend of Hill Street are single storey dwellings known as Nos. 1-3 Hill Street (part of the Masterplan area MA11.1) while to the east are the rear of dwellings known as Nos. 2-4 Grove Street (also part of the Masterplan area although not part of the adjoining development consent/construction). Across Hill Street to the north and north-east are mostly single storey dwellings, with a two storey residential flat building. The scale and character of Hill Street is mostly one storey dwellings beyond the Masterplan site(s).



Image 5: Adjoining No. 3 Hill Street (No.1 behind)

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL

Item 4



Image 6: View east up Hill Street from outside the site



Image 7: Structures on the south side of Hill Street, east of the site (Nos. 2-4 Hill Street)

Attachment 1

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL



Image 8: Dwellings to the north-east across Hill Street



Image 9: View to the north from within the site to the units opposite on Hill Street (No. 14)

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL

Item 4

To the immediate south and east of the site is a development site known as 6-26 Grove Street and 60-64 Constitution Road Dulwich Hill. This is a "Masterplan" site (as for the subject site) which is undergoing development in accordance with approved Determination No. 2013000375, granted on 20 June 2014 by the JRPP.

The adjoining (and subject) sites are Masterplan sites within the broader "Hoskins Park Precinct" in MDCP 2011, as shown below (the subject site is shown by a red dot).

The MDCP 2011 extract also shows the adjoining two single storey dwellings to the north (Nos. 1 and 3 Hill Street) are also within the "Masterplan" site, forming part of "Site 3".

The site is not within a Heritage Conservation Area and there are no heritage items or Heritage Conservation Areas within the immediate proximity or reasonable visual proximity to the site.

Attachment 1

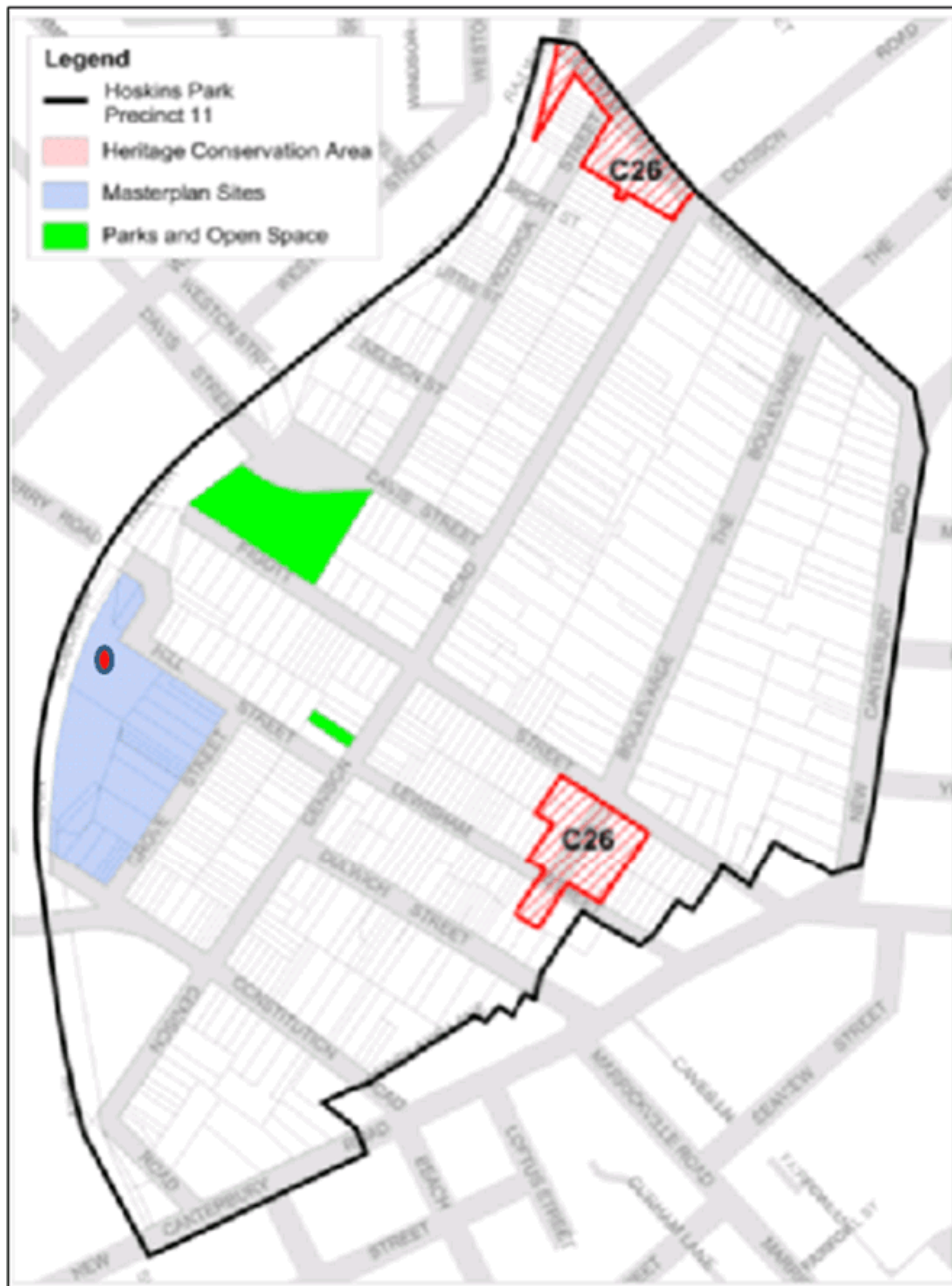
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Image 10: Hoskins Park Precinct (MDCP 2011) and site

The development footprint of the adjoining approved development is shown below (together with an extract of the MDCP 2011 masterplan site planning provisions, equating to "Site 1"). While the diagrams are not exactly aligned by orientation, it can be seen that the adjoining approved development has a different site planning than in MDCP 2011, with the most proximate building to the south being oriented east-west rather than north-south (and also setback approximately 5.35 metres rather than 9 metres). This is elaborated upon later in this report.

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Image 11: MDCP 2011 Masterplan (MA 11.1) footprint and adjoining approved development

To the immediate west of the site is the light rail line and the site is roughly midway between the Arlington (south) and Waratah Mills (north) light rail stations.

There are two parks within the surrounding area: Hoskins Park approximately 150 metres to the north-east of the site and Johnson Park to the west across the light Rail corridor.

To the north-east across the light rail corridor is the former Waratah Flour Mills residential development, shown in the photograph below.

Attachment 1

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Image 12: View west across light rail corridor from Hill Street to the former Flour Mills site development

2. The Proposal

Changes to the original proposal

The proposal as originally submitted included an additional storey (a 10 storey building), with a total of 66 units. The top level of the building was deleted through amendments to the proposal during assessment and some bulk redistributed to the lower levels resulting in some increase in the gross floor area (GFA) compared to the original proposal, partly from redistribution and partly from GFA assessment, although no changes were made to the overall building footprint. Some changes were made to the layout, balconies and unit mix. These changes were in response to issues raised during assessment regarding the height and other issues. Other changes included increasing the floor-floor heights to 3.1 metres to achieve 2.7 metres ceilings, increased 3 bedroom units to improve unit mix compliance, movement of disabled spaces to be more proximate to lifts, refinement of the garage levels to address flooding flow paths, changes to the bin store room, refinement of materials and building composition/elements in response to design comments from the AEP.

This assessment relates to the amended proposal.

The proposal seeks approval to demolish existing improvements and construct a 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking containing 81 cars and associated loading, storage and bicycle spaces with associated landscape works.

The proposal is to erect one building in a "U" shape around an east-facing central courtyard and above the basement parking. The parking access to the basement parking is proposed along the driveway to the south of the site (sharing access with the adjoining site) and the basement access is towards the southern end of the site.

The building is setback from the western boundary to provide a “green corridor” adjacent to the light rail corridor.

The following table summarises key aspects of the proposal:

Table 1: Key Development Statistics

Element	Permitted/Required	Proposed
Site Area	2,883m ²	
Gross Floor Area	5,045m ²	5,522.54m ²
Floor Space Ratio	1.75:1	1.91:1 (9.4%) 1.95:1 (including additional basement car parking spaces above the DCP requirements).
Height of Buildings	29 metres	30.6 metres (maximum to lift core – habitable levels comply)
Storeys (DCP)	8	9
Apartment mix (DCP)*		
• Studio	5 - 20% (3 – 13 apartments)	2% (1 apartment)
• 1 bedroom	10 - 40% (6 – 26 apartments)	20% (13 apartments)
• 2 bedroom	40 - 75% (26- 48 apartments)	67% (43 apartments)
• 3 bedroom	10 – 45% (6 – 29 apartments)	11% (7 apartments)
• Adaptable dwellings	13 apartments	13 apartments
Retail Floor Space	No min requirement	
Car parking spaces (DCP)		
• Standard	52 spaces + 5 visitors	59 spaces + 6 visitors
• Accessible	13 spaces + 3 visitors	13 spaces + 3 visitors
• Service bays	1 spaces	1 space in basement
Motorbikes	3 spaces	4 spaces
Bicycle spaces	32 resident; and 6 residential visitor	39 in basement
Landscaped area (DCP)	45% (1,297m ²)	49% (1,400m ²)

A copy of the photomontage, floor plans, elevations and section of the development submitted with the application are reproduced below:

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Image 13: Photomontage

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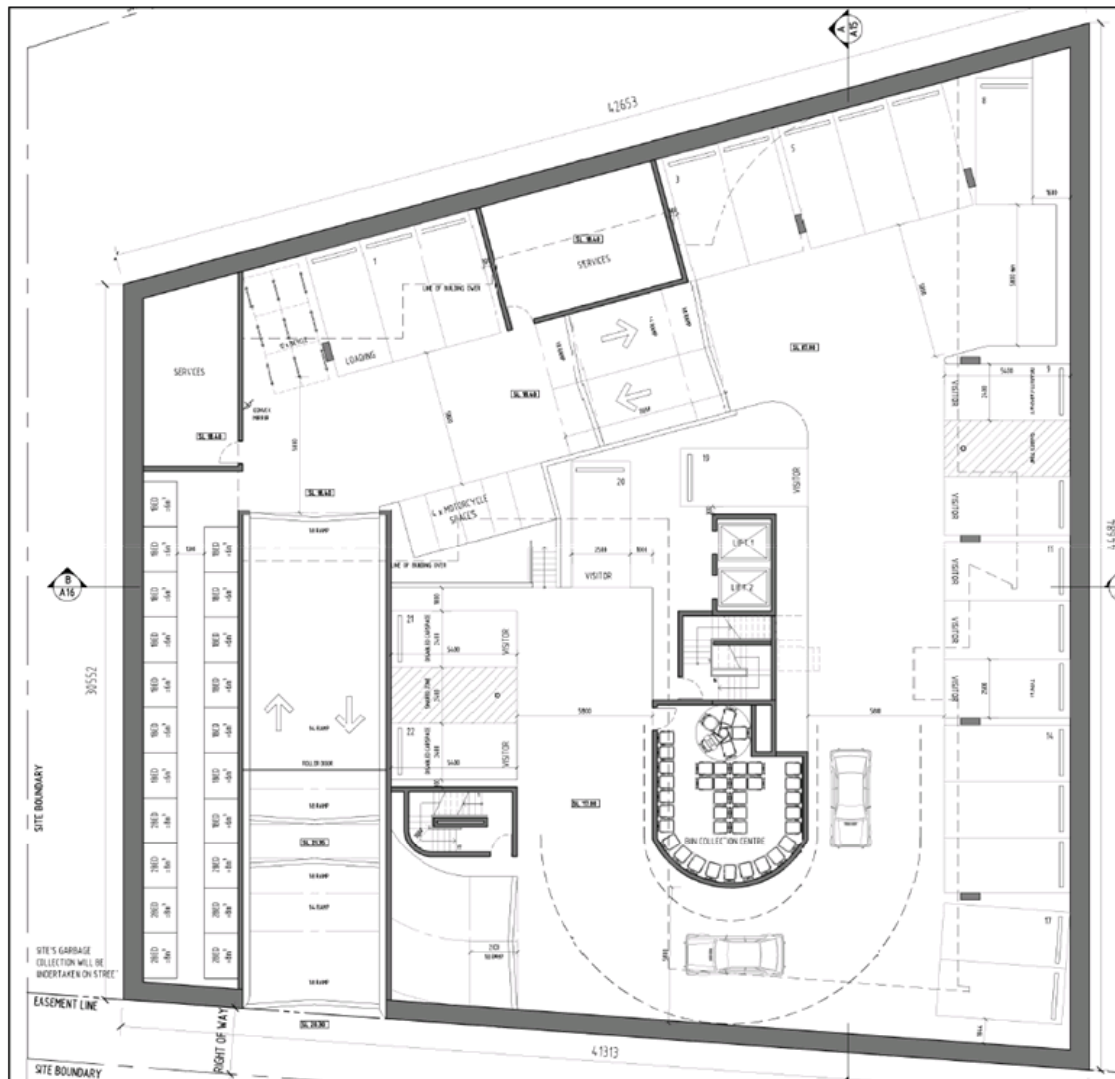


Image 14: Basement Plan 1

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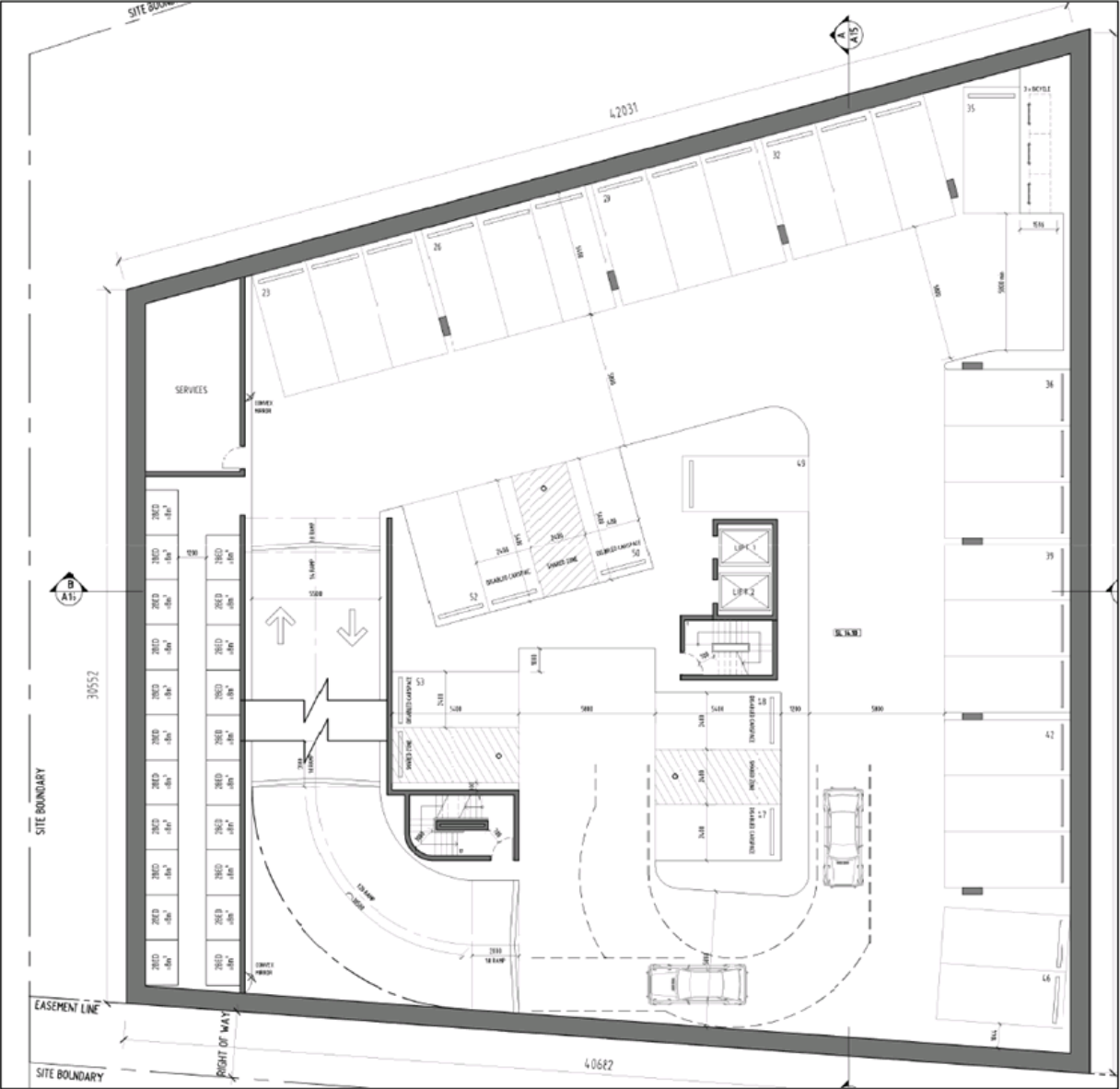


Image 15: Basement Plan 2

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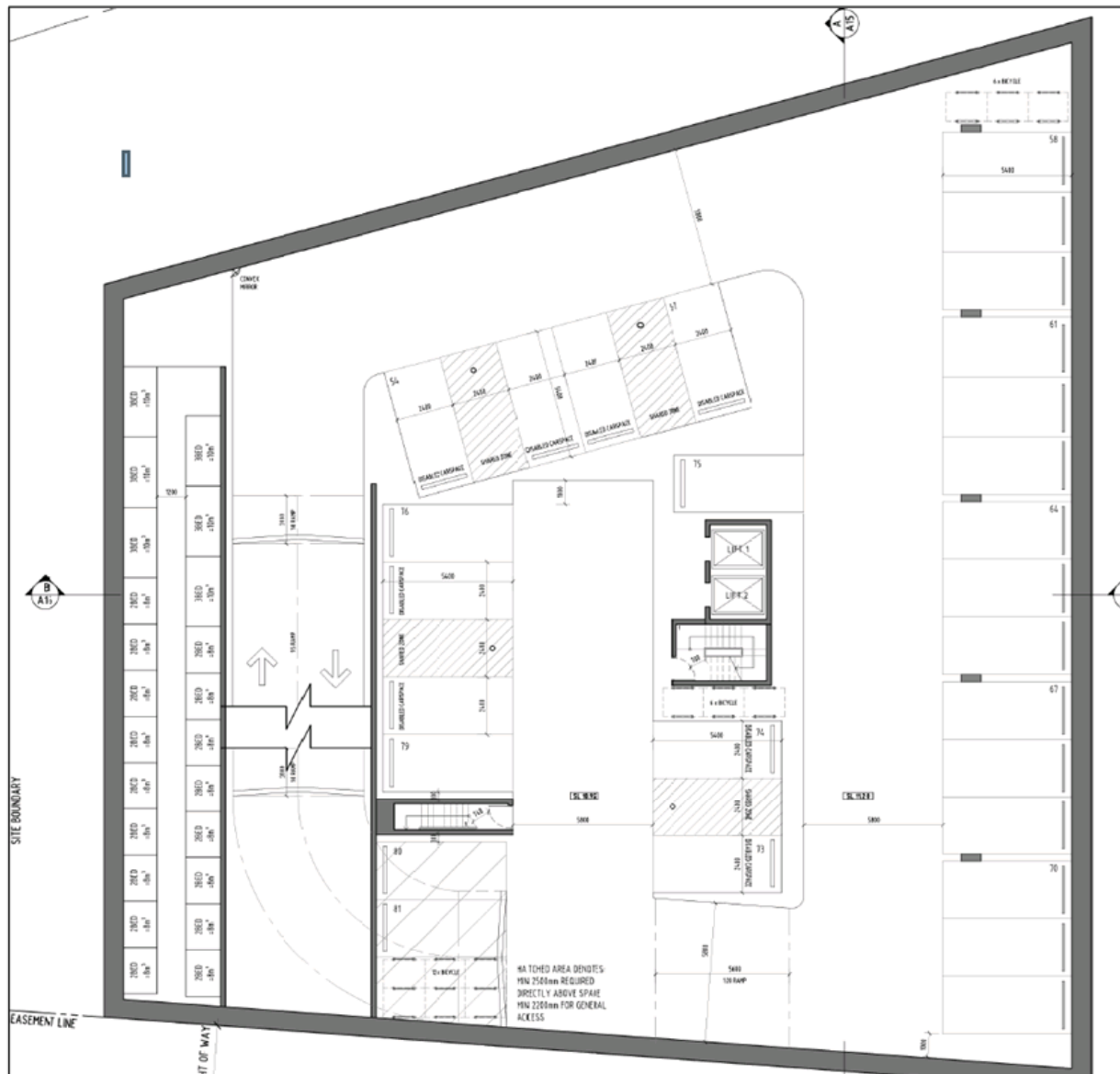


Image 16: Basement Plan 3

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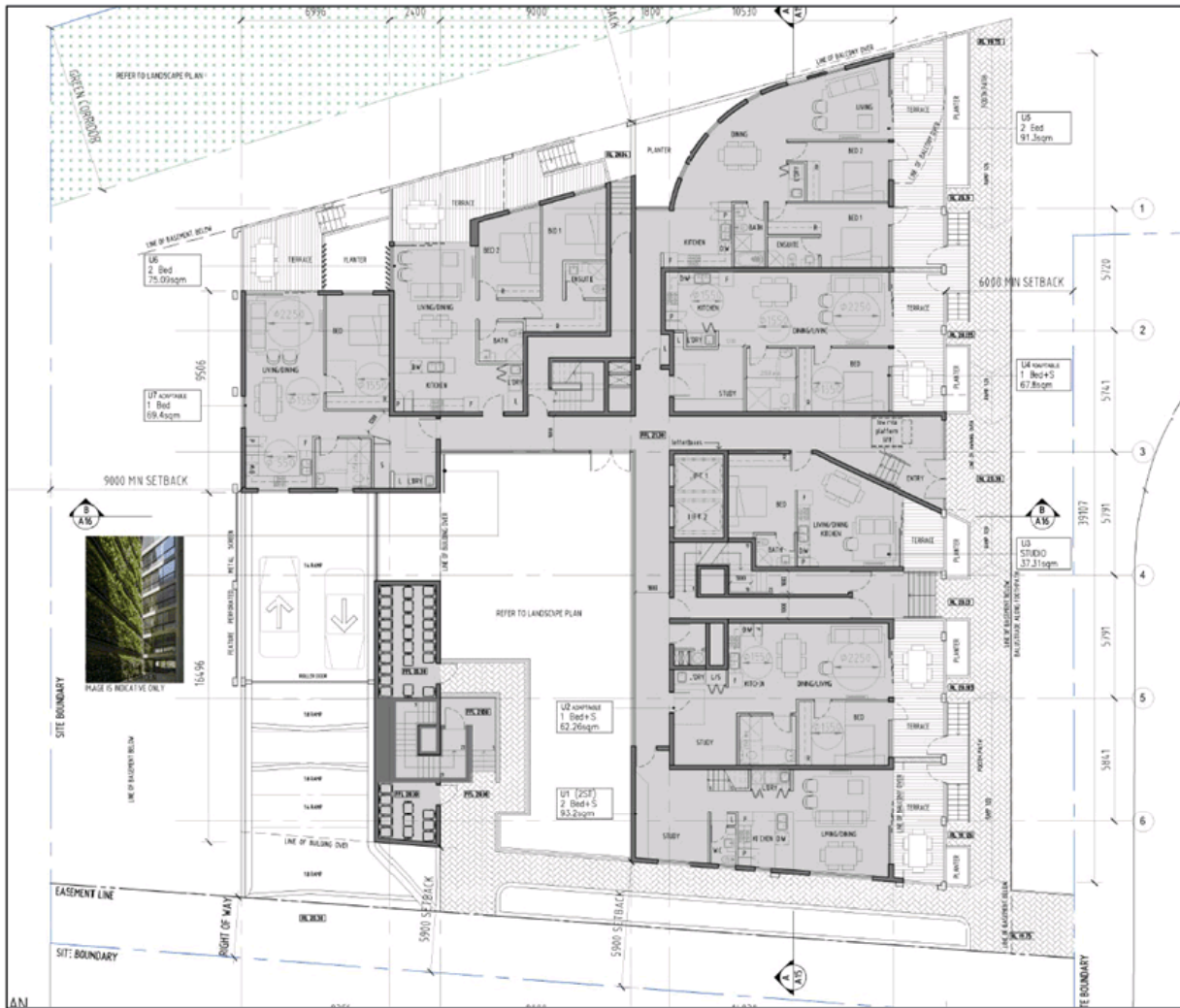


Image 17: Ground Floor Plan

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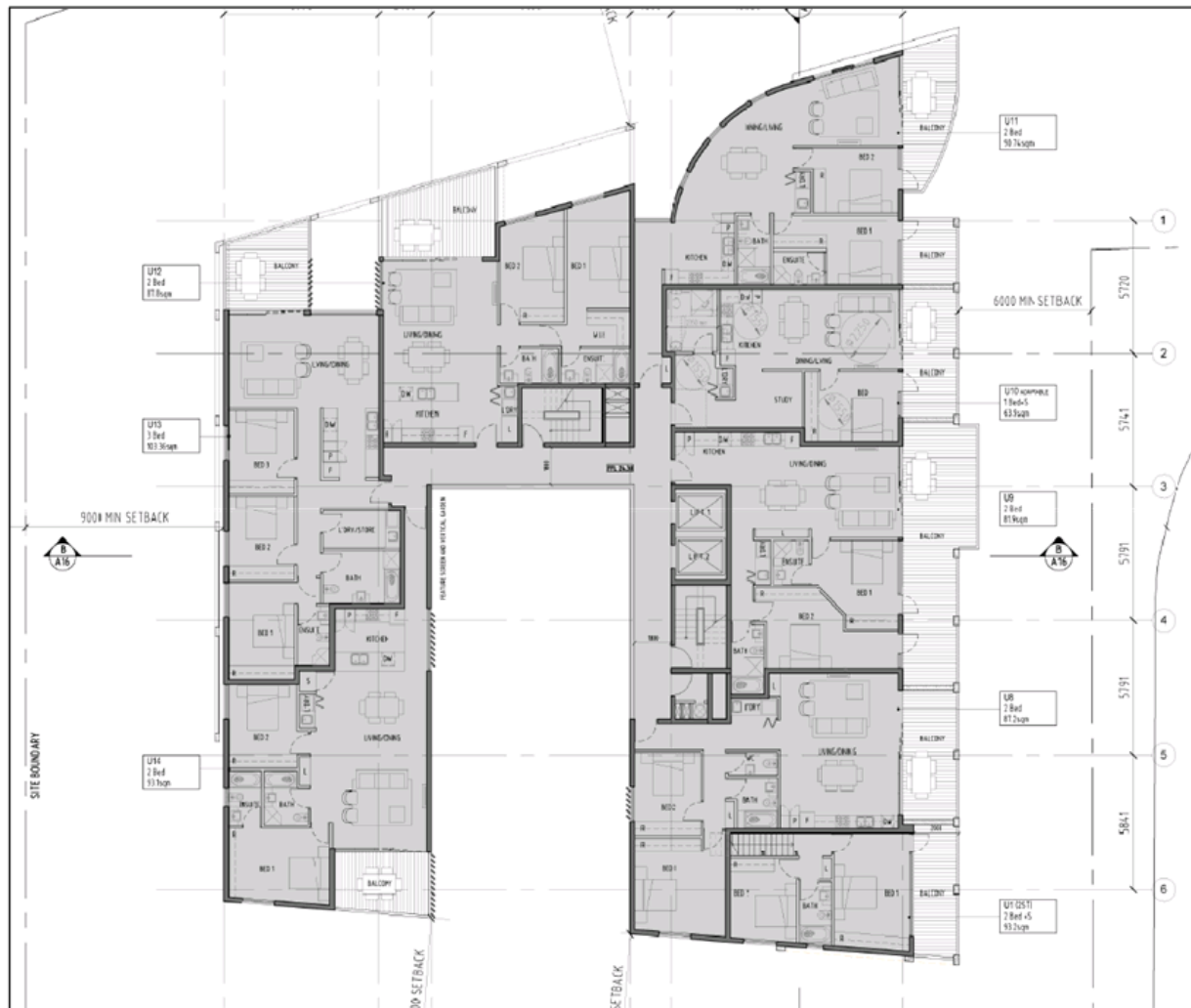


Image 18: First Floor Plan

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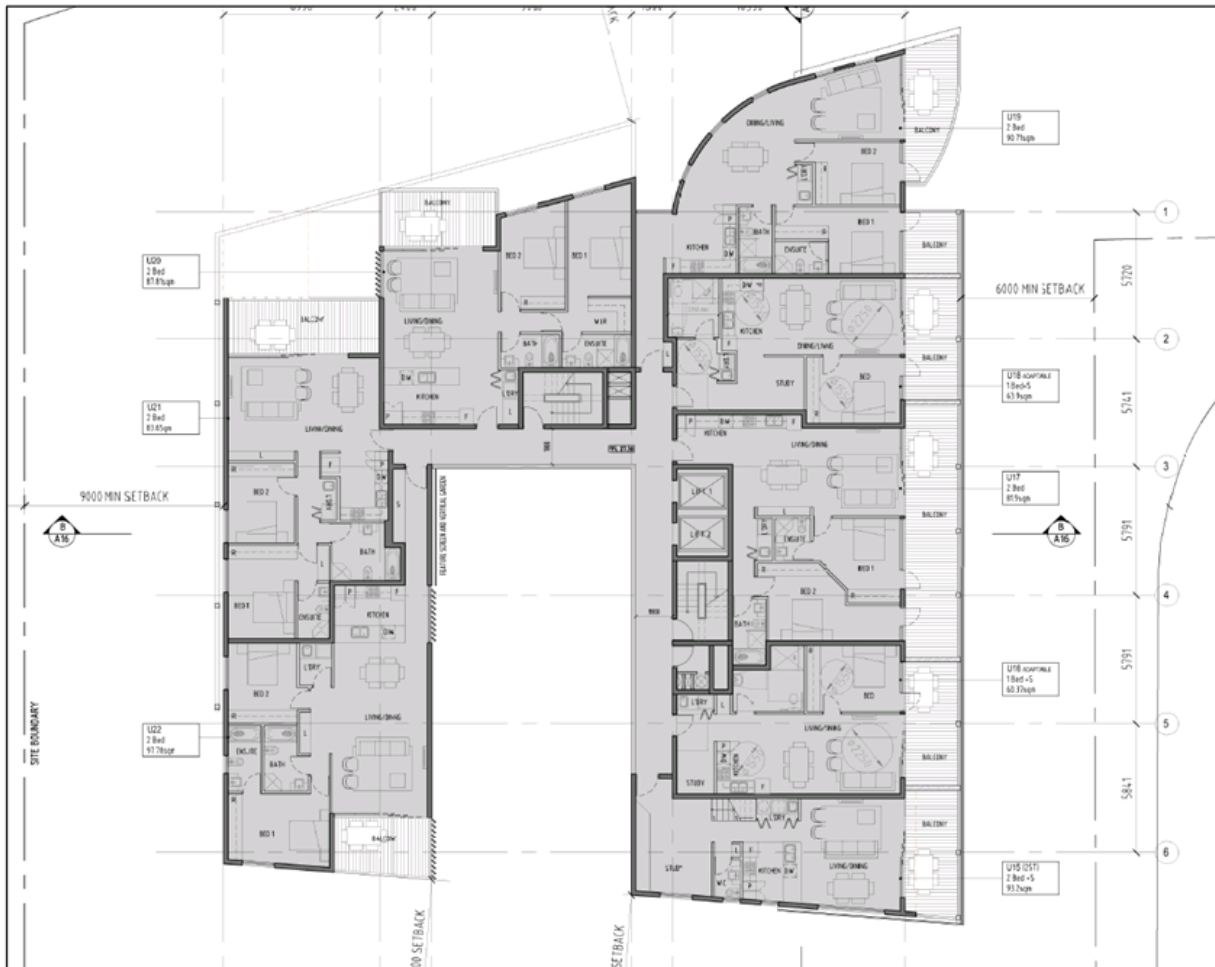


Image 19: Second Floor Plan

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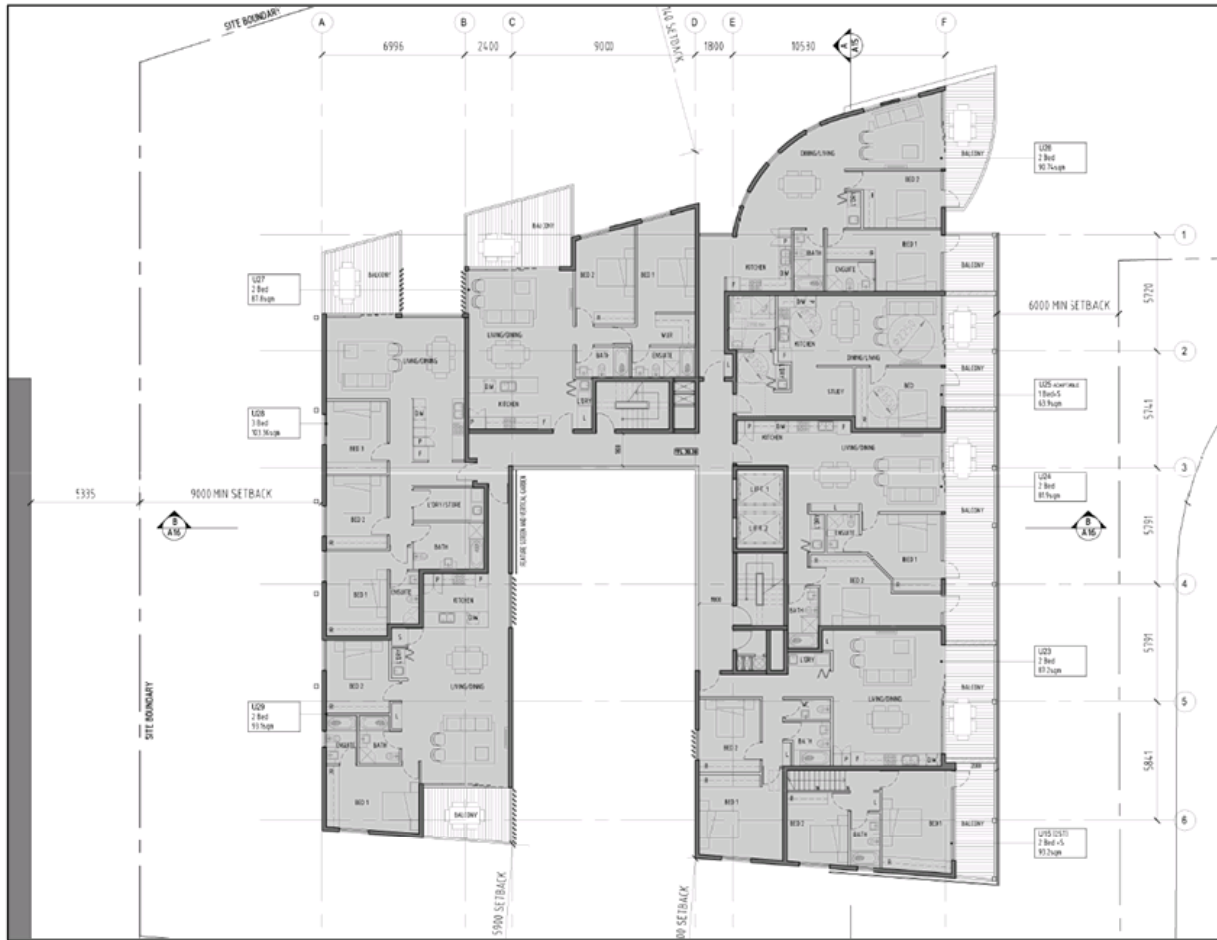


Image 20: Third Floor Plan

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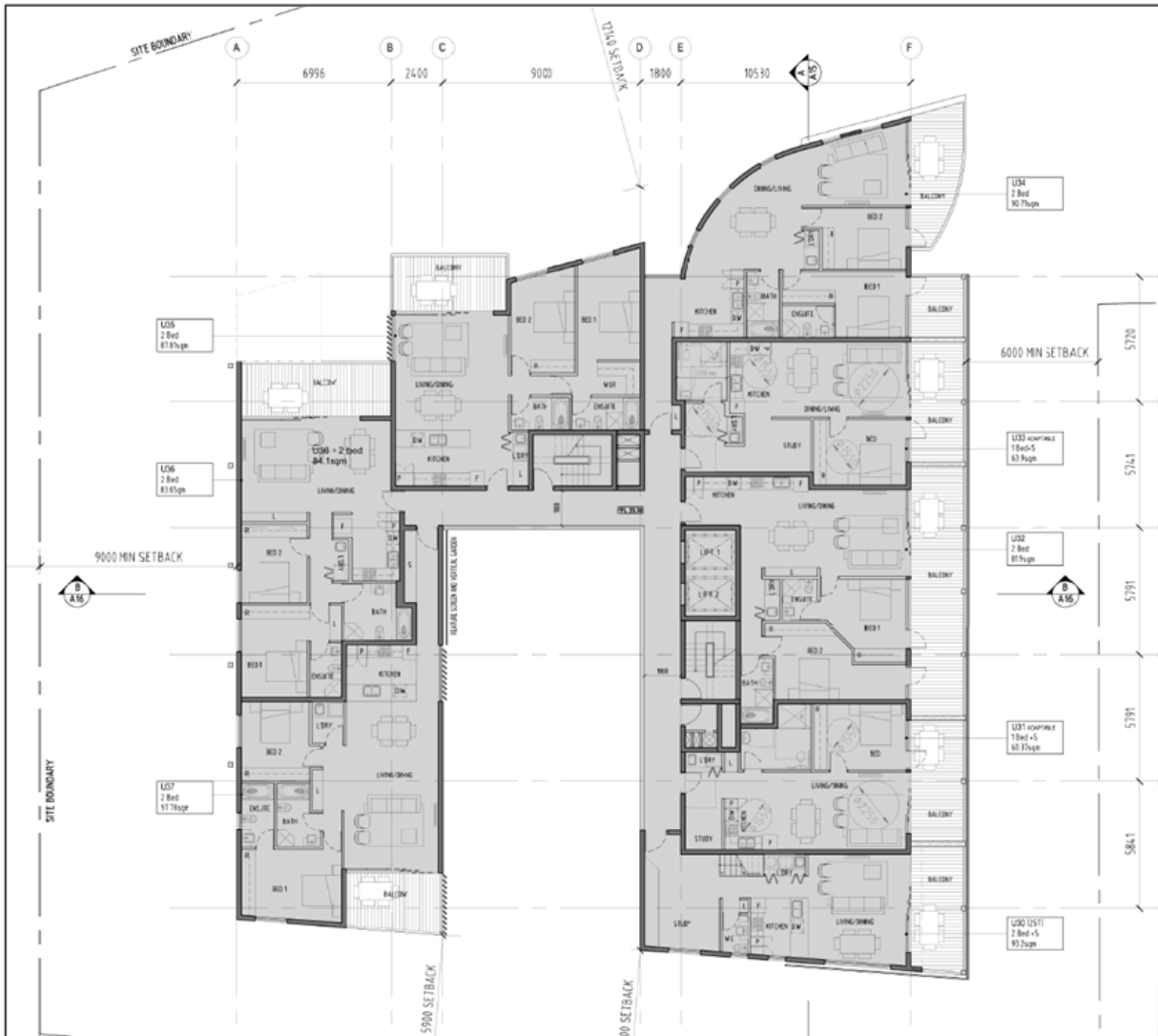


Image 21: Fourth Floor Plan

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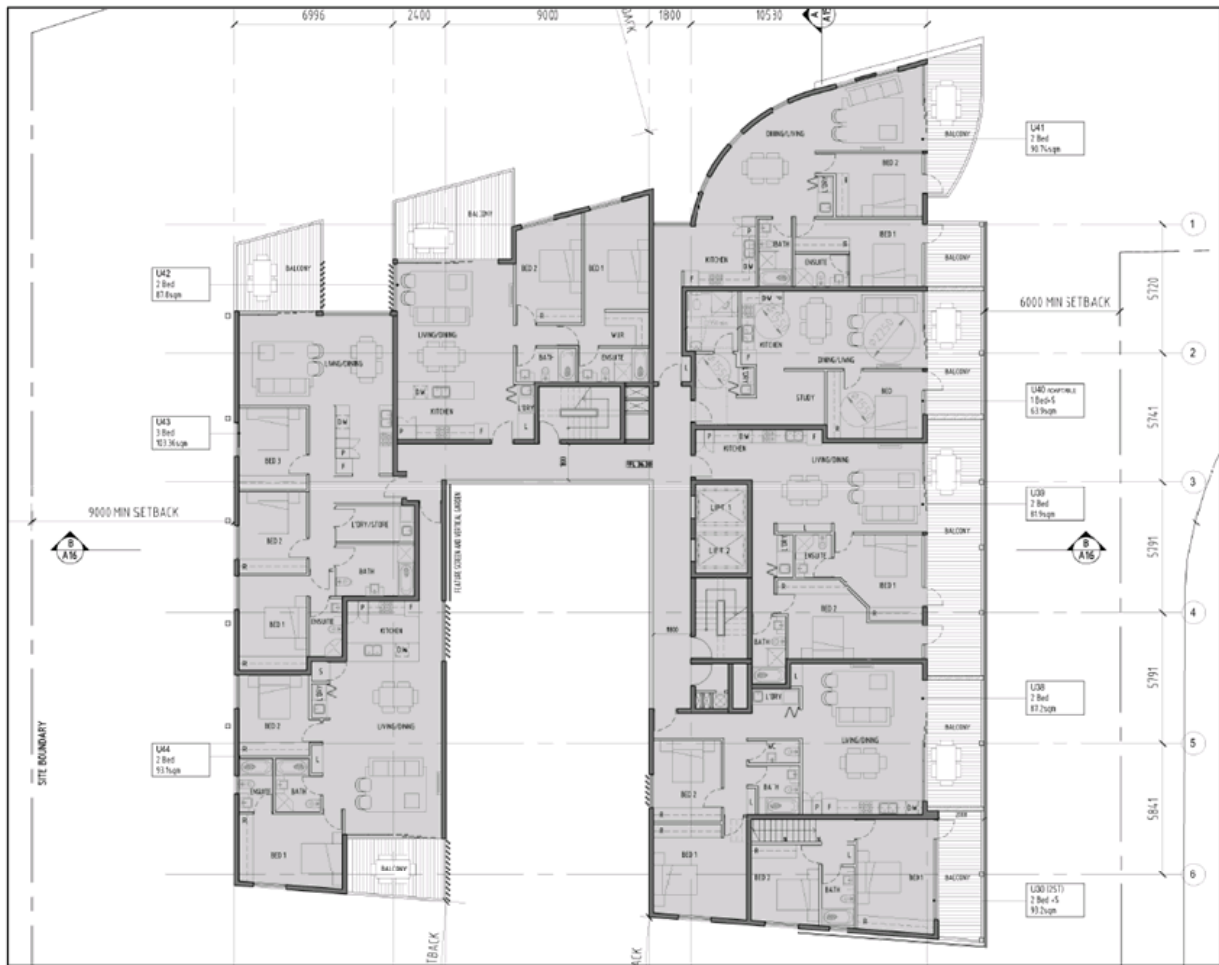


Image 22: Fifth floor plan

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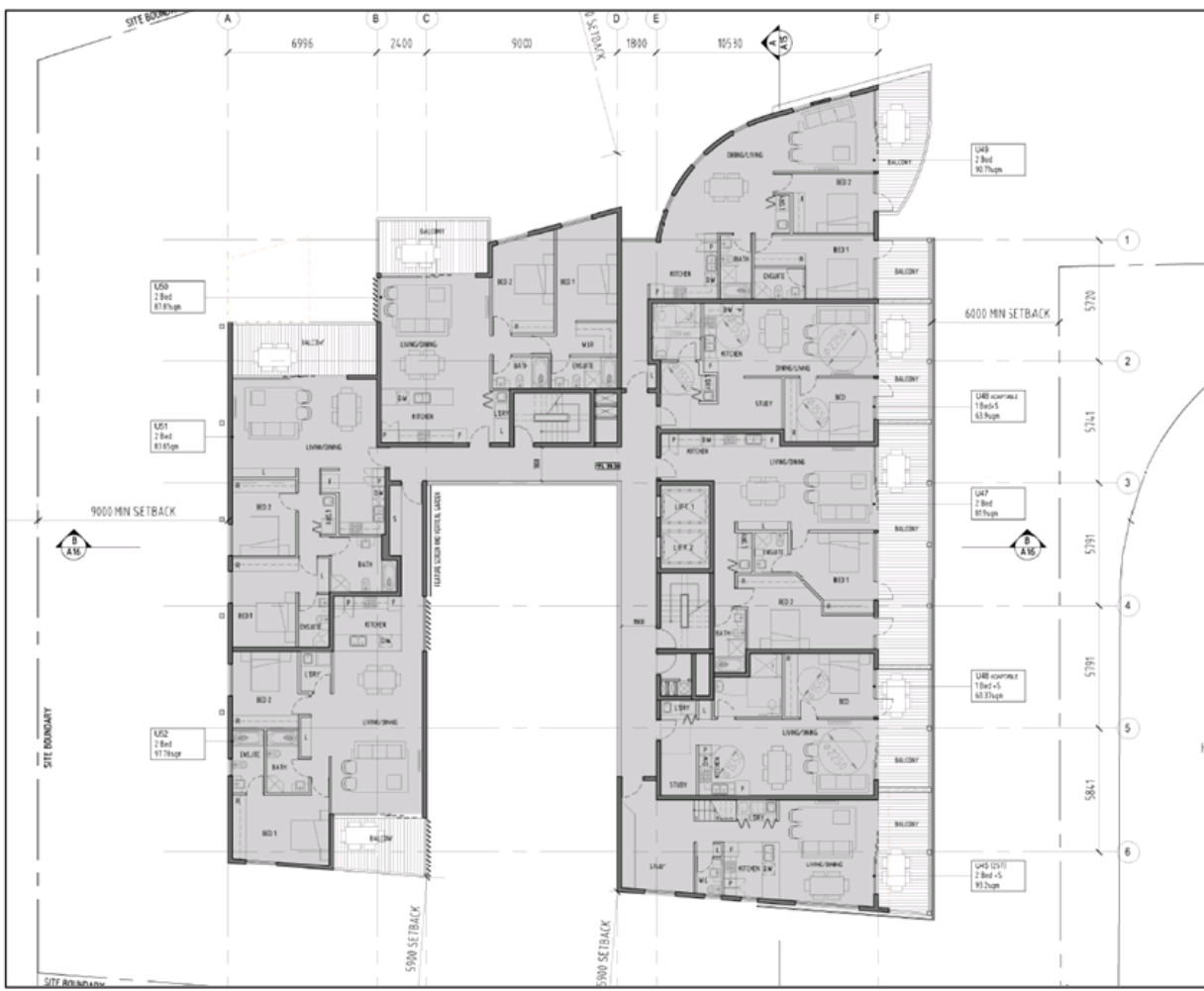


Image 23: Sixth Floor Plan

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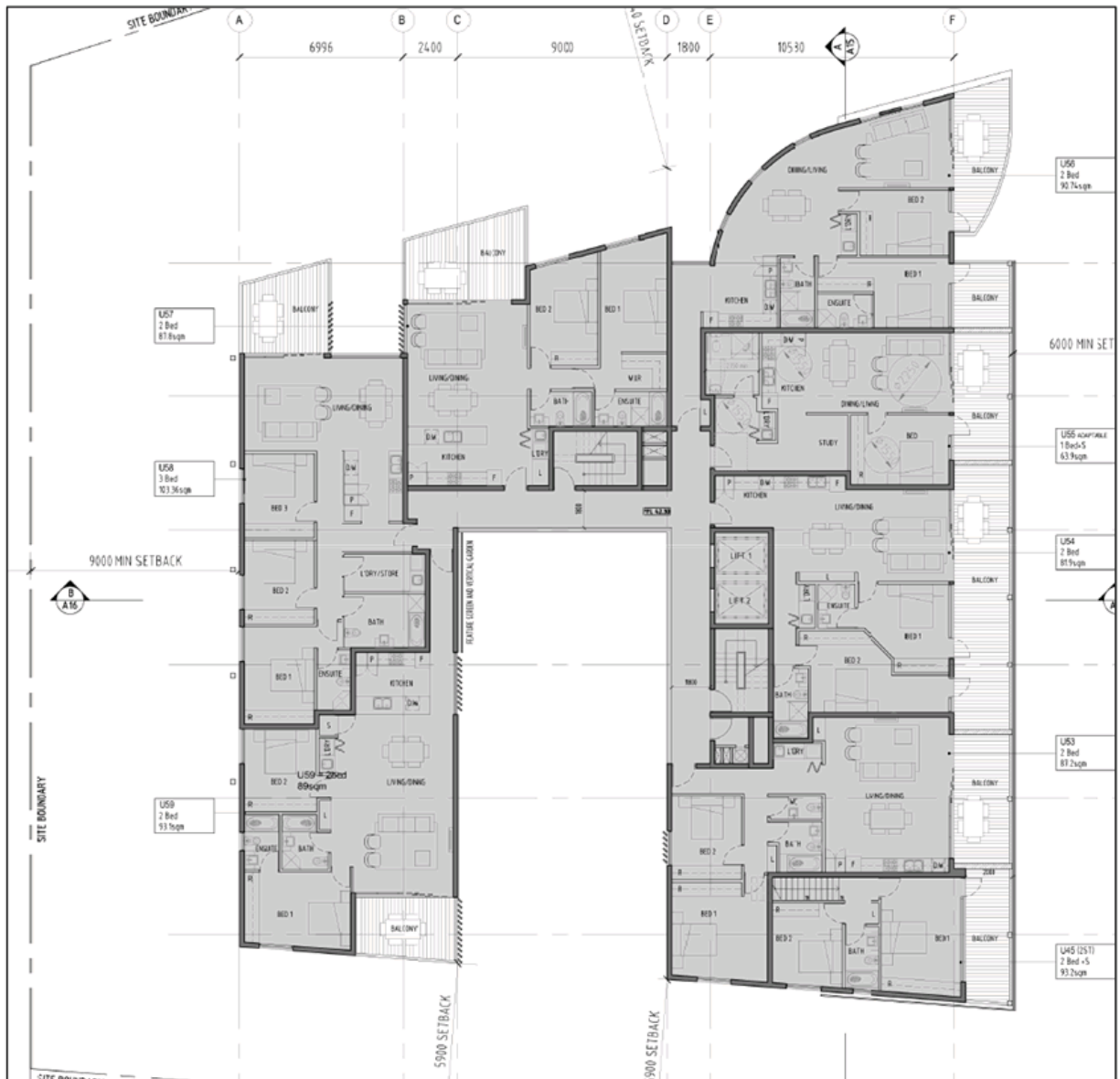


Image 24: Seventh Floor Plan

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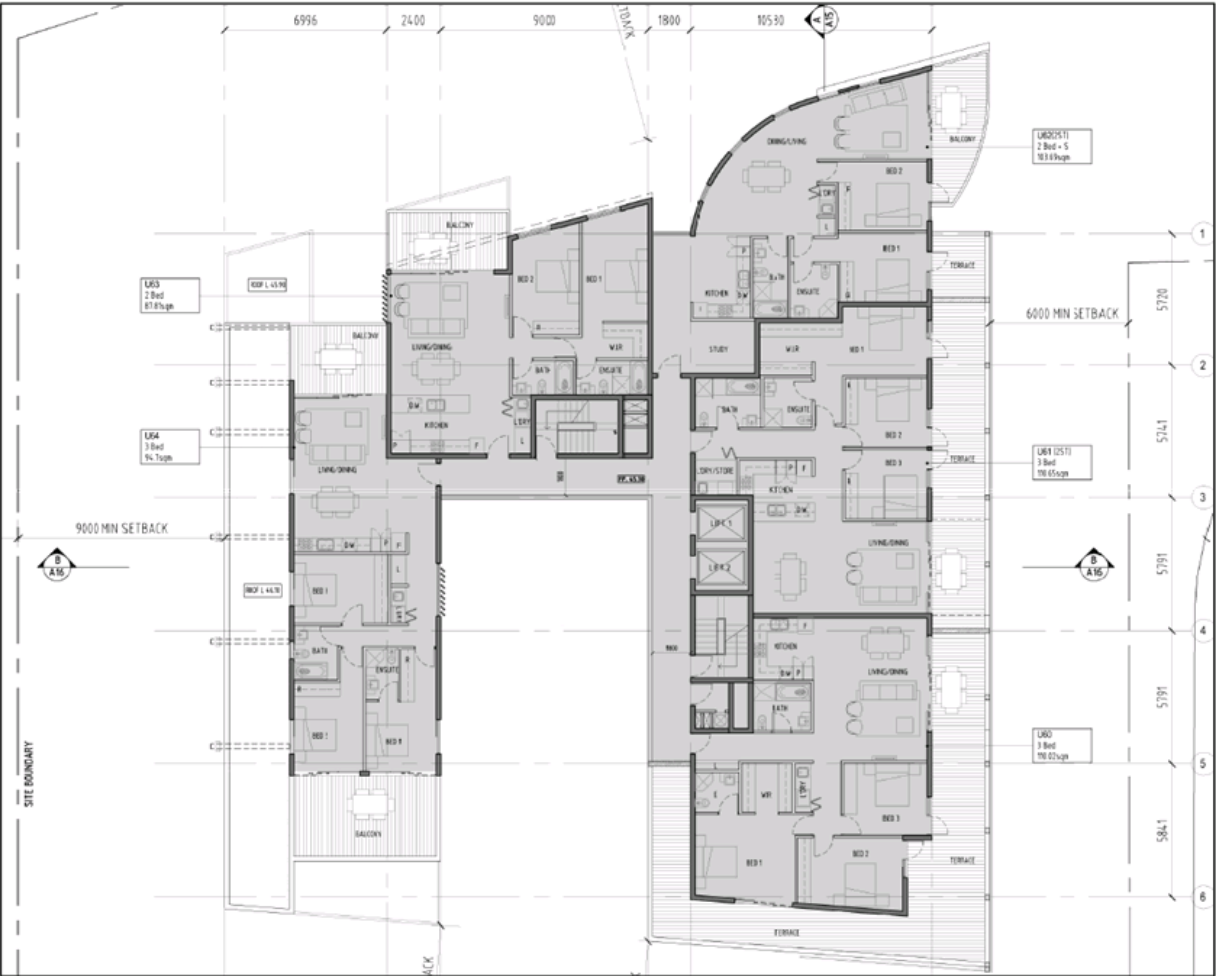


Image 25: Eighth floor plan

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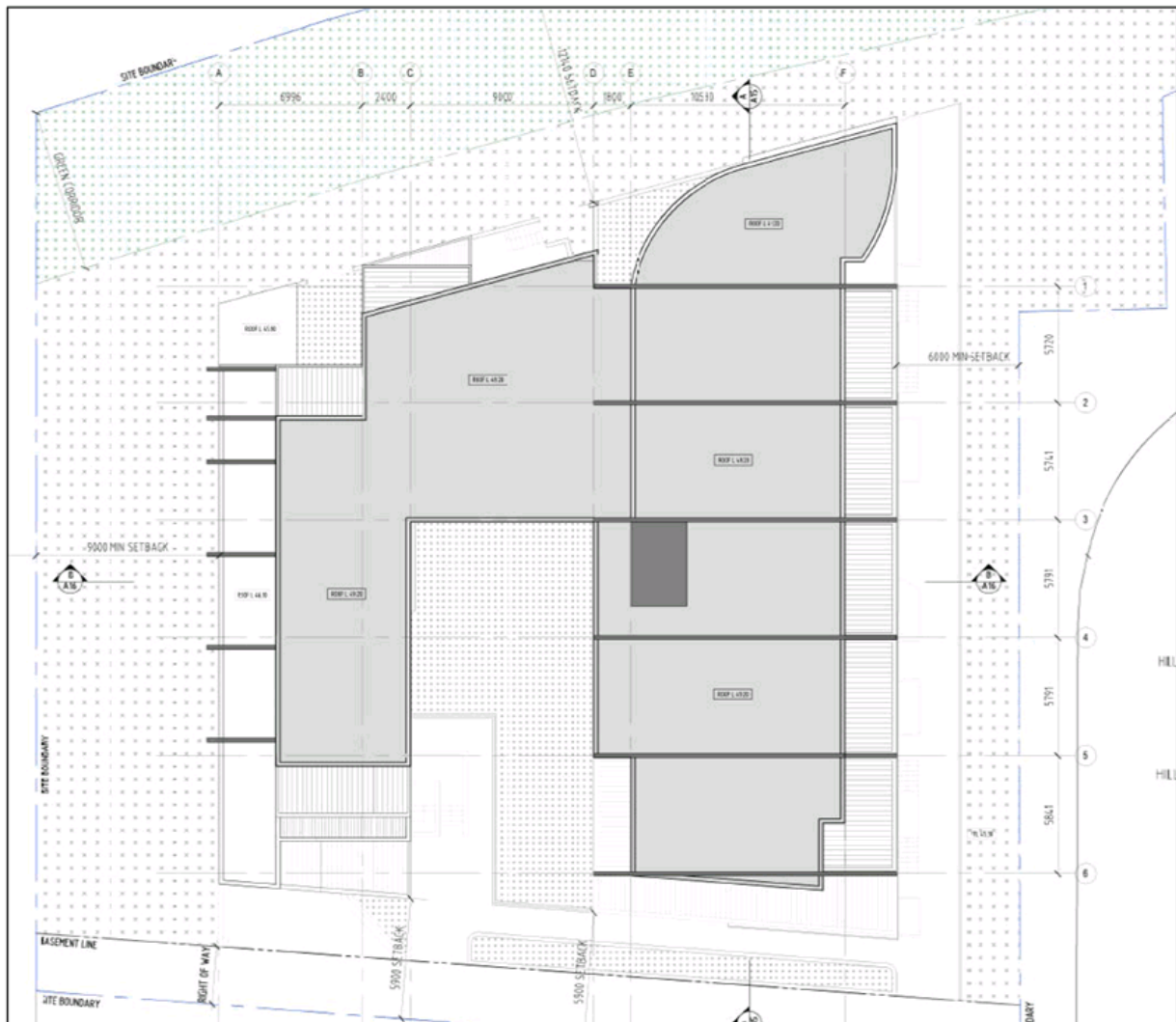


Image 26: Roof Plan

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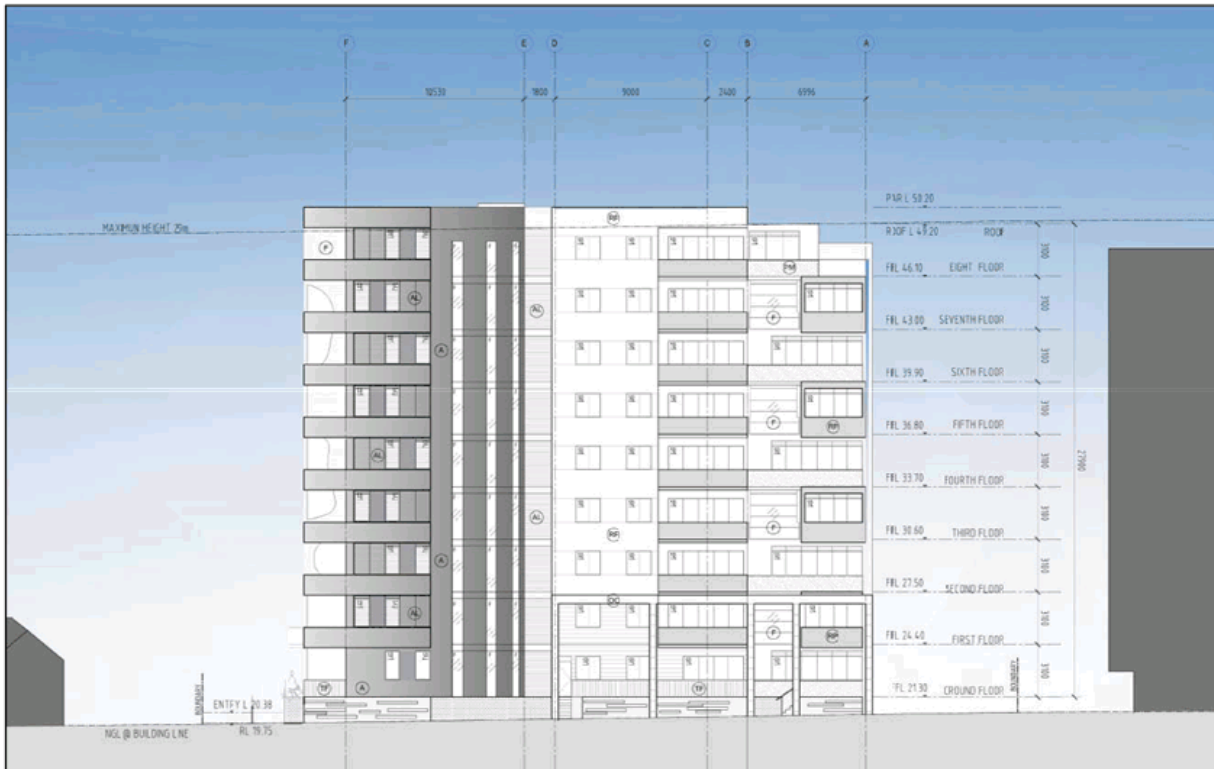


Image 27: North West Elevation

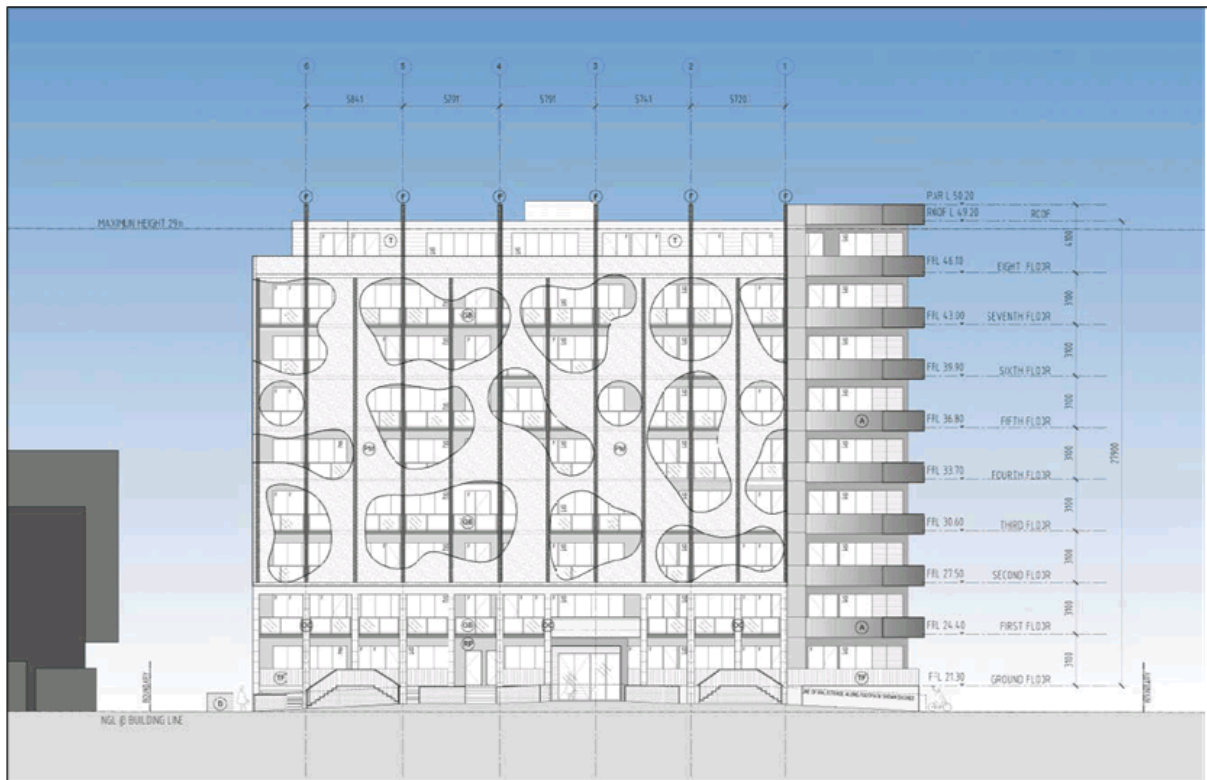


Image 28: North East Elevation

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Image 29: South East Elevation



Image 30: South West Elevation

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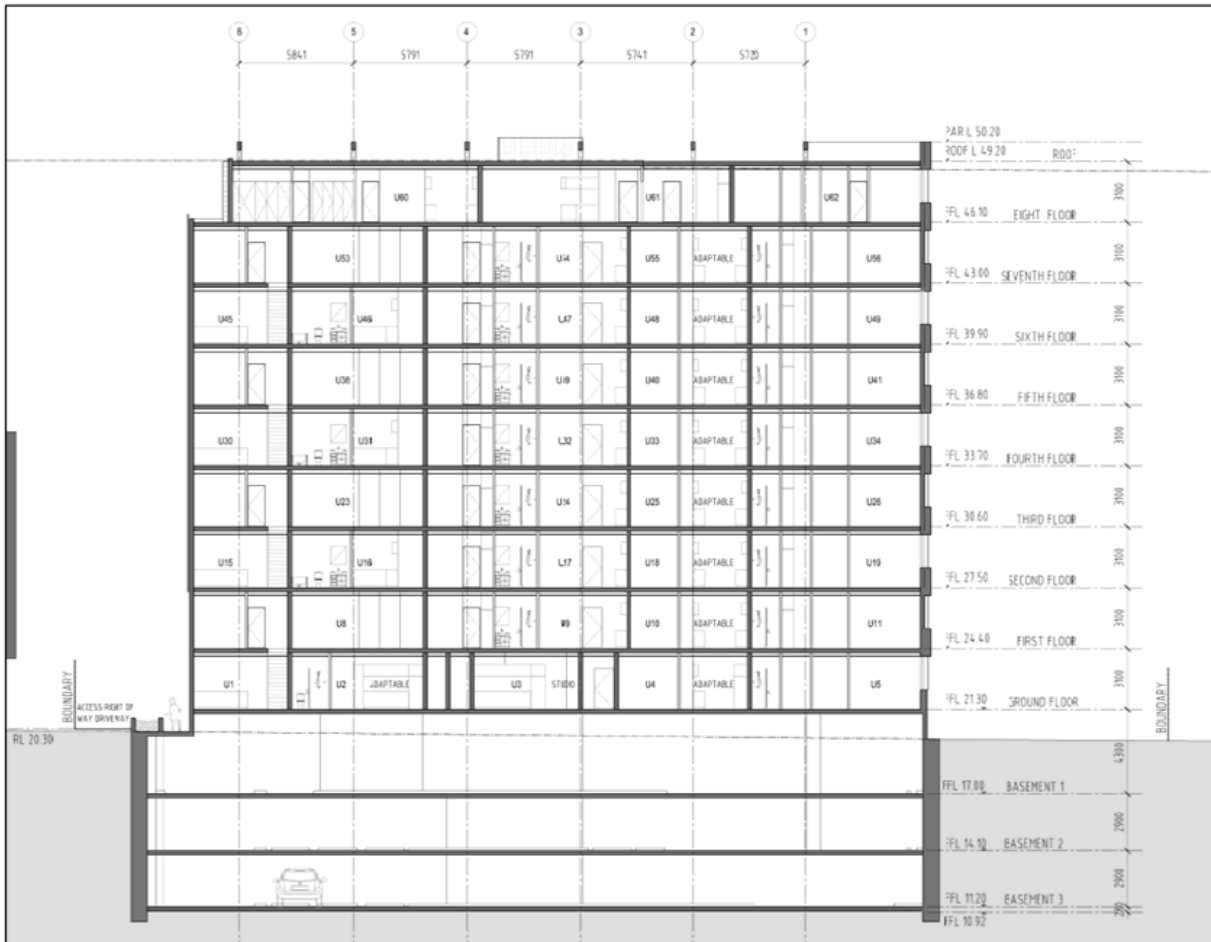


Image 31: Section A

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Image 32: Section B

The following section provides an assessment of the application against the relevant Acts and Regulations, statutory planning instruments, plans and policies.

3. Sydney Water Act 1994

The land contains a water supply pipe owned by Sydney Water and protected by easement.

Correspondence was received from Sydney Water during the assessment process advising that the required stormwater asset deviation proposal is able to be addressed via deferred commencement terms and conditions.

4. State Environmental Planning Policy (State and Regional Development) 2011

The development has a capital investment value of \$22,627,420.

Clause 3 in Schedule 4A of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979) provides that general development with a capital investment value of more than \$20 million must be determined by the relevant Joint Regional Planning Panel, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

5. State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 (MDCP 2011) provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The applicant has provided both a Stage 1 and more detailed Stage 2 Environmental Site Assessment. The latter was provided in response to a request from Council as the first generic report was for the wider site. The submitted report identified some "hot spots" (of PAH) although found low likelihood of widespread contamination (9 test bore holes were made, having regard to the size of the site and associated guidelines). Detailed ground water assessment was not undertaken, although preliminary investigation was undertaken due to likely intercept of groundwater by the basements and borehole results. This issue is considered able to be addressed by the recommended conditions.

The information submitted is detailed and sufficient to make a conclusion the site is able to made suitable for the proposed use, subject to appropriate conditions, as recommended. A deferred commencement condition is included in the recommendation for the submission of a RAP.

6. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

The provisions of SEPP 65 apply to the development. As required by the SEPP, a Design Verification Statement was submitted with the application indicating that a registered Architect directed the design of the proposed residential flat development and that the proposal generally satisfies the design quality principles set out in Part 2 of SEPP 65.

SEPP 65, as applying at the time of lodgement of the application, prescribes ten design quality principles to guide architects designing residential flat buildings and to assist councils in assessing such developments. The ten principles relate to key design issues including the context, scale, built form and building density, resource, energy and water efficiency, landscape design, amenity, safety/security, social impacts and aesthetics.

The SEPP also contains provisions for appointment of Design Review Panels (DRPs) by the Minister or Councils and the need to consider advice from such a Panel. Marrickville Council has an "Architectural Excellence Panel" (AEP) whose role includes providing independent advice on certain applications. While the AEP is not a formally constituted panel under the SEPP, the advice of the AEP has informed the assessment of the DA.

The AEP provided comments on the original proposal at Pre-DA stage (i.e. prior to amendments):

"The panellists discussed the Pre-DA proposal with Beraldo Design Architects. In the panellists' views, the proposed DA is a well-thought architectural design. The 'U' shaped building is an appropriate built form solution for the site, making a trade-off that involves the addition of an extra 9-part-10 level in return for lesser building bulk; improved amenity to apartments, lobbies and corridors; and an increase in the size of the communal open space at ground level. The proposal is supported for approval provided that some minor amendments are made in accordance with the following recommendations:

Aesthetics

In general, the elevations have been carefully considered but some minor design refinements are required prior to DA approval, as follows:

- 1. Recommendation 1:** *The northwest elevation (fronting the light rail) needs to be refined to improve architectural expression and appearance. In particular, the*

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transition between the curved element and the several projections and recesses of the orthogonal shapes of the balconies and external walls looks a little clunky and aesthetically unresolved. Perhaps, a simpler orthogonal plane could provide a better transition between the curved element, the small indent and the orthogonal plane, achieving greater design cohesiveness and a more sophisticated built form. Also, the off-form concrete frame at ground and first floor levels appears to be an ad hoc element, of which the form and scale are disconnected from the other elements of the façade. This needs to be revisited. The flipped balconies and the proportion of solid to void are supported.

2. **Recommendation 2:** Photomontage of the northwest elevation should be provided.
3. **Recommendation 3:** The architectural expression of the northeast elevation (fronting Hill Street) is well-thought-out. The height of the strong 'body' of the building created by the perforated screen balances well against the corner tower element. But the façade elements of the two top levels should be improved to minimise the visual impact of the several steps in height. Perhaps, Level 9 and Level 10 could be more recessive and thereby not confuse the balance between the perforated screen and the tower element.
4. **Recommendation 4:** The proposed perforated metal mesh needs to be of high quality and lasting material to avoid rust and minimise maintenance. Thought should be given to its stiffness over large areas.

Pedestrian Access at Ground Level

5. **Recommendation 5:** The proposed secondary footpath parallel to the public footpath along Hill Street is unnecessary and invites privacy problems. It is more beneficial to have ground level apartments and the lobby directly accessible to the public footpath on Hill Street. Similarly, the ground level apartments facing the light rail line should also be accessible from an onsite footpath for the convenience of residents and to help activate the landscaped common area. Therefore, the ground floor plan and landscape concept plan should be amended to (1) delete the secondary footpath; (2) provide a direct pedestrian path between Hill Street and the main entry to the lobby area to improve pedestrian legibility and access; and (3) provide a direct pedestrian path, steps and small gate to access the terraces of each of the ground-floor units facing Hill Street and the light rail line. Front fences and gates should be no higher than 1.5m. A cross-section in 1:20 should be provided clearly illustrating the public/private interface between the ground floor apartments, the public footpath along Hill Street and the footpath fronting the light rail line, including specifications of fencing height and materials.

Waste Collection

1. **Recommendation 6:** The design solution for garbage bin collection is not well-thought-out and needs refinement.

Recommendations Summary

The proposal is supported for approval provided that some minor amendments are made in accordance with the recommendations 1 to 6 described above. Amended drawings should be submitted to the AEP for sign off."

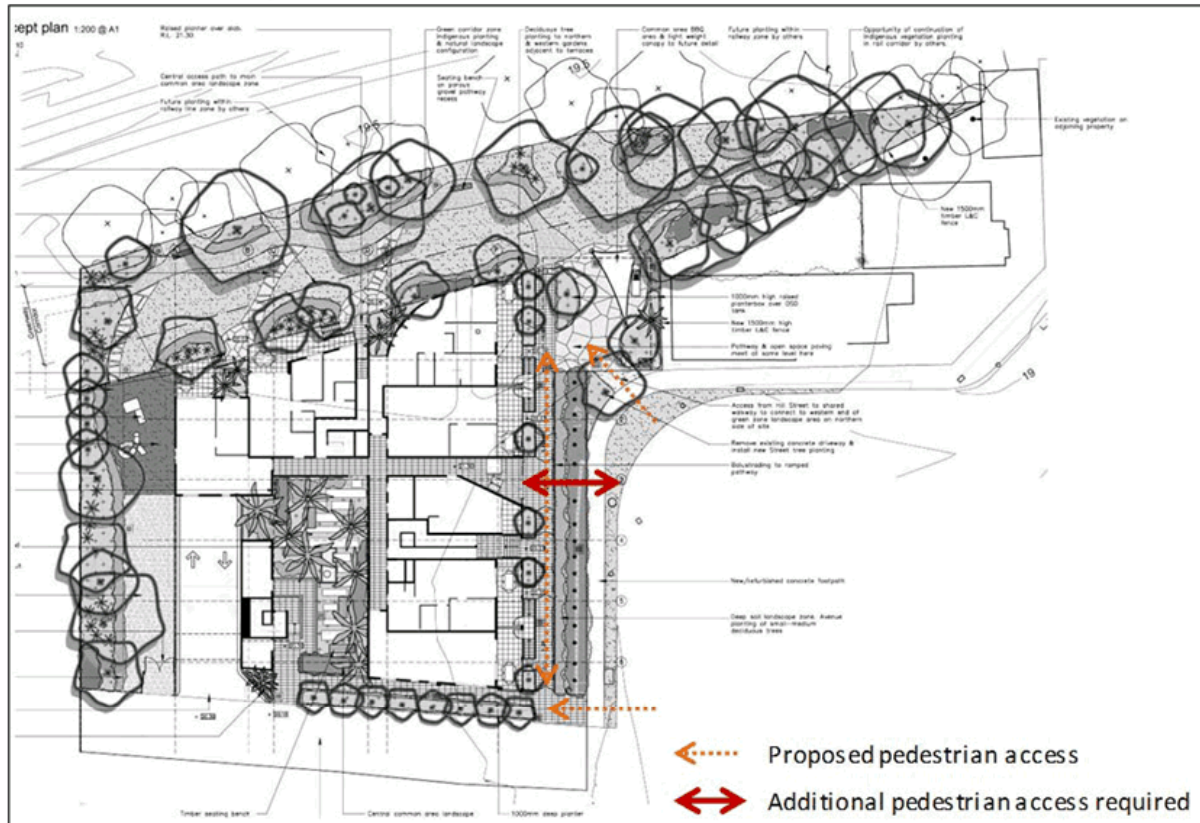
The issues raised by the AEP were provided to the applicant and were addressed in amended plans, along with other planning issues which were raised. The chair of Council's AEP provided the following comments regarding the amended proposal (subject to this assessment):

"The amended plans have incorporated most of the recommendations provided by the AEP in the report dated 10 July 2015. The amended plans are generally supported for approval, subject to some minor changes that could be included as conditions of consent, as follows:

- Entry to the lobby: Building access to the main lobby is not clearly visible from Hill Street and does not provide a legible address for the building. Also, the proposed pedestrian

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access located on the edges of the Ground Floor fronting onto Hill Street will diminish the privacy of the Ground Floor terraces. Therefore, the proposal should provide a direct pedestrian path between Hill Street and the main entry to the lobby area to improve pedestrian legibility and street address. In this case, the removal/transplanting of one or two bushes are well-justifiable.



- Finishes to the Northwest Elevation:** The balconies to the Northwest elevation are important and prominent features of the elevation, which will be highly visible from the greenway/light rail corridors and surrounding areas. The proposed rendering and painting (RP) to the balconies, therefore, is not considered an appropriate finish. Self-finished external material, such as alucobond, should be provided to the Northwest balconies for long term ease of maintenance, better aesthetics and longevity.”

The above comments and suggested recommended conditions are reasonable and have been included in the recommended conditions. It is noted the “additional” pedestrian access is to the street/setback area as the entrance to the building is shown on the plans.

The following provides a response to the principles within the SEPP:

Principle 1: Context

The character of the area is undergoing significant transition, although this is not the case for the whole surrounding area. Rather, it is particularly true of the masterplan sites to the south and east and areas generally adjacent to the light rail corridor. To the north-east and further east (beyond the Masterplanned sites), the prevailing scale is lower and is likely to remain so under the current planning controls.

The character of the building is consistent with that envisaged by the planning controls, which consciously and actively promotes redevelopment from industrial to higher density residential building forms, setback from the light rail corridor to provide a green corridor.

Principle 2: Scale

As discussed above, the site will result in a significant change in scale compared to surrounding lower scale residential buildings, many of which are one storey in height. However, this is envisaged and encouraged by the planning controls applying to the site and adjoining sites. The scale is generally consistent with that envisaged by the controls and also consistent with the adjoining approved development. The proposed FSR and height is addressed in Section 10 of this report.

Principle 3: Built form

The proposed building footprint takes a U shaped form. This is different to the schematic arrow-head form or envelope within the MDCP 2011 Masterplan provisions, although is an appropriate form and site-specific response, allowing light, ventilation and amenity to the dwellings and some articulation of form. The setbacks proposed are consistent to those specified in MDCP 2011, with a 9 metre setback to the southern boundary, 6 metre setback to Hill Street and 11.5 metre setback to the western light rail boundary. The setback to the Right of Way is approximately 5.9 metres (which is not specified within the Masterplan area under Part 9.11 of MDCP 2011 although a greater setback is favoured). The provision of a U shaped form can be considered to have pushed some massing and form westwards, although a more articulated form.

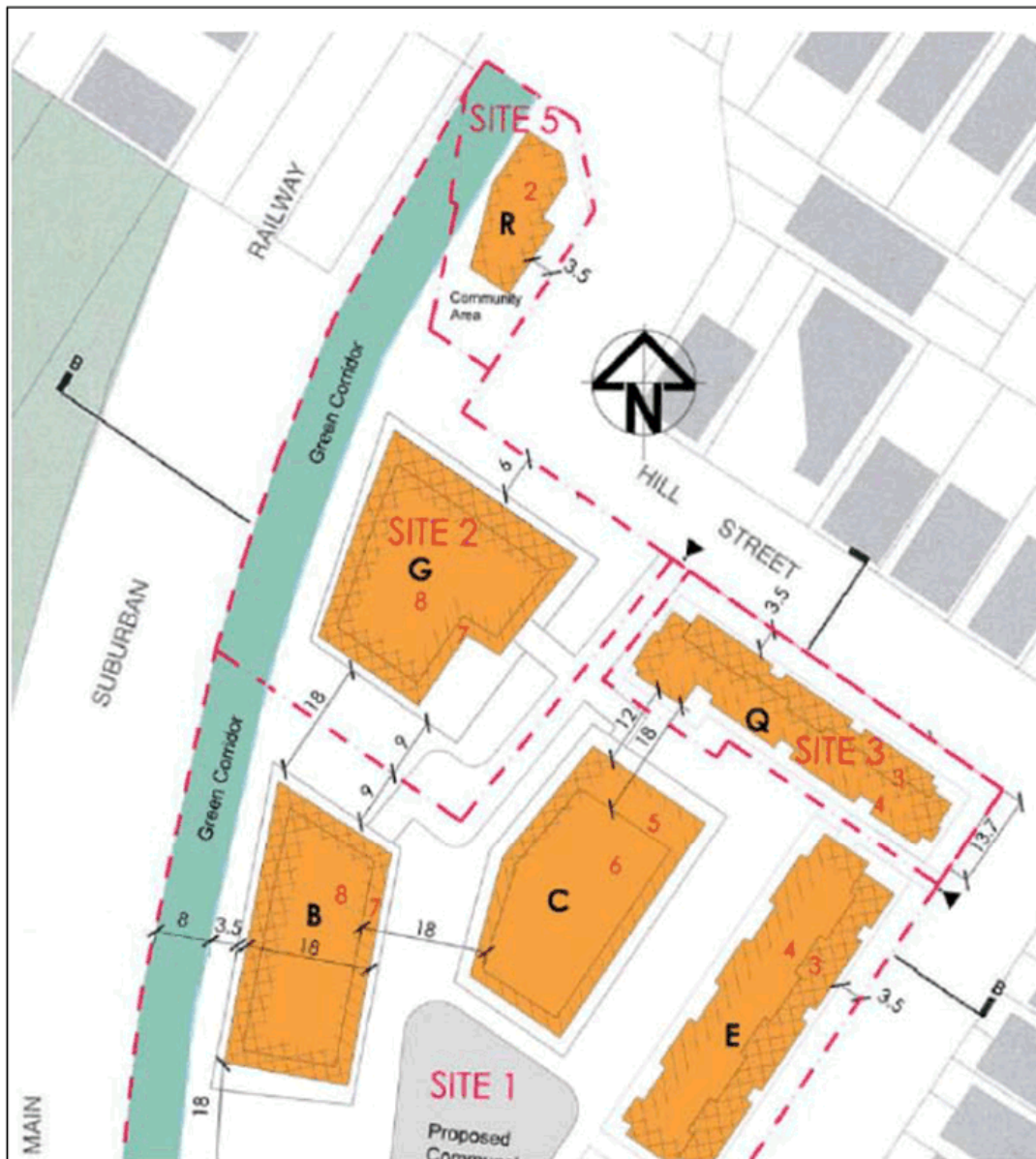


Image 33: Masterplan extract under Part 9.11 of MDCP 2011

Principle 4: Density

The scale is generally consistent with that envisaged by the controls and also consistent with the adjoining approved development. The proposed FSR and height is addressed in Section 10 of this report.

Principle 5: Resource, energy and water efficiency

The proposal is acceptable in this regard. A BASIX Certificate was provided with the original proposal and amended plans.

Principle 6: Landscape

The landscaped response for the site is appropriate and acceptable. The green corridor provided is a public benefit of the proposal and the overall landscaped area exceeds the MDCP 2011 controls. Revised plans included a pathway in the landscaped corridor and appropriate conditions are included in the recommendation.

Principle 7: Amenity

The proposal provides good amenity for the dwellings.

Principle 8: Safety and security

The proposal results in far improved street surveillance than the current situation. This would be further improved by refinement recommended by the AEP. The proposal is acceptable when considered against CPTED principles.

Principle 9: Social dimensions and housing affordability

No affordable housing is provided, although is not required under the planning controls. The unit mix is acceptable and complies with the MDCP 2011 controls (except for a slight non-compliance related to studio apartments).

Principle 10: Aesthetics

The proposed building is contemporary. The AEP comments regarding composition, materials and elevations are supported and the proposal is well considered.

Residential Flat Design Code

The RFDC is a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings to achieve environmental sustainability, improved energy efficiency and residential amenity and higher design quality to improve the presentation of the building to the street. The Code achieves this by providing controls to ensure that developments respond to their local context, and provide a suitable site analysis and quality design.

Whilst the majority of the provisions contained in the RFDC are generally covered by MDCP 2011 and are considered as part of the assessment of the application presented throughout this report, the RFDC contains the following requirements that are not specifically addressed in MDCP 2011:

(i) Building Separation

Under the RFDC, the following minimum building separation requirements are recommended for residential flat developments over 8 storeys (noting the separation is 18 metres between habitable rooms for buildings up to 8 storeys):

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	24 metres
Habitable Rooms/Balconies to Non-Habitable Rooms	18 metres
Non-Habitable Rooms to Non-Habitable Rooms	12 metres

The building is setback 9 metres from the southern boundary (as specified in the MDCP 2011). The building to the south on the adjoining site has been approved with a setback of approximately 6 metres from the subject boundary and critical interface, as depicted below.

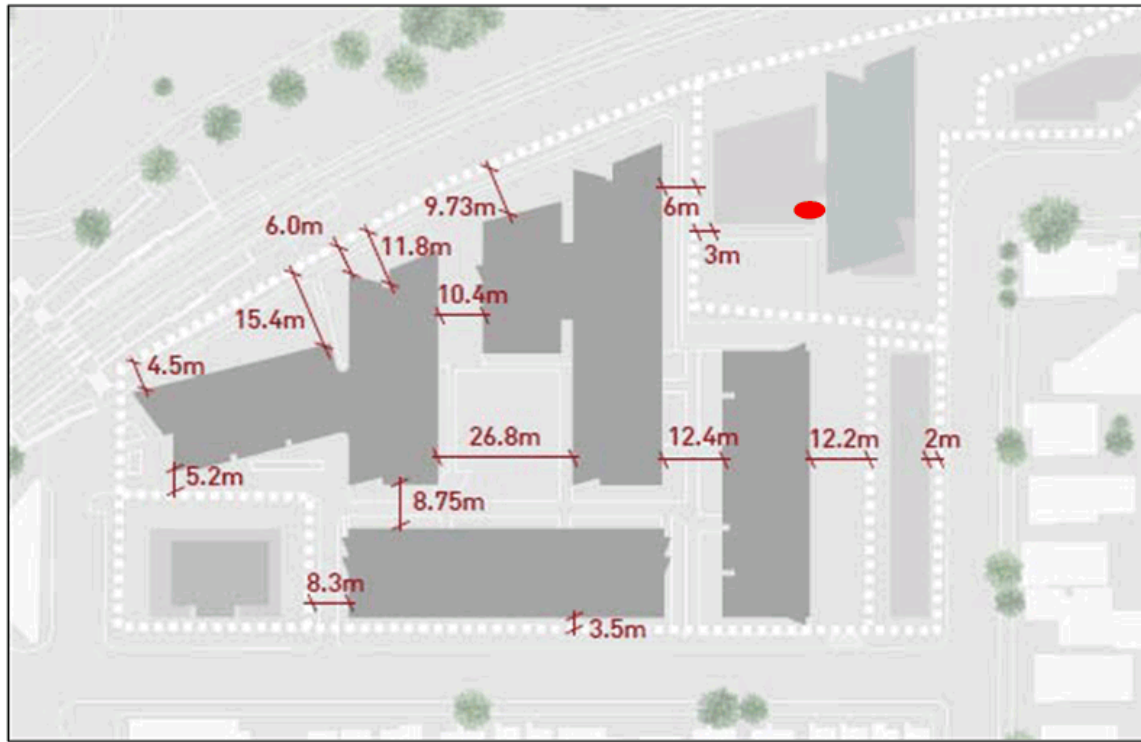
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Image 34: Adjoining approved development - separation

The proposal does not comply with the minimum separation distances recommended in the RFDC between buildings. Despite this, the separation is considered acceptable for the following reasons:

- A 9 metre setback is provided to the southern boundary consistent with the MDCP 2011;
- The separation distance in the new ADG provides for one half of the required separation distance from the boundary (so as to not penalise buildings for a deficient setback on another site); and
- The proposal results in acceptable overshadowing (complying with the MDCP 2011) for the northern face of the adjoining approved proximate building.

(ii) Apartment Layouts and Minimum Areas

Under the RFDC, the following minimum apartment sizes are recommended for dwellings within a residential flat development:

Apartment Type	Minimum Internal Area	Minimum External Area
Studio	38.5sqm	6sqm
One Bedroom Cross Through	50sqm	8sqm
One Bedroom Single Aspect	63.4sqm	10sqm
Two Bedroom Corner	80sqm	11sqm
Two Bedroom Cross Through	89sqm	21sqm
Two Bedroom Cross-Over	90sqm	16sqm
Three Bedroom	124sqm	24sqm

Information submitted with the amended proposal indicates the proposal generally complies with the minimum apartment size requirements. The studio apartment on the ground floor is 37.31sqm, slightly below 38.5sqm although has a good sized terrace space. The one bedroom apartments comply with the "cross through" controls although not all comply with the single aspect sizes

(although are generally very close). Similarly, some 2 bedroom apartments do not meet the sizes specified above.

The unit sizes do comply with the more recent Apartment Design Guide (ADG) (35sqm for studios, 50sqm for one bedroom, 75sqm for 2 bedrooms and 95sqm for 3 bedroom apartments).

There are 17 units which contain designated studies. The majority of these appear to utilise space appropriately such that they appear as secondary spaces suitable for studies, when considering circulation space, (and this also enhances the diversity of unit types provided). However, there are 5 apartments which include "studies" which are considered capable and likely to be used as bedrooms. This includes 2 on the ground level, 1 on the second floor and 2 on the fourth floor (generally in the north-east corner).

Of these five rooms, 3 have access to light (Units 1, 15 and 30) therefore a suitable condition has been included to be provided in this regard.

(iii) Ceiling Heights

Under the RFDC, the suggested floor to ceiling heights for residential flat buildings are 2.7 metres for the ground and first floors containing residential habitable rooms, 2.4 metres for the remaining residential levels above and 1.5 metres for residential attics. The proposal has been amended to increase floor-floor heights (to 3.1 metres) to enable the provision of 2.7 metres ceiling heights.

(iv) Ground Floor Apartments

For ground floor apartments, the RFDC suggests that front gardens and terraces should be used to contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants which can be achieved by animating the street edge, for example, by promoting individual entries for ground floor apartments. The proposal is considered to achieve this.

(v) Other Matters

The proposal is considered acceptable when considered against other provisions in the RFDC including relating to building depth, apartment depth/layout, balconies, natural ventilation and solar access.

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

The changes to SEPP 65 were notified on the NSW legislation website on 19 June 2015, but commenced 4 weeks after this date on 17 July 2015. The application was submitted prior to this date and the new SEPP 65 contains a savings provision so it does not apply to the subject application.

The SEPP prescribes 9 design quality principles to guide the design residential flat buildings and to assist in assessing such developments. The draft principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and architectural expression. The proposal also is considered satisfactory against the ADG, which generally replicates the provisions of the RFDC, with some greater flexibility relating to building separation and unit sizes.

8. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the original application indicating that the proposal achieves full compliance with the BASIX requirements. A revised BASIX Certificate was submitted with the revised proposal. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

9. State Environmental Planning Policy (Infrastructure) 2007

The site is located immediately adjacent to a rail corridor. Clauses 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) provide guidelines for development immediately adjacent to rail corridors including excavation in, above or adjacent to rail corridors. Clause 87 of the SEPP relates to the impact of rail noise or vibration on non-rail development, and for a development for the purpose of a building for residential use, requires appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

The development involves excavation works in the vicinity of a rail corridor and requires the concurrence of Sydney Trains. The application was referred to Sydney Trains and concurrence was given to the development. Sydney Trains' requested conditions of consent have been included in the recommendation.

In terms of noise impacts, the SEPP requires consideration of guidelines and measures to ensure internal noise criteria are met. Two acoustic reports were submitted regarding acoustic impacts (both from rail and aircraft noise). The reports conclude that noise from rail will be less than noise from aircraft and subject to meeting recommendations regarding aircraft noise mitigation, the proposal will meet rail noise criteria. The recommendations regarding acoustic treatment relate to treatment and specifications of walls, ceiling/roof, glazing, doors and mechanical ventilation. Conditions of consent have been included in the recommendation to ensure acoustic amenity.

10. Marrickville Local Environmental Plan 2011**(i) Land Use Table and Zone Objectives (Clause 2.3)**

The site is zoned R1 – General Residential under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R1 - General Residential zone, which anticipate the use proposed.

(ii) Demolition (Clause 2.7)

Clause 2.7 of MLEP 2011 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition works are included in the recommendation.

(iii) Height (Clause 4.3)

A maximum building height of 29 metres applies to the land under MLEP 2011. The development has a maximum building height of 30.6 metres, to the lift core/overrun. This represents a non-compliance of 2.6 metres or 5.5%. The non-compliance is best illustrated below:

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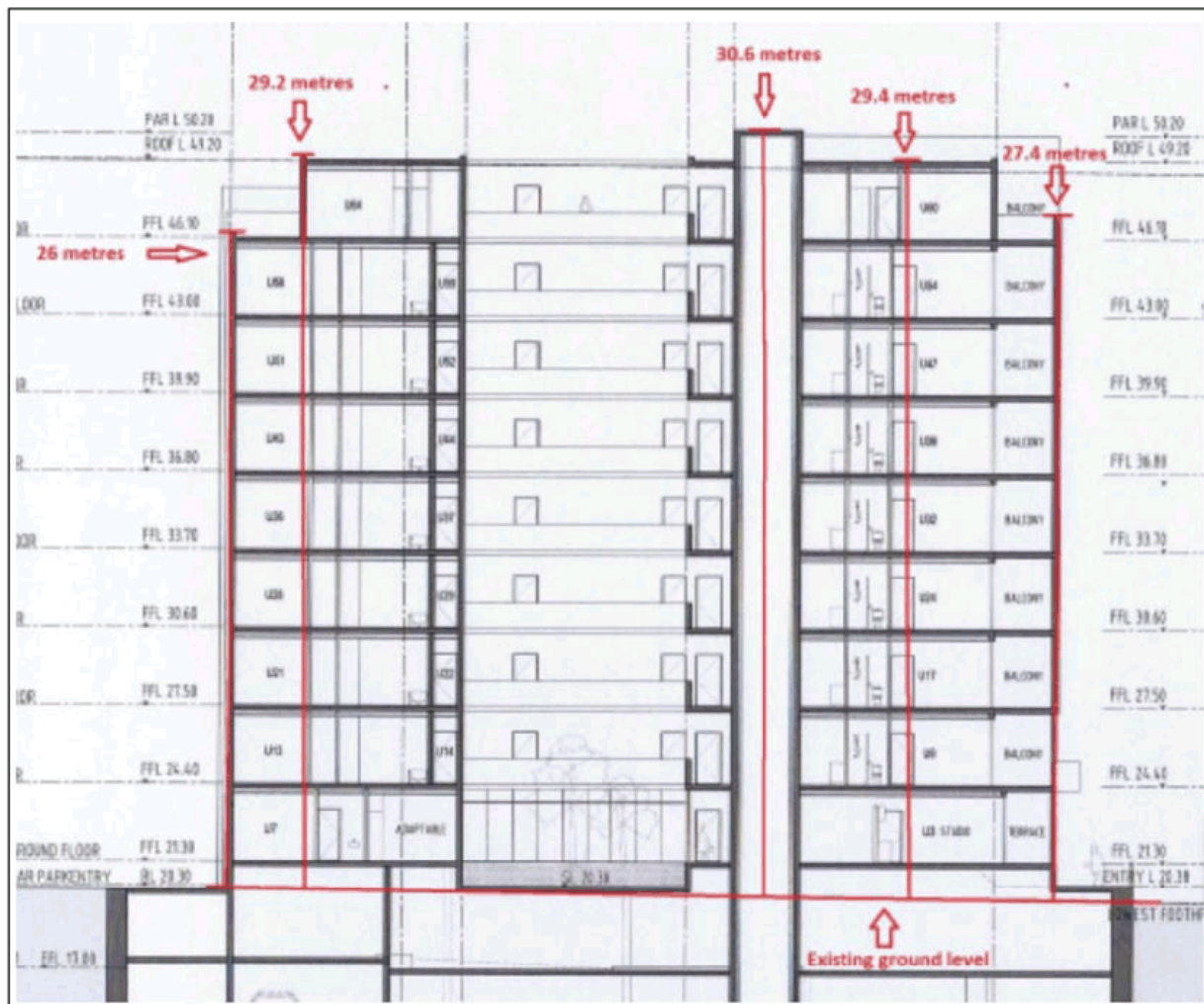


Image 35: Height non-compliance

A written request, in relation to the development's non-compliance with the building height development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011, was submitted with the revised application. That request is discussed under the heading "Exceptions to Development Standards (Clause 4.6)". Clause 4.6 Variation Request related to the height development standard is included at Attachment A.

(iv) Floor Space Ratio (Clause 4.4)

The development has a gross floor area (GFA) of 5,522.5sqm which equates to a FSR of 1.91:1, which does not comply with the development standard. This represents a variation of 477.25m² or 9.4%. A maximum floor space ratio (FSR) of 1.75:1 (5,045.25m²) applies to the development under MLEP 2011.

NOTE: The development has an additional 108m² of GFA when including the 8 basement car parking spaces that are beyond the DCP parking requirements and therefore must be counted as gross floor area in MLEP 2011. This would equate to an FSR of 1.95:1. The additional car parking spaces are considered to be acceptable given that they are within the basement, do not add any bulk and scale to the building and numerous submissions received raise concerns with the availability of car parking.

A written request, in relation to the development's non-compliance with the FSR development standard in accordance with Clause 4.6 (Exception to Development Standards) of MLEP 2011,

Attachment 1

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was submitted with the application. That request is discussed under the heading "Exceptions to Development Standards (Clause 4.6)". Clause 4.6 Variation Request related to the FSR development standard is included at Attachment B.

(v) Exceptions to Development Standards (Clause 4.6)

The development exceeds the maximum building height development standard prescribed under Clause 4.3 of MLEP 2011 and the FSR development standard prescribed under Clause 4.4 of MLEP 2011. Written requests in relation to the contravention to the building height and FSR development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of MLEP 2011 were submitted with the revised application (refer to Attachments A and B).

Height

The applicant considers compliance with the height development standard to be unreasonable and unnecessary for the following (summarised) reasons:

- The proposed built form is similar to surrounding buildings;
- The predominant form of the building complies with the height;
- The non-compliant portions of the building do not materially add bulk or scale and account for around 5% of the building footprint;
- The habitable space is below the 29 metre building height development standard;
- No undue precedent will be set;
- No material amenity impacts will result on surrounding land;
- The proposal generally complies with the planning controls and expected development of the site;
- The proposal is acceptable for the likely future built form context and landscaped areas mitigate against built form;
- Redevelopment of adjoining sites is not precluded; and
- The proposal exhibits design excellence.

The written request addresses the zone objectives and the objectives of the height development standard, and matters required of Clause 4.6 of MLEP 2011.

The consent authority, in addition to considering the applicant's request, must consider the objectives of the height development standard. These are outlined below:

- "(a) to establish the maximum height of buildings,*
- (b) to ensure building height is consistent with the desired future character of an area,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity."*

The first objective is not relevant as it is operational.

The desired future character of the area is outlined in the Masterplan controls for the site and the provisions of Part 9.11 of MDCP 2011. In this regard, the following are provided as the desired future character attributes in Part 9.1 of MDCP 2011:

- "1. To protect and preserve the identified period buildings within the precinct and encourage their sympathetic alteration or restoration.*
- 2. To protect any identified heritage items within the precinct.*
- 3. To maintain any perceived distinctly single storey streetscapes that exist within the precinct.*

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4. *To protect any significant streetscape and/or public domain elements within the precinct including landscaping, fencing, open space, sandstone kerbing and guttering, views and vistas and prevailing subdivision patterns.*
5. *To retain and maintain uniform and mature trees along The Boulevard and views towards Johnston Park.*
6. *To preserve the mixed character of the precinct.*
7. *To ensure the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*
8. *To protect the identified values of the Lewisham Estate HCA.*
9. *To ensure orderly development on masterplan sites in accordance with the principles of the masterplan vision, including allotment amalgamations, where required, that are not detrimental to achieving the overall masterplan structure and achieve an efficient and high quality built outcome.*
10. *To ensure that new any development located on the GreenWay and Light Rail Corridor acknowledges and respects its environmental and social values; and adheres to the design principles and planning considerations for development fronting the GreenWay Corridor as detailed within 9.11.4 Precinct-specific planning controls."*

The proposal is considered consistent with these objectives. While the proposal does not preserve a single storey character, the site-specific controls for the site take precedence, given the above objectives apply to the whole precinct. The development is for the whole of an identified site (Site 2 under the Masterplan area MA 11.1) and does not preclude development of other identified sites. A Greenway corridor is provided, consistent with the future character sought to be established for the site and wider area.

Regard should be given to the non-compliance with the number of storeys in Part 9.11 of MDCP 2011. However, given this could be achieved with the same height proposed by varying the floor-floor heights, greater weight is given to the height development standard under MLEP 2011 (this has been an approach generally adopted by the Land and Environment Court in such instances, although this needs qualification where a FSR non-compliance is involved). Also, the adjoining approved development site includes heights to 8 storeys, which also establishes a future height and context for the subject site. The height of the development would generally be consistent with the adjoining approved development despite it constituting 9 storeys. This is due to:

- Natural ground level is higher on the subject site compared to the adjoining site at 6 – 26 Grove Street; and
- The ground floor level of Building B (being the largest building) is elevated above natural ground level.

The concurrence of the Secretary for Planning has been provided to the Council (and thereby the JRPP). Contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining the development standard for the development, when all aspects of the proposal are considered.

Having regard to all matters, it is considered the proposed height non-compliance is considered justified.

FSR

The applicant considers compliance with the FSR development standard to be unreasonable and unnecessary for the following (summarised) reasons:

- The proposed built form is similar to surrounding buildings;
- The design sits comfortably within the established and likely future built form;
- The density and form is similar to adjacent development;
- No undue precedent will be set;
- No material amenity impacts will result on surrounding land;

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- The proposal generally complies with the planning controls and expected development of the site; and
- The building has more than acceptable environmental performance will not set a precedent for other applications.

The written request addresses the zone objectives and the objectives of the FSR development standard, and matters required of Clause 4.6 of MLEP 2011.

The consent authority, in addition to considering the applicants request, must consider the objectives of the FSR development standard. These are outlined below:

- “(a) to establish the maximum floor space ratio,*
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.”*

The first objective is not relevant as it is operational.

The desired future character of the area is outlined in the Masterplan controls for the site and the provisions of Part 9.11 of MDCP 2011 and has been addressed in relation to the height non-compliance above. The proposal is considered consistent with the desired future character of the area:

In terms of the last objectives, the impacts (and particularly from the FSR non-compliance) of the proposal reasonably minimise adverse impacts on adjoining properties. The “adjoining” properties are technically those identified for redevelopment in MDCP 2011. In any event, the amenity impacts are reasonably minimised by the proposed setbacks, landscaping and building siting. The amenity impacts from the proposal are considered consistent with that envisaged for the site, particularly at key interfaces.

There is potential adverse overshadowing of the adjoining approved building to the south (known as “Building B” in that approval), which is addressed in Section 11 of this report (complying with overshadowing requirements). Impacts on the wider area from the FSR non-compliance are not considered severe and do not warrant refusal.

The impacts on the public domain are considered positive, with an improved relationship with the street and footpath compared to the existing situation.

Council has through numerous decisions accepted variations to the FSR development standard prescribed under MLEP 2011. Council has acknowledged that there is a disconnect between the height of buildings and FSR development standards that apply under the provisions of MLEP 2011 and as a consequence, a breach of the FSR development standard is common and in some cases such as this proposal, is considered appropriate. Given the variations that have been accepted by Council in the past and the diminished importance of compliance being achieved with the numerical component of the standard, compliance with the standard is considered to be unnecessary and unreasonable in this circumstance.

The concurrence of the Secretary for Planning has been provided to the Council (and thereby the JRPP). Contravention of the FSR development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining the development standard for the development, when all aspects of the proposal are considered.

Having regard to all matters, it is considered the proposed FSR non-compliance is justified.

(vi) Preservation of Trees or Vegetation (Clause 5.9)

Clause 5.9 of MLEP 2011 concerns the protection of trees identified under MDCP 2011.

There are no trees on the property covered by and protected under MDCP 2011. However, there are conifers adjoining the boundary to Hill Street. These do not add positively to the landscaped character or street safety and the area will benefit by their removal and more appropriate planting.

Council's Trees Officer has supported the proposal, noting a significant increase in landscaped urban forest cover and suggested conditions of consent, which are included in the recommendation.

The submitted landscape plan was reviewed by Council's Environmental Services Section with regards to biodiversity who recommended that the plant species selection be amended to provide native plantings. A suitable condition requiring an amended landscape plan before the issue of a construction certificate has been incorporated into the recommendation.

(vii) Heritage Conservation (Clause 5.10)

The site is not listed as a heritage item under MLEP 2011, is not located within the reasonable vicinity of a heritage item and is not located within a Heritage Conservation Area under MLEP 2011.

(viii) Earthworks (Clause 6.2)

The proposal involves excavation. The following matters are required to be considered:

- "(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area."*

The proposal is considered acceptable against these matters. The site is affected by groundwater and the soil contains some contaminants. However these matters and the above considerations are able to be appropriately addressed by the recommended conditions.

(ix) Flood Planning (Clause 6.3)

The land is not identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map. However, the land is known to be subject to localised flooding and a Flood Study was provided with the application.

This matter is discussed in Section 11 of this report.

(x) Terrestrial Biodiversity (Clause 6.4)

The land is identified as "Biodiversity" on the MLEP 2011 Natural Resource - Biodiversity Map. A report was prepared regarding potential impacts on Long Nose Bandicoots (as "7 part test").

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The report found no evidence of bandicoot habitation at the site. The report concluded there would be no significant impact although did recommend measures to reduce any potential impacts. These measures are included as conditions within the recommendation.

It is considered that the proposed landscaped and tree cover will provide opportunity for improved urban wildlife.

(xi) Development in areas subject to Aircraft Noise (Clause 6.5)

The land is located within the < 20 Australian Noise Exposure Forecast (2033) Contour.

The carrying out of development would result in an increase in the number of people potentially affected by aircraft noise.

An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts. Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

11. Marrickville Development Control Plan 2011

PART 2 – GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

The development is acceptable having regard to the relevant aspects of the 12 urban design principles. These have been addressed in response to SEPP 65 and the comments from the AEP.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is acceptable.

(iii) Equity of Access and Mobility (Part 2.5)

In accordance with Part 2.5 of MDCP 2011, the development would require a minimum of 13 adaptable dwellings, 13 accessible resident parking spaces and 4 accessible visitor parking spaces. In addition, all areas of the development are required to be accessible by persons with a disability. The proposal complies with these requirements. Appropriate conditions have been included in the recommendation to ensure compliance.

(iv) Acoustic and Visual Privacy (Part 2.6)

In accordance with Part 2.6, the layout, setbacks and design of the development would ensure that the visual and acoustic privacy currently enjoyed by residents of adjoining residential properties is reasonably protected having regard to the planning controls which facilitate a scale of development generally as proposed.

The most sensitive interface with surrounding land is to the east, where the edges of the two "wings" of the building contain balconies and windows mostly to bedrooms (living areas generally oriented to the street for the northern wing), with the setback to the boundary (approximately 5.9 metres) and further driveway, reasonable setbacks provide reasonable consideration of privacy impacts. Given the planning controls applying to the site to the east facing Grove Street, it is anticipated that site(s) will be developed in the future. Another sensitive interface is to the dwellings at 1 and 3 Hill Street (until they may be developed). However, the setback of 6 metres to

the street is consistent with MDCP 2011 and the interface and use of balconies northwards should not be dictated by this current relationship.

Internal privacy is addressed by use of louvres, orientation of rooms/spaces and the like.

The southern elevation does not contain south-facing balconies and the southern side of the west facing units are provided with screens, although only on alternate levels. The orientation of the balconies and likely outlook, as well as the siting and separation relative to the adjoining approved development on Site 1 (Building B), is such that further screening is not considered necessary. A condition has been included to ensure that the privacy screens for dwellings facing north west are extended appropriately along the relevant elevations.

The proposed use is not considered to lead to adverse aural privacy impacts.

Appropriate conditions are included in the recommendation with regards to acoustic amenity during the construction phase of the development and on-going operation of the development.

(v) Solar Access and Overshadowing (Part 2.7)

Overshadowing

The shadow diagrams submitted with the application illustrate the extent of overshadowing on adjacent residential properties, with detailed plans and a table provided regarding the overshadowing impact on the northern façade of building B on the adjoining site (refer to Attachment C).

These plans include analysis at hourly intervals in mid-winter between 9.00am and 3.00pm and demonstrate that the development complies with Council's overshadowing controls (of not less than 2 hours in midwinter between 9.00am and 3.00pm).

There are units within Building B which only receive two hours of solar access in the mornings in mid-winter. However, this satisfies Part 2.7 requirements (of 2 hours between 9.00 am and 3.00pm) and is considered acceptable, particularly when considering the proposal complies with the southern setback control, a setback is provided to the upper level and the overshadowing largely arises from the adjoining development not complying with the minimum setback control, in the DCP, which the subject property should not be "penalised" for.

47 out of 64 (73%) of dwellings within the development would achieve a minimum of 3 hours solar access in mid-winter which is considered acceptable.

(vi) Social Impact Assessment (Part 2.8)

Social impact was addressed in the Statement of Environmental Effects (SEE) and is considered acceptable. The development generally conforms to anticipated development of the site and there will be some public domain and urban consolidation benefits arising from the proposal, despite impacts created and associated with the proposed scale of the building.

The development satisfies Part 2.8 of MDCP 2011.

(vii) Community Safety (Part 2.9)

Part 2.9 of MDCP 2011 contains objectives and controls relating to community safety. The proposal is acceptable when considered against these objectives and controls. Appropriate conditions are included in the recommendation regarding lighting and anti-graffiti treatment to the development.

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(viii) Parking (Part 2.10)

Car, Bicycle and Motorcycle Parking Spaces

The site is located in Parking Area 2 under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.4 car parking space per studio	1 studio units = 0.4 spaces	72 spaces	Yes
	0.5 car parking spaces per 1 bedroom unit	Nil (all designed as adaptable dwellings)		
	1 car parking space per 2 bedroom unit	43 x 2 bed unit = 43 spaces		
	1.2 car parking spaces per 3 bedroom unit	7 x 3 bed unit = 8.4 spaces		
	1 car space per 1 adaptable dwelling	13 accessible spaces		
	TOTAL:	65 spaces		
Visitor Car Parking	0.1 car parking space per unit	51 units = 5 spaces	9 spaces	Yes
	1 accessible visitor's car parking space per 4 accessible car parking spaces	3 accessible space TOTAL: 8 spaces		
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	64 units = 32 spaces	39 spaces	Yes (resident), No visitor
Visitor Bicycle Parking	1 bicycle parking space per 10 units	64 units = 6 spaces		
Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	3-4 parking spaces required	4 spaces	Yes

Table 2: Car, Bicycle and Motorcycle Parking Control Compliance Table

As detailed above, the development generally complies with the car, bicycle and motorcycle parking requirements. There is a slight under-provision of bicycle parking. However, there is an informal space within the basement which may be able to be used for parking of bicycles by visitors, despite the total not being formally met.

Vehicle Service and Delivery Area

One vehicle service space is required to be provided for 50 flats (above first 50) or home units up to 200 plus one space per 100 thereafter. This is provided in an appropriate space near the end of the driveway to the basement at Basement Level 1.

(ix) Fencing (Part 2.11)

Fencing details have not been provided and are required by a recommended condition of consent.

(x) Biodiversity (Part 2.13)

2.13.3 Protection of Endangered/Threatened Species

The land is located in the Bandicoot Protection Area as identified in the Biodiversity Map contained in Appendix 3 of Part 2.13 of MDCP 2011 being an area identified as a potential habitat for the Long-nosed Bandicoot. The property has a site area which is greater than 450sqm. This issue has been discussed in Section 10 of this report.

(xi) Water Sensitive Urban Design (Part 2.17)

Part 2.17 of MDCP 2011 contains objectives and controls relating to Water Sensitive Urban Design (WSUD) including requirements for new residential developments such as proposed.

In relation to water conservation requirements such developments are required to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).

Council's Development Engineer has reviewed the plans and found the proposal to be acceptable subject to imposition of conditions, which are included in the recommendation.

(xii) Landscaping and Open Spaces (Part 2.18)

Part 2.18.11.5 of MDCP 2011 prescribes landscaped area, private and common open space controls for residential flat buildings.

Landscaped Area

The proposal complies with the minimum 45% landscaped area within Part 2.18.

Private and Common Open Space

The units are provided with appropriate private open space, augmented by the courtyard and landscaped area to the west, provided private and communal open space which is superior to most new developments. The development satisfies Part 2.18 in this regard.

(xiii) Tree Management (Part 2.20)

This matter has been discussed in Section 10 of this report.

(xiv) Site Facilities and Waste Management (Part 2.21)

Various site facilities outlined in Part 2.21 are acceptable and/or able to be appropriately managed and regulated through the recommended conditions of consent. This includes the proposed waste area, which can accommodate the required bins.

(xv) Flood Management (Part 2.22)

The land is not identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map, although is subject to flooding.

The proposal was accompanied by a Flood Study. During assessment, an issue regarding the basement levels was raised. This matter was resolved in the amended plans.

The application was referred to Council's Development Engineer who raised no concerns with respect to flooding, subject to the imposition of conditions that have been incorporated into the recommendation.

(xii) Contaminated Land (Part 2.24)

This matter has been discussed in Section 5 of this report.

(xiii) Stormwater Management (Part 2.25)

The application was referred to Council's Development Engineer who recommended conditions to be included in the recommendation to address stormwater management.

Part 4 - RESIDENTIAL DEVELOPMENT**Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings**

Part 4.2 of MDCP 2011 provides controls relating to Multi Dwelling Housing and Residential Flat Buildings provisions including building form, building detail and desired future character guidelines and controls for specific centres. An assessment of the development having regard to the relevant provisions of Part 4.2 of MDCP 2011 is provided below.

(i) General Controls (Part 4.2.3)

Part 4.2.3 of MDCP 2011 prescribes the following unit mix requirements for residential flat buildings containing 6 or more dwellings:

“C1 New developments with six or more dwellings must provide the following mix of dwelling types:

- | | | |
|------|---------------------|----------------|
| i. | Studio | 5% - 20%; |
| ii. | 1 bedroom | 10% - 40%; |
| iii. | 2 bedroom | 40% - 75%; and |
| iv. | 3 bedroom or bigger | 10% - 45%.” |

The development includes 1 x studio dwellings (2%) 14 x 1 bedroom dwellings (20%), 43 x 2 bedroom dwellings (67%) and 7 x 3 bedroom dwellings (11%) which complies with the abovementioned unit mix requirements, with the exception of studio apartments. Given the very minor non-compliance, the proposed unit mix is considered acceptable, with a good variety of unit types. The above excludes proposed studios which may be used as bedrooms. Overall these represent around 30% of the total and allow reasonable variety if used as studios. The development is acceptable having regard to Part 4.2.3.

(ii) Built Form and Character (Part 4.2.4)4.2.1.1 Floor Space Ratio and Site Coverage

The floor space ratio of the development has been discussed in Section 10 of this report.

Part 4.2.4.1 MDCP 2011 specifies the following maximum site coverage controls for residential flat buildings:

Development Type	Maximum Site Coverage
Residential flat building	45% for one storey 35% for two storey 30% for three or more storeys

Council controls specify the site coverage of a development to be *“the proportion of the allotment occupied by the ground floor plan area of a building or buildings, including garages, carports, awnings, out buildings, etc, expressed as a percentage ratio”*.

The site coverage for this proposal, measured in accordance with the above, equates to 28% of the site area which generally complies with the above requirement. The site coverage is considered acceptable.

4.2.4.2 Building Heights

This matter has been discussed in Section 10 of this report.

4.2.4.3 Building Setbacks

Part 9 of MDCP 2011 applies given site-specific controls applying to the site, this is discussed further below within this Section of the report.

(iii) Streetscape, General Appearance and Materials (Part 4.2.5)

The development is considered acceptable with regards to the streetscape design parameters under Part 4.2.5 of MDCP 2011. This was reviewed by the AEP who found the proposal to be suitable. During the assessment Council requested a physical material sample board to ensure that the proposed materials are of a high quality and promote design excellence. In summary, the external materials are proposed to be comprised of:

- Perforated metal screening;
- Brick work;
- Alucobond cladding (white silver);
- Glass balustrades;
- Aluminium louvres;
- Off form concrete;
- Timber fencing; and
- Timber cladding.

The above materials are considered to be contemporary and promote a high quality design.

PART 9 – STRATEGIC CONTEXT

The land is located in the Hoskins Park Planning Precinct (Precinct 9.11) under MDCP 2011. The site has specific Masterplan controls as identified in Image 11 (MA11.1).

The proposal generally complies with the controls outlined in Part 9.11, with the exception of the number of storeys (9 proposed instead of 8). As previously outlined, the proposal generally complies with the height development standard under MLEP 2011 (except for some minor elements that do not significantly alter the perceived height of the proposal) and the height development standard is given greater weight given there is no maximum floor-floor height in the planning precinct controls (such that a building with 8 storeys and higher floor-floor heights could have the same height as proposed).

The building site planning and a U-shaped building is considered an improvement to the concept shown within Part 9.11.

The setbacks, where they are specified in Part 9.11 in relation to boundaries, have been complied with.

The site being developed is the whole of a specifically nominated development site and is not fragmenting other sites identified for redevelopment in the Masterplan area identified. The development is considered to satisfy the desired future character of the area as established in the planning precinct controls.

12. Marrickville Section 94/94A Contributions Plan 2014

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The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$1,142,684.98 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014.

13. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 43 submissions (including 1 in support) were received raising the following concerns which have already been discussed throughout the main body of this report:

- (i) Non-compliance with the FSR/excessive bulk;
- (ii) The Clause 4.6 Variation request is not well founded and the proposal does not meet the objectives of the standard(s);
- (iii) Heritage Impacts/impacts on predominant 1 storey dwellings;
- (iv) Excessive height;
- (v) Overshadowing impacts on the approved development to the south;
- (vi) A greater diversity of uses should be provided/inconsistent with the zone objectives;
- (vii) Privacy impacts;
- (viii) Design is not high quality;
- (ix) Impacts on the Infrastructure/parks in the area;
- (x) Increased noise levels/noise impacts;
- (xi) Non-compliance with the Part 9.11 site-specific controls under MDCP 2011;
- (xii) Inappropriate/non-compliant setbacks;
- (xiii) Inappropriate/non-compliant unit mix;
- (xiv) More affordable housing should be provided;
- (xv) Need more green space/inappropriate landscaping/central courtyard is in shade;
- (xvi) Adverse social impacts/lack of social impact assessment;

In addition to the above, the submissions raised the following concerns which are discussed under the respective headings below:

- (i) Cumulative Impacts/another high-rise destroying the area.

Comment:

The proposal must be assessed in regard to the prevailing planning controls. Issues of cumulative impacts are considered when planning controls are established and through the Masterplanning process.

- (ii) Traffic Impacts.

Comment:

The proposal will lead to increased traffic, although an expected reduction in truck movements in the surrounding area compared to the use being replaced. A traffic report was submitted with the proposal and reviewed by Council's Development Engineer. The traffic impacts associated with the proposal are not considered of such significance to warrant refusal of the proposal, particularly when the anticipated redevelopment of the site given the planning controls is considered.

- (iii) Lack of parking in the area/parking impacts.

Comment:

The parking proposed is acceptable having regard to the controls under MDCP 2011. Appropriate conditions are included in the recommendations specifying that the residents of the development

will not be eligible for any resident parking schemes. In addition, the parking impacts are not such to warrant refusal of the proposal.

(iv) Smaller scale (e.g. 4-5 storeys) would be appropriate.

Comment:

Such a requirement would be inappropriate given the building height development standard envisaged for the site under MLEP 2011.

(v) Construction-related impacts.

Comment:

These are able to be appropriately regulated through the recommended conditions of consent.

(vi) One-bedroom apartments should meet the minimum of 58sqm as in a Court judgement.

Comment:

Unit sizes are appropriate, also having regard to the provisions of the current SEPP 65 and associated ADG.

(vii) The proposal should not proceed until the planning controls for the area are reviewed/there should be a moratorium on development in the area due to cumulative impacts and inappropriate current controls.

Comment:

While members of the community may not support the current planning controls for the site, such a position would be both unlawful and unreasonable for land owners.

(viii) The development should only proceed if WestConnex is abandoned.

Comment:

The WestConnex road proposal is unrelated to the proposal.

(ix) Proposal is driven by greed/impact on property prices.

Comment:

No evidence has been submitted to support this claim. Property values are not a matter of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979. The development is considered appropriate for reasons discussed within the body of the report.

(x) A longer consultation period should be provided.

Comment:

The proposal was notified in accordance with the notification guidelines under MDCP 2011. The amendments to the proposal reduced the height and general impacts and re-notification was not required in accordance with MDCP 2011 as it resulted in a lesser impact. Furthermore, Council accepts and considers all submissions even if they are made beyond the closing date.

(xi) Public transport will not cope

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The site is well serviced by public transport facilities. Nevertheless, any upgrade of these facilities need to be instigated by the relevant provider(s).

- (xii) There is no Voluntary Planning Agreement (VPA) to compensate for the non-compliances with the MLEP 2011 development standards.

Comment:

A VPA cannot be required of an applicant. There are benefits associated with the proposal, including greater landscaping, soft areas and a green corridor as encouraged by Council's planning controls. Section 94 contributions would be required in accordance with Council's Section 94 Plan.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report. Delivery of positive aspects of the proposal is addressed in the recommended conditions of consent.

14. Conclusion

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Plan 2011 and where non-compliances exist, these are considered justified in this instance. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape beyond that anticipated by the planning controls applying to the site. The application is suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

- A THAT** the development application to demolish the existing improvements, and construct a 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking with associated landscaping works be **APPROVED** and a **DEFERRED COMMENCEMENT CONSENT** be issued subject to the following terms and conditions:

1. A Remediation Action Plan prepared in accordance with the Stage 2 Detailed Site Investigation, Report Number 610.15756-R1, prepared by SLR Consulting Australia Pty Ltd, dated 6 November 2015 and all requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites must be submitted to and approved by Council.
2. The proposed stormwater adjustment concept plan No.59/23573, dated 24/02/15, is not acceptable to Sydney Water. The proponent shall liaise with Sydney Water to reach an acceptable stormwater deviation proposal. Details of an agreed stormwater deviation proposal approved by Sydney Water shall be submitted to Council for its information.

Evidence of the above matter(s) must be produced to Council or its delegate within two years of the date of the Determination otherwise the Consent will lapse.

PART B – CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

- The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Submitted Date
Drawing No. B01 Rev B	Basement Plan 1	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. B02 Rev B	Basement Plan 2	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. B03 Rev B	Basement Plan 3	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A0 Rev B	Ground Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A01 Rev B	First Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A02 Rev B	Second Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A03 Rev B	Third Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A04 Rev B	Fourth Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A05 Rev B	Fifth Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A06 Rev B	Sixth Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A07 Rev B	Seventh Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A08 Rev B	Eight Floor Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A10 Rev B	Roof Plan	Oct 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A11 Rev B	Elevations Sheet 1	October 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A12 Rev B	Elevations Sheet 2	October 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A13 Rev B	Elevations Sheet 3	October 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A14 Rev B	Elevations Sheet 4	October 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A15 Rev B	Sections Sheet 1	October 2015	Beraldo Design Pty Ltd	23/10/15
Drawing No. A16 Rev B	Sections Sheet 2	October 2015	Beraldo Design Pty Ltd	23/10/15
Job No: 13159	External Finishes Schedule and materials sample board	April 2015	Beraldo Design Pty Ltd	20/5/15
-	Photomontage	-	-	4/2/16
Job Ref: 14/1752/DA1,	Landscape Concept Plan	22/10/2015	Paul Scrivener Landscape Architecture	23/10/15

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Issue G.				
Job Ref: 14/1752/DA2, Issue G.	Planting Concept Plan and Details	22/10/2015	Paul Scrivener Landscape Architecture	23/10/15
Certificate No: 613795M_04	BASIX Certificate	04/02/2016	The House Energy Rating Company of Aust. Pty Ltd	4/2/16
Report No. 5462-1.1R	Aircraft Noise Intrusion	5/03/2015	Day Design Pty Ltd	5/2/16
Refer: 5462- 2.1L	Additional Information – Light Rail Noise Assessment	3/02/2016	Day Design Pty Ltd	5/2/16
Report Number 610.15756-R1	Stage 2 Detailed Site Investigation	06/11/2015	SLR global environmental solutions	6/11/15
Project Number 14SUTECO- 0048	Long-nosed Bandicoot Assessment of Significance Report	21/07/2014	Ecological Australia	21/5/15

and details submitted to Council on 20 May 2015, 21 May 2015, 23 October 2015, 6 November 2015 and 5 February 2016 with the application for development consent and as amended by the matters referred to in Part A of this Determination and the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. In order to ensure the design quality excellence of the development is retained:
 - a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - c) Evidence of the design architect's commission is to be provided to the Council prior to issue of a Construction Certificate.

The design architect of the project is not to be changed without prior notice and approval of the Council.

Reason: To ensure the design quality excellence of the development is retained.

3. The development must provide a direct pedestrian path between Hill Street and the main entry to the lobby area of the building to improve pedestrian legibility and street address. In this case, the removal/transplanting of some of the landscaping shown on the landscape plan is acceptable to facilitate such access. Amended plans demonstrating compliance with this condition must be submitted to and approved by Council before an application is made for a Construction Certificate.

Reason: To improve pedestrian legibility.

4. Self-finished external material, such as *alucobond*, must be provided to the north western balconies for long term ease of maintenance, better aesthetics and longevity. Amended plans demonstrating compliance with this condition must be submitted to and approved by Council before an application is made for a Construction Certificate.

Reason: To provide an appropriate finish to the to the north western balconies, visible from the greenway/light rail corridor.

5. Where any plans and/or information forming part of a Construction Certificate issued in relation to this consent are inconsistent with:

- a) the plans and/or information approved under this consent; or

- b) any relevant requirements of this consent,

the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.

All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.

Reason: To ensure the development is carried out in accordance with this Determination.

6. The materials and finishes of the building constructed pursuant to this consent must be strictly in accordance with the materials and finishes identified in the sample board, photomontage and external finishes schedule that is referenced in Condition 1. No changes may be made to these drawings except by way of an application under section 96 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure the final built development has an appearance that accords with the approved materials and finishes.

7. Where units or dwellings are provided with separate individual hot water systems, these must be located within the internal area of the unit/dwelling and not on any balcony or terrace.

Reason: To ensure the aesthetics of the building and architecture are maintained.

8. The studies in units 1, 15 and 30 shall only be used as studies and not as bedrooms.

Reason: To ensure certain studies are not used as bedrooms.

9. Site remediation works being carried out for the site in accordance with Detailed Site Investigation Report and Remediation Action Plan submitted in accordance with Part A of this determination. Once these works have been carried out a validation report is to be submitted to Council prepared in accordance with the requirements of the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites to Council's satisfaction.

Reason: To ensure that the site is suitable for the intended use.

10. Each dwelling must be used exclusively as a single dwelling and not be adapted for use as backpackers' accommodation, serviced apartments or a boarding house and not be used for any industrial or commercial purpose.

Reason: To ensure that the proposed dwellings are used exclusively as single dwellings.

11. A minimum of 13 adaptable dwellings must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility. One disabled parking space must be allocated to each adaptable dwelling.

Reason: To make reasonable provision in the development to provide residential accommodation suitable for people with a disability.

12. 81 off-street car parking spaces and 1 loading/unloading space must be provided and maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking. The car parking must be allocated as follows:

- a) 59 spaces being allocated to the residential dwellings, with 1 car space being allocated per dwelling;
- b) 13 accessible car parking spaces, 1 accessible car space per adaptable dwelling; and
- c) 9 visitor car parking spaces, 3 of which are designed as accessible spaces.

All accessible car spaces must be provided and marked as disabled car parking spaces.

Reason: To ensure practical off-street car parking is available for the use of the premises.



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13. 39 off-street bicycle parking spaces and 4 motorcycle parking spaces must be provided, maintained at all times in accordance with the standards contained within Part 2.10 of Marrickville Development Control Plan 2011 - Parking.
Reason: To ensure practical off-street car parking is available for the use of the premises.
14. All parking spaces and turning area thereto being provided in accordance with the design requirements set out within Part 2.10 of Marrickville Development Control Plan 2011 - Parking, and must be used exclusively for parking and not for storage or any other purpose.
Reason: To ensure adequate manoeuvrability to all car parking spaces and that the spaces are used exclusively for parking.
15. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
16. The use of any plant and equipment must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
Reason: To prevent loss of amenity to the area.
17. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW). In this regard the roller door to the car parking entry is to be selected, installed and maintained to ensure its operation does not adversely impact on the amenity of the surrounding neighbourhood.
Reason: To protect the amenity of the surrounding neighbourhood.
18. Compliance at all times with the recommendations on Page 10 of the Long Nose Bandicoot Assessment of Significance Report, Project Number 14SUTECO-0048, prepared by Ecological Australia dated 21 July 2015.
Reason: To ensure appropriate protection of bandicoot habitat and ongoing due care.
19. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

NOTE: A private electricity post/pole cannot be erected at the front of a property without having first obtained approval from Council. Council discourages the installation of private electricity posts/poles and any application for such a structure must be accompanied by a written document justifying/identifying the need for the pole's installation.

Reason: To ensure that the development is adequately serviced and does not adversely impact on the visual amenity of the area.

20. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the National Construction Code (Building Code of Australia).
21. All trade waste must be stored within the site boundaries and contained in such a manner so as not to cause a nuisance.
Reason: To provide for correct storage of wastes.
22. All trees, covered by Part 2.20 of Marrickville Development Control Plan 2011 - Tree Management, not requiring removal to permit the erection of the development must be retained.
Reason: To preserve existing mature trees on the property.
23. Owners and occupants of the proposed building shall not be eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this consent shall advise any purchaser or prospective tenant of this condition. In addition the by-laws of any future residential strata plans created for the property shall reflect this restriction.
Reason: To ensure the development does not reduce the amount of "on street" parking currently available.
24. All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2003 'Stormwater Drainage' and Marrickville Council Stormwater and On Site Detention Code. Pipe and channel drainage systems shall be designed to cater for the twenty (20) year Average Recurrence Interval (A.R.I.) storm in the case of low and medium residential developments, the twenty (20) year A.R.I. storm in the case of high density residential development and commercial and/or industrial developments and the fifty (50) year A.R.I. storm in the case of heavy industry. In all cases the major event surface flow paths shall be designed to cater for the one hundred (100) year A.R.I. storm.
Reason: To provide for adequate site drainage.
25. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
26. Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively the water may be stored separately on site and reused for the watering of landscaped areas.
Reason: To ensure that there are no dry-weather flows of any seepage water directed to the kerb.
27. All piling and excavation works with 25 metres of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
Reason: To ensure compliance with Sydney Trains concurrence terms.
28. No rock anchors/bolts are to be installed into Sydney Trains property or easements.
Reason: To ensure compliance with Sydney Trains concurrence terms.
29. The applicant is to submit to Council, for its records, copies of any certificates, drawings or approvals given to or issued by Sydney Trains.

Reason: To ensure compliance with Sydney Trains concurrence terms.

30. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant.

Reason: To ensure compliance with Sydney Trains concurrence terms.

31. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

Reason: To ensure compliance with Sydney Trains concurrence terms.

32. Sydney Trains and Transport for NSW, or any persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

Reason: To ensure compliance with Sydney Trains concurrence terms.

33. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

Reason: To ensure compliance with Sydney Trains concurrence terms.

34. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

Reason: To ensure compliance with Sydney Trains concurrence terms.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the National Construction Code (Building Code of Australia).

35. No work must commence until:

- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within 2 days of the appointment; and
- A minimum of 2 days written notice given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

36. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

37. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

38. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it shall be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

39. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

40. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.

Reason: To ensure that the demolition work is carried out safely.

41. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

42. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

43. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry to the Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

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44. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

45. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to include colour photographs and must be submitted to the Certifying Authority's satisfaction, with a colour copy being provided to Council and the property owner of the identified property, before work commences, on the buildings on the adjoining properties at 1-3 Hill Street and 2-4 Grove Street, Dulwich Hill, if the consent of the adjoining property owners can be obtained after reasonable documented attempts. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

46. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.

Reason: To provide a person that residents can contact.

47. Prior to the commencement of works a project arborist with a minimum AQF level 5 qualification in arboriculture and who does not remove or prune trees in the Marrickville local government area shall be engaged for the duration of demolition, construction and landscaping.

Reason: To manage the protection of trees on neighbouring properties whose Tree Protection Zones (TPZs) may be encroached by construction-related activities.

48. Prior to the commencement of works the project arborist shall prepare a tree protection specification and a tree protection plan to be submitted to Council for approval.

Reason: To ensure the protection of trees on neighbouring properties so that their stability and ongoing viability is not compromised.

49. Prior to the commencement of works tree protection measures detailed in the tree protection specification and tree protection plans shall be established.

Reason: To ensure the protection of trees on neighbouring properties so that their stability and ongoing viability is not compromised.

50. Prior to the commencement of works the project arborist shall inspect tree protection measures, including the location of tree protection fencing and signage, and certify in writing to the Principal Certifying Authority the tree protection measures comply with the tree protection specification and tree protection plan.

Reason: To ensure the protection of trees on neighbouring properties so that their stability and ongoing viability is not compromised.

51. Tree protection measures detailed in the tree protection specification, tree protection plan and in the Section 4 of Australian Standard Protection of trees on development sites AS 4970—2009 shall be implemented and complied with for the duration of works including demolition, construction and landscaping (except where conditions permit otherwise).
Reason: To ensure the protection of trees on neighbouring properties so that their stability and ongoing viability is not compromised.
52. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.
Reason: To ensure all necessary approvals have been applied for.
53. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.
Reason: To ensure that all restoration works are in accordance with Council's Code.
54. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
Reason: To secure the site and to maintain public safety
55. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include proposed truck parking areas, construction zones, crane usage, truck routes etc.
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.
56. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.
57. The person acting on this Determination must ensure that all workers on the site, including subcontractors, as part of their site induction, are made aware of the potential presence of Long-nosed Bandicoots (including what they look like) and measures to avoid physical harm to bandicoots before commencing any works on site including site preparation works.
Reason: To ensure all workers on the site are made aware of the potential presence of Long Nosed bandicoots on the development site.
58. If a new street number or a change to the street number is required, a separate application must be made to and approved by Council prior to that street number being displayed.
Reason: To ensure that the building is easily identifiable.

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59. Prior to the commencement of works the applicant shall peg-out the common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.
Reason: To ensure compliance with Sydney Trains concurrence terms.
60. Prior to the commencement of works, on the completion of works, or at any time during the works period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
Reason: To ensure compliance with Sydney Trains concurrence terms.
61. Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
Reason: To ensure compliance with Sydney Trains concurrence terms.
62. Prior to the commencement of works or before the issue of a Construction Certificate (whichever occurs first), the applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. The Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the applicant on the level of insurance required.
Reason: To ensure compliance with Sydney Trains concurrence terms.
63. Prior to the commencement of works or before the issue of a Construction Certificate (whichever occurs first), the applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. The Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
Reason: To ensure compliance with Sydney Trains concurrence terms.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

64. Section 94 Contribution
 - a) This condition is imposed in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.
 - b) Before the issue of a Construction Certificate, the Council must be paid a monetary contribution of \$1,142,684.98 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014 ("CP").

The above contribution is the contribution applicable as at 25 February 2016.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan).

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The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC001334)

- c) The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:
- | | |
|-----------------------|--------------|
| Community Facilities | \$137,387.79 |
| Plan Administration | \$22,405.49 |
| Recreation Facilities | \$974,267.60 |
| Traffic Facilities | \$8,624.10 |
- d) A copy of the CP can be inspected at Council's offices at 2-14 Fisher Street, Petersham or online at <http://www.marrickville.nsw.gov.au>.
- e) The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

*NB A 1% credit card transaction fee applies to all credit card transactions.

Reason: To ensure provision is made for the increase in demand for public amenities and services required as a consequence of the development being carried out.

65. Before the issue of a Construction Certificate the person acting on this consent must submit to and have approved by Council a detailed landscaping plan to reflect the following requirements:

- a) The pathway running parallel to the north western setback area shall be increased to be a minimum of 2.5 wide over its full extent. The increased dimension must occur along its eastern edge to ensure that a suitable width for deep soil planting is retained. The path shall be constructed with brushed concrete or bitumen as opposed to gravel;
- b) The following plant species are not approved for use:

Trachelospermum jasminoides
Agapanthus orientalis
Streitzia reginae
Clivea miniata
Angozanthus flavidus
Murraya paniculata
Plumeria acutifolia
Rapholepis indica
Xylosma japonica
Calistemon 'Kings Park Special'
Acer sp.
Alcantarea sp.
Alocasia sp.
Hymenosporum flavum
Liriope sp.

- c) The above species shall be substituted with plants detailed within *Appendix A: Plant Species to be used in the Revegetation of the GreenWay* in the *GreenWay Revegetation and Bushcare Plan*, dated January 2011 available on the website at <http://www.greenway.org.au/index.php/biodiversity/biodiversity-strategy>. A detailed planting schedule for that portion of land along the western boundary must be provided. The planting schedule must ensure a complex habitat structure is achieved with a clearly definable under, mid and upper vegetation storey. Species selected

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and planted should be sourced from community or wholesale nurseries that stock Sydney region native species.

- d) No use of hybrid or variety native species are permitted.
- e) The groundcover layer must be dense (6 plants per sqm) to provide habitat for the Long-nosed bandicoot, which is a ground-dwelling mammal.

Reason: To ensure that local native species are used in creating a diverse, complex and continuous vegetated buffer.

66. Before the issue of a Construction Certificate the person acting on this consent must submit amended plans to the Certifying Authority's satisfaction to reflect the following requirements:

- a) The privacy screens on the balconies of dwellings 13, 28, 43 and 58 must extend along the entire length of the north eastern side; and
- b) Privacy screens must be provided on the south western side of the balconies within dwellings 12, 20, 27, 35, 42, 50, 57 and 63. The screens shall be constructed from aluminium louvres or similar to a minimum height of 1600mm above the finished floor level of the balcony.

Reason: To minimise overlooking impacts within the development.

67. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

- Geotechnical Investigation by Douglas Partners - Report No. 84398.01.R.002.Rev0 dated July 2015.
- Structural Drawings prepared by J.J. Marino & Associates, as follows
 - General & Construction Notes, S0001 – Issue 1 dated 12/08/15
 - Shoring Plan, S0010 – Issue 1 dated 12/08/15
 - Shoring Elevations Sheet 1, S0011 - Issue 1 dated 12/08/15
 - Shoring Elevations Sheet 2, S0012 - Issue 1 dated 12/08/15
 - Shoring Details Sheet 1, S0013 - Issue 1 dated 12/08/15
 - Shoring Details Sheet 2, S0014 - Issue 1 dated 12/08/15

Subject to the following:

- As the proposed shoring design is based on one borehole located adjacent to the rail corridor additional geotechnical investigations (boreholes) are required along the rail corridor frontage to indicate that that top of sound sandstone does not vary significantly. Should the results vary then a revised structural design is to be submitted to Sydney Trains for review and endorsement.
- The excavation may expose Mittagong formation, which has been associated with high groundwater inflows in other areas. The impact of unexpected water inflows on the stability of the temporary batter needs to be addressed.
- The notes in Structural Drawing S0001 need to include instructions for the geotechnical inspection of the excavation face at 2.0m lifts as per the requirements of the geotechnical report.
- Structural Drawing S0012 needs to be updated to include details in relation to the drainage of the granular material located behind the 200 thick retaining wall, and additional details in relation to the cover to reinforcing and details at connections between walls and footing/slabs.
- The nominated PPV limit varies from geotechnical investigation report (Section 7.1.2) compared to Structural Drawing S0010. The Applicant must ensure that the

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Structural Drawings are relied upon rather than the geotechnical report with regard to PPV limits.

Before the issue of a Construction Certificate, written confirmation must be received from Sydney Trains and submitted to the Certifying Authority's satisfaction confirming the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications. Prior to the commencement of works the Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

Reason: To ensure compliance with Sydney Trains concurrence terms.

68. The following items are to be submitted to Sydney Trains for review and endorsement before the issue of a Construction Certificate:

- Machinery to be used during excavation/construction.
- Construction and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring
- A vibration and movement monitoring plan for the affected rail infrastructure. This Plan is to include, but not limited to:
 1. Potential measures that may be required to limit vibrations, such as, limitations on hammer size, or alternative excavation methods should be provided in the vibration monitoring plan.
 2. A number of inclinometers along the rail corridor frontage are required to monitor ground movements. Locations of the inclinometers and alarm limits need to be provided.

The Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

Reason: To ensure compliance with Sydney Trains concurrence terms.

69. Before the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority's satisfaction.

Reason: To ensure compliance with Sydney Trains concurrence terms.

70. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres and face the rail corridor, the applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. Before the issue of a Construction Certificate, written confirmation must be submitted to the Certifying Authority's satisfaction that these measures are to be installed and have been indicated on the Construction Drawings.

Reason: To ensure compliance with Sydney Trains concurrence terms.

71. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. Before the issue of a Construction Certificate the Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

72. Before the issue of a Construction Certificate a Risk Assessment, Rail Safety Management Plan, and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail. The Certifying



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Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

73. Before the issue of a Construction Certificate the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

74. Before the issue of a Construction Certificate the applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

75. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the applicant proposes to enter the rail corridor, the Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied before the issue of a Construction Certificate.

Reason: To ensure compliance with Sydney Trains concurrence terms.

76. Before the issue of a Construction Certificate, the landscape and planting plan must be submitted to Sydney Trains for review. The plans must demonstrate that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

77. Details of an anti-graffiti treatment to the elevations of the development must be submitted to and approved by Council before the issue of a Construction Certificate. The applicant is to ensure that the development incorporates appropriate anti-graffiti measures acceptable to Sydney Trains.

Reason: To ensure the proposed development remains free of graffiti and ensure compliance with Sydney Trains concurrence terms.

78. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site for:

- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions

or telephone 13 20 92.

The stamped plans must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure compliance with Sydney Water requirements.

79. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

80. A proposed maintenance schedule over a minimum 12 month period, to commence on the date that a final Occupation Certificate is issued, relating to site landscaping works (including the greenway corridor) must be submitted to Council's satisfaction before the issue of a Construction Certificate. The schedule must be prepared by a Landscape Architect or qualified Landscape Designer.

Reason: To ensure the proper establishment of site landscaping elements.

81. All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the building so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

Reason: To ensure the aesthetics of the building and architecture are maintained.

82. A detailed plan showing the height, colour and material of all fencing within the development in accordance with Part 2.11 of Marrickville Development Control Plan 2011 – Fencing must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure all fencing is in keeping with the character of the area and maintains adequate privacy.

83. Letterboxes and mail collection facilities must be provided and adequately protected in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure adequate mail collection facilities are provided.

84. Adequate clothes drying facilities must be provided for the development in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. Where such facilities are provided on street facing balconies, the areas/facilities must be appropriately screened from view from the street.

Reason: To ensure adequate clothes drying facilities are provided.

85. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure appropriate lighting is provided to create a safe living environment.

86. Before the issue of a Construction Certificate, a Plan of Management must be submitted to Council outlining the on-going security and safety measures within the development.

Reason: To ensure adequate Plan of Management is established for the on-going security and safety measures for the development.

87. Plans fully reflecting the selected commitments listed in BASIX Certificate submitted with the application for development consent (as amended) must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Note: The application for the Construction Certificate must be accompanied by either the BASIX Certificate upon which development consent was granted or a revised BASIX Certificate (Refer to Clause 6A of Schedule 1 to the Regulation).

Reason: To ensure that the BASIX commitments are incorporated into the development.

88. Insulation, having a minimum R3.0 rating, must be provided to the ceiling or roofs in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To achieve an overall increase in thermal comfort and reduce the impact of greenhouse gases on the environment.

89. Reticulated gas infrastructure, with a separate meter for each dwelling must be provided to each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To provide the potential to reduce greenhouse emissions.

90. A hot water system with a minimum 3.5 energy star Greenhouse rating must be provided for each dwelling in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.

Reason: To ensure that the dwellings incorporate energy and water efficient measures.

91. Noise attenuation measures consistent with the recommendations within the Aircraft Noise Intrusion Report, Report No. 5462-1.1R, prepared by Day Design Pty Limited, dated 5 March 2015 and Additional Information – Light Rail Noise Assessment, Report No. 5462-2.1L, prepared by Day Design Pty Limited, dated 3 February 20116 must be incorporated into the development complying with Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" in relation to interior design sound levels and in accordance with details being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

Reason: To reduce noise levels within the development from aircraft and rail noise.

92. Evidence of payment of the building and construction industry Long Service Leave Scheme, must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NB: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

93. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:

- a) Access to the premises via the principal places of entries to the building, complying with AS 1428.1- 2009 'Design for access and mobility';
- c) The lift design must comply with AS 1735.12 -1999 'Lifts, escalators and moving walkways Part 12: Facilities for persons with disabilities' as a minimum requirement;
- d) A minimum of 13 adaptable dwellings being provided complying with AS 4299-1995 "Adaptable Housing"; and
- f) A minimum of 16 car parking spaces (13 accessible residential car spaces and 3 accessible visitor car spaces) must be provided for people with a disability that are

directly accessible to the entrance to the building. The car parking must be designed to comply with AS 1428.1 - 2009 'Design for access and mobility - General requirements for access - buildings' and AS 2890.1 1 'Off-street car parking'.

Reason: To ensure that the premises provide equitable access to all persons.

94. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards)

Reason: To ensure that the premises are accessible to all persons

95. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

96. Payment of a Bond, in the sum of \$36,000.00 for the proper performance of public domain and stormwater works before the issue of the Construction Certificate. The security may be provided in one of the following methods:-

- i) in full in the form of a cash bond; or
- ii) by provision of a Bank Guarantee by an Australian Bank in the following terms:
 - a) the bank must unconditionally pay the guaranteed sum to the Council if the Council so demands in writing.
 - b) the bank must pay the guaranteed sum within seven (7) days of demand without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to consent or the carrying out of development in accordance with the consent;
 - c) the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when the Council notifies the bank in writing that the guarantee is no longer required.

Reason: To ensure all Road works are completed satisfactorily and within a reasonable time.

97. In order to provide satisfactory vehicular and pedestrian access, drainage, landscaping and aesthetic improvements to the public domain adjacent to the site, the following works shall be undertaken at no cost to Council:

- i. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture, etc shall be reconstructed and upgraded in accordance with the Street Tree Masterplan, the Draft Marrickville Public Domain Code and Draft Technical Manual or Council's standard plans and specification in place for the location at the time the works are undertaken;
- ii. The existing overhead power lines adjacent to the site and up to the intersection of Grove and Hill Streets shall be converted to the aerial bundled cable system;
- iii. The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- iv. New kerb and gutter along the frontage of the site. The kerb type (concrete or stone) shall be consistent with the majority of kerb type at this location. Council may be able to assist with the supply of stone if required. Please contact Council's Infrastructure Services Division on 9335 2000; and
- v. Alignment levels to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations.

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Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed prior to the issue of an Occupation Certificate.

Reason: To provide for essential improvement works to the public domain consistent with Council's desired future character for the area.

98. The site stormwater drainage shall be constructed generally in accordance with stormwater drainage plans SW1 (Rev A dated 27/5/15) and SW2 to SW6 (dated 11/3/15) submitted by Michael Ell Consulting Engineers P/L subject to the following amendments;

- i. A detailed WSUD maintenance plan outlining how all elements of the water quality treatment facility will be maintained and to record annual inspections/maintenance works to be undertaken;
- ii. Inclusion of a minimum 24sqm of raingarden within the treatment train of the water treatment proposal; and
- iii. Construction details of the proposed Council stormwater pipe in Hill Street including a long section of the pipeline, bedding and road restoration details.

Amended plans and evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure that the site use of potable water is minimised and that the quality of stormwater discharged off site is improved.

99. The site has been identified as being subject to flooding during a 1 in 100 year storm event in the Hawthorne Canal Flood Study. The 1 in 100 year flood level has been determined to be RL 20.8m AHD. The following flood protection measures shall be undertaken:

- i. All habitable floor levels and protection to the underground carpark shall be set at RL 21.3m AHD (flood level plus 500mm freeboard). All structures below RL 21.3m AHD shall be constructed from flood compatible materials;
- ii. All electrical equipment and wiring shall be waterproofed or installed at or above RL 21.3m AHD;
- iii. A structural engineer's certificate shall be submitted stating that the proposed building has been designed to withstand the forces of flood water, debris and buoyancy up to the 1 in 100 year flood level;
- iv. The existing ground levels throughout the site (including the right of way) shall be maintained so as not to alter the existing overland flow path. Details of all obstructions or changes in level within the overland flow paths shall be detailed on the plan; and
- vi. All fencing within the overland flow path shall be of open type so as to allow for the free flow of water throughout the site so as to maintain existing flows.

Detailed plans and specification complying with the above requirements shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To protect the site and occupants from rising flood waters during a 1 in 100 year storm event.

100. A Flood Emergency Response Plan for the site in accordance with Part 2.22 of Marrickville Development Control Plan 2011 – Flood Management must be submitted to Council's satisfaction before the issue of a Construction Certificate.

Reason: To protect the occupants of the site during extreme flood events.

101. Approved Sydney Water construction plans of the stormwater deviation of Sydney Water's stormwater system shall be submitted to Council for information before the issue of a Construction Certificate.

Reason: To ensure that the proposed stormwater deviation proposal has been approved by Sydney Water.

SITE WORKS

102. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday.

All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, must only have access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer must ensure that all contractors associated with the development are fully aware of these requirements.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

103. Notwithstanding the above condition, all remediation works must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Part 2.24 of Marrickville Development Control Plan 2011 – Contaminated Land.

104. During any construction works and activities, no injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the construction of the development does not affect the amenity of the neighbourhood.

105. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

106. The project arborist shall undertake periodic inspections of trees and tree protection measures, as detailed in the tree protection specification.

Reason: To ensure the protection of trees on neighbouring properties so that their stability and ongoing viability is not compromised.

107. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

108. All demolition work must be carried out in accordance with the following:

- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;

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- c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

109. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

110. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: To ensure that imported fill is of an acceptable standard.

111. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) at least 7 days' notice is given to the owners of the adjoining land of the intention to excavate below the base of the footings. The notice must include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report must be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

112. All vehicles carrying materials to, or from the site, must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

113. Satisfactory methods and/or devices must be employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

114. The disposal of contaminated soil must be carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.

Reason: To provide for correct disposal of wastes.

115. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

116. Fixtures for bathroom and kitchen taps, showerheads, dishwashers and toilet cisterns must have a minimum 3 Star WELS rating.

Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website:.

Reason: To conserve water.

117. New or replacement toilets must have a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.

Note: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

118. During construction, all holes (e.g. created for footings etc.), machinery and construction material stockpiles must be inspected daily prior to commencing work to ensure no Long-nosed Bandicoots are sheltering in these areas. In the event that a bandicoot is found, no work must proceed until the bandicoot has been safely vacated from the works area.

Reason: To protect Long-nosed Bandicoots.

119. Activities and storage of materials must be kept away from garden beds.

Reason: To ensure the safety and protection of the endangered Long-nosed Bandicoot population (*NSW Threatened Species Conservation Act 1995*) during excavation, demolition or construction work.

120. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. **Note:** This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the issued alignment levels. Failure to comply with this condition will result in vehicular access being denied.

Reason: In accordance with Council's powers under the Roads Act, 1993, alignment levels at the property boundary will be required to accord with Council's design or existing road and footpath levels.

121. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

122. The applicant shall, within fourteen (14) days of notification by Council, execute any and all maintenance works required by Council. In the event that the applicant fails to undertake such work, Council may undertake the required maintenance works, utilising part or all of the maintenance security and Council may recover any costs in excess of the security from the applicant.

Reason: To ensure all drainage works are maintained within a reasonable time limit during a 12 month maintenance period.

BEFORE OCCUPATION OF THE BUILDING

123. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

124. Occupation of the building must not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

125. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner shall obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

126. The Section 73 Certificate must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

- a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.
- b) Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Providers > Lists or telephone 13 20 92.

Reason: To ensure compliance with Sydney Water requirements.

127. Upon the completion of any remediation works stated in the RAP the person acting on this consent must submit to Council a Validation and Monitoring Report. The report must be conducted in accordance with the NSW Environment Protection Authority's "Guidelines for Consultants Reporting on Contaminated Sites 1998".

Reason: To ensure that the remediated site complies with the objectives of the RAP.

128. A design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development must be submitted to Council's satisfaction before the issue of an Occupation Certificate.

Reason: To comply with the requirements under State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

129. a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the dwellings from aircraft and rail noise and to ensure that the noise attenuation measures incorporated into the dwellings satisfactorily comply with the relevant sections of Australian Standard 2021:2000, State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

130. The Certifying Authority must be satisfied that each of the commitments listed in BASIX Certificate referred to in this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).

Reason: To ensure that all of the BASIX commitments have been fulfilled and to comply with the requirements under Section 154B of the Environmental Planning and Assessment Regulations 2000.

131. The Certifying Authority must apply to the Director-General for a BASIX Completion Receipt within 2 days of the issue of a final Occupation Certificate. Completion Receipts can be applied for at www.basix.nsw.gov.au.

Reason: To ensure compliance with the requirements under Section 154C of the Environmental Planning and Assessment Regulations 2000.

132. Before the issue of an Occupation Certificate, a street number and identifier of separate occupancies (if applicable) must be clearly displayed in a readily visible location (numbers having a height of not less than 75mm). If any new street numbers or change to street numbers (this includes unit and shop numbers) are required they must have the prior approval of Council before being displayed.

Reason: To ensure that the building is easily identifiable.

133. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Before the issue of an Occupation Certificate the applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Reason: To ensure compliance with Sydney Trains concurrence terms.

134. Before the issue of an Occupation Certificate the applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or

easement. The Certifying Authority must receive written confirmation from Sydney Trains that this condition has been satisfied.

Reason: To ensure compliance with Sydney Trains concurrence terms.

135. The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains before the issue of an Occupation Certificate. The Certifying Authority must receive written confirmation from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

Reason: To ensure compliance with Sydney Trains concurrence terms.

136. Before the issue of an Occupation Certificate, new advanced trees must be planted in accordance with the following criteria.

- a) The species of trees and planting stock size shall be as detailed in the submitted landscape plan.
- b) The planting stock shall comply with Australian Standard *Tree stock for landscape use* AS 2303—2015.
- c) The planting detail in the landscape plan shall be amended to reflect the planting detail shown in the Marrickville Street Tree Master Plan 2014.
- d) The new trees shall be planted by a qualified horticulturist or arborist, with a minimum qualification of Certificate 3, in accordance with the amended planting detail.
- e) Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 5 metres, from which time it is protected by Council's Development Control Plan (DCP).
- f) If any tree dies or needs to be removed before that time it shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

Reason: To contribute to local amenity and to achieving sustainable urban forest canopy.

137. Before the issue of an Occupation Certificate the project arborist shall certify in writing to the Certifying Authority that the conditions relating to tree protection, tree planting and landscaping works have been implemented and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure. The Certifying Authority shall report breaches of the conditions to Marrickville Council.

Reason: To confirm that tree protection of trees on neighbouring properties has been complied with appropriately and adequately and that new trees have been properly planted so as to ensure their stability and ongoing growth and development.

138. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of the Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure person acting on this consent completes all required work.

139. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council

Joint Regional Planning Panel Report
1A HILL STREET, DULWICH HILL

140. No encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.
Reason: To ensure there is no encroachment onto Council's Road.
141. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
Reason: To ensure that items of local heritage value are preserved.
142. Heavy duty concrete vehicle crossing and footpath, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" shall be constructed at the vehicular access locations before the issue of the Occupation Certificate and at no cost to Council.
Reason: To allow vehicular access across the footpath and/or improve the existing vehicular access.
143. All redundant vehicular crossings to the site shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.
144. The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council and before the issue of the Occupation Certificate.
Reason: To provide suitable means of public road vehicle and pedestrian access to the development and to ensure that the amenity of the area is in keeping with the standard of the development.
145. Before the issue of the Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans shall be submitted to and accepted by Council. The Certificate shall also state that no dry-weather flows of seepage or groundwater have been connected to any kerb outlets. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.
146. With the regard to the Stormwater Treatment Facilities a Positive Covenant shall be placed on the Title in favour of Council before issue of the Occupation Certificate. The Positive Covenant shall include the following:
- The proprietor of the property shall be responsible for maintaining the stormwater treatment facility as outlined in the approved WSUD maintenance plan;
 - The Proprietor shall have the stormwater quality treatment facilities inspected annually by a competent person and must provide the WSUD maintenance plan approved under this Consent to competent person to record the annual inspections.
 - The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all elements of the stormwater quality treatment facilities to ensure that

the water quality targets provided in the design of the system are achieved; and recover the costs of any such works from the proprietor.

Reason: To ensure that the integrity of the stormwater quality treatment facilities is maintained.

147. All instruments under Section 88B of the Conveyancy Act used to create positive covenants, easements or right-of-ways shall include the condition that such positive covenants, easements or right-of-ways may not be varied, modified or released without the prior approval of Marrickville Council.

Reason: To ensure Council's interests are protected.

148. The applicant shall provide security, in a manner satisfactory to Council, for the proper maintenance of the Road and Footpath works in an amount of \$3,600.00 for a period of twelve (12) months from the date of completion of the Road works as surety for the proper maintenance of the Road and Footpath works.

Reason: To provide security for the maintenance of Road and Footpath works for a 12 month maintenance period.

149. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- The property lies within the 20 - 25 Australian Noise Exposure Forecast (ANEF) Contour (2033), as advised by the Commonwealth Department of Aviation, and it would be advisable to noise attenuate the development in accordance with Australian Standard AS 2021 'Acoustics - Aircraft noise intrusion - Building siting and construction'.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted

surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, ☎ 9335-2222.

- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information ☎ 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading ☎ 13 32 20
www.fairtrading.nsw.gov.au
Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig ☎ 1100
www.dialbeforeyoudig.com.au

Landcom ☎ 9841 8660
To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation ☎ 131441
www.lspc.nsw.gov.au

Marrickville Council ☎ 9335 2222
www.marrickville.nsw.gov.au
Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority ☎ 1300 552 406
www.foodnotify.nsw.gov.au

NSW Government
www.nsw.gov.au/fibro
www.diysafe.nsw.gov.au
Information on asbestos and safe work practices.

NSW Office of Environment and Heritage ☎ 131 555
www.environment.nsw.gov.au

Sydney Water ☎ 13 20 92
www.sydneywater.com.au

Waste Service - SITA Environmental Solutions ☎ 1300 651 116
www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

- B. THAT** those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.
- B. THAT** the Department of Planning and Environment be advised, as part of the quarterly review of the monitoring of Clause 4.6 of Marrickville Local Environmental Plan 2011 – Exceptions to Development Standards, that JRPP has agreed to the variation of the following development standards:

<u>Premises:</u>	1A Hill Street, Dulwich Hill
<u>Applicant:</u>	Beraldo Design Pty Ltd
<u>Proposal:</u>	To demolish the existing improvements, and construct a 9 storey residential flat building with 64 dwellings and 3 levels of basement car parking with associated landscaping.
<u>Determination:</u>	Deferred Commencement Consent
<u>DA No:</u>	201500246
<u>Lot and DP:</u>	Lot 11 DP 1184304
<u>Category of Development:</u>	4
<u>Environmental Planning Instrument:</u>	Marrickville Local Environmental Plan 2011
<u>Zoning of Land:</u>	General Residential - R1
<u>Development Standard(s) varied:</u>	Clause 4.3 – Height of Building Clause 4.4 – Floor Space Ratio
<u>Justification of variation:</u>	The proposal satisfies the building envelope controls; provides high residential amenity; results in no unreasonable amenity impacts to adjoining properties; is consistent with the objectives of the development standard and the respective zone; and is appropriate in the context.
<u>Extent of variation:</u>	Height – 2.6 metres (5.5%) FSR – 585.25m ² (11.6%)
<u>Concurring Authority:</u>	Council/JRPP under assumed concurrence of the Secretary Department of Planning and Environment
<u>Date of Determination:</u>	

Item No: C0316 Item 5

Subject: 2016 WINTER SPORTS GROUND ALLOCATION

File Ref: 16/5908/9204.16

Prepared By: Ryan Blouin - Team Leader Recreation and Facilities

Authorised By: Simone Schwarz - Director, Community Services

SUMMARY

Following an expression of interest process for the 2016 winter season sports ground hire, this report recommends allocations to balance local demand with the sustainable management of available sports grounds.

RECOMMENDATION

THAT:

1. in relation to Arlington Reserve, Mahony Reserve, Steel Park, Henson Park and Marrickville Oval:
 - a. Council approve the 2016 winter season sports ground allocations for training and match play applicable from 1 April to 30 August 2016 inclusive, as proposed in the schedule at ATTACHMENT 2, subject to provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
 - b. pursuant to s337(1) of the Local Government Act 1993 the Council delegates to the General Manager the power to execute 2016 winter season sports ground licences; and
2. Council, in its capacity as reserve trust manager of Petersham Park (P500070), considers this report and decides to enter into winter season sports ground licences for the 2016 winter season with the clubs proposed to use Petersham Park (P500070) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
3. Council, in its capacity as reserve trust manager of Camperdown Park (R8205 & D500444), considers this report and decides to enter into winter season sports grounds licences for the 2016 winter season with the clubs proposed to use Camperdown Park (R8205 & D500444) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;
4. Council, in its capacity as reserve trust manager of Mackey Park (R80566), considers this report and decides to enter into winter season sports grounds licences for the 2016 winter season with the clubs proposed to use Mackey Park (R80566) as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees;

5. Council, in its capacity as reserve trust manager of Tempe Recreation (D500215 & D1000502) Reserve considers this report and decides to enter into winter season sports ground licences for the 2016 winter season with the clubs proposed to use Tempe Recreation (D500215 & D1000502) Reserve as detailed in the schedule at ATTACHMENT 2 for training and match play from 1 April to 30 August 2016 inclusive subject to the provision of all information requested in the application form, field condition and payment of, or agreement to a repayment plan for, any outstanding fees; and
6. the General Manager is delegated authority to enter into short term casual licence arrangements subject to availability and in accordance with the criteria for seasonal sports grounds allocation adopted by Council.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
1.1	The community is active and healthy

BACKGROUND

Requests for seasonal hire were called for sporting organisations for use of Council's sports grounds for weekend competition and week-night training for the 2016 winter season.

A total of 135 sporting organisations were contacted advising that applications for seasonal hire were open from 3 December 2015 to 20 January 2016. Reminder emails were also sent out to this contact list each week during the request period. The request period was also advertised on Council's website and three advertisements were published in the Inner West Courier throughout the request period.

Allocation of sports grounds to schools for the 2016 winter season have not been included in the proposed schedule of recommended applications because school use is only weekdays during school hours and does not conflict with sporting club use on weekday evenings and weekends. A separate allocation process was conducted for school use for the 2016 year. Use by schools outside the school hours is subject to the same fees and charges as levied on community sporting organisations.

DISCUSSION

At the time of the advertised closing date, 23 applications had been received for use of Council's sports grounds for the 2016 winter season, as follows:

ORGANISATION	PARK
Cyprus United Soccer LTD T/AS Stanmore Hawks FC	Arlington Reserve Steel Park
Dulwich Hill Soccer Club	Arlington Reserve Mahony Reserve
South Sydney District Junior Rugby League	Marrickville Oval Tempe Reserve
Newington College	Tempe Reserve Arlington Reserve
Marrickville Football Club	Mackey Park Steel Park Tempe Reserve
Flying Bats Women's Soccer Club	Tempe Reserve

ORGANISATION	PARK
Sydney Winter Baseball League	Petersham Park
Petersham Rugby Union	Camperdown Oval
Sydney Portuguese Community Club (Fraser Park Football Club)	Tempe Reserve Mahony Reserve Steel Park
AFL NSW/ACT	Henson Park Mahony Reserve
Newtown Rugby League Football Club	Henson Park
APIA Leichhardt Tigers Football Club	Petersham Park
Sydney University Soccer Football Club	Petersham Park Arlington Reserve Camdenville Oval Marrickville Oval
Christian Brothers High School Lewisham	Arlington Reserve
Inner West Ultimate	Tempe Reserve
NSW Churches Football Club	Tempe Reserve
Ultimo Warriors Soccer Club	Petersham Park
Australian Catholic University	Camperdown Oval Marrickville Oval Tempe Reserve
Sydney Women's Baseball League	Mahony Reserve Steel Park Tempe Reserve Mackey Park
Cooks River Titans Football Club	Tempe Reserve
Phantoms Brazilians Football Club	Camdenville Oval
Sydney Olympic Football Club	Arlington Reserve

Due to planned upgrades, Camdenville Oval is not available during the 2016 winter season. The loss of a full ground has placed additional pressure on the capacity and availability at other facilities. With the increasing demand and unavailability of Camdenville Oval, this seasonal allocation has been a challenging process. The cooperation of the local sporting organisations in the development of the proposed allocation schedule has been appreciated by staff.

Applications received for the 2016 winter season contained competing requests for use of sports grounds. All competing requests have been discussed extensively with the relevant users and all parties have indicated their verbal agreement with the proposed allocation. Where required, the Sports Ground Allocation Policy (SGAP) guided the discussions in respect to the identified clashes. The vast majority of organisations who applied have been allocated fields in some capacity. Only Phantoms Brazilians Football Club, a new organisation to the area, was unable to be accommodated due to the unavailability of Camdenville Oval and the group not being able to move to another facility on another day.

It is also worth noting the allocation to Canterbury District Soccer Football Association (CDSFA) at Steel Park on weekends. This was agreed in liaison with Fraser Park Football Club, Marrickville Football Club and Stanmore Hawks Football Club, involving Marrickville based clubs and players. CDSFA has indicated that in exceptional circumstances there may be the need to allocate a fixture involving two neutral teams (in addition to existing fixtures involving Marrickville clubs), which would be agreed with the Team Leader Recreation and Facilities prior to the fixture.

ATTACHMENT 1 contains a table summarising the request for ground allocations received through the allocation process. **ATTACHMENT 2** contains a table summarising the proposed allocation of sports grounds for the 2016 winter season. The proposed allocation has been discussed and agreed with Infrastructure Works and Services staff in terms of the overall ground capacity. It is recognised that this is an exceptional season in terms of the need to accommodate organisations who have used Camdenville Park in previous seasons.

Council may receive further late applications and it is proposed that these be considered in accordance with availability, capacity of the facility and the SGAP adopted by Council and that the General Manager be delegated authority to enter into short term casual licence arrangements. In all instances requests for 'summer sports' use in winter will be subject to availability from 'winter' sports that maintain priority within their defined season.

FINANCIAL IMPLICATIONS

The proposed usage will be subject to fees and charges as identified in Council's adopted Pricing Policy & Fees and Charges.

PUBLIC PARTICIPATION

A total of 135 sporting organisations were contacted advising that applications for seasonal hire were open from 3 December 2015 to 20 January 2016. Reminder emails were also sent out to this contact list each week during the request period. The request period was also advertised on Council's website and three advertisements were published in the Inner West Courier throughout the request period. Subsequent discussions were held with the organisations to negotiate total hours of usage and negotiate competing requests. All issues have been resolved to the verbal satisfaction of all applicants.

ATTACHMENTS

1. 2016 Winter Season Sports Ground Requests
2. 2016 Winter Sports Ground Allocation Recommendations

2016 Winter Season Allocation Schedule Requests
1st Apr - 30th Aug 2016

Field	M	T	W	Th	F	Sat	Sun	Total Hours
Arlington Oval	Newington College (3.30-5.15pm) Sydney Uni FC (5.30-7pm) Sydney Olympic FC (6.30-8pm)	Newington College (3.30-5.15pm) Sydney Olympic FC (6.30-8pm) Dulwich Hill FC (7-9pm)	Newington College (3.30-5.15pm) Sydney Olympic FC (6.30-8pm)	Newington College (3.30-5.15pm) Sydney Olympic FC (6.30-8pm) Dulwich Hill FC (7-9pm)	Newington College (3.30-5.15pm)	Stammore Hawks (All Day) Dulwich Hill FC (All Day)	Sydney Uni FC (All Day) Dulwich Hill FC (All Day)	37.5
Camdenville Oval	CLOSED	CLOSED Phantoms FC	CLOSED	CLOSED Sydney Uni FC	CLOSED	CLOSED	CLOSED	
Camperdown Oval	-	Petersham Rugby Union (4.30-9pm)	Australian Catholic University (6-8.30pm)	Petersham Rugby Union (6-9pm)	-	Petersham Rugby Union (All Day) Australian Catholic University (PM)	Petersham Rugby Union (AM)	22
Henson Park	AFL (4.30-7.30pm)	Newtown Jets (5-7pm)	AFL (4.30-7.30pm)	Newtown Jets (4.30-6.30pm)	Newtown Jets (5-6pm)	Newtown Jets (All Day) AFL (All Day)	AFL (All Day)	25
Mackey Park	Marrickville FC (4-10pm)	Marrickville FC (4-10pm)	Marrickville FC (4-10pm)	Marrickville FC (4-10pm)	-	Marrickville F.C. (All Day)	Marrickville F.C. (All Day)	40
Mahony Reserve	AFL (6-8.30pm)	Dulwich Hill FC (7-9pm) AFL (6-8.30pm)	AFL (6-8.30pm)	Fraser Park FC (7-9pm) Dulwich Hill FC (6.30-9pm)	-	AFL (All Day)	Sydney Womens Baseball League (11-5pm) AFL (All Day)	27
Marrickville Oval	-	South Sydney Junior Rugby League (5-8pm)	Sydney Uni FC (6-9pm)	South Sydney Junior Rugby League (5-8pm)	-	Australian Catholic University (PM)	South Sydney Junior Rugby League (All Day)	21
Petersham Oval	-	APIA Leichhardt Tigers (5.30-8.30pm) Sydney Uni FC (4.30-9pm)	APIA Leichhardt Tigers (5.30-8.30pm) Ultimo Warriors (7-9pm)	APIA Leichhardt Tigers (5.30-8.30pm) Sydney Uni FC (4.30-9pm)	-	Sydney Winter Ballball (All Day)	Sydney Winter Ballball (All Day)	31
Steel Park 1	-	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	-	Stammore Hawks (All Day) Fraser Park FC (All Day)	Stammore Hawks (All Day) Sydney Womens Baseball League (12-5pm)	25
Steel Park 2	-	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	-	Stammore Hawks (All Day) Fraser Park FC (All Day)	Stammore Hawks (All Day) Sydney Womens Baseball League (12-5pm)	25
Steel Park 3	-	Stammore Hawks (6-9pm)	-	Stammore Hawks (6-9pm)	-	Stammore Hawks (All Day) Fraser Park FC (All Day)	Stammore Hawks (All Day) Sydney Womens Baseball League (12-5pm)	22
Tempe Reserve Soccer Field 4	Newington College (3.30-5.15pm) Marrickville FC (4-10pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Cooks River Titans (5.30-9pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Cooks River Titans (5.30-9pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Cooks River Titans (5.30-9pm)	-	NSW Church's Football (PM) Cooks River Titans (All Day)	-	36
Tempe Reserve Rugby Field 5	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (5-8pm)	Newington College (3.30-5.15pm) InnerWest Ultimate (7-9pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (5-8pm)	-	Newington College (All Day) Australian Catholic University (PM)	-	27
Tempe Reserve Rugby Field 3	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (5-8pm)	Newington College (3.30-5.15pm) InnerWest Ultimate (7-9pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (5-8pm)	-	Newington College (All Day) Australian Catholic University (PM)	-	27
Tempe Reserve Soccer Field 1	Newington College (3.30-5.15pm) Marrickville FC (4-10pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm) Cooks River Titans (5.30pm - 9pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm)	-	Newington College (All Day) Cooks River Titans (All Day)	-	36
Tempe Reserve Soccer Field 2	Newington College (3.30-5.15pm) Marrickville FC (4-10pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm) Cooks River Titans (5.30pm - 9pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm)	-	Newington College (All Day) Cooks River Titans (All Day)	Sydney Womens Baseball League (11am-5pm)	42
Tempe Reserve Soccer Field 6	Newington College (3.30-5.15pm) Marrickville FC (4-10pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm) NSW Churches Football (7-9.30pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm) Cooks River Titans (5.30pm - 9pm)	Newington College (3.30-5.15pm) Marrickville FC (4-10pm) Fraser Park FC (5.30-8.30pm) Cooks River Titans (5.30-9pm)	-	Newington College (All Day) NSW Churches Football (PM) Cooks River Titans (All Day)	Sydney Womens Baseball League (11am-5pm)	42

1st Apr - 30th Aug 2016

2016 Winter Season Allocation Schedule Recommendations

Field	M	T	W	Th	F	Sat	Sun	Total Hours
Arlington Oval	Newington College (3.30-5.15pm) Sydney Uni FC (6.30-8pm)	Newington College (3.30-5.15pm) St George FC (5.30-7pm) Dulwich Hill FC (7-9pm)	Newington College (3.30-5.15pm) Sydney Olympic FC (6.30-8pm)	Newington College (3.30-5.15pm) Dulwich Hill FC (7-9pm)	Newington College (3.30-5.15pm)	Stammore Hawks (Share Draw) Dulwich Hill FC (Share Draw)	Sydney Uni FC (8am-2.30pm)	41
Camdenville Oval	Closed for Upgrade							
Camperdown Oval	-	Petersham Rugby Union (4.30-9pm)	Australian Catholic University (6-8.30pm)	Petersham Rugby Union (6-9pm)	Petersham Rugby (5-9pm)	Petersham Rugby Union (AllDay)	Petersham Rugby Union (AM)	30
Henson Park	AFL (4.30-9pm)	Newtown Jets (5-7pm)	AFL (4.30-9pm)	Newtown Jets (4.30-6.30pm)	Newtown Jets (5-6)	Newtown Jets (Share Draw) AFL (Share Draw)	AFL (AllDay)	30
Mackay Park	-	Marrickville FC (5-9pm)	Marrickville FC (5-9pm)	Marrickville FC (5-9pm)	-	Marrickville F.C. (AllDay)	Marrickville (AllDay)	28
Mahony Reserve	AFL (6-8.30pm)	Dulwich Hill F.C. (6-9pm) 1/2 Oval AFL (6-8.30pm) 1/2 Oval	AFL (6-8.30pm)	FraserPark FC (7.30-9pm) Dulwich Hill FC (6-7.30pm)	-	AFL (AllDay)	Sydney Womens Baseball League (12-5pm) AFL (9-11am)	27
Marrickville Oval	-	South Sydney Junior Rugby League (5-8pm)	Sydney Uni FC (6-9pm)	South Sydney Junior Rugby League (5-8pm) Ultimo Warriors (8-9pm)	-	Australian Catholic University (PM)	South Sydney Junior Rugby League (AllDay)	21
Petersham Oval	Sydney Uni FC (5-9pm)	Sydney Uni FC (5-9pm)	APIA Leichhardt Tigers (5.30-8.30pm)	APIA Leichhardt Tigers (5.30-8.30pm)	-	Sydney Winter Ballball (AllDay)	Sydney Winter Ballball (AllDay)	30
Steel Park 1	Marrickville FC (5-7.30pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	-	CDSFA Allocation	CDSFA Allocation	27.5
Steel Park 2	Marrickville FC (5-7.30pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	Stammore Hawks (6-9pm)	-	CDSFA Allocation	CDSFA Allocation	27.5
Steel Park 3	Marrickville FC (5-7.30pm)	Marrickville FC (5-7.30pm) Stammore Hawks (7.30-9pm)	Marrickville FC (5-7.30pm)	Marrickville FC (5-7.30pm) Stammore Hawks (7.30-9pm)	-	CDSFA Allocation	CDSFA Allocation	29
Tempe Reserve Soccer Field 4	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) Cooks River Titans (5.30-9pm)	Newington College (3.30-5.15pm) InnerWest Ultimate (7-9pm)	Newington College (3.30-5.15pm) Cooks River Titans (5.30-9pm)	-	NSW Churches Football (PM)	-	25
Tempe Reserve Rugby Field 5	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) (5.15-8pm)	Newington College (3.30-5.15pm) InnerWest Ultimate (7-9pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (8pm)	-	Newington College (AllDay)	-	23
Tempe Reserve Rugby Field 3	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) (5.15-8pm)	Newington College (3.30-5.15pm) NSW Churches Football (6-9.30pm)	Newington College (3.30-5.15pm) South Sydney Junior Rugby League (8pm)	-	Newington College (AllDay)	-	23
Tempe Reserve Soccer Field 1	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	-	Newington College (AllDay)	-	23
Tempe Reserve Soccer Field 2	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	-	Newington College (AllDay)	-	23
Tempe Reserve Soccer Field 6	Newington College (3.30-5.15pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	Newington College (3.30-5.15pm) Flying Bats Womens Soccer (7-9pm)	Newington College (3.30-5.15pm) FraserPark FC (5.30-8.30pm)	-	Newington College (AllDay) NSW Churches Football (PM)	-	23

Item No: C0316 Item 6
Subject: COMMUNITY GRANTS CONTINGENCY FUND REQUEST - FINANCIAL ASSISTANCE FOR RHYTHMS, COLOURS AND FLAVOURS OF PERU FESTIVAL AS PART OF OPEN MARRICKVILLE
File Ref: 16/5786/11155.16

Prepared By: Ilina Lovely - Community Venues Officer

Authorised By: Simone Schwarz - Director, Community Services

SUMMARY

The NSW Spanish and Latin American Association of Social Assistance (NSW SLASA) will be auspicing and supporting the Rhythms, Colours Flavours of Peru Festival being held during Open Marrickville 2016. NSW SLASA has requested financial support for the hire costs of Marrickville Town Hall on the 19 June 2016 for an afternoon of family entertainment, food tastings and activities for children.

RECOMMENDATION

THAT:

1. the report be received and noted; and
2. Council provides \$1,000 from the Community Grants Program Part 2, Contingency Program to assist NSW Spanish and Latin American Association of Social Assistance with the cost of hire for the use of Marrickville Town Hall on Sunday 19 June for an Open Marrickville event.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

- | | |
|-----|--|
| 2.1 | Marrickville is a creative community participating in arts and cultural activities at all stages of life |
|-----|--|

BACKGROUND

The Community Grants Policy, which was endorsed by Council at the Community Services Committee meeting of 13 September 2005 (Item CD 20, Meeting No. 08/05), provides a coherent policy framework for Council to consider all donations for cash or in-kind support. This includes requests under (Part 1) the Community Grants Program, (Part 2) the Contingency Program and (Part 3) Notices of Motion. Organisations requesting consideration for Community Grants are required to apply in writing, outlining the need or issue and may, for Parts 2 and 3, request funding up to \$1,000. A report is then submitted for Council's consideration. In 2015/2016, \$5,430 was set aside for cash or in kind contributions that are submitted to Council as applications under Part 2, Contingency Program.

Council has received a written request from NSW SLASA for financial contribution for hire of Marrickville Town Hall to assist with the Rhythms, Colours Flavours of Peru Festival on Sunday 19 June 2016 (see **ATTACHMENT 1**).

DISCUSSION

The NSW Spanish and Latin American Association of Social Assistance (NSW SLASA) will be auspicing and supporting the Rhythms, Colours Flavours of Peru Festival to be held on Sunday 19 June 2016. NSW SLASA is a community arts organisation with extensive experience delivering community- based cultural events and the proposed Festival will provide Marrickville residents with an afternoon of family entertainment, food tastings and activities for children to participate in Peruvian cultural traditions and activities.

Rhythms, Colours Flavours of Peru Festival has been provided grant funding from the Open Marrickville Grant Round 2016. NSW SLASA has indicated that without endorsement by Council of \$1,000 from the Community Grants Policy, the Festival will not be able to be held at Marrickville Town Hall due to budget constraints.

The Festival satisfies the eligibility criteria under the Community Grants Program. The total hire cost is \$1,160.90 (non-local not-for-profit fees as per Council's Fees and Charges) and NSW SLASA will also be required to pay a refundable bond of \$1,500.

FINANCIAL IMPLICATIONS

The Community Grants Program Part 2, Contingency Program has an annual budget of \$5,430 for cash or in-kind contributions for the 2015/2016 year with a current balance of \$3,280. The recommendation will reduce this budget provision to \$2,280 for the remainder of the 2015/16 year.

PUBLIC PARTICIPATION

Nil.

ATTACHMENTS

1. NSW SLASA - Request for Fee Waiver for Marrickville Town Hall

**NSW SLASA**The NSW Spanish and Latin American
Association for Social Assistance Inc.

Attention to:

Ilina Lovely**Marrickville City Council**

Dear Ilina,

It is my pleasure to write a letter to confirm that the NSW Spanish and Latin American Association for Social Assistance (NSW SLASA) will be auspicing and supporting the 'Rhythms, Colours Flavours of Peru' festival event applied for via the Open Marrickville grants program.

NSW SLASA enthusiastically supports Rhythms, Colours Flavours of Peru as a community arts organisation with extensive experience delivering community-based cultural events. NSW SLASA believes 'Rhythms, Colours Flavours of Peru' will be a great day for the Marrickville community and a valuable opportunity for all sections and age groups of the local community to learn about and participate in Peruvian cultural traditions and activities.

NSW SLASA can also vouch for the capacity of Lidia Luna, the person behind 'Rhythms, Colours Flavours of Peru', to deliver a highly successful event.

The inaugural festival was held on the 27th June 2015 and proved to be an outstanding community event with over 500 people enjoying an afternoon of family entertainment, food tastings and activities for children.

This year, the festival will once again be part of Open Marrickville and we would event like to hold this edition of the festival at Marrickville Town Hall, hence the reason I'm writing to you. We would like to request to have Marrickville Town Hall as an in-kind venue on Sunday 19th June 2016.

The festival is a free community event that benefits local residents and visitors alike. It showcases cultural diversity and promotes harmony. The Rhythms, Colours Flavours of Peru festival has received funding from Council for this event and the hall hire fee would end up being a significant amount from the grant, which could go towards paying musician, dancers etc.

Marrickville's mayor is invited to speak and council will be listed as a mayor sponsor of the event and recognised on all marketing material as well as on the day of the festival.

We would really appreciate having Marrickville Town Hall as an in-kind venue as this would mean we can allocate funds to further develop our programming on the day.

NSW SLASA COMMUNITY CENTRE

Bonnyrigg Community Services 26 Bonnyrigg Av, Bonnyrigg Plaza Shopping Centre Bonnyrigg NSW 2177

Ph: 9610 0288 | Fax: 9610 0377

Mailing Address: P.O. Box 216 Bonnyrigg NSW 2177 | Facebook: Nsw Slasa | Twitter: nswslasa

www.nswslasa.com.au



NSW SLASA
The NSW Spanish and Latin American
Association for Social Assistance Inc.

Should you have any questions, please do not hesitate to contact me on 0414.825085.
Looking forward to hearing from you.

Kind Regards

Carlos Encina

Manager

NSW SLASA COMMUNITY CENTRE
Bonnyrigg Community Services 26 Bonnyrigg Av, Bonnyrigg Plaza Shopping Centre Bonnyrigg NSW 2177
Ph: 9610 0288 | **Fax:** 9610 0377
Mailing Address: P.O. Box 216 Bonnyrigg NSW 2177 | **Facebook:** Nsw Slasa | **Twitter:** nswslasa

www.nswslasa.com.au

Item No: C0316 Item 7
Subject: TRANSPORT COMMITTEE MEETING MINUTES 11 FEBRUARY 2016
File Ref: 317-01/18331.16

Prepared By: Suzannah Byers - Student Planner

Authorised By: Tim Moore - Director, Planning and Environmental Services

SUMMARY

Transport Committee met most recently on 11 February 2016. Minutes setting out the topics discussed at the meeting are attached to this report.

RECOMMENDATION

THAT:

1. the report be received and noted; and
2. Council writes to RMS requesting that an enhanced pedestrian crossing environment, including the addition of a crossing on the missing arm, of the intersection of King Street/Wilson Street be implemented.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

- | | |
|-----|--|
| 3.3 | The community walks, rides bikes and uses public transport |
| 3.4 | Marrickville's roads are safer and less congested |
| 3.5 | Marrickville's streets, lanes and public spaces are sustainable, welcoming, accessible and clean |

BACKGROUND

Marrickville Transport Committee meets four times per year, the most recent of which was held on 11 February 2016. Minutes from the meeting can be found at **ATTACHMENT 1**.

DISCUSSION

The main topics of discussions at the meeting included:

- Carrington Road Cycleway Review
- WestConnex
- Eliza Street/Wilson Street – crossing of King Street, Newtown
- GreenWay Missing Links Study

It was noted by the Committee that, upon adopting the GreenWay Missing Links Study in October 2015, Council chose to include consideration of funding one or more of the links in the next quarterly budget review as well as in future funding applications to the State Government.

Links C and D, which are medium priority links, have been included in recent funding applications to the State Government. Link E, also medium priority, is being partly constructed as part of surrounding new residential developments (at least 50% of the link) and thus indicative costs to Council for the completion of this link are set to fall.

The Committee discussed the value of nominating these central links for progression through to design stage within the next quarterly budget review, as per Council's recommendation to consider funding one or more of the links in the next quarterly budget review. The estimated cost for concept design and detailed design for these sections of the GreenWay is estimated to be approximately \$500,000 (with ~50% of this total being for concept designs).

Within the 2016/2017 financial year, Council has already committed to funding the progression of detailed designs for links F-J (Lewisham West), in conjunction with Ashfield and Leichhardt Councils; this is subject to 75% of the total cost of these designs being funded by NSW Government, which at the time of writing is pending notification.

Additionally, Council has allocated \$150,000 for concept designs along the GreenWay in the 2017/2018 financial year, funds which would go some way to delivering the concept designs for links C, D & E.

It should also be noted that future discussions between Council and State Government regarding the Sydenham to Bankstown urban renewal corridor are to be expected. This may provide the potential for construction of these sections of GreenWay with the strategy suggesting value capture as the means to fund these works.

FINANCIAL IMPLICATIONS

Should Council decide to pursue the development of concept designs or the construction of the GreenWay Missing Links above those already funded, budget adjustments would be required that are likely to result in the deferral of other embellishment works on Council's Open Space program which includes upgrades to major parks or Council's public domain works. The type of works will be dependent on the funds required.

PUBLIC PARTICIPATION

Due to reporting timeframes the draft minutes were not able to be circulated to Committee members prior to finalisation.

ATTACHMENTS

1. Transport Committee Meeting Minutes 11 February 2016



Marrickville Transportation Planning & Advisory Committee Meeting

Thursday 11th February 2016, 6pm-7.30pm

Ground Floor Meeting, 2-14 Fisher Street, Petersham

Meeting Minutes

Present

Clr Sylvie Ellsmore	Chair, Transport Committee
Fiona Campbell	Community Representative, Bike Marrickville
Suzannah Byers	Strategic Planner (Temporary), Marrickville Council
George Tsaprounis	Coordinator Traffic Engineering Services, Marrickville Council
Simon Lowe	Strategic Transport Planner, Marrickville Council
Benny Horn	Cycling Planner, Infrastructure Planning & Property, Marrickville Council

Apologies

Tim Moore	Director Planning & Environmental Services, Marrickville Council
Neil Strickland	Director Infrastructure Services, Marrickville Council
Wal Petschler	Manager Design & Investigation, Marrickville Council
Eva Johnstone	Community Representative
Peter Erling	Community Representative



Laura Eden	Community Representative
Ian Phillips	Community Representative, Bike Marrickville
Glenn Redmayne	Strategic Community Project Officer Access & Inclusion, Marrickville Council

i. Welcome, introductions and apologies

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

Apologies received for the meeting were noted.

ii. Minutes & Actions from previous meeting (26th November 2015)

Minutes of the previous Transport Committee meeting (26th November 2015) were endorsed by Council on 3rd February 2016. Actions relating to Marrickville Station cycleway connectivity from the 26th November meeting have yet to be addressed. These will be addressed before the next committee meeting by the Committee's Infrastructure Services representative.

Action: The Committee's Infrastructure Services representative to circulate information about the proposed closures of Illawarra Road as part of the Marrickville Station upgrade to Committee members.

Action: The Committee's Infrastructure Services representative to confirm layout for cycle connectivity across Illawarra Road Bridge.

iii. Carrington Road Cycleway Review

In November 2014 Transport Committee recommended that a review of the recently completed Carrington Road cycleway be carried out 12 months after opening. The review was provided to Committee ahead of the meeting with hard copies available at the meeting.

Committee members noted that the cycleway has proven to be successful in bringing about a significant increase in the numbers of bike riders in the area. It was also noted that appropriate amendments to the current arrangement along Carrington Road should be made but this should not delay progress of the construction of other routes in the LGA.



It was agreed that additional engagement with Bike Marrickville should occur and that this should take place ahead of the report returning to the next Transport Committee meeting.

Infrastructure Services also requested further time to consider the report.

Committee members highlighted the use in the City of Sydney of loading and unloading conditions issued as part of consent for development applications to protect cyclists.

It was also identified that future development along (the eastern side of) Carrington Road may present opportunities for enhancements to the current cycleway.

Action: Additional engagement with Bike Marrickville be carried out on the report prior to providing an updated report at the subsequent Transport Committee meeting.

iv. Bike Marrickville Update

An update was provided by a representative of Bike Marrickville. Matters discussed at the most recent Bike Marrickville meeting included concerns for cyclists around the proposed WestConnex St Peters Interchange and the need for additional bike parking at Newtown Station; Bike Marrickville is writing to TfNSW to include bike parking inside the ticket barriers at Newtown Station, where there is under-utilised space on the concourse level.

v. WestConnex

In recent months Council has made submissions to the Department of Planning & Environment on the EISs for WestConnex Stage 1 (M4 East) and WestConnex Stage 2 (New M5 East).

Council's M4 East submission submits that the project has not been adequately assessed particularly with regard to viable alternatives and that a satisfactory business case for such a significant level of public expenditure has not been made. Many of the proposed mitigation and management measures proposed within the EIS have also been shown to be unsuitable or inadequately justified for the project.

The submission on the EIS for the New M5 East notes in addition to the above matters that alternative, more cost-effective multi-modal transport options have not been duly considered. At the local level concerns about the impacts associated with road widening and traffic growth are identified, with many of the EIS's proposed mitigation/management measures considered inadequate. The submission requests that, should the project proceed to approval, conditions be imposed to ensure Council's concerns are addressed and that recommended management/mitigation measures are implemented before the New M5 East is operational.

The Committee raised particular concern with regard to active transport issues, and was pleased to note that these matters were addressed in Council's submissions. The Committee noted that a proposal by WestConnex to include a new cycleway along Campbell Road, whilst relatively minor, would be beneficial to local cycle connectivity if well designed and properly integrated with surrounding cycle infrastructure. However it was noted that this does not provide compliance with the State Government's own policy on the provision of new cycle infrastructure whenever new roads are constructed – the provision of a new cycleway along the route of the (current) M5 was not constructed when that motorway was built and there is no suggestion in the plans for the New M5 East that a route of this nature will be built now. It was also discussed that it would be useful to gain data from the State Government on potential use of a cycleway along the alignment of the new M5 corridor and along the proposed new cycleway on Campbell Road/Street.

Action: Communicate with TfNSW to gain data on the expected usage of a cycleway along the alignment of the new M5 and along the proposed Campbell Road/Street cycleway. Data obtained to be reported to a subsequent Transport Committee Meeting.

vi. GreenWay Missing Links Study

An update on the GreenWay Missing Links Study was provided. The Study was adopted by all four GreenWay partner councils in late 2015 and much progress along the length of the GreenWay is already taking place including:

- Commitment to funding link K along Hawthorne Canal South
- Development of concept designs for links F-J through Lewisham West
- Commitment via Urban Growth NSW to funding crossings of Parramatta Road and Longport Street
- Development of concept designs for link M as part of Summer Hill to Newtown cycle route
- LATM works investigating improvements for part of link B1 Ness Avenue

It was noted that, upon adopting the Study in October 2015, Council resolved to include consideration of funding one of more of the links in the next quarterly budget review and in future applications to the State Government. Links C and D, which are medium priority links, have been included in recent funding applications to the State Government. Link E, also medium priority, is being partly constructed as part of surrounding new residential developments (at least 50% of the link) and thus indicative costs to Council for the whole link are set to fall. It was agreed that there was value in nominating these central links for progression through to design stage as part of the next quarterly budget review. The estimated cost for concept design and detailed design for these sections of the GreenWay is estimated to be approximately \$500,000.



Recommendation: Funding be considered for the design of GreenWay Missing Links C, D and E as part of the next quarterly budget review.

vii. Update on the creative bicycle parking working group

A brief update was provided on a road safety audit for new cycle parking around Sydenham Station (Burrows Avenue) to commence in the week of 15th February 2016.

Action: The Committee's Infrastructure Services representative to provide an update of the road safety audit at the next Transport Committee Meeting.

viii. Eliza Street/Wilson Street – Crossing of King Street, Newtown

The Committee raised concerns regarding the crossing of King Street, in between Eliza Street and Wilson Street which is a remaining gap in the regional cycle way network.

It was noted that riders do not have to alight at the eastern end of Eliza Street to enter King Street on-road, but that riders are not permitted to ride along the footpath on King Street. It was also discussed that the absence of a fourth pedestrian crossing arm at the intersection of King Street/Wilson Street should be addressed by RMS.

Recommendation: Council writes to RMS requesting that an enhanced pedestrian crossing environment, including the addition of a crossing on the missing arm, of the intersection of King Street/Wilson Street be actioned.

Action: Signage at the eastern end of Eliza Street be amended in order that it is clear that riders exiting the shared zone do not need to dismount if travelling into the road.

ix. New Integrated Transport Strategy

The Committee was briefed on the development of the new Integrated Transport Strategy, which is scheduled to occur over 2016/ 2017 (ten years on from the adoption of the current strategy). The Strategy is expected to place a greater degree of emphasis on active transport modes and how these modes play a crucial role in place making to bring about more connected, socially cohesive, more sustainable neighbourhoods. The project is currently being scoped with priorities and principles that could be embedded in the new Integrated Transport Strategy to be discussed at the next Transport Committee meeting.

It was noted that Transport for NSW is also revising its Long Term Transport Master Plan.



x. Any Other Business

- a) Meeting dates for 2016 were noted
 - i. Thursday 19th May
 - ii. Thursday 4th August
 - iii. Thursday 17th November
- b) The Council will be participating in Super Tuesday on 1st March 2016

Item No: C0316 Item 8
Subject: NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT DURING 19 TO 22 JUNE 2016 - CALL FOR DELEGATES AND MOTIONS
File Ref: 16/512/14932.16

Prepared By: Rad Miladinovic - Coordinator, Governance and Administration

Authorised By: Steve Kludass - Director, Corporate Services

SUMMARY

The 2016 National General Assembly of Local Government will be held from 19 to 22 June 2016, at the National Convention Centre in Canberra. The Australian Local Government Association (ALGA) is calling for motions for the Assembly.

RECOMMENDATION

THAT:

1. the report be received and noted;
2. Council determines whether it wishes to send any delegates to the 2016 National General Assembly of Local Government and nominates such delegates (if required);
3. in the event that 5 or more Councillors are nominated to attend the National General Assembly, Council resolves an alternate date/time for the June Council Meeting; and
4. Council determines if motions are to be submitted on behalf of Council to enable staff to draft the motions for determination by Council at the 19 April 2016 Council Meeting.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
4.1	The mayor and councillors are representative of the community and provide strong and visionary leadership.

BACKGROUND

The National General Assembly of Local Government is the major event on the annual Local Government events calendar. It typically attracts more than 700 mayors, councillors and senior officers from Councils across Australia. It provides participants with the opportunity to contribute to the development of national Local Government policy and to receive updates on the top policy issues facing Local Government nationally. A copy of the NGA Registration Brochure which contains details of the program, business agenda and associated events is attached (**ATTACHMENT 1**).

DISCUSSION

The 2016 National General Assembly of Local Government will be held from 19 to 22 June 2016, at the National Convention Centre in Canberra. The theme for the 2016 General Assembly is "*Partners in an Innovative and Prosperous Australia*".

This year, the Australian Local Government Association (ALGA) is calling for motions within the following criteria:

- be relevant to the work of local government nationally;
- be consistent with the themes of the Assembly;
- complement or build on the policy objectives of your state and territory local government association;
- propose a clear action and outcome; and
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

To assist Councils in submitting motions for debate, the ALGA has put together a discussion paper providing guidelines for motions and background information (**ATTACHMENT 1**).

At the Council Meeting on 17 March 2016, Councillors are asked to consider the motions they would like to submit to the ALGA. After motions of interest have been determined, Council officers will draft the motions and submit them to Councillors for consideration and agreement at the 19 April 2016 Council Meeting. Staff will lodge the determined motions with ALGA by the required deadline of 22 April 2016.

Councillors are advised of the scheduling conflict with the June Council Meeting, scheduled for Tuesday 21 June 2016. Depending on how many Councillors wish to attend the NGA, the Council Meeting may have to be rescheduled to an alternate date.

FINANCIAL IMPLICATIONS

Sufficient funds remain in the 2015/16 budget for Councillor attendance at the General Assembly. Traditionally, attendance at the General Assembly is open to any Councillor wishing to attend.

PUBLIC PARTICIPATION

Not applicable.

ATTACHMENTS

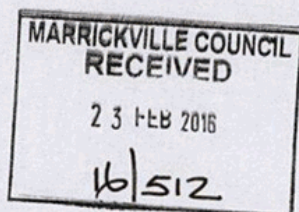
1. NGA Registration Brochure, Discussion Paper and Official Call for Motions



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

18 February 2016

Marrickville Council
PO Box 14
PETERSHAM NSW 2049



To the Mayor, Councillors and CEO

2016 National General Assembly of Local Government – Call for Motions

The 2016 National General Assembly of Local Government (NGA), to be held at the National Convention Centre in Canberra between 19th and 22nd June, is an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues. Every council has the opportunity to raise relevant issues for debate at the NGA and I invite your council to participate in the 2016 NGA by submitting a motion for consideration.

The Australian Local Government Association (ALGA) Board is calling for motions for the 2016 NGA under the theme of '*Partners in an Innovative and Prosperous Australia*'. This theme reflects the renewed focus across all levels of government on the roles and responsibilities of the public sector and the challenge of meeting our communities' needs.

To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely:

1. Be relevant to the work of local government nationally;
2. Be consistent with the theme of the NGA;
3. Complement or build on the policy objectives of your state and territory local government association;
4. Propose a clear action and outcome; and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Please be aware that ALGA reserves the right to reject motions which do not meet these conditions. To assist councils in preparing motions, a Discussion Paper has been prepared and is enclosed with this letter. It is also available on the ALGA website at www.alga.asn.au.

Motions should be submitted via the online form on the website at www.alga.asn.au and should be received by ALGA no later than 22 April 2016. Any administrative inquiries can be directed to ALGA by calling 02 6122 9400.

I encourage you to ensure the views of your Council and your community are represented at the 2016 NGA and accordingly look forward to receiving your Council's motion.

Yours sincerely
Protected by
PIIPA

Mayor Troy Pickard
President

Call for Motions Guidelines and Background Information

The theme for this year's National General Assembly of Local Government (NGA) is *'Partners in an Innovative and Prosperous Australia'*. The NGA theme reflects current issues being debated nationally and priority issues facing local government and is your opportunity to contribute to the development of national local government policy.

The ALGA Board is now calling for motions for the 2016 NGA.

To assist councils in preparing motions, a Discussion Paper has been prepared and is available at www.alga.asn.au.

To be eligible for inclusion in the NGA Business Papers, motions must meet the following conditions:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state or territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Once submitted, motions will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers. The sub-committee reserves the right to reject any motions which are not consistent with the conditions set out above, or to allocate these motions to the reserve section of the debate business papers to be dealt with only if time permits.

Through the review process, minor edits may be made to motions to ensure they can be included in the Business Papers. These edits will change the motion to call for action (for example to 'call on the Australian Government' to do something) to ensure relevance to local government nationally by removing state-specific references, or to ensure the wording is consistent with current conventions such as referring to the Australian Government instead of the Federal Government.

To assist in facilitating an efficient and effective debate, motions that cover similar matters will appear grouped together in the Business Papers and the matter will be debated only once with the lead or strategic motion being the one debated.

Motions that are agreed to at the NGA become Resolutions of the NGA. These Resolutions are then considered by the ALGA Board when setting national local government policy,

when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any Resolution passed at the NGA.

Motions are to be submitted online at www.alga.asn.au and should be received by **ALGA no later than 11.59pm Friday 22 April 2016**.

The following information will be required when you submit a motion using the online form.

Motion

- Text of the Motion

National Objective

- Why is this a national issue and why should this be debated at the NGA?
- Maximum 100 words

Summary of Key Arguments

- Background information
- Supporting arguments
- Maximum of 300 words (additional information should be provided as speaking notes to the council representative who will move the motion at the NGA)

Declaration

You will need to declare that the motion has been endorsed by your council.



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

**National General Assembly of Local
Government**

19 - 22 June 2016

Call for Motions Discussion Paper

**'Partners in an Innovative and
Prosperous Future'**

Motions should be lodged electronically at www.alga.asn.au no later than

11:59pm on Friday 22 April 2016.

Item 8

Attachment 1

Submitting Motions

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

To assist you and your council to identify motions that address the theme of the NGA, the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question in each section. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and then debate on the floor of the NGA, motions must be consistent with the following principles:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state and territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: *That this National General Assembly call on the Federal Government to restore indexation to local government financial assistance grants.*

Motions should be lodged electronically using the online form available on the NGA Website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 22 April 2016, electronically in the prescribed format.

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Motions may be edited before inclusion in the Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers.

For more information, please contact Clare Hogan at ALGA on (02) 6122 9400.

Preamble

The 2016 National General Assembly (NGA) is most likely to be held in the lead up to the next Federal election. During this time, all national political parties focus on leadership, key messages, marginal seats and political campaigning. National policy initiatives enter the public domain and all Australians are asked to engage in the political process and choose between competing ideas, election promises and the numerous candidates across the nation.

Last year's NGA theme was '*Closest to the People - Local government in the Federation*'. The theme reinforced the vital role of local government in Australia's system of government. It built on the Government's Federation White Paper process, which sought to clarify roles and responsibilities of the levels of government and potentially better align funding with respective responsibilities. It also acknowledged the development of a Green Paper on Taxation. The NGA greatly assisted ALGA in its advocacy and participation in the reform process.

Since then there has been much debate on taxation reform, which will culminate at the 2016 Federal election.

In December 2015 the Council of Australian Governments (COAG) reset the national political dialogue. COAG committed to:

'... close collaboration in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as in health and education. '

COAG leaders agreed the principles for a new national economic reform agenda should be:

'...to deliver for all Australians no matter where they live:

- a stronger, more productive and more innovative Australian economy, with more jobs, more opportunities and higher living standards
- fairness and equity, with protection for disadvantaged and lower income Australians, and
- more efficient and high quality services.'

The theme of the 2016 NGA – '*Partners in an Innovative and Prosperous Future*' – invites councils from across Australia to consider the role of local government in this agenda, and how councils can play their role in the delivery of these objectives.

Many of the services and infrastructure provided by councils are not only critical to the social, cultural and environmental well-being of their communities, but also to the economic prosperity of their regions and the nation more broadly.

The NGA debate on motions and associated discussions will seek to highlight how local government can be more agile in delivering those services to communities, as well as send a strong and unified message to the Commonwealth.

Introduction

The 2016 NGA theme is *'Partners in an Innovative and Prosperous Future'*.

This year, the NGA debate on motions and associated discussions will seek to highlight how local government can be more efficient and effective. The discussions will look at how local government, working in partnership with other levels of government, the private sector and the not-for-profit sector, can innovate and create a prosperous future for the community it serves.

This year's theme builds on the work of the 2015 NGA which focused on local government's role in the Federation. The Commonwealth Federation Discussion Paper 2015 sets a context in which motions for this year's NGA should be developed.

The theme *'Partners in an Innovative and Prosperous Future'* seeks to focus attention on the role that local government can play in creating a prosperous Australia. The Federation Discussion Paper notes that Australia today is very different from the country it was at the time of Federation and poses the fundamental question: '... does [the Federation] provide the system of national governance that Australians need right now, and will it help or hinder efforts to adapt and thrive in the vastly different economic, political and social realities of the 21st century?'

To put this question in a local government context:

Are the government systems (including our own), processes and priorities, in many cases set up decades ago, still appropriate today?

Are they delivering accessible and fair systems and are they a help or hindrance? Do they facilitate business activity and contribute to higher living standards, or are they a drag on the local economy? Are they necessary or do they duplicate effort?

Technological change has created opportunities, making many traditional models of business and government obsolete. Have these opportunities been taken up?

Participatory democracy is being enhanced through empowering individuals and local communities with new knowledge and new ways of engaging with each other and with governments. Are these opportunities being captured?

Australian productivity and living standards are comparatively high by world standards. However, the current national productivity and reform debate recognises that without reform, Australia risks being left behind on the world stage—meaning fewer jobs, lower economic growth, and reduced living standards.

COAG has responded positively to this challenge. All governments have committed to collaborate particularly in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as health and education.

The 2016 NGA seeks motions that suggest reform, innovation in government operations and opportunities to partner with local government that will support Australia's prosperity.

Local government role in national productivity

Over several decades, the NGA has called on the Australian Government to recognise the importance of greater levels of investment in local and regional infrastructure. This advocacy has been, in part, built on equity considerations as well as productivity considerations.

The NGA has called on the Australian Government to increase Financial Assistance Grants and Roads to Recovery (R2R) funding. These calls have been predominantly based on the need for the Commonwealth to help achieve horizontal equity (i.e. an equitable level of municipal services across the country) and the need to assist local councils to rebuild and maintain local infrastructure, particularly roads.

The rationale for permanent R2R funding and additional freight investment is that essentially the purpose of R2R is to restore the capacity of local roads to a standard able to sustain social and economic services, whereas additional funding through freight investment would be required to improve the standard of roads to meet the higher service levels required to handle higher productivity vehicles and significantly higher volumes of freight traffic.

The NGA's calls to the Australian Government have also sought recognition that local infrastructure provides important economic services. Local roads, for example, are an essential component of the national road network and therefore add to local and regional productivity and, in aggregate, make a significant contribution to state and national productivity.

Community infrastructure also plays an important role in local and regional economic development by enhancing the quality of life for residents as well as helping to attract and retain population, skilled workers and a local and regional workforce. The State of the Regions Report in 2015, commissioned by ALGA and written by National Economics, showed that there is a strong economic rationale for ensuring that all regions in Australia prosper. The report confirmed OECD findings that regional inequality reduces national productivity.

Local government's objectives in local economic development are diverse. They recognise local circumstances, availability of resources and the impact of external factors such as privatisation, technological change, globalisation and structural industry changes. For some councils, particularly in rural and regional areas, the focus is on stemming the decline in population, loss of businesses and local employment. For others, it is a focus on working with local businesses and the local community to optimise economic development and opportunities for the area.

Local government can facilitate and support economic development but it is frequently criticised for impeding economic development by imposing additional costs on business including through regulation, creating red-tape, providing unsuitable infrastructure etc.

Australian councils contribute significantly to the productivity and economy of their regions by focusing their efforts in three key strategic areas:

- creating and maintaining the investment environment – ensuring the availability of appropriate physical and social infrastructure, striving to deliver a quality public domain, and ensuring sufficient housing diversity and lobbying on behalf of local and regional communities for sufficient community services such as education and training, health and well-being, community safety and emergency services
- facilitating new local investment – actively promoting business development through facilitating local economic development, strategic planning, working with business

associations/main street organisations, and active involvement with tourism or other business activities, and

- attracting external investment through the creation of new business and capital – working with regional bodies such as RDA, Austrade and developers to attract and create new businesses and investment.

Local government has a key role to play in the provision of support services and infrastructure that underpins local and regional economic development, and therefore local government plays an essential part in achieving higher productivity. In broad terms, actions geared to creating and maintaining the investment environment in local and regional communities are considered to be of prime importance to a majority of local councils and it is this area that ALGA has focused its greatest attention.

Local government is a natural leader in local economic development because councils know their local business communities, workforce and comparative advantages better than anyone else. Local people and businesses are the key to economic growth and development and councils are perfectly positioned to work with local stakeholders to drive a bottom-up, place-based approach to achieve prosperity. Every council's economic development activity will be different according to the unique structures and needs of their local economies, as well as the capacity of the council and community.

Questions

Given the importance of local and regional infrastructure are there any national initiatives that could further assist local government to support local and regional productivity?

Are there areas of reform that local government can explore to enhance economic development and productivity?

Partnering

The term *partner* as a noun is defined as '... a person who takes part in an undertaking with another or others, especially in a business or firm with shared risks and profits.' In the context of the 2016 NGA, it can be interpreted as '.... how councils can take part in an undertaking with others, including sharing the risk, for the benefit of the community'.

Local government provides a vast array of services and local infrastructure, often in partnership with others including other governments, the private sector, the community and not-for-profit sector.

Example of partnerships include:

- the provision of a local swimming pool in partnership with the private sector, or a not-for-profit organisation, that provides the management service of that facility
- the provision of Meals on Wheels in partnership with the community not-for-profit sector delivering meals to residents at their homes, and
- the provision of Home and Community Care (HACC) to targeted groups of clients in the municipality, in partnership with the federal and state governments which provide funding.

Other examples include:

- councils partnering with a university to provide locally-relevant research to inform decisions on issues such as development applications in areas that could be effected by sea level change
- partnering with other councils to share resources and skills, and
- partnering with the private sector to develop new and innovative ways of delivering services, such as electronic planning or apps to report pot holes.

A key feature of each of these examples is that each party brings different expertise, skills, resources and experiences to the specific undertaking. The combination of these skills, expertise and resources frequently results in innovation and the provision of a service in a way that would not be possible by either party separately.

An alliance between local government and other partners creates new opportunities for business as well as innovative services, increased efficiency, cost savings and more accessible service to the benefit of the community.

Questions

Please note, where local government is mentioned in the following questions it refers to local government as a whole, not specific proposals for partnerships at a single council level. Questions are designed to draw out new ideas that could transform the delivery of services and infrastructure at a systemic level.

Are there new opportunities for the Australian Government to partner with local government to deliver Commonwealth services at the local level? What would be the role of the Commonwealth in such a partnership? How would this benefit the community?

Are there partnerships that could be developed to maximise the opportunities to innovate and provide simpler, smarter and more reliable services and infrastructure at the local level? If so, what are these opportunities and what would be the role of the Commonwealth in supporting these partnerships?

Are there opportunities for the private sector to partner with local government to speed up and improve a local government service or function? What role could the Commonwealth play in facilitating these opportunities?

Innovation

The Australian Government has declared its strong support for innovation. The Government's National Innovation and Science Agenda says innovation is:

'... at the heart of a strong economy—from IT to healthcare, defence and transport—it keeps us competitive, at the cutting edge, creates jobs and maintains our high standard of living. It's not just about new ideas, products and business models; innovation is also about creating a culture where we embrace risk, move quickly to back good ideas and learn from mistakes.'

The statement has a focus on a range of objectives including:

- entrepreneurship and leveraging our public research
- increasing collaboration between industry and researchers to find solutions to real world problems and to create jobs and growth
- developing and attracting world-class talent for the jobs of the future, and
- government leading by example by embracing innovation and agility in the way we do business.

Questions

What is the role of local government in this innovation agenda?

Are these objectives relevant to local government itself? For example, is its role in increasing collaboration between industry and researchers to find solutions to real-world problems and to create jobs and growth? If so, how can these solutions be shared to the benefit of all councils and their communities. How could the Australian Government help this to occur?

What can local government bring to the table as a partner? For example, does local government hold data that, having regard to privacy issues, could be shared with the private sector which could put it to innovative uses? How could the Australian Government support this?

Are there digital innovations that could be introduced to local government that would increase the efficiency of businesses working with local government and vice-versa. How could the Australian Government support this?

Is there a role for local government to help innovative start-ups to rapidly transform their ideas into globally competitive businesses by giving them mentorship, funding, resources, knowledge and access to business networks? If so, how could the Australian Government support this?

Resourcing

In the 2014-15 Federal Budget, the Government committed to provide \$2.2867 billion in Local Government Financial Assistance Grants (FAGs). However, the Government also announced it would pause the indexation of FAGs for the three years following that budget.

FAGs are a Commonwealth Specific Purpose Payment to local government paid through the State and Territory Governments. Payments are made to councils by jurisdictional Treasurers on the advice of state and territory Local Government Grants Commissions under the provisions of the *Local Government (Financial Assistance) Act 1995*.

The objects of the *Local Government (Financial Assistance) Act 1995* enable the Commonwealth Parliament to provide assistance to the states for the purposes of improving:

- (a) the financial capacity of local governing bodies
- (b) the capacity of local governing bodies to provide their residents with an equitable level of services
- (c) the certainty of funding for local governing bodies
- (d) the efficiency and effectiveness of local governing bodies, and
- (e) the provision by local governing bodies of services to Aboriginal and Torres Strait Islander communities.

Freezing the indexation of FAG's will reduce Commonwealth expenditures (and grants to councils) by more than \$925 million over the forward estimates. The freeze also means that the aggregate level of FAGs will be permanently reduced by almost 13 per cent, unless there is a future government decision to restore this base with a catch-up payment.

Councils are invited to submit motions to address this issue.

Item No: C0316 Item 9
Subject: STATUS UPDATE ON LEGAL PROCEEDINGS
File Ref: 16/4036/24218.16

Prepared By: Joe Strati - General Counsel
Authorised By: Brian Barrett - General Manager

SUMMARY

This report provides an update on legal proceedings Council is involved in.

RECOMMENDATION

THAT the report be received and noted.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

- | | |
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| 4.1 | The Mayor and Councillors are representative of the community and provide strong and visionary leadership. |
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BACKGROUND AND DISCUSSION

ATTACHMENT 1 provides a table summarising proceedings in:

1. superior courts (i.e. Supreme Court, Land and Environment Court, District Court and appellate courts) to which Council is a party; and
2. the Local Court where Council has commenced proceedings seeking to prosecute for criminal offences or where there have been Court elections to appeal a penalty infringement notice (except for parking infringements).

The table does not include proceedings where Council is collecting a debt for unpaid rates or fees or in relation to employee related claims.

The table is presented for information purposes only and does not incorporate any advice that would be the subject of legal professional privilege. The table is current as at 2 March 2016 and may, therefore, be superseded by events that occur between that date and the time Council considers this report on 15 March 2016. If there are any significant events in that timeframe, an update will be provided to Councillors.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

Nil.

ATTACHMENTS

1. Table - Status of Legal Proceedings

LIST OF PROCEEDINGS
AS AT
2 MARCH 2016

Property Address	Other Party (Applicant unless otherwise stated)	Nature of Proceedings	Result/Status	Costs to date (GST ex)
LAND & ENVIRONMENT COURT				
<i>Class 1 – Merit Appeals</i>				
884 Princes Highway, Tempe	Papaioannou	Appeal against refusal of DA to use a train carriage as a food and drink establishment.	Appeal heard by Commissioner Dixon on 1 September 2015. Judgment was handed down on 9 October 2015 with the appeal dismissed and development consent refused (copy attached).	TBA
32-72 Alice Street, Newtown	AI Maha Pty Ltd	Appeal against deemed refusal of development application to erect 2 additional stories on Building A.	No s.34 agreement reached. Appeal heard by Acting Commissioner Hussey on 5 November 2015. Judgment was handed down on 30 November 2015 with the appeal dismissed and development consent refused (copy attached).	TBA.

5 Kent Street, Newtown	Morris and Truong	Appeal against deemed refusal of building certificate application.	Section 34 conference held on 14 July 2015. Agreement reached for works to be carried out in order for a building certificate to be issued. The appeal has been adjourned until 22 April 2016 to allow time for the works to be completed.	Nil.
110-112 Addison Road, Marrickville	Dazzle International Pty Ltd	Appeal against deemed refusal of development application for shop top housing.	Section 34 conference held on 24 July 2015. Amended plans were prepared in order to meet concerns. The plans were notified for comment to residents. Agreement was reached and the development approved by the Court.	TBA.
9 Lord Street, Newtown	Timothy Woon	Appeal against refusal of development application for residential development with associated commercial space.	Section 34 conference held on 8 September 2015. Amended plans were prepared in order to meet concerns. The plans were notified for comment to residents.	Nil.

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			Agreement was reached and the development approved by the Court.	
3 Miller Street, Petersham	Samir Bechara	Appeal against deemed refusal of DA for boarding house	<p>Section 34 conference held on 12 October 2015.</p> <p>Amended plans were prepared in order to meet concerns. The plans were notified for comment to residents.</p> <p>Agreement was reached and the development approved by the Court.</p>	TBA.
1-3 Albany Street, Camperdown	JK Canterbury Holdings Pty Ltd	Appeal against deemed refusal of DA for childcare centre	<p>Section 34 conference held on 30 October 2015.</p> <p>No agreement was reached.</p> <p>Appeal has been listed for hearing on 7 and 8 April 2016.</p>	TBA.
14 McGill Street, Lewisham	14 McGill Street Pty Ltd	Appeal against deemed (now actual) refusal of DA for residential flat building	<p>Section 34 conference held on 15 December 2015.</p> <p>Amended plans have been prepared to address the Council's concerns. The amended plans</p>	Nil.

			<p>were notified to objectors for comment.</p> <p>Agreement has been reached in principle although further plans are being prepared to finalise the matter.</p>	
27 Gordon Street, Petersham	Shrik Petersham Pty Ltd	Appeal against deemed refusal of DA for residential flat building	<p>Section 34 conference held on 2 February 2016.</p> <p>Amended plans have been prepared and notified to residents.</p> <p>At this stage, no agreement has been reached.</p>	TBA.
62 Constitution Road, Dulwich Hill	Mackenzie Architects International Pty Ltd	Appeal against deemed refusal of DA for shop top housing development	<p>Section 34 conference held on 4 February 2016.</p> <p>Amended plans have been prepared and currently under notification to residents.</p> <p>Decision pending on whether the amended plans are satisfactory.</p>	TBA.
49 Barwon Park Road, St Peters	Sally Bursill	Appeal against order to demolish allegedly illegal wall	<p>Section 34 conference held on 8 February 2016.</p> <p>No agreement reached at this time.</p>	Nil.

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178 Albany Road, Petersham	Thomas Macdonald	Appeal against partial refusal of DA with respect to rooftop structures.	Amended plans and information have been prepared to address Council's concerns. Matter to be listed for consent orders hearing.	Nil.
1 Charlotte Ave, Marrickville	Rajendra Narayan	Appeal against deemed refusal of DA for boarding house	Section 34 conference to be held on 27 April 2016.	Nil.
<u>Class 3 – Valuation And Acquisition Appeals</u>				
Nil.				
<u>Class 4 – Civil Enforcement Proceedings</u>				
12 Pine Street, Marrickville	Dimitrios Poulidakos and Marika Kontellis (Respondents)	Enforcement proceedings regarding an allegedly illegally construction proceedings. Orders being sought to comply with relevant development consent.	Matter will be listed for a conciliation conference sometime before 1 April 2016. Directions have also been made for evidence.	TBA.
52 Holmesdale Street, Marrickville	Dat Tu and Thi Vu (Respondents)	Enforcement proceedings regarding alleged failure to comply with orders requiring removal of waste and materials from premises.	Proceedings stood over to 1 April 2016 to allow the parties time to discuss possible consent orders.	TBA.
51 Garnett Street, Dulwich Hill	Joseph Sieff (Respondent)	Enforcement proceedings regarding alleged failure to comply with orders requiring removal of waste and	Discussions being held with Respondent to potentially resolve the matter.	TBA.

			materials from premises.		
SUPREME COURT					
Nil.					
DISTRICT COURT					
Nil.					
OTHER COURTS					
Nil.					
LOCAL COURT					
123 Marrickville Road, Marrickville	Bellpark Design Manage Build Pty Ltd (Defendant)	<p>Court elects against 6 x PINs for development allegedly carried out contrary to development consent and for pollute waters offences.</p> <p>3 x CANs for development allegedly carried out contrary to development consent.</p>	<p>7 of the alleged offences ultimately pursued by Council. Defendant pleaded guilty to each.</p> <p>Hearing on 18 November 2015. Judgment handed down on 16 December 2015.</p> <p>Total penalty of \$55,000 plus costs of \$24,200.</p>	TBA.	

Signed by AustLII

Land and Environment Court
New South Wales

Case Name: Papaioannou v Marrickville Council

Medium Neutral Citation: [2015] NSWLEC 1407

Hearing Date(s): 1 September 2015

Date of Orders: 9 October 2015

Decision Date: 9 October 2015

Jurisdiction: Class 1

Before: Dixon C

Decision: (1) The appeal is dismissed.
(2) Development consent to relocate a modified train carriage on the property at 884 Princes Highway, Tempe and to use the carriage as a diner for the preparation and sale of food in accordance with DA 20140073 is refused.
(3) The exhibits are returned.

Catchwords: APPEAL - Development application - Modified train carriage to be used as a diner - Amenity impacts for nearby residents - Increased traffic - Parking

Legislation Cited: Environmental Planning and Assessment Act 1979
Land and Environment Court Act 1979
Marrickville Local Environmental Plan 2011
Marrickville Development Control Plan 2011

Category: Principal judgment

Parties: George Papaioannou (Applicant)
Marrickville Council (Respondent)

Representation: George Papaioannou (in person) (Applicant)
Joe Strati (Solicitor) (Respondent)

Solicitors:

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Signed by AustLII

Marrickville Council (Respondent)

File Number(s): 10946 of 2014

JUDGMENT

Introduction

- 1 The applicant, George Papaioannou, is self-represented. He appeals Marrickville Council's refusal of his development application for the location of a modified train carriage on land at 884 Princes Highway, Tempe (the site) for use as a diner.
- 2 His appeal is made pursuant to section 97 (1) of the *Environmental Planning and Assessment Act* 1979 (EPA Act).

The proposal

- 3 The proposal is detailed in the applicant's amended plans (exhibit A) and his statement of environmental effects dated 18 November 2014. As it currently stands the site already contains the 23m modified train carriage which accommodates a commercial kitchen, tables, chairs and stools and offers a seating capacity for 20 patrons.
- 4 The proposal is to move the train carriage 3m from the south-western boundary of the site and use it as a diner. Mr Papaioannou and his daughter intend to use the commercial kitchen to prepare for sale take-away food and food for consumption by patrons within the diner. The proposal is to operate the diner seven days a week - Monday to Friday from 4.30pm until 11pm, and on weekends - from 8 am until 11pm.
- 5 The application also seeks approval for the erection of signage, amenities and perimeter fencing.

Background

- 6 Mr Papaioannou's application has been long in the making. It was originally submitted to the Council on 27 February 2014 with additional information provided on 1 May 2014, 12 May 2014, 18 June 2014, 14 July 2014 and 15 July 2014.

Signed by AustLII

Item 9

- 7 It was notified twice and seven submissions and a petition with 153 signatures were received by the Council. The submissions raise the following issues:
- The carriage has been 'dumped' on the site prior to consideration of the application;
 - Non-Compliance with Council's parking DCP;
 - Proposed access and manoeuvring arrangements;
 - Excessive hours of operation;
 - Noise;
 - On-street parking to be taken up by the development;
 - Traffic hazard at the corner of the Princes Highway and Station Street;
 - Pedestrian safety.
- 8 The application received a favourable recommendation from the Council's internal town planner (report dated 12 August 2014) but was ultimately refused by the Council at its meeting on 10 September 2014.

Section 34 conference

- 9 I first become involved with this appeal in May this year when I facilitated the conciliation conference between the parties under s34 of the *Land and Environment Court Act 1979* (LEC Act). While the conference did not resolve the appeal it proved useful in crystallising the issues between the parties and facilitated the preparation of amended plans (exhibit A).
- 10 At the request of the parties the process was ultimately terminated and I was asked to finally dispose of the appeal with a further hearing based on the evidence taken during the conciliation conference.

The site

- 11 The Council's statement of facts and contentions dated 16 December 2014 describes the site as being rectangular in shape and located on the corner of the Princes Highway and Station Street East, Tempe (northeast of the intersection of the Princes Highway and Holbeach Avenue).
- 12 It has an area of 251m² and a width of 10m with frontages of 10.035m to the Princes Highway and 24.95m to Station Street.

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- 13 Apart from the modified train carriage, a chain fence, some vegetation and a concrete slab - the site is vacant.
- 14 The south-western boundary of the site adjoins a commercial establishment at 886-896 Princes Highway which is used as a Harry' Café De Wheels. A one storey dwelling house at 40 Station Street adjoins the site from Station Street.
- 15 The only access into the site is via an existing driveway crossing from Station Street which is a narrow residential street some 6.4m wide.

Locality

- 16 The locality of the site is mixed. It fronts the Princes Highway which is commercial in character and adjoins low density residential properties to the southeast and northeast which are essentially one storey developments.

The statutory controls

- 17 The land is zoned B6 – Enterprise Corridor under *Marrickville Local Environmental Plan 2011* (LEP), and the proposed development is permissible with consent.
- 18 The *Marrickville Development Control Plan 2011* (DCP) also applies to this application.
- 19 The relevant provisions of the LEP and DCP and other controls are listed in the Council's statement of facts and contentions.

Objectors to the application

- 20 The objectors to this application comprise the operators of the adjoining Harry Café De Wheels establishment, and several residents from Station Street, including the owners of the semi at 40 Station Street on the south-eastern boundary of the development site.
- 21 Collectively, the local residents said they were concerned about the appearance of the development and any increase in traffic and parking in Station Street. Each of the objectors who addressed me at the conciliation conference said that Station Street is already congested with parked cars and manoeuvrability into and out of the street was already tight.

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- 22 They expressed a genuine concern for pedestrian safety (particularly children) and believed that an approval of this development without sufficient onsite parking would further exacerbate their existing traffic/parking problems and increase the risk to pedestrian safety.
- 23 They made plain their objection to another noisy late night diner operating in close proximity to their homes and impacting on their already compromised residential amenity.
- 24 The owners of Harry Café de Wheels were also concerned about parking and believed that the patrons of the diner would likely use their limited on-site parking. They also disliked the location of the proposed signage believing it would impact on the visibility of their own site.

On-site parking arrangements

- 25 The parking arrangements for the patrons of the diner changed during the course of the appeal.
- 26 At the commencement of the hearing the amended application incorporated 5 off-site car spaces on a commercial site adjacent to the diner and accessed from the highway. It was proposed that the applicant would be entitled to use this area for patron parking under a lease arrangement.
- 27 However, during the hearing I learned that the applicant did not in fact have the adjacent land owner's consent to this parking arrangement. Rather, Mr Papaioannou had a letter from the tenant agreeing to enter into a sublease with the applicant to allow the patrons of the diner to use the 5 car spaces on the adjacent land during the term of his tenancy.
- 28 The disclosure of this information during the course of the hearing raised a jurisdictional issue. Clearly, the Court has no jurisdiction to approve of this part of the application without the requisite adjacent land owner's consent and the applicant, who is not a lawyer, did not appreciate the importance of this matter until I pointed it out to him in Court.
- 29 In an effort to resolve this jurisdictional issue he asked me for further time to obtain that owner's consent before I delivered my decision and given the circumstances, I acceded to his request.

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- 30 Therefore, at the conclusion of the hearing I allowed the applicant a further two days to obtain the owner's consent or, if necessary, leave to amend his application to exclude this parking area. The Council agreed with this course.
- 31 In accordance with my directions, on 4 September 2015, the applicant informed the Court, and the Council, by email that he had not been able to organise the off-site parking and therefore, sought leave to amend the application to exclude the off-site car parking land. His email states :

Please be informed that I am not able to secure the said parking spaces as mentioned in my amended statement. In light of this development I request leave from the Court that this case be considered on the original document. The only amendment will be the operating hours as follows:

Monday –Friday 4.30pm to 11pm

Saturday –Sunday 8am to 11pm

- 32 For that reason the application reverted to the original application. It offers one onsite car space for patrons / loading bay, and a second on-site space for staff parking.

Traffic evidence

- 33 Fortunately, the traffic safety audit prepared by the parties' single traffic experts Terry Winning and R Glen of Morgan Winning Traffic Solutions Pty Ltd dated April 2015 (exhibit 2) assessed the application on the basis of the provision of the 5 off - site parking spaces and without the off-site parking.
- 34 The traffic experts' safety audit report commences by accepting that given the nature of the proposed development and its lack of access to public transport the use will involve patrons attending the premises by vehicle. It then concludes that this will generate additional traffic into the road network. However, the level of increase in traffic is a bit of a guessing game in this case because the existing traffic volumes were not assessed by the experts.
- 35 Notwithstanding this lack of assessment, however, the RSA Report Appendix 4: Road User Risk Assessment Log assumes based on the seating numbers that the use will generate 2 or 3 cars. And, if that proves to be correct Mr Winning said that in his assessment the proposal was "safer" with the 5 off-site parking spaces than without them. He formed this opinion because he accepted that an additional 2 or 3 extra cars from this development would

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adversely impact on the current unsafe traffic movements in and around the site. Although in making this assessment, Mr Winning was careful to qualify his evidence by adding that the additional traffic generated by the development would not elevate the '**assessed traffic safety level**' which was already assessed to be unsafe and causing parking/pedestrian issues for Station Street.

- 36 Mr Winning was particularly concerned about the existing pedestrian behaviour in Station Street. In Court he said that he had observed pedestrians forced onto the roadway due to the parked cars and the poor lighting in Station Street and this was unsafe. I appreciate his evidence because I observed this pedestrian behaviour at the site view. Given the number of illegally parked cars straddled across the footpath in Station Street in order to allow the passage of moving vehicles down the narrow street pedestrians have no choice but walk on the road.
- 37 Mr Winning also expressed a concern about the narrow entry into the Station Street and the possibility that an approval of the application might result in back queuing onto the Princess Highway should a vehicle attempt to leave Station Street whilst a car was trying to turn into the street and the site. He said that such a result was unsafe and exposed the entering vehicle to rear end collision.
- 38 Overall the experts' traffic audit establishes that the safety issues identified in the operation of the existing road network remain and the frequency and probability of an incident occurring increases proportionally due to increased vehicle/ pedestrian activity but not to the extent that it raises to a higher level of risk. In other words, the area proximate to the site is already unsafe and an approval of this development will make the area less safe but not such as to raise the safety level classification.

DCP - parking

- 39 While the amended plans (exhibit A) have to some extent addressed the objectors concerns about trees, fencing and signage the critical issue is the lack of parking for patrons and the consequences for the residents of Station Street and other pedestrians in the vicinity of the site.

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- 40 Tabled at the hearing was a copy of the Marrickville Development Control Plan 2011 (exhibit 4). Section 2.10.5 of the DCP deals with generic provisions for parking and it prescribes one car space for restaurants and takeaway food or drink premises per 100 m GFA. In this case, the area of the site is 70 m² and the two car spaces offered by the application are numerically compliant with the DCP requirements. That said, the Council invites me to also consider other relevant sections of the DCP, in particular, the following provision in C2:

Calculated parking provision numbers must be checked against a merit assessment to ensure appropriateness for the intended land use;

- 41 The Council submits that after checking the calculated parking numbers against a merit assessment to ensure appropriateness for the intended land use I will conclude on the evidence that the proposed development is not appropriate for this site.

Conclusion

- 42 I have undertaken the assessment invited by the DCP, and after a consideration of the evidence against the relevant considerations under s79C of the EPA Act I accept the Council's submission.
- 43 Although the number of car spaces provided for in the application is numerically compliant with the number of car spaces required under the DCP the evidence after a merit assessment suggests that the intended use is not appropriate for the site. Mr Winning is of the opinion that the development is safer with the off-site parking arrangement in place. As this is no longer an option I cannot approve of a development that has the potential to generate additional traffic /congestion in Station Street which according to Mr Winning further compromises the safety of pedestrians - who are forced to use the road because the footpaths are blocked by cars; and, potentially cause vehicles to back queue onto the Highway and be exposed to rear end collision.
- 44 Mr Winning's expert evidence validates the concerns expressed by the local objectors. In my assessment an approval of this application is likely to result in an increase in traffic and parking in Station Street and this according to Mr Winning will further exacerbate the existing amenity and pedestrian safety problems experienced by the local residents.

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- 45 For the reasons stated I find that the intended land use is not suitable for the site, and that an approval of this application is not in the public interest: s79C (1) (c) and (e) EPA Act. I refuse consent to this development application.

Orders

- 46 The orders of the Court are:

- (1) The appeal is dismissed.
- (2) Development consent to relocate a modified train carriage on the property at 884 Princes Highway, Tempe and to use the carriage as a diner for the preparation and sale of food in accordance with DA 20140073 is refused.
- (3) The exhibits are returned.

Susan Dixon

Commissioner of the Court

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Land and Environment Court
New South Wales

Case Name: Al Maha Pty Ltd v Marrickville Council

Medium Neutral Citation: [2015] NSWLEC 1494

Hearing Date(s): 5 November 2015

Date of Orders: 30 November 2015

Decision Date: 30 November 2015

Jurisdiction: Class 1

Before: Hussey AC

Decision: The Court orders that:
1. The appeal is dismissed.
2. Development Application No DA 201500105 for the addition of a 6th storey to accommodate 10 residential units, together with an additional 10 car parking spaces at No 32 - 72 Alice Street, Newtown is refused.
3. The exhibits may be returned except for 3, 5, and A.

Catchwords: Development application: Additional 6th storey addition to new residential flat building comprising 10 units and additional 10 car parking spaces. Excessive height, bulk and scale. CI 4.6 written request to vary height and FSR development standards.

Legislation Cited: Environmental Planning and Assessment Act 1979;
Environmental Planning and Assessment Regulation 2000;
Heritage Act 1977;
Contaminated Land Management Act 1997;
National Parks and Wildlife Act 1974;

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Disability Discrimination Act 1992;

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

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

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

The relevant local plan is the Marrickville Local Environmental Plan 2011 (MLEP 2011)

Cases Cited:

Antoniades Architects Pty Ltd v Canada Bay Council [2014] NSWLEC 1019

Hooker Corporation v Hornsby Shire Council (unreported, 2 June 1986)

PDE Investments No 8 Pty Ltd v Manly Council [2004] NSWLEC 355

Category:

Principal judgment

Parties:

Al Maha Pty Ltd (Applicant)
Marrickville Council (Respondent)

Representation:

Counsel:
Mr P Clay SC (Applicant)
Mr A Pickles SC (Respondent)

Solicitors:
GADENS (Applicant)
Maddocks Lawyers (Respondent)

File Number(s):

10433 of 2015

JUDGMENT

Introduction

- 1 This appeal was lodged against council's refusal of a development application for a new 6th storey element containing 10 residential units above an approved 5 storey building that is presently under construction, together with 10

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additional car parking spaces. The site is on the corner of Alice Street and Walenore Avenue, Newtown.

- 2 The application to increase the height and density of the development initially proposed both a 6th and 7th storey. However this was amended to delete the 7th storey following a Section 34 Conference, which was terminated. As I conducted the s34 Conference, the parties agreed to my determination of the subject appeal and that matters discussed at the s34 Conference could be considered.
- 3 Consequently for the appeal, a number of detailed contentions were identified, which can be summarised as follows:
 - (i) Excessive height and scale of the building in the context of the surrounding development.
 - (ii) The proposal does not comply with the height and floor space ratio (FSR) development standards in the Marrickville LEP.
 - (iii) Insufficient building separation.
 - (iv) Internal amenity of some of the proposed units.
 - (v) Access and car parking.
 - (vi) Urban design considerations.
 - (vii) Public interest matters.

Background

- 4 The Statement of Facts shows a detailed history of the development of the site, which summarised as:
 - (i) In June 2012 DA No 201200225 was lodged seeking the demolition of a large building on the site and the erection of a mixed use development containing 7 retail tenancies, 206 residential dwellings and 163 car parking spaces, associated landscaping, drainage and related works.
 - (ii) In August 2012 an appeal was lodged against the deemed refusal of the application and the applicant was granted leave to rely upon amended plans.
 - (iii) On 26 April 2013, the NSWLEC conditionally approved the mixed use development containing 174 residential units, 6 ground level commercial tenancies and basement parking for 177 cars. (Al Maha v Pty Ltd v Marrickville Council [2013] NSWLEC 1072).

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- (iv) Following 3 subsequent modifications and agreement by the parties, the existing development under construction allowed a mixed use development with 9 commercial/retail tenancies, 203 dwellings, off street parking for 187 vehicles and associated works.
- (v) This approved development is spread over this relatively large site in a number of variable height buildings generally as shown in the Masterplan for the site.
- (vi) The subject building is designated as 'Building A' and its existing approval is for 5 storeys and a height.

The proposal

5 The current proposal is for:

- (i) An additional 6th storey component to Building A on the north eastern corner with a length of approximately 20m to Alice Street and 52m to Walenore Avenue. The proposal provides for a stepping down of the 6th storey element to the existing approved 3 storey height along Alice Lane.
- (ii) An increase in the height of the building at the NE corner to approximately 20.4m.
- (iii) An additional 10 residential units comprising 3x1 bedroom, 2x 1 bedroom + study and 5 x 2 bedroom units.
- (iv) An additional 10 car parking spaces in the basement.

The site

- 6 The Site is comprised of one allotment being Lot 203 in Deposited Plan 772164 and seven strata lots being Lots 1-7 in Strata Plan 32809 (known as No. 32-72 Alice Street, Newtown). It is bound by Alice Street to the north, Walenore Avenue to the east, Alice Lane to the south, and Pearl Street to the west.
- 7 The Site has a generally rectangular shape and has a northern frontage of 121.25m to Alice Street, and an eastern frontage of 61.13m to Walenore Avenue. The Site also has frontage of approximately 64.1m to Pearl Street.
- 8 The Site has an area of 8,297sqm and slopes down from the south-east to the northwest, with an overall fall of approximately 6 m.
- 9 The locality is characterised as residential in nature, with mixed uses and retail uses further to the east along King Street (140 m away) and to the west along Edgeware Road (450 m away). The surrounding built form, across all streets to

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which the site has frontage, is predominantly single storey dwellings, with some interspersed 2 storey dwellings and some low scale residential flat buildings.

- 10 Properties on the northern side of Alice Street have a mix of residential uses (R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and R4 High Density Residential), while properties on the southern side of Alice Street and properties to the south of the subject property are generally zoned R2 Low Density Residential.
- 11 The built form and character of the area generally reflects the applicable land zoning, which is predominantly Low Density Residential. The Site is relatively large compared to neighbouring and surrounding sites, particularly to the south, east and west. There is a marked change in scale between the subject site and the surrounding area.

Planning controls

- 12 The following controls apply:
 - (a) Environmental Planning and Assessment Act 1979;
 - (b) Environmental Planning and Assessment Regulation 2000;
 - (c) Heritage Act 1977;
 - (d) Contaminated Land Management Act 1997;
 - (e) National Parks and Wildlife Act 1974;
 - (f) Disability Discrimination Act 1992;
 - (g) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
 - (h) State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65).
 - (i) State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)
- 13 The relevant local plan is the Marrickville Local Environmental Plan 2011 (MLEP 2011), under which the site is zoned B4 - Mixed Use and the proposed development is permissible with development consent. CI 2.3 deals with the zone objectives and 2.3(2) requires the consent authority to have regard to the objectives for development in a zone when determining a development application.

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- 14 Part 4 of the MLEP contains the principal development standards that apply to the site, particularly a maximum building height of 20m and a maximum FSR of 1.85:1. Clause 4.6 of the LEP allows exemptions to the development standards as follows:

4.6 Exceptions to development standards

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

- 15 Clause 5.6 allows height variations on the following basis:

Architectural roof features

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

- (a) to permit variations to maximum building height standards for roof features of visual interest, and*
- (b) to ensure that roof features are decorative elements and that the majority of the roof is contained within the maximum building height standard.*

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(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

- 16 Also applicable are the controls in the Marrickville Development Control Plan 2011 (DCP) under which the site is located in the Camdenville Planning Precinct (Precinct 9.14). Part 9 of the DCP describes the existing character within the strategic context and lists 9 points for the desired future character, of which the following are specifically relevant:

8. To ensure orderly development on masterplan sites in accordance with the principles of the masterplan vision, including allotment amalgamations, where required, that are not detrimental to achieving the overall masterplan structure and achieve an efficient and high quality outcome.

9. To facilitate the redevelopment of the underutilized industrial site at 32 – 60 Alice street, Newtown for a mixed of uses that will contribute to the character and diversity of the precinct.

- 17 The site specific planning controls for 32 -60 Alice Street Masterplan include:

Objectives

1 To provide planning provisions that encourage the former industrial property at 30 Alice Street to be redeveloped for mixed residential and employment uses. The redeveloped site must incorporate new publicly accessible open space on the Alice Street frontage that functions as a through site link to Alice Lane, neighbourhood shops and services and residential dwellings.

2 To allow consideration for potential live/work or SOHO style accommodation fronting Little Commodore Street as part of any redevelopment.

Building height

C2 The height of proposed buildings must conform to the control diagram(s) in Figures (14.1a) and (14.1b). The height is expressed in number of storeys.

FIGURE 14.1a

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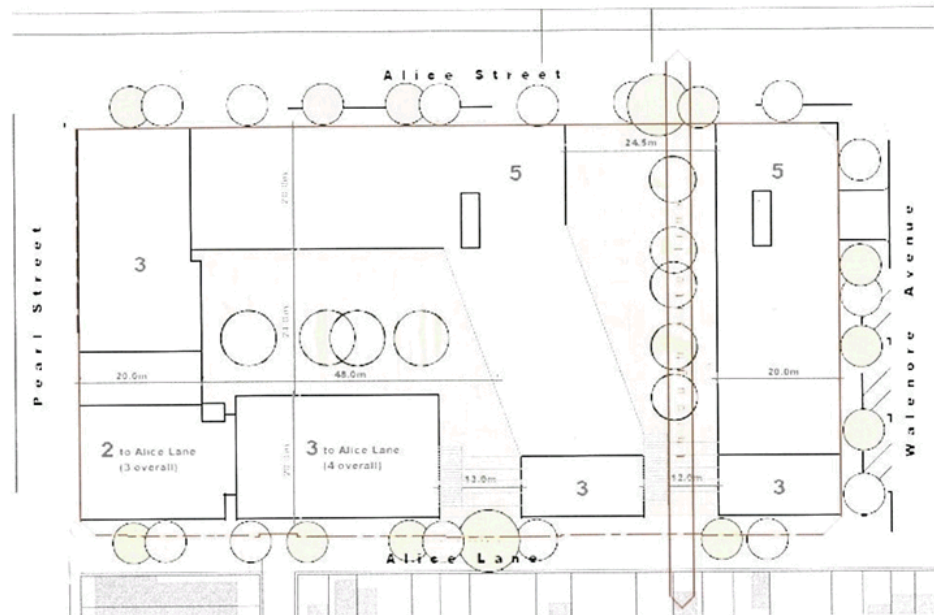


Figure 14.1a

The evidence

18 Detailed evidence was presented by way of joint reports from:

- (i) Mr J Perica; Respondents consulting planner (Ex 3)
- (ii) Mr R Chambers; Applicants consulting planner (Ex 3)
- (iii) Mr C McClaren; Respondents traffic consultant (Ex 4)
- (iv) Mr R Nettle; Applicants traffic consultant (Ex 4)

19 Several objections were made by residents concerning overdevelopment of the site, poor design, overbearing impacts, loss of privacy, exacerbation of existing traffic and parking problems and incompatibility with the existing low density area. These concerns were addressed during the proceedings.

20 It is apparent from the evidence that the main issues identified concern the proposed height, bulk and scale of Building A located at the corner of Alice Street and Walenore Avenue. The resolution of this issue ultimately requires consideration of the cl 4.6 written requests for flexibility with the height and FSR development standards.

21 But in this case Mr Pickles made submissions that the following planning principle on FSR and building envelope is also relevant and accordingly I have firstly considered its application.

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- 22 In the matter of PDE Investments No 8 Pty Ltd v Manly Council [2004]

NSWLEC 355 Commissioner Tuor dealt with similar issues and developed the following planning principle for Floor Space Ratio and Building Envelope. At para 46 and following she stated:

46. The key difference between the parties was whether the building envelope established the total floor space limit for the site. As I understand, Mr Hemmings' submission for the applicant is that, provided the building envelope does not have an adverse impact on the amenity of the area and objectives of the FSR standard are met, then the FSR performance criteria could be exceeded. Recent development approved in the area indicated that council considered that the bulk of building envelopes, which contained greater FSR than that permissible within the zone were appropriate and that this determined the desired future character.

47. While Mr Hemmings' submission is persuasive, I do not accept that the FSR Performance Criteria has no role to play and that the envelope can be filled with floor space. The experts do not agree on the building envelope particularly the front setback and roof form. There are parts of the envelope that are not filled and there are also parts of the envelope that are exceeded. Most of the evidence concentrated on whether the breaches to the envelope resulted in an acceptable bulk. This is not the issue but rather whether the bulk of the building is consistent with the existing and desired future character of the area and has acceptable amenity impacts and therefore meets the FSR objectives. In assessing this, the bulk and impacts of a 1.5:1 development standard cannot be ignored.

Planning Principle Floor Space and Building Envelope

48. The question of whether a building envelope can be filled when the FSR control would produce a smaller building is one that arises from time to time in Court proceedings. The following planning principles are therefore of assistance:

(i) FSR and building envelope controls should work together and both controls and/or their objectives should be met.

(ii) A building envelope is determined by compliance with controls such as setback, landscaped area and height. Its purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill.

(iii) Where maximum FSR results in a building that is smaller than the building envelope, it produces a building of lesser bulk and allows for articulation of the building through setbacks of the envelope and variation in building heights.

(iv) The fact that the building envelope is larger than the FSR is not a reason to exceed the FSR. If it were, the FSR control would be unnecessary.

- 23 Whilst the planners did not address this planning principle, nevertheless I think it has some relevance in this case. The relevant controls allow for a 1.85:1 FSR and a building height of 20m, with the qualification in the MDCP Masterplan that there should be a maximum height of 5 storeys.

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- 24 The planners addressed the height control and despite some minor differences on the method of measurement, agreed that whilst the overall height of the 6 storeys exceeds the Masterplan's designated height of 5 storeys, nevertheless the overall height basically complies with the cl 4.3 LEP 20m development standard. The exceptions are the architectural feature on the corner, which the planners agree is acceptable in terms of cl 5.6 of the LEP. I accept this agreement.
- 25 The other minor non – compliance concerns the top section of some of the upper level of the 1.6m privacy screens on the private roof terraces for which a section 4.6 written request has been made. Mr Chambers says that they are minor non – compliances at the northern end of the roof and as they are generally well setback from the periphery of the building, they will not result in any adverse environmental impacts. Accordingly he considers this issue is satisfactorily resolved.
- 26 Mr Perica agreed that the height non – compliance was minor and that considered alone, it would not cause any unreasonable impacts. However he nevertheless considers it a negative aspect of the proposal, particularly as the proposal adds the 6th storey, which is non – compliant with the Masterplan intent. He says that the cumulative effect of a number of non-compliances should be considered in order to assess whether there is a better outcome.
- 27 According to cl 4.4 of the MLEP, the FSR development standard allows a maximum FSR of 1.85:1. The original approval for 174 units had a FSR of 2.036:1. The subsequent modifications have resulted in the existing development having a FSR of 2.05:1. Approval of the current proposal would result in a FSR of 2.14:1 and the applicant has submitted a cl 4.6 written request to deal with this.
- 28 Mr Chambers considers that the proposed additional FSR of 0.09:1 (4.3%) is acceptable because it is substantially contained within the allowable 20m height limit and it is totally within the approved Building A footprint. Accordingly he says that this additional floor space will blend seamlessly with the storeys below and will not be prominent or overbearing.

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- 29 Consequently, Mr Chambers says that as the additional storey will accommodate 10 new units that can provide living opportunities for 10 households in an accessible location with high amenity, then a better planning outcome is achieved, particularly as he does not consider there will any unreasonable impacts arising.
- 30 Furthermore, he says that insofar as the FSR standard has already been varied for the approved development on this site, this is a demonstration that the FSR restriction of 1.85:1 warrants flexibility in its application on this site.
- 31 Applying the PDE planning principle, I firstly accept that the combined effect of both the height and FSR should be considered together because they determine the envisaged building envelope for this site so as to achieve the desired future character of the area, which provides an appropriate transition in built form and land use intensity so as to minimise adverse environmental impacts.
- 32 Whilst I accept the planner's evidence that the height non – compliance is of a relatively minor nature, nevertheless the designated building envelope comprises both the building height and allowable FSR standards. On this basis a further exceedance in the order of 4.3% (738.2 sqm) above the existing non – complying (FSR) building is proposed. Mr Chambers supports the infill 6th storey component on the basis that the existing approval demonstrates that further flexibility can be allowed and as there are no adverse impacts and it will provide an additional 10 new units.
- 33 However I do not accept that this approach adequately satisfies principle (ii) because the objective of the FSR standard is to control building density and bulk over the total site in order to achieve the desired future character. Even though there is some availability of height under the 20m limit both at the subject and other locations as indicated on the building elevations, when additional FSR limitation is considered, I do not consider this application reasonably satisfies this principle.
- 34 Principle (iii) refers to the combined effect of the relevant controls to define the building envelope whereby sometimes the maximum FSR may not be achieved. In this case, the proposed FSR considerably exceeds the FSR

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standard and would result in a building of increased bulk, which can be observed from vantage points in Alice Street and Walenore Avenue. The proposal does not include any significant setbacks or articulation to minimise the presentation of the 6th storey that does not comply with the Masterplan, notwithstanding that the visual and associated amenity impacts may be minimal.

35 Consequently, I agree with Mr Perica that the approval would not lead to an enhanced environmental or "high quality built outcome" as listed in the s 9.14.2 desired future character statement. Therefore this principle is not reasonably satisfied in my assessment.

36 By reference to principle (iv), I consider that the FSR development standard has particular work to do in this case in order to achieve the site specific outcomes detailed in the Masterplan, particularly the desired future character. Accordingly, I do not fully accept Mr Chambers approach that the numerical FSR is a "reference point" in this matter.

37 I understand that the existing exceedance of FSR in the current approval was allowed and it expanded the building envelope. But that still resulted in the form of a complying 5 – storey building that was consistent with the Masterplan. However, I do not consider that the proposed additional floor space to further expand the building envelope is reasonable where a more bulky 6 storey form of building is proposed.

38 In this regard I rely on Mr Perica's evidence that the desired future character is more likely to be achieved by closer adherence to the FSR standard, which prescribes a smaller building with less floor area, rather than treating the development standard as a reference point. Therefore I do not consider that this proposal is consistent with principle (iv).

39 Interestingly, some references were made to the Residential Flat Design Code (RFDC) contained in Ex. 2. It deals with the primary development controls including building height, depth, setbacks and floor space that prescribe the building envelope to achieve the desired future character of the area. The RDfC states:

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Floor space ratio (FSR) controls provide a guide for developers, council staff and the community as to the allowable densities for an area. The FSR is the maximum capacity of a building and the accepted currency for development. A key benefit of FSR is its usefulness in determining and controlling the maximum amount of floor space yield. However, FSR should not be the sole determinant of future built form, it should be linked with all other building envelope controls to support the desired urban outcome. Once established, FSR is an absolute maximum, which may not be wholly achievable on all sites due to urban design considerations.

In a new urban area or where an existing area is undergoing change, FSR controls should be set after designing and testing building envelopes, not before.

- 40 It seems to me that this explanation is relevant because the FSR is established as a development standard with a maximum of 1.85:1 and notwithstanding that parts of the building envelope may allow infill other constraints may preclude this being reached in order to achieve the desired future character.

Cl 4.6 written request

- 41 The cl 4.6 written request deals with both the height and FSR variations concurrently. For this determination I follow the approach taken by Brown C in *Antoniades Architects Pty Ltd v Canada Bay Council* [2014] NSWLEC 1019 wherein he stated:

31. Clause 4.6 of MLEP 2011 imposes four preconditions on the Court in exercising the power to grant consent to the proposed development. The first precondition (and not necessarily in the order in cl 4.6) requires the Court to be satisfied that the proposed development will be consistent with the objectives of the zone (cl 4.6(4)(a)(ii)). The second precondition requires the Court to be satisfied that the proposed development will be consistent with the objectives of the standard in question (cl 4.6(4)(a)(i)). The third precondition requires the Court to consider a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(a) and cl 4.6(4)(a)(i)). The fourth precondition requires the Court to consider a written request that demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard and with the Court finding that the matters required to be demonstrated have been adequately addressed (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

31 In considering the question of consistency, I have adopted the approach of the former Chief Judge, Justice Pearlman in *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21 where, Her Honour expresses the following opinion [at 27]:

The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.

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Zone objectives

42 The Zone B4 Mixed Use zone objectives are:

- (i) To provide a mixture of compatible land uses.
- (ii) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- (iii) To support the renewal of specific areas by providing for a broad range of services and employment uses in development which display good design.
- (iv) To promote commercial uses by limiting housing.
- (v) To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.
- (vi) To constrain parking and restrict car use.

43 Mr Chambers written request concludes that the proposed development is relevantly consistent, and not otherwise consistent, with these objectives in that:

- (i) The proposed ground level commercial tenancies with residential units above are no less compatible as a consequence of the additional storey;
- (ii) Building A is part of an integrated design which mixes residential units with ground level retail suites primarily along the Alice street frontage and the site is in an accessible location;
- (iii) The proposal forms part of the urban renewal of an entire block in a development displaying good design;
- (iv) The proposal satisfies Council's (constrained) parking requirements.

44 Whilst Mr Perica expressed concern about the way the objectives were treated in the written request, he nevertheless took the view that the proposal is not inconsistent with the overall objectives of the zone.

45 However I have some concerns regarding the consistency with Objective (vi) because the subject neighbourhood contains many single and 2 – storey Victorian and Federation houses that have no off street parking. According to the resident's evidence, there are regular traffic delays and congestion and significant competition for on – street car spaces, which is regulated to some extent by a resident parking scheme. They consider the additional 10 units and

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associated parking in the building together with the likely influx of visitors parking will exacerbate current traffic and on – street parking issues.

- 46 I accept that there are parking issues in this immediate area and have reservations relying on Mr Chambers opinion that because the proposal complies with the MDCP generic parking controls, the objective is achieved. These generic controls apply to the whole municipality on the basis of three different areas, namely 'Areas 1,2 and 3'.
- 47 But zone objective (vi) is specific to the subject site and does not apply to any of the adjoining zones listed in para 10. It seems to me that the intent of the zone objectives is that whilst it allows suitable developments with complying parking, when a larger development with excessive FSR is proposed, its suitability should be carefully assessed.
- 48 The objective to "constrain" means to force or compel a course of action to be followed, which is to limit parking and restrict car use. But this development proposes an additional 10 units which increases car parking and car use in the area by the introduction of 10 additional car parking spaces, and facilitation of an incremental increase in car usage by residents and visitors, which is not consistent with this zone objective. In these circumstances I do not consider this is a suitable development and consider it is antipathetic to this objective.
- 49 The traffic joint report provides no assistance in addressing this zone objective, instead focussing only on basic traffic management for the new development. Whilst this finding would lead to the refusal of the development application, I have nevertheless considered the other consideration matters.

Height standard objectives.

- 50 The objectives of the cl 4.3 Height of buildings standard are:
- (1) (a) to establish the maximum height of buildings,
 - (b) to ensure building height is consistent with the desired future character of an area,
 - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
 - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

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

NOTE: The designated maximum height is 20m

51 The non – complying height elements refer to an exceedance of approximately 0.4m above the designated 20m height standard for the length of the 6th storey. Mr Chambers written request refers to the desired future character statement in Section 9.14.2 of the MDCP, particularly points 8 and 9. Accordingly, he says that the proposal is consistent with the desired future character because in relation to Objective (b):

- it has no effect on the preservation of identified period buildings within the precinct;
- the proposal relates to Building A on the corner of Alice Street and Walenore Avenue and will not have an impact on the listed heritage item at 63-69 Alice Street.
- this corner of Alice Street and Walenore Avenue, for around 45 years, accommodated a building of greater scale than Building A, even with the additional level now proposed;
- there will be no adverse impact on any significant streetscape or public domain elements within the precinct; that, however, does not mean that the character of the precinct will not be preserved if an additional level is put on Building A;
- the site is zoned and approved for relatively high density, mixed use development which is intentionally different to the predominantly "low to medium density residential" character of the precinct;
- the parking on the site complies with the DCP requirements, which are highly constrained and the DA is accompanied by a detailed traffic and parking assessment report which concludes that the additional off-street car parking associated with the proposed additions will not adversely impact the amenity of the precinct;
- it does not diminish the approved scheme, which is for the orderly redevelopment of a masterplanned site and a high quality built outcome; and
- the additional building height (and additional GFA associated with the increased height), will form part of the redevelopment of the "underutilised industrial site" and not diminish the character and diversity of the precinct.

52 In relation to Objective (c):-

- the shadow impacts of the additional level which are presented in detail in the set of drawings, are minor, are not unreasonable in the context that the height of Building a with the proposed additional level is well within the 20-metre height limit at its southern end and is lower in height than the former building which occupied this part of the site.

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53 In relation to Objective (d):-

- Building A, with the additional storey, still represents an appropriate transition in built form and land use intensity, noting in particular the minor exceedance of the 20-metre height limit in the LEP;
- Building A will still have a satisfactory relationship to other nearby buildings; and
- Building A with the proposed addition will not be out of place, particularly having regard to the greater scale of the former building it has replaced.

54 Mr Chambers written request then says that compliance with the height standard is unreasonable and unnecessary on the following basis:

- the characteristics of the site (i.e. large size, single ownership, surrounded by streets are such that it can accommodate the additional height now proposed without unreasonable impacts on adjoining land;
- the development as a whole meets the objectives of the building height development standard, as detailed above in Section 4.1.2;
- the proposal does not affect the height of the approved buildings along Alice Lane or Pearl Street (e.g. the buildings most sensitive to potential adverse impacts) which are well below the building height development standard; and
- no unreasonable or unacceptable impacts will arise from the proposed non-compliance with the "building height" development standard.

55 However Mr Perica does not support the written request because while large buildings are contemplated on the site, he says that the proposal does not comply with core aspects of the LEP and DCP, particularly the requirement for orderly development on masterplan sites. Notwithstanding the minor numerical non – compliances, he does consider the proposal makes a positive contribution to the character of the precinct, instead it detracts from it.

56 Having considered these details I note Objective (a) and am satisfied that determinative weight be given to the specified 20m height standard rather than the 5 – storey limit in the MDCP. Regarding the other objectives, even though the additional 6th floor is proposed, the exceedance of the standard is minor when considered alone, I accept that the height is generally consistent with the desired future character, it will not materially affect other buildings exposure to sky and sunlight and it should provide a reasonable transition in built form.

57 Consequently I am satisfied that the cl 4.6 written request concerning the variation to the height standard demonstrates that compliance with the

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standard is unreasonable and unnecessary and that there are sufficient planning grounds to allow the proposed flexibility.

FSR development standard

- 58 The more significant non-compliance is with the FSR development standard contained in cl 4.4 of the MLEP as follows:

4.4 Floor space ratio

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

- a. to establish the maximum floor space ratio,
- b. to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,
- c. to minimise adverse environmental impacts on adjoining properties and the public domain.

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

NOTE: The designated maximum FSR is 1.85:1 for this site.

- 59 Insofar as the FRS development standard allows for a ratio of 1.85:1, the existing approval has a FSR of 2.05:1 and the proposal is for 2.14:1. In response to the proposals consistency with the FSR standard, I note that the written request states that no discussion of Objective (a) is required other than to observe that the 1.85:1 FSR is one that can be varied pursuant to Cl 4.6, as has already occurred.

- 60 The written request states in relation to Objective (b):

- requirements for the siting, configuration (i.e. shape), setbacks and separation of buildings on the site are set out in Clause 9.14.5 of Marrickville DCP: the approved development displays a very high degree of conformity with these requirements and will continue to do so if an additional level is put on Building A;
- the requirements referred to above, along with the B4 Mixed Use zoning of the site and the mix of uses permissible therein, establish its desired future character which is quite different to, but nevertheless compatible with, the character of surrounding land: the proposal is highly consistent with this desired future character and remains so with the proposed addition on Building A;
- in this regard, it is relevant to take into account that the zoning of the site, B4 Mixed Use, permits commercial premises, light industries, registered clubs and various other non-residential uses which would all have typical floor-to-floor heights significantly greater than would be the case for a residential flat building, meaning that the storey control in the DCP (relevantly 5 storeys on this part of the site) does not equate to a given or precise height outcome.

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- the previous four-storey building on the site is a good case in point - it was greater in height (with 4 storeys) than Building A will be with 6 storeys;
- a new 'commercial premises' or light industrial building would typically have floor-to-floor heights of between 3.6 - 4.0 metres, so a five-storey 'commercial premises' or light industrial building would be likely to have a height of 18.0 - 20.0 metres, excluding roof features;
- as additional floor space can be included in the approved development (over and above the 1.85:1 limit) without unreasonably or unacceptably adding to the bulk of buildings on the site (as anticipated by the DCP), then the objective is satisfied;
- in the event it is argued that compliance with the storey control in the DCP results in a lesser bulk, it can reasonably be said that there is no limitation in the DCP on the floor-to-floor height of a storey, therefore there is no virtue in mere compliance/satisfaction of the storeys control in the DCP; and
- the proposed additional GFA is accommodated in a sixth storey on a high-quality building, as part of a group of high-quality buildings the size and scale of which are consistent with the desired future character for this large site.

61 In relation to Objective (c) the written request is supported on the basis that:

- there are no adjoining properties as the site is surrounded by public roads;
- properties on the opposite sides of Alice Street, Walenore Avenue and Alice Lane will not be subject to any unreasonable adverse environmental impacts as a result of the additional storey on Building A as it has been configured so as to only result in very limited additional overshadowing;
- the relationship of, and impacts arising from, approved Building A to/on the public domain will remain much the same; and
- the proposed additional GFA does not give rise to excessive or unacceptable traffic generation, primarily because the parking rates permitted by Council are so constrained.

62 From this assessment, Mr Chambers written request considers that compliance with the FSR development standard is unnecessary and unreasonable because:

- the characteristics of the site (i.e. large size, single ownership, surrounded by streets) are such that it can accommodate the additional GFA now proposed without unreasonable impacts on adjoining land, just as the approved development, which already exceeds the FSR standard, has no such unreasonable impacts;
- the proposal, and the development on the site as a whole, meets the objectives of the FSR development standard, as detailed above in Section 4.2.2;
- the proposal does not conflict with the building location and building separation requirements in the Marrickville DCP; and
- the proposal will have no unreasonable or adverse impacts on the perceived bulk or scale of the approved development; and no unreasonable impacts arise from the non-compliant GFA

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63 The written request then submits the following environmental grounds to justify contravening the development standard:

- the FSR standard has already been contravened on this site by the approved development;
- whereas the FSR standard is 1.85:1, the approved development on the site has an FSR of 2.05:1;
- this is, therefore, a site on which it has already been concluded that the FSR standard can be contravened in accordance with the relevant provisions of Clause 4.6;
- the additional GFA and FSR which are proposed on the additional level are wholly within the 20-metre height limit - only the top of the architectural roof feature adjacent to the Alice Street frontage and the tops of certain privacy screens for the roof terraces exceed the 20-metre height limit;
- the additional level is on a part of the site which for 5 decades was occupied by a taller, wider, bulkier building (than Building A with the proposed addition), which is likely to have been a relevant factor in determining the 20-metre height limit on the site as a whole when Marrickville LEP 2011 was made;
- the additional GFA and FSR do not give rise to inconsistencies with the objectives of the FSR standard insofar as they apply to this site; and
- the environmental impacts of the additional GFA/FSR are minimal.

Additionally, the site is within an area which is close to employment, education and retail opportunities, and which is well served by public transport. It is imperative that the site be put to as efficient a use as possible, consistent with the objectives and requirements of SEPP 32.

The proposal will result in no significant adverse environmental impacts. It will augment the approved development of which it forms part to deliver a well-designed, high-quality, predominantly residential scheme which will provide new residents with excellent amenity without unreasonably diminishing the amenity of existing residents.

The inherent characteristics of the site, including its size, topography, availability of services, surroundings proximity to facilities and services including public transport, shops, schools and other activities, make the site eminently suitable for implementing urban consolidation to the fullest extent practicable.

There are no unacceptable or unreasonable environmental impacts associated with the further non-compliance with the FSR development standard.

Having regard to the above, it can be concluded that not allowing further non-compliance with the FSR standard would be unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the further non-compliance and that the proposal which gives rise to the further non-compliance is in the public interest because it is consistent with the objectives of both the FSR standard and the B 4 Mixed Use zone.

64 However Mr Perica disagreed with Mr Chambers because:

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- (a) The size of the site is large and is surrounded by roads. A large site presents opportunities, particularly to distribute bulk where it may have less impacts. However, a large site can also magnify height and scale of buildings. A FSR of 1.85:1 on a small site is much more likely to have less height and bulk than a building on a large site where height is aggregated into larger buildings.
- (b) The rationale that it would be unreasonable to require compliance with the FSR standard as the approved building has already exceeded the FSR is not supported. To the contrary it is his view that for a building which already exceeds the FSR, very close attention should be given to any further non-compliances (especially where the proposal exceeds other LEP or DCP controls). This is a different point to it being literally accepted that requiring compliance with the 1.85:1 standard would be unreasonable as the approved development already exceeds 1.85:1.
- (c) The roads around the site do not account for or diminish the significant discordant nature of the proposed height and bulk relative to the scale of buildings in the surrounding area, which is being made more discordant by the proposal and proposed FSR (and height) non-compliance.
- (d) The additional bulk is being added to a visually prominent and sensitive part of the site in terms of the relationship with surrounding land.
- (e) The proposal will have an adverse impact on the perceived bulk and scale of the development and its scale relationship and transition with surrounding development (within the site and beyond).
- (f) The height of proposed Building A combines with its long length and overall mass to detract from the setting of the surrounding area.
- (g) While he agrees with the statements about general compliance with the building location controls in Marrickville DCP 2011, and says buildings need to be considered three dimensionally, and the additional bulk and height of the proposal changed the relationship with surrounding buildings and open space, including on the site, resulting in additional adverse impacts.
- (h) The most sensitive portion of the site, in terms of the visual height and scale relationship with surrounding land/development is exactly where the additional height is proposed. This is because of the views to the site from surrounding streets, the predominantly single storey attached dwelling nature to the north-east and east of the site, the building being located on a corner and the width as well as height of Building A.
- (i) The variation request has failed to demonstrate the objectives of Clause 4.6 will be met.

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65 Having considered these opinions I am satisfied that objectives (b) and (c) are the most critical in this case. But the assessment of these in the written request for the separate development standards has been somewhat complicated by the intermingling of reference to both standards.

66 As the written request relies to some extent on the absence of adverse environmental impacts, I also consider it relevant to consider the long standing approach adopted by Cripps J in *Hooker Corporation v Hornsby Shire Council* (unreported, 2 June 1986) in considering a SEPP 1 Objection as follows:

... it is now established that it is not sufficient to merely point to what is described as absence of environmental harm to found an objection. Furthermore, the objection is not advanced, in my opinion, by an opinion that the development standard is inappropriate in respect of a particular zoning. The Court must assume a development standard in a planning instrument has a planning purpose.

... it is not to be used as a means to effect general planning changes throughout a municipality such as are contemplated by the plan making procedures set out in Part III of the Environmental Planning and Assessment Act.

67 Returning to the assessment framework outlined in para 41, the FRS control is an important control for establishing the desired future character. The FSR deals with the prescribed amount of floor space and consequential bulk and scale of buildings on a numerical basis so as to achieve the desired future character. Accordingly, I do not consider the written request demonstrates reasonable consistency with objectives (b) and (c) because:

- (i) I accept that the FSR numerical development standard of 1.85:1 has a planning purpose so as to achieve the desired outcome in the form and scale of buildings and impact on the neighbourhood.
- (ii) Even though the form, setbacks and separation of the proposal is similar to that designated, nevertheless the objective is for a smaller building envelope resulting commensurate impacts.
- (iii) In the subject context, I give little weight to the references to the building height variations including that of the previous industrial building on the site because the density controls envisage a smaller scale and building density.
- (iv) The submission that because the approved development includes additional floor space over the standard, then the standard has been abandoned and more floor space can

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been added, does not set a precedent that guarantees further approvals. As stated previously, I consider the additional (non – complying) floor space for the 10 units and associated car spaces is not consistent with the zone objectives.

- (v) Whilst the written request is that there will be no adverse impacts on neighbouring properties except limited overshadowing, I nevertheless consider that the additional 6th storey will be observed from various places in the public domain and Mr Perica and many of the residents consider this will have overbearing impacts relative to the development standard outcome.

68 With regard to the consideration of the proposal's consistency with objective (b), it seems to me that the written request relies significantly on the lack of environmental impacts and the achievement of a satisfactory qualitative character outcome. Based on the Hooker authority, I give this diminished weight. Also, I consider that reference to the previous building that was demolished should be given little weight considering the current development standard envisages a different, smaller level of building density.

69 With regard to objective (c), it seeks to minimise adverse impacts. As previously stated, I consider the additional floor space for the 10 units and parking will intensify parking and access issues in the public domain as stated by the residents. I agree with Mr Perica's opinion that the written request has not adequately demonstrated reasonable consistency with the FSR objectives.

70 The third precondition for the written request is that there is a demonstration that compliance is unnecessary and unreasonable. I do not consider the point that the character of the site justifies the degree of flexibility now sought. These facts were known and presumably used to set the FSR standard for the building envelope to achieve the desired future character. Again I rely on the previous authorities that lack of environmental impact does demonstrate that the compliance is unnecessary or unreasonable.

71 On the contrary, if the question is asked whether a development which complies with the development standard is unreasonable and unnecessary, then the answer would be negative.

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- 72 With regard to the fourth precondition, I have considered the points in the written request that the development standard has been previously exceeded, that the proposal is smaller than the previous building on the site and that the environmental impacts are minimal. However taking into consideration the combination of development standards and the provisions of the Masterplan, I do not consider that there are sufficient planning grounds to support the request so as to result in a better community outcome. I rely on Mr Perica's opinion that the written request should not be supported and accordingly the application should fail on this basis. If however the written request was otherwise determined, I have also considered the merits of the other issues raised in the appeal as follows:

Building separation

- 73 This issue concerns the building separation relationships set out in Figure 14.1A in Part 9.14 of the MDCP, prescribes 5 storeys for Buildings A, B and C. However Mr Chambers says that as the RFDC recommends a separation distance of 18m, the additional storey is acceptable.
- 74 Mr Perica's particular concern is with the separation between the balcony of Unit B/5.08 and Unit A/5.10, which have a minimum separation of 11.5m between parts of their balconies. However after discussions between the planners I understand that this issue can be resolved with the provision of screens on the respective balconies but this results in a compromised level of amenity.

Internal amenity

- 75 This issue concerns the overall unit mix and the potential amenity of Units A 5.05 and A5.10, which are designated as 1 bedroom + study, because the designated studies have no wall windows except for a clerestory 'popup' window. Consequently, Mr Perica expressed concerns that these study rooms will have poor amenity and are likely to be used as bedrooms, which would be unsatisfactory. Insofar as the Mr Chambers proposes that conditions of consent could be imposed to require the 'study' to be exclusively used for that purpose, Mr Perica expressed reservations about this achieving outcome. He considers this design element a negative aspect of the proposal.

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Unit mix

- 76 This issue was raised because when the unit mix for the additional storey is combined with the approved development, the whole development would provide the following:

	Proposed	Approved	Control
(i) Studio – 15	7.0%	7.4%	5 -20
(ii) 1Br (incl. 12x1Br +study) 93	43.7%	43.3%	10-40
(iii) 2Br (incl. 4x2 Br+ study) 87	40.8%	40.4%	40 -75
(iv) 3Br or larger – 18	8.5%	8.9%	10

- 77 Mr Chambers says that the unit mix is not significantly different to the approved mix and it includes a broad range of adaptable units in the overall development. As all the proposed units will have a high level of amenity, he considers this unit mix is acceptable.
- 78 Against this Mr Perica considers that the proposed unit sizes represent a compromised outcome in terms of the high quality outcome envisaged by SEPP 65 and the RFDC.

Access and car parking

- 79 This contention concerns the adequacy of the 2 way access to and from the site, provision of on-site parking spaces, loading bays arrangements and internal design of the car park. These issues were addressed by the traffic consultants who agreed that:

- (i) The driveway is now adequate for B99/B85 Design Car access in respect of AS2890.1 – 2004
- (ii) Access is now adequate for a 9.54m refuse truck or 2 SRV's in accordance with AS 2890.1 2002.
- (iii) The island now permits 2 – way passing.

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Conclusion

- 80 Having carefully considered the evidence including the objections, the submissions and undertaken a view, it is apparent from the evidence that the main issue in this matter concerns the height of the building and the merits of the additional bulk and scale of the development if the additional 6th storey is permitted at the relatively prominent corner of Alice Street and Walenore Avenue, notwithstanding that the building scales down from this corner to the approved 3 storey level at Alice Lane.
- 81 However the proposed 6th floor breaches both the building height and FSR development standards, which I have previously addressed. Clause 2.3 (2) of MLEP requires the consent authority to have regard to the zone objectives and consequently I do not consider this variation is consistent with the zone objective "to constrain parking and restrict car use".
- 82 My assessment of the cl 4.6 written request for flexibility in the application of the FSR development standard is that the proposal is inconsistent with zone objective "to constrain parking and restrict car use". As I consider it is antipathetic, therefore the written request is not be supported, resulting in the refusal of the application.
- 83 Furthermore, I think that the introduction of the 6th storey level introduces other undesirable amenity impacts. The separation distance and alignment between balconies Units B/5.08 and A/5.10 is such that the balconies have to be screened, which is a negative aspect. I agree with Mr Perica that the internal layout of Units A5.05 and A5.10 with the "enclosed" study rooms consumes some of the non – complying floor space, which is of poor design and in reality sets up a situation where these rooms could likely be used for other purposes, which would be a negative outcome.
- 84 In summary then, it seems to me that the Mr Chambers relies significantly on his view the as the increased floor space will not result in any significant impacts then it should be permitted. But I consider the approach taken by Cripps J in Hooker Corporation that it should be assumed that a development standard has a purpose and the absence of environmental harm is insufficient to found an objection. Accordingly, the written objection does not demonstrate

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that compliance with the development standard is unreasonable or unnecessary or that there are sufficient planning grounds to justify the flexibility so that ultimately the desired future character and intensity of development is achieved. Furthermore, I am not satisfied from the evidence that the allowance of this additional floor space will result in a better outcome. For these reasons the application is refused.

Court orders

85 The Court orders that:

- (1) The appeal is dismissed.
- (2) Development Application No DA 201500105 for the addition of a 6th storey to accommodate 10 residential units, together with an additional 10 car parking spaces at No 32 - 72 Alice Street, Newtown is refused.
- (3) The exhibits may be returned except for 3, 5, and A.

R Hussey

Acting Commissioner

Item No: C0316 Item 10

Subject: STATUS UPDATE - RESOLUTIONS OF COUNCIL

File Ref: 16/5449/5062.16

Prepared By: Joanne Gad - A/Business Paper Coordinator

Authorised By: Steve Kludass - Director, Corporate Services

SUMMARY

This report updates Councillors on the status of reports requested by Councillors; Questions on Notice and actions arising from Mayoral Minutes and Councillor Notice of Motions.

RECOMMENDATION

THAT the report be received and noted.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

4.6 Council consults, engages and communicates with the community effectively

BACKGROUND

This report updates Councillors on the status of reports requested by Councillors; Questions on Notice and actions arising from Mayoral Minutes and Councillor Notice of Motions (refer to **ATTACHMENT 1**).

DISCUSSION

Relevant officers have provided status updates for items within their responsibility.

FINANCIAL IMPLICATIONS

Nil.

PUBLIC PARTICIPATION

Nil.

ATTACHMENTS

1. Resolutions of Council Status Update - March 2016

STATUS UPDATES - RESOLUTIONS OF COUNCIL				
Item Number	Action	Comments	Status	Responsibility
Council Meeting - 20 August 2013				
C0813 Item 26 Notice of Motion: Traffic Calming and Parking for Denison Street, Dulwich Street, Lewisham Street and Surrounding Pocket Streets	THAT Council: 1. allocate funds to review traffic situation in surrounding the precinct;	Funds allocated in the draft budget 2014/2015.	Completed	Infrastructure Planning and Property
	2. review all safety aspects of traffic and calming devices;	Review complete. Currently integrating and engaging through Tomorrows Dulwich Hill Place Planning project. Status report to Traffic Committee and Council early 2016.	Ongoing	Infrastructure Planning and Property
	3. review current parking situation and come back to Council with a new parking strategy to increase parking for precinct which to include angle parking in streets and residential scheme parking;	Review complete. Currently integrating and engaging through Tomorrows Dulwich Hill Place Planning project. Status report to Traffic Committee and Council early 2016.	Ongoing	Infrastructure Planning and Property
	4. review current traffic directive flow into streets and provide a visible alternative to current situation;	Review complete. Currently integrating and engaging through Tomorrows Dulwich Hill Place Planning project. Status report to Traffic Committee and Council early 2016.	Ongoing	Infrastructure Planning and Property
	5. liaise with local police to enforce speed limits and traffic laws;	Completed	Completed	Design & Investigation
	6. rangers monitor current parking issues as their current routine; and	A direction was given to Ranger Services to patrol the requested areas and to continue the patrols if the number of offences detected warrants it.	Completed	Monitoring Services
	7. review current infrastructure of the precinct and use funding from the new developments to fund the precinct e.g. new traffic devices, rerouting of traffic, new toilets for Hoxton Park, repair upgrades of footpaths and verge gardens.	Draft budget recommendations made for 4 years and ongoing negotiations for VPA as required.	Ongoing	Infrastructure Planning and Property
C0813 Item 37 Integrated Land and Property Strategy Car Parks	Adopt the recommendations contained in <u>CONFIDENTIAL ATTACHMENT 1</u>	A Draft report has been completed for review.	Ongoing	Major Projects

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 19 November 2013				
C1113 Item 4 Childcare Facility - Debbie And Abbey Borgia Community Recreation Centre	THAT Council endorses the: 1. project to provide at the existing DAB site, a new 50 place childcare centre which can accommodate up to 60 places;	Noted - No further action required.	Completed	Major Projects
	2. Accommodation Schedule with a total area for the childcare centre of 1,175m ² (ie; internal total area: 585 m ² and outdoor total area: 590 m ²) based on the general concept plan prepared by QOH Architects;	Noted - No further action required.	Completed	Major Projects
	3. following proposed future actions; a) proceed to engage a consultant team to develop the project to construction tender stage including preparing and lodging a Development Application for the new Childcare Centre. b) seek clarification for determining the required flooding levels including sea level required for the project. c) identify impacts on any future leasing agreement with DAB Community Recreation Centre tenants. d) further reports to be submitted to the Major Projects Steering Committee and Council.	Items (a) to (c) have been completed. A Development Consent has been issued. Council has received a further report and approved an adjustment to the budget. Consultants are working to prepare tender documents.	Ongoing	Major Projects
	4. that Budget planning commence for the in-house operation of the proposed Childcare Centre at the DAB and commit to an in-house service.	Noted - No further action required.	Completed	Major Projects
C1113 Item 5 Debbie And Abbey Borgia Community Recreation Centre - Master Plan	THAT: 1. Council receives the report;	No further action required.	Completed	Major Projects
	2. Council endorses the Master Plan for the future further development of the Debbie and Abbey Borgia site to include a childcare centre, a fourth indoor court and a series of modifications for the improvement of the Centre;	Noted - No further action required.	Completed	Major Projects
	3. Council notes the estimated costs for the additional indoor sport court and the modifications; and 4. Council endorses the proposed future actions discussed in the report including: a) proceed to engage a consultant team to prepare a Development Application for the fourth indoor court and modifications; b) proceed to identify funding sources by way of grants or investments from third parties to enable the identified works to proceed; and c) further reports to be submitted to the Major Projects Steering Committee and Council.	Noted - No further action required.	Completed	Major Projects
		An EOI process has been completed but a consultant team has not been appointed due to other commitments.	Ongoing	Major Projects

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 3 December 2013				
C1213 Item 16 Annette Kellerman Aquatic Centre - Status Of Works And Legal Proceedings Against ADCO Constructions Pty Ltd	THAT: 1. Council resolve that CONFIDENTIAL ATTACHMENTS 6 and 7 to the report be treated as confidential in accordance with Section 10A of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993, and as such is to be treated as confidential;	No further action required.	Completed	Major Projects
	2. Council receives and notes the report;	No further action required.	Completed	Major Projects
	3. Council approves an Expression of Interest and Selective Tender process to appoint one or more specialist contractors to undertake rectification, completion and commissioning works;	Consultant appointed and undertaking work.	Completed	Major Projects
	4. Council notes that funding for rectification works from the Property Reserve will be proposed in the December 2013 budget review;	Allocations have been made from the Property Reserve.	Completed	Major Projects
	5. Council seek recovery of all funds spent on rectifying defects, completing the works and commissioning from ADCO under the terms of the Contract and otherwise via the proceedings in the Supreme Court of New South Wales; and	Report submitted to 15 March 2016 Council Meeting.	Ongoing	Major Projects
	6. The General Manager responds appropriately to any media and community concerns and enquiries.	This is being monitored.	Completed	Major Projects
C1213 Item 18 Options For The Former Jets Social Club Site, Tempe Reserve	THAT: 1) the Confidential report be received and noted; 2a) Council allocate the funds to upgrade and manage the facility in-house as a community venue and community nursery; Pending: 2b) Council, defer determination of the EOI and in the meantime proceed to a tender process for the entire Tempe Reserve during February 2014. The terms of the Tender would need to be based around, but not limited to Council's expectations regarding financial investment, community use, consistency with strategic plans including the Recreation Needs Report and the Facilities Needs Study, ongoing maintenance and how the existing users would be accommodated. (i) a parallel community consultation process occur during the tender period (including a meeting of the Sports Stakeholder Forum and a public meeting of residents) regarding the proposal within the tender for upgraded use of Tempe Reserve and any consequential impacts that might occur; and (ii) feedback from the consultation process be reported to Council (in the public papers) at the same meeting as when an assessment of tenders received is reported, anticipating that such feedback will inform Councilors on whether the tenders received represent an appropriate outcome for the community.	No further action required.	Completed	Culture and Recreation
	3) A Councillor Conference take place in February 2014 to discuss the submissions and future of the facility.	No further action required.	Completed	Culture and Recreation

Item Number	Action	Comments	Status	Responsibility
	4) should the above be approved, that a short term licence be offered to a community or sporting group, artists or an interested party, to act as caretakers of the facility until there is a new tenant or a Council resolution.	No further action required.	Completed	Culture and Recreation
	5) If the tender process does not result in a successful arrangement for use of Tempe Reserve (whether by direct acceptance of a tender or a negotiated outcome post refusal of tenders), that all submitted EOLs and option 2(a) be reported back to Council for consideration.	Proposal was endorsed by Council in September 2015 for the purposes of entering into a Deed of Exclusivity with SOFC. The Deed was signed in mid-December 2015 and extends until mid 2016 during which time Detailed Designs and a Draft Lease will be considered by Council.	Ongoing	Corporate Services
Infrastructure, Planning and Environmental Services Committee Meeting - 6 May 2014				
IP0514 Item 4 Minutes of Transport Committee Meeting 20th February 2014	THAT: 1. the report be received and noted;	No further action required.	Completed	Planning Services
	2. Infrastructure Services investigate further the nominated one-way streets that could be considered for contra-flow for cyclists with a view to implementing the prioritised routes in the first instance before rolling out further; and	Over 50 one-way streets have now been examined for contra-flow operations for cyclists; the majority were not approved by Traffic Committee for various reasons, but approximately 20 have been approved and appropriate signage will be installed.	Completed	Planning Services
	3. Transport Committee be consulted on the detailed designs of Regional Cycle Route 07 when design is underway.	Council has secured funding from TfNSW/RMS for the design of this route, which will take place throughout the 15/16 financial year.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
Infrastructure, Planning and Environmental Services Committee - 3 June 2014				
IP0614 Item 2 Marrickville Local Environmental Plan 2011 - Laneway Reservations	<p>THAT Council: 1. receives and notes this report;</p> <p>2. endorses the following actions to ensure the dedication of laneway reservations identified in Council's planning controls as part of the future redevelopment of identified lands, at no cost to Council:</p> <p>a. remove all existing laneway reservations from the MLEP 2011 Land Reservation Acquisition Map;</p> <p>b. discontinue one of the reservations (Reservation 4: 309-317 King Street and 3 Eliza Street, Newtown);</p> <p>c. for nine of the reservations, reduce the MLEP 2011 floor space ratio and height controls for the affected properties;</p> <p>d. identify the abovementioned nine reservations on the MLEP 2011 Key Sites Map with a link to a new MLEP 2011 Schedule 6, stating that higher floor space ratio and height controls (aligned to current LEP controls) can only be achieved subject to dedication of the laneway reservation;</p> <p>e. identify the remaining reservation (Reservation 10: 238 Illawarra Road, Marrickville) on the MLEP 2011 Key Sites Map with a link to a statement in the new MLEP 2011 Schedule 6 that this reservation be created through appropriate mechanisms within Council's Section 94 Plan; and</p> <p>f. include new information and controls within MDCP 2011 on the location, design and method of dedication of laneway reservations.</p>	<p>The report has been noted.</p> <p>Advice on preferred approach received from DP&E. Matter will be progressed as part of MLEP Am No 4.</p>	Completed	Planning Services
	<p>3. alternatively, should the Department of Planning and Environment (DP&E) not approve the mechanism proposed in Recommendation 2 above, that Council endorse the following actions:</p> <p>a. remove all existing laneway reservations from the MLEP 2011 Land Reservation Acquisition Map;</p> <p>b. discontinue one of the reservations (Reservation 4: 309-317 King Street and 3 Eliza Street, Newtown);</p> <p>c. for nine of the reservations, reduce the MLEP 2011 floor space ratio and height controls of all reservation-affected properties;</p> <p>d. for the abovementioned nine reservations, nominate higher floor space ratio and height controls (aligned to current LEP controls) within MDCP 2011 that can only be achieved subject to dedication of the laneway reservation;</p> <p>e. identify the remaining reservation (Reservation 10: 238 Illawarra Rd, Marrickville) within MDCP 2011 & Section 94 Plan, stating that this reservation be created through appropriate mechanisms within Council's Section 94 Plan; and</p> <p>f. include new information and controls within MDCP 2011 on the location, design and method of dedication of laneway reservations.</p>	As above.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
	4. considers amendments consistent with Recommendation 2 or 3 above as part of MLEP 2011 & MDCP 2011 Amendment No. 3, to be reported to Council later in 2014.	As above.	Ongoing	Planning Services
Extraordinary Council Meeting - 26 August 2014				
C0814 Item 8 Brown Street, Lewisham Road Closure	THAT: 1. Council apply to the Minister to close the portion of Brown Street, Lewisham as outlined in red on the attached survey plan; and 2. the Developer be required to accept responsibility for the cost of all legal, survey and other costs associated with the road closure process.	Road Closure gazetted. Developer paid for survey and lodgement to Department.	Closed Closed	Infrastructure Planning and Property Infrastructure Planning and Property
C0814 Item 10 Sydney Airport's Rate Equivalent Payments to Council for the Period 2014-15	THAT Council: 1. seeks a further report on legal options for dealing with SACL's refusal to make rate equivalent payments to Council in accordance with their lease obligations to the Commonwealth; and 2. writes to the Minister for Transport and Infrastructure, Mr Warren Truss and the Member for Grayndler, Mr Anthony Albanese, seeking their assistance.	Council has access to information in relation to a confidential arrangement entered into between SACL and Botany Bay Council. It has also sought legal advice. Further information and direction will be provided in the coming months. 2. Letters were sent week beginning 1/9/14	Ongoing Completed	General Manager General Manager
Council Meeting - 16 September 2014				
C0914 Item 11 Climate Change Plan - Updated Strategy For Public Exhibition	THAT: 1. the draft Climate Change Plan and draft Action Plan be endorsed by Council and placed on public exhibition for 21 days; and 2. a report be provided on current street lighting arrangements and possible options for council to fast track replacement of existing street lights with more efficient models.	Plan and action plan adopted at 2 December 2014 Council meeting Staff are awaiting the outcome of the Networks NSW lighting tender and the Australia Standards review before starting to cost or negotiate with Ausgrid on any accelerated program. A report will be provided to Council once this information is available. Outcome of the tender has still not been advised.	Completed Ongoing	Environmental Services Environmental Services

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 14 October 2014				
C1014 Item 2 Guidelines for Council Owned Affordable Housing Units	THAT:			
	1. Council retains ownership of any affordable housing units that are dedicated to Council;	No further action required.	Completed	Community Development
	2. Council adopts the recommended guidelines in this report for the management of any affordable housing units that come into Council ownership;	No further action required.	Completed	Community Development
	3. the guidelines be notified to relevant stakeholders (including community housing providers);	Guidelines have been amended and emailed to community housing providers operating in the Marrickville Area and others with a specialised focus (such as disability) on 5 November 2014.	Completed	Community Development
	4. Council prepares a report on a tender process for the selection of a registered community housing provider to manage any affordable housing units that come into Council's ownership;	Report on the tender is scheduled for the February or March Council meeting in 2016. This matter has been deferred to attend to the need to establish a policy on value uplift capture. Discussions being held with Planning and ELT.	Ongoing	Community Development
	5. Council and the community housing provider ensure that the units are tenanted by those qualifying for 'affordable', rather than 'social' housing;	Requirement has been included in the amended guidelines.	Completed	Community Development
	6 Point 5 of the Guidelines for Units which appears on Page 38 of the Business Paper, be deleted;	No further action required.	Completed	Community Development
	7 Point 3 of the Tenancing and Rental Guidelines which appears on Page 39 of the Business Paper, be deleted; and	No further action required.	Completed	Community Development
	8 Council seek to include one (1) adaptable unit per development where there are multiple units.	Requirement has been included in the amended guidelines.	Completed	Community Development

Item Number	Action	Comments	Status	Responsibility
2 December 2014 - IPES Committee Meeting				
IP1214 Item 3 Boarding Houses - Marrickville ARHSEPP Exemption	THAT: 1. the report be received and noted; 2. a copy of this report and the proposed changes to MLEP 2011/MDCP 2011 relating to boarding houses be referred to the Department of Planning and Environment and advice sought as to whether it is prepared to grant the Marrickville LGA an exemption from Division 3 – Boarding Houses of State Environmental Planning Policy (Affordable Rental Housing) 2009; and	No further action required.	Completed	Planning Services
	3. a further report, incorporating the views of key agencies and groups that are involved in the provision and servicing of boarding houses within the LGA, be prepared for Council's consideration when direction and advice has been received from the Department of Planning and Environment.	Copy of report and attached documents forwarded to the Department on 10 December 2014. Department agreed to meet with Council officers on 7 April 2015. At that meeting the Department requested Council's "evidence base - combination of Council's housing study/strategy and the context to the issue provided in the report considered by Council. The Department also noted that "A Plan for Growing Sydney" requires councils to prepare a local housing strategy. The Department also raised some issues in relation to Council's proposed housing controls, including the cap on the size of boarding houses in the R1 General Residential zone and considered that some Council's proposed provisions should be included in the LEP rather than the DCP.	Ongoing	Planning Services
		To be conducted in conjunction with the public exhibition of Amendment No.4 subject to favourable response from the Department of Planning and Environment (see below).	Ongoing	Planning Services
IP1214 Item 5 Transport Committee Meeting Minutes 6 November 2014	THAT Council: 1. receive and note the report; 2. write to the RMS requesting a review of the current NSW interpretation of Federal road laws in relation to cycle ways referencing local experience at Carrington Road and other similar examples; 3. review the Carrington Road cycleway 12 months after it opens; and	No further action required.	Completed	Planning Services
		Awaiting response from RMS.	Ongoing	Planning Services
		Review of cycleway is underway; early recommendations have been presented to Transport Committee and further engagement is now taking place prior to the report being presented to Council.	Ongoing	Planning Services
	4. write to residents of Addison Road concerning current status for the area regarding parking and cycling.	Completed	Completed	Planning Services

Item Number	Action	Comments	Status	Responsibility
25 November 2014 - Council Meeting				
C1114 Item 29 Westconnex New M5 State Significant Infrastructure Application Report	THAT Council: 1. receive and note this report; 2. note any additional issues to those raised in this report which can be included in Council's submission to the Department of Planning and Environment for consideration in the establishment of requirements for a future Environmental Impact Statement; and 3. agree to ongoing engagement with the WestConnex Delivery Authority aimed at protecting King Street Newtown from the impacts of additional traffic and determining place based improvements to areas immediately surrounding tunnel infrastructure and the broader local road network; and 4. that Council works actively with local residents and organisations like the Newtown Business Precinct Association in their efforts to ensure that King St Newtown does not become a clearway or subject to increased traffic that will threaten the retail activity on the historic shopping strip.	No further action required.	Completed	Planning Services
		Noted and included in final submission	Completed	Planning Services
		Noted - Council will have representation on new WDA-led M5E Reference Group	Completed	Planning Services
		Matter being progressed through Council Director involvement on the WestConnex Reference Group, which was established to discuss the impacts of WestConnex Stage 2 on local communities and the impacts of increased traffic volumes on local streets. Copy of Council engaged traffic study provided to local groups.	Ongoing	Planning Services
2 December 2014 - Council Meeting				
C1214 Item 5 Pets In Parks Trial - Results From 12 Month Trial And Evaluation	THAT: 1. the trial dog off leash areas at Enmore Park, Henson Park, Marrickville Park, McNeilly Park and Weekley Park are made permanent under the same conditions used during the trial period; 2. the trial of amended timed restrictions for the dog off leash area at Camperdown Memorial Rest Park and Enmore TAFE Park be made permanent; 3. Council undertake investigation of the location and condition of existing bag and bin facilities; 4. Council use the existing capital budget to purchase bag dispensers where appropriate prioritising parks that are permanent DOLA locations; and 5. Council remove obsolete signage relating to off leash areas from parks and ensure that new signage is installed in visible locations.	No further action required.	Completed	Culture and Recreation
		No further action required.	Completed	Culture and Recreation
		Audit of existing bag and bin facilities completed.	Completed	Culture and Recreation
		Implementation in progress Jan 2016.	Ongoing	Design & Investigation
		Obsolete signs have been removed.	Completed	Monitoring Services

Item Number	Action	Comments	Status	Responsibility
Infrastructure, Planning and Environmental Services Committee Meeting - 7 April 2015				
Matter Arising IPES 7 April 2015	<p>THAT Council:</p> <p>1. reconfirm its commitment to naming, renaming or dual naming Council streets and roads to recognise the Traditional Aboriginal Owners of the Marrickville Local Government Area and the contribution of Aboriginal Australians to the Marrickville Local Government Area. This includes through the potential use of Aboriginal language names or the recognition of significant Aboriginal historical figures or events;</p> <p>2. also confirms its ongoing commitment to recognise important historical figures who lived in or contributed to the Marrickville Local Government Area through the naming of local streets and roads, noting that this should not be limited to historical landowners but where possible include others who have made significant contributions to Marrickville's social and political history;</p> <p>3. seeks the advice of the Marrickville Aboriginal Consultation Committee (the IMACC) and the Metropolitan Local Aboriginal Council in relation to relevant Council naming policies, including but not limited to streets and roads; and</p> <p>4. urgently review the (draft) Naming of Unnamed Roads/ Lanes and Renaming of Roads/ Lanes' policy (c2007) in order to reflect these decisions, or develop a replacement policy, to be presented to Council for consideration as soon as possible.</p>	<p>No further action required.</p> <p>No further action required.</p> <p>Currently being investigated in consultation with the IMACC. IMACC preference is for a Council conaming policy. Naming of Roads and Lanes policy has been amended in line with feedback from the IMACC. Revised policy was distributed to IMACC for feedback at its August meeting. Unfortunately meeting was cancelled due to lack of quorum and will now be considered at its next meeting. October meeting cancelled due to ill health of IMACC members. Options for an out-of-session meeting are currently being investigated with members.</p> <p>Draft of policy revision prepared. Submitted to IPES March 2016.</p>	<p>Completed</p> <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Design & Investigation</p> <p>Design & Investigation</p> <p>Community Development</p> <p>Design & Investigation</p>

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 28 April 2015				
C0415 Item 7 Virtual Net Metering Trial - Climate Change Plan	THAT Council: 1. pursue a virtual net metering trial at the Annette Kellerman Aquatic Centre with related energy stakeholders; and	Council's energy retailer have expressed support for the trial. Council's formal approach to network provider Ausgrid has been delayed while particulars are confirmed with Council's retailer. Update will be provided once a response is received.	Ongoing	Environmental Services
	2. write to SSROC and energy reform stakeholders to seek support for the trial.	Letters of support for the trial have been received from SSROC and the Total Environment Centre ready to accompany the proposal to Ausgrid.	Completed	Environmental Services
Council Meeting - 19 May 2015				
C0515 Item 24 Notice of Motion: Donation of 'Coal Seam Gas Free - Marrickville Council' Banner	THAT Council: 1. supports Stop CSG Sydney's fundraising event by donating one of the three 'Coal Seam Gas Free - Marrickville Council' banners for display then auction; and	Banner donated.	Completed	Corporate Strategy & Communications
	2. provides a further report to Council about the policy implications for dealing with future similar requests.	It has become evident that this concern needs to be addressed a part of a wider policy gap on matters re sponsorship, grants and donations. This has been flagged for inclusion in the current Policy Review Project. Policy recommendations from that project are due by 30 June 2016.	Ongoing	Governance & Risk
Community and Corporate Services Committee Meeting - 2 June 2015				
CC0615 Item 2 Matter Arising	THAT officers prepare: 1. a maintenance schedule for the Winged Victory memorial which includes funding through the budget process; and	Planned maintenance program to commence in 2018/2019 every 3 – 5, if additional funding is required a request will be made in the year prior.	Completed	Infrastructure Planning and Property
	2. a report on a historical plaque to be placed on the steps of the former site of the Winged Victory statue to include an image of the original statue, the new location of the statue and other background information, as considered relevant by staff.	In process. A report including proposed wording, design for the plaque, cost for manufacture and install, and a budget request will be provided to Council for the April 2016 Council Meeting	Ongoing	Infrastructure Planning & Property / Culture and Recreation

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 9 June 2015				
C0615 Item 10 Notice Of Motion: Marrickville Heritage Initiatives	THAT Council requests a further report on what additional support Marrickville Council can provide towards maintaining and enhancing local heritage through measures such as a local heritage assistance fund or by other heritage related projects, including grants to local residents with heritage classified items and properties, as well as properties in heritage conservation areas, to assist local residents with restoration and/or conservation of the items and properties.	Draft report for December 2015 Council meeting prepared. To be considered by ELT due to budget implications prior to reporting to Council.	Ongoing	Planning Services
C0615 Item 13 Notice Of Motion: Banners And Stickers in Support Of People With Intellectual Disabilities In The Marrickville LGA	THAT Council: 1. endorses the allocation of a budget of \$1,000 to make stickers and a banner for the Marrickville municipality to show our support for the intellectually disabled within the Marrickville LGA;	Budget allocated	Completed	Community Development
	2. affixes stickers to every council vehicle to show its support of intellectual disability rights within the Marrickville LGA;	Underway. Quotes also being sought for option of stand up banner to go in customer services area.	Ongoing	Community Development
	3. writes to the Minister for Education supporting the rights of students with an intellectual disability attending public and private schools in the Marrickville LGA to participate fully in school activities and functions; and	Letter sent.	Completed	Community Development
	4. writes to the principals of local public and private schools in the Marrickville LGA requesting they hold an intellectual disability inclusion day at the school each year similar to the Wear it Purple Day.	Letters drafted and ready for signature.	Completed	Community Development
	5. write to the NSW Minister for Disability Services, John Ajaka MLC, and request that action be taken by the Department of Education and Communities to review and improve the way it provides education for students with disabilities, ensuring equal access to education, and ensuring that participation in all aspects of school life is inclusive of all students.	Letter sent.	Completed	Community Development
	6. write to the NSW Premier, Mike Baird MP, requesting that the NSW State Government reverse its decision to cut all funding to state-based services (including all state-based disability advocacy services) that complement the work of the National Disability Insurance Scheme, in order to ensure that people with disabilities across Marrickville and NSW are receiving the highest level of support and individual care required.	Letters drafted and ready for signature.	Completed	Community Development

Item Number	Action	Comments	Status	Responsibility
	7. write to the Prime Minister, Tony Abbott MP, requesting that the Federal Government reaffirm its commitment to fully fund and implement the National Disability Insurance Scheme within the scheme's original planned timeline.	Letters drafted and ready for signature.	Completed	Community Development
	8. include a strategy to increase the number of people with disabilities in meaningful employment in the Workplace Plan of the Integrated Planning and Reporting Framework for 2016.	Discussions have been held with People and Workforce regarding a strategy for inclusion in the Workplace Plan and Inclusion (Disability) Action Plan to increase employment of people with disabilities	Completed	Community Development
Infrastructure, Planning and Environmental Services Committee Meeting - 7 July 2015				
IP0715 Item 4 - Transport Committee Meeting Minutes 21 May 2015	That: 1. the report be received and noted; and	No further action required.	Completed	Planning Services
	2. the Transport Committee establish a working group to explore possible bike parking solutions at Sydenham Station including an initial meeting with relevant Infrastructure Services staff.	A working group has been established and has developed possibilities for bike parking solutions at & around Sydenham Station. A report recommending new cycle parking provision was recently approved by Traffic Committee but is subject to a Road Safety Audit, which is being undertaken in February 2016.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
Community and Corporate Services Committee Meeting - 7 July 2015				
CC0715 Item 3 Gilbert Barry Reserve	That: 1. the report be received and noted;	No further action required.	Completed	Design & Investigation
	2. the upgrade of Gilbert Barry Reserve is moved forward to the 2015/16 capital program to allow the commencement of the design and engagement process modelled on the successful Denison Road Playground community garden project and to allow the outcomes from the Tomorrow's Dulwich Hill planning process to be incorporated into the project; and	Project included in 15/16 program.	Completed	Design & Investigation
	3. staff investigate the ability to complete construction in the 2015/16 capital program on account of the very small size of the Reserve and previous successes in upgrading other reserves, community gardens and pocket parks.	Community engagement commenced in November 2015.	Ongoing	Design & Investigation
Council Meeting - 21 July 2015				
C0715 Item 2 City Of Sydney Housing Issues Paper - Submission	THAT Council: 1. forwards its submission (ATTACHMENT 1) on the Housing Issues Paper to the City of Sydney; and	Submission forwarded.	Completed	Community Development
	2. seeks a meeting with the NSW Ministers for Planning and Social Housing to progress discussion on planning and funding mechanisms for affordable housing in Marrickville.	Request to both Ministers made by phone and follow up email. Automatic email response received confirming receipt and that it may take time for the Ministers' offices to get around to considering Council's request. Follow up will be made weekly until a response is received. Request for a formal response has been resubmitted.	Ongoing	Community Development

Item Number	Action	Comments	Status	Responsibility
	<p>THAT:</p> <p>1. the report be received and noted; and</p> <p>2. Council adopts the recommendations in ATTACHMENT 1 to this report.</p> <p>THAT Council:</p> <p>1. Resolves to prepare a Planning Proposal to amend Marrickville LEP 2011 Schedule 5 (Environmental Heritage) Part 1 and Part 2 and the Heritage Map that incorporates the following matters:</p> <ul style="list-style-type: none"> - 71 new Heritage Items (12 of which are in Council ownerships and/or management; 29 of which are derived from Section 170 Registers) as recommended in the Southern Areas Heritage Report; - Include the 'I Have A Dream' mural, located on the eastern wall of No. 305 King Street, Newtown, as a Heritage Item; - Include No. 36 Terminus Street, Petersham, as a Heritage Item for its interiors only; - Include No. 6 Livingstone Road, Petersham, known as the 'Beynon and Hayward' building as a Heritage Item; - Include No. 17 Railway Terrace, Lewisham, as a Heritage item; - Amend existing heritage listing details for Heritage Item 168 (Carrington Road – Select industrial facades and Canary Island Palms) as detailed in this report; - Include HCA 37 – Lackey Street & Simpson Park, St Peters; - Include HCA 38 – Camden Street & James Street, Enmore; - Extend the boundaries of HCA 26 – Lewisham Estate Heritage Conservation Area to include No. 17 Railway Terrace, Lewisham; - Extend boundaries of HCA 16 – Goodsell Estate, St Peters to include sections of May Street & King Street as detailed in this report; - Extend boundaries of HCA 29 – South Dulwich Hill Heritage Conservation Area as detailed in this report; - Amend MLEP 2011 Schedule 5 (Environmental Heritage) Part 1 and Part 2 to rectify errors, anomalies and make other minor changes as shown in Attachment 8. <p>2. Submit the draft planning proposal to the Department of Planning and Environment for Gateway Determination.</p>	<p>No further action required.</p> <p>Planning Proposal forwarded to DP&E 19/10/15</p> <p>Planning Proposal forwarded to DP&E 19/10/15</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>	<p>Planning Services</p> <p>Planning Services</p> <p>Planning Services</p>

Item Number	Action	Comments	Status	Responsibility
C0715 Item 3 Marrickville Heritage Review 2014	<p>3. Resolves to amend MDCP 2011 to incorporate the following matters:</p> <ul style="list-style-type: none"> - Insert 8.2.39 Lackey Street & Simpson Park, St Peters - HCA 37 into Part 8 (Heritage); - Insert 8.2.40 Camden Street & James Street, Enmore - HCA 38 into Part 8 (Heritage); - Amend references within the MDCP 2011 to include HCA 37 and HCA 38 as necessary; - Amend 8.2.18 Goodsell Estate (St Peters) - HCA 16 to include the proposed new boundaries; - Amend 8.2.28 Lewisham Estate - HCA 26 to include proposed new boundaries including No. 17 Railway Terrace, Lewisham; - Amend 8.2.31 South Dulwich Hill - HCA 29 to include the proposed new boundaries and reference to commercial building types; - Amend 9.5 Lewisham South (Precinct 5) in Part 9 (Strategic Context) map to show proposed new boundaries including No. 17 Railway Terrace, Lewisham; - Amend 9.14 Camdensville (Precinct 14) in Part 9 (Strategic Context) map to include reference to HCA 38 - Camden Street & James Street, Enmore; - Amend 9.18 Dulwich Hill Station North (Precinct 18) in Part 9 (Strategic Context) map to show expanded boundaries of South Dulwich Hill - HCA 29; - Amend 9.25 St Peters Triangle (Precinct 25) in Part 9 (Strategic Context) map and text to show expanded boundaries of Goodsell Estate (St Peters) - HCA 16 and to include reference to HCA 37 - Lackey Street & Simpson Park, St Peters; - Amend Part 9.36 Petersham (Commercial Precinct 36) to reflect heritage listing of No. 6 Livingstone Road, Petersham; - Amend Part 9.37 King Street and Enmore Road - Commercial and Part 8.2.4 King Street and Enmore Road - HCA 2 to include management recommendations for the Telstra Plaza, including the "I Have a Dream" mural and "We Have the Dreaming" murals; - Amend Part 8 (Heritage) to include contributory building maps and make 	Gateway Determination issued. DCP amendments will be made to coincide with public exhibition of LEP Amendments.	Ongoing	Planning Services
	<p>4. Resolves to review the extent and integrity of the sandstone and brick kerbing in the identified streets within the Marrickville Southern Areas Heritage Review and map the extent and location of the sandstone and brick kerbing in these streets with the goal of heritage listing and developing a management strategy for historic sandstone and brick kerbing within the Marrickville LGA as part of the next heritage review process;</p>	To be reported to ELT in 2016.	Ongoing	Planning Services
	<p>5. Resolves to undertake a heritage assessment of potential heritage items identified through Project 1 Southern Areas Assessment and Project 1 Contributory Buildings and Mapping of 6 Commercial Centres as part of the next heritage review process;</p>	To be reported to ELT in 2016.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
	6. Consider options for the assessment of proposed heritage items contained in Attachment 6 and a policy to request Statement of Heritage Impact and/or archaeological assessment report before granting consent for substantial demolition of a period building within a commercial centre which is over 50 years old as part of a forthcoming report to Council on heritage management options;	To be reported to ELT in 2016.	Ongoing	Planning Services
	7. Resolves to rectify minor errors and/or anomalies in MDCP 2011 as shown in Attachment 8; and	Gateway Determination issued. DCP amendments will be made to coincide with public exhibition of LEP Amendments.	Ongoing	Planning Services
	8. Resolves to public exhibit the draft planning proposal and MDCP 2011 amendments.	Gateway Determination issued. DCP amendments will be made to coincide with public exhibition of LEP Amendments.	Ongoing	Planning Services
C0715 Item 8 Public Wi-Fi Hot-Spots Trial Report	THAT the: 1. report be received and noted; and	No further action required.	Completed	ICT
	2. Public Wi-Fi trial continue for another 12 months with a further update provided to Council in July 2016.	A report will be provided mid 2016.	Ongoing	ICT
C0715 Item 20 Notice Of Motion: Safe, Inclusive Night Life In Newtown	THAT Council: 1. notes that there has been a marked increase in the number of patrons and visitors to Newtown, particularly patrons coming to participate in Newtown's night life;	No further action required.	Completed	Community Development
	2. notes recent reports from members of the community about a growing level of harassment and intimidation on the streets and in venues, particular harassment directed towards the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) community;	No further action required.	Completed	Community Development
	3. commits to work actively with the State MP for Newtown, the City of Sydney Council, police, local businesses, local community groups, residents and representatives of the LGBTIQ community to develop and implement strategies to ensure that Newtown remains a safe, diverse and inclusive place to live, visit and have a good night out;	Council representatives will be attending Roundtable discussions from 10/8/15 and ongoing	Completed	Community Development
	4. notes requests made by the Newtown Local Area Command and the Newtown Business Precinct Association that a timed taxi rank on King Street be introduced, as one measure to assist with dispersing late night patrons and reducing the potential for alcohol-related incidents, and requests that the Pedestrian, Cyclist and Traffic Calming Committee urgently investigate options for one or more late night taxi rank in Newtown;	Taxi Ranks implemented by RMS.	Completed	Design & Investigation

Item Number	Action	Comments	Status	Responsibility
	5. following discussions with the groups listed above, consider a further report on: a. the status of discussions with the venues in Newtown which have been linked to the increase in recent alcohol-related incidents; and b. possible strategies and actions to address harassment on the street and in licenced venues, including strategies that empower residents and businesses to actively participate in promoting Newtown as a safe and inclusive place.	Council reps are attending Roundtable meetings and undertaken follow up actions regarding taxi ranks; and issues discussed at SIM Committee meeting on 2/9/15.	Ongoing	Community Development
C0715 Item 23 Notice Of Motion: Independent Review Panel For Council Issued Parking And Traffic Infringements	THAT: 1. staff provide a report on the operation of an infringement review panel for Council issued traffic and parking fines similar to those operating in other Councils such as Hurstville and Parramatta, and to include consideration of inclusion of a community member (resident); and 2. consideration be given to an electronic appeal process.	Research on infringement review panels continues in preparation for the report back to Council.	Ongoing	Monitoring Services
		As above.	Ongoing	Monitoring Services
C0715 Item 24 Notice Of Motion: Council Investigate Options For Managing Parking And Traffic In Frederick Street, Sydenham	THAT Council: 1. investigates managing parking in Frederick Street Sydenham as soon as possible. The investigations would assess the need to extend the residential parking scheme on Frederick Street; 2. examines the feasibility of installing a 'No Right Turn' sign on Unwins Bridge Road into Frederick Street and solutions to problems created by access to the Princes Highway through Frederick Street; and 3. delays the investigation of the traffic detail until the parking scheme is reviewed or implemented.	Reported to December 2015 PC&TCA Committee. Deferred pending completion of Item 1. To be investigated for report to PC&TCA Committee. Noted.	Completed Ongoing Completed	Design & Investigation Design & Investigation Design & Investigation

Item Number	Action	Comments	Status	Responsibility
C0715 Item 25 Notice Of Motion: Temporary Relocation Of No Entry Sign To Leofrene Street Near Marrickville Station	THAT Council investigates the temporary relocation of the No Entry sign to Leofrene Street from Schwebel Street near Station Street to enable the businesses operating in Station Street to access the rear of their premises while the Marrickville Station upgrade occurs.	Completed.	Closed	Design & Investigation
C0715 Item 26 Notice Of Motion: Proposed Sporting Walk Of Honour In Marrickville Park	THAT: 1. Council investigates renaming the oval within Marrickville Park to the "Bob Simpson Oval"; 2. Council investigates the feasibility and resources for the development of a "Sporting Walk of Honour" in Marrickville Park to recognise distinguished sports people who were raised or reside in the Marrickville Local Government Area; and 3. the results of the investigation and resource identification be reported back to Council.	Awaiting clarification of Council position through the Aboriginal Naming Policy. C&R have had input to draft report by Library and History Services for February Council meeting. C&R have had input to draft report by Library and History Services for February Council meeting.	Ongoing Completed Completed	Culture and Recreation Library & History Services Library & History Services
Infrastructure, Planning and Environmental Services Committee Meeting - 4 August 2015				
IP0815 Item 1 Pedestrian, Cyclist and Traffic	THAT: 1. the recommendations of the Pedestrian, Cyclist & Traffic Calming Advisory Committee meeting held on 9 July 2015 be adopted with the exception of ITEM C2 (see point 4);	No further action required.	Completed	Design & Investigation
	2. Council considers a budget adjustment at the 1st quarter budget review to provide an additional \$59,000 for the improvements to the Cambridge Street pedestrian crossing, Stanmore;	No further action required.	Completed	Design & Investigation
	3. should Council resolve to implement the non-unanimous recommendation of the Pedestrian Cyclist and Traffic Calming Advisory Committee in respect of Item B3 – Brompton Street, Marrickville, Road Artwork, then Council notifies the other members of that Committee, being the RMS, Police and the Local Member for the State seat of Marrickville, Ms Jo Haylen MP, of its intention to do so;	Committee Members advised of Council decision to implement.	Completed	Design & Investigation

Item Number	Action	Comments	Status	Responsibility
<p>Item C2:</p> <p>4. in relation to Item C2:</p> <p>a) the additional information provided from the resident be received and noted;</p> <p>b) the installation of full time No Parking restrictions along the southern side of Holmwood Lane Newtown be delayed until the impact of the Alice Street development on the demand for local parking is determined; and</p> <p>c) an investigation of ways to address the off street parking access problem without dramatically reducing the number of legal parking spaces in Holmwood Lane such as line marking in the lane be completed.</p> <p>Such an investigation could include a review of parking arrangements in local streets to reduce the impact of whole of lane No Parking measures, such as angle parking and both sides of the street residential parking schemes.</p>		<p>Linemarking options in laneway investigated and found not to be feasible due to the number of garage entries off the laneway.</p> <p>Review of local street parking arrangements planned to coincide with Newton- Enmore Parking Strategy implementation review 2016.</p>	Ongoing	Infrastructure Planning and Property
Council Meeting - 18 August 2015				
<p>C0815 Item 1</p> <p>Westconnex Advisory Committee Meeting - July 2015</p>	<p>THAT:</p> <p>1. the report be received and noted;</p>	No further action required.	Closed	Planning Services
	<p>2. Council allocates \$7,500 towards the employment of a Community Organiser by the 'No WestConnex: Public Transport Inc' subject to both parties entering into a Memorandum of Understanding (MOU) concerning the use of the monies. Council allocates monies; subject to:</p> <p>i) each Council contributing funds be represented separately on the Steering Committee overseeing the position, with one representative each from NCC and NoW making up the Committee;</p> <p>ii) that all activities of the Organiser are to be non-partisan and to avoid support, or the appearance of support for any political party. Where possible, all groups represented on the Council are to be offered equal opportunity to participate in events which the organiser contributes to the preparation of; and</p>	MOU finalised. All resolutions actioned. No further action needed.	Closed	Planning Services
	<p>3. Council delegates the signing of the MOU to the Director, Planning & Environmental Services.</p>	As above.	Closed	Planning Services

Item Number	Action	Comments	Status	Responsibility
C0815 Item 5 Progress Report - New Childcare Centre - DAB Site	THAT: 1. the report be received and noted; 2. Council endorses proceeding with the further development of the project including the preparation of tender documents, obtaining tenders and proceeding with the works; 3. Council endorses an increase of \$1,861,000 in the budget as discussed in the report; 4. consistent with Council's commitment to increase recognition of local Aboriginal history and cultures, Council agrees in principle that the new Steel Park childcare centre is a priority site to be given an Aboriginal name or to be named after a significant local Aboriginal figure; 5. a report be provided to Council regarding potential names, as soon as possible;	No further action required.	Completed	Major Projects
		No further action required.	Completed	Major Projects
		No further action required.	Completed	Major Projects
		No further action required.	Completed	Major Projects
		To be actioned.	Ongoing	Major Projects
		To be actioned in accordance with the Aboriginal consultation strategy referred to in Action 8 below.	Ongoing	Major Projects
	7. the plans for the new childcare centre incorporate one or more artworks or murals by a local Aboriginal artist or local Aboriginal students, to be prominently visible from Illawarra Rd if possible, to complement the design approved by Council. In the interests of not delaying the completion date for the project or expanding the cost, options for the artworks should include temporary murals which can be developed through existing Council programs, for example: a. a mural developed through Council's Perfect Match program; or b. a community mural developed in partnership with one of the local schools and/or the PCYC involving local Aboriginal students and other local students. Temporary murals could be refreshed with updated designs in coming years, supporting ongoing community engagement with the centre; and	To be actioned in accordance with the Aboriginal consultation strategy referred to in Action 8 below. Major Works staff & Consultant project team to liaise with Arts & Cultural Development to identify type, number and location of artwork and then identify which existing Council programs to develop the artwork.	Ongoing	Major Projects
	8. a specific Aboriginal consultation strategy be developed and implemented to ensure that the signage and artworks developed are appropriate. This strategy should include consultation with relevant internal Council staff, the Marrickville Aboriginal Consultative Committee and the Metropolitan Aboriginal Land Council.	To be actioned.	Ongoing	Major Projects

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 15 September 2015				
C0915 Item 1 Mayoral Minute: Waste Removal From The Former Dial-A-Dump Site And Opposition To Westconnex	THAT Council: 1. reaffirms its absolute opposition to the WestConnex project, particularly in light of the announcement of a preferred contractor for the construction of the New M5 tunnels and St Peters interchange, in the absence of a business case and Environmental Impact Statement;	No further action required.	Completed	Monitoring Services
	2. recognises that the operation of the St Peters former Dial a Dump site is covered by an Environment Protection Licence (no. 12594) issued and regulated by the NSW Environment Protection Authority and recognise that Council is responsible for ensuring that any development consents issued for the operations of the site by Council are being complied with;	No further action required.	Completed	Monitoring Services
	3. calls on the Environmental Protection Authority and WorkCover Authority to regularly monitor the site works, to communicate fully and effectively with residents affected by those works and to regularly provide council with updates and status reports regarding the works;	Letters sent.	Completed	Monitoring Services
	4. calls on the WestConnex Delivery Authority to immediately implement an alternative heavy vehicle entry and exit point to the site, away from residential properties;	Letter sent.	Completed	Monitoring Services
	5. calls on the NSW Minister for Roads and Freight, Duncan Gay MLC to make a substantive commitment to the new public spaces and linkages with existing open space in and around the St Peters interchange by supporting the rezoning of the non-road component of the site as public open space. Marrickville Council resolve to prepare a draft LEP rezoning of the St Peters Landfill site as open space. The draft rezoning is prepared in collaboration with the City of Sydney; and	Letter sent to the Minister for Roads. Planning Services investigating options for rezoning of the St Peters landfill site. Matter to be reported to Council as part of dMLP 2011 (Am 4).	Ongoing	Planning Services
	6. noting that the site was historically licenced to receive and handle asbestos and other contaminated material, which potentially poses a high risk to residents if not properly managed, and noting the reports from residents that excavation activities appear to be being undertaken on the site, Council agrees, subject to urgent external legal advice in relation to its power, to immediately issue a stop work order on the site until the WDA can confirm that the activities it has undertaken are the subject of a valid development consent, or a valid exemption from Council's development controls.	Advice has been obtained and provided to Councillors on 2 October 2015.	Completed	Legal Services

Item Number	Action	Comments	Status	Responsibility
C0915 Item 6 Re-Naming Of Part Of Tempe Reserve As Lori Short Reserve	<p>THAT Council:</p> <p>1. confirms that Lori Short Reserve will feature as part of the description for Tempe Recreation Reserve to the Geographical Names Board; and</p> <p>2. authorises a budget variation of \$3,000 to allow for the purchase and installation of appropriate signage.</p>	<p>GNB informed of Council's position and GNB has confirmed registration of Lori Short Reserve as part of Tempe Recreation Reserve.</p> <p>C&R liaising with Inv&Des re provision and of signage.</p>	<p>Completed</p> <p>Ongoing</p>	<p>Culture and Recreation</p> <p>Culture and Recreation</p>
C0915 Item 11 Notice Of Motion: Naming Of The Camdenville Park Wetland As The Peter Bulger Wetlands	<p>THAT, following a period of community consultation, Marrickville Council name the water feature or wetlands on the corner of May Street and Bedwin Rd, St Peters; Peter Bulger Wetlands.</p>	<p>The project is on hold pending the proposed use of the area by the Westconnex Delivery Authority.</p>	Ongoing	Culture and Recreation
C0915 Item 15 Tempe Reserve Redevelopme nt Proposal	<p>THAT:</p> <p>1. Council resolves that CONFIDENTIAL ATTACHMENTS 1 & 2 to the report be treated as confidential in accordance with Section 10A(4) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2) of the Local Government Act 1993, and as such is to be treated as confidential; and</p> <p>2. Council adopt a recommendation consistent with that proposed in CONFIDENTIAL ATTACHMENT 1.</p>	<p>No further action required.</p> <p>Proposal was endorsed by Council in September 2015 for the purposes of entering into a Deed of Exclusivity with SOFC. The Deed was signed in mid-December 2015 and extends until mid 2016 during which time Detailed Designs and a Draft Lease will be considered by Council.</p>	<p>Completed</p> <p>Ongoing</p>	<p>Corporate Services</p> <p>Corporate Services</p>

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 20 October 2015				
C1015 Item 3 Draft Commercial Fitness Training Policy	THAT: 1. the report be received and noted;		Closed	Culture and Recreation
	2. the draft Commercial Fitness Training Policy and associated fees and charges structure be placed on public exhibition for a period of 28 days; and		Closed	Culture and Recreation
	3. the results of the public exhibition be presented to Council recommending further action.		Closed	Culture and Recreation
C1015 Item 14 Notice of Motion: Assistance to Rotary with the Installation of Signs	THAT: 1. Council assists the Rotary Club of Marrickville by providing \$1,000 in each of the 2015/16 and 2016/17 financial years from the Community Grants Program Part 3, Notices of Motion;		Completed	Infrastructure Planning and Property
	2. Council applies these funds towards the installation of up to six signs in the Council area in locations to be agreed with Rotary; and		Ongoing	Infrastructure Planning and Property
	3. a corresponding budget adjustment be made at the next available budget review.		Completed	Infrastructure Planning and Property
C1015 Item 15 Notice of Motion: Exemption from Public Liability Insurance (PLI) for Unincorporate d Not-For- Profit Organisations Hiring Council Owned Halls and Other Facilities on a Casual Basis	THAT Council: 1. urgently adopts a policy that allows unincorporated Not-For-Profit (NFP) organisations to hire Council facilities on a casual basis without the need for expensive Public Liability Insurance (PLI); and		Closed	Culture and Recreation
	2. ensures that the relevant booking form complies with this altered policy.		Closed	Culture and Recreation

Item Number	Action	Comments	Status	Responsibility
Infrastructure, Planning and Environmental Services Committee Meeting - 3 November 2015				
IP1115 Item 2 Revised Planning Proposal For The Victoria Road Precinct	That Council: 1. advises the Department of Planning and Environment that it supports the Revised Victoria Road Planning Proposal as originally submitted by JBA Urban Planning Consultants on the 7th of August 2015 and that it be submitted along with the Planning Officers Report to the Department for Gateway determination;	Planning proposal forwarded to DP&E on 15 November 2015 with report and Council's resolution. Awaiting Gateway determination. No further action needed.	Closed	Planning Services
	2. notes that Council does not support the following changes by Planning Officers to modify the proposed Masterplan for the rezoning of the Victoria Rd Precinct to: • change the proposed residential zonings in Sub Precinct 1 to B7 Business Park and Sub Precinct 2 Wicks Park back to the General Industrial zoning IN1; • change the proposed B5 business zoning changes of Blocks F, I, J, & H and the Special use zoning of Block G in Sub Precinct 3 by retaining the General Industrial zoning IN1; • change the proposed B5 zoning on the south eastern side of Victoria Road by retaining the IN1 Industrial zoning despite recommending the rezoning of the street frontages on the north east side to B4 in Sub Precinct 1 and B5 in Sub Precinct 3; • change the proposed "Special Transitional Industrial" Zone to blocks O, Q, S, & U by retaining the General Industrial Zoning in Sub Precinct 4. Also notes that these modifications or changes substantially alter the nature of the Proposed Masterplan before it can be assessed for strategic merit.	As above. No further action needed.	Closed	Planning Services
	3. because the 90 day assessment period for the Gateway proposal is ending Council submit the gateway application no later than 17 November (2 Weeks); and	Planning proposal submitted to DP&E in accordance with this resolution. No further action needed.	Closed	Planning Services
	4. notes that this recommendation is consistent with Council's previous resolutions dating back to May 1st 2012 to adopt revised planning controls in the MLEP 2012 for the Victoria Road Precinct and that these changes do have merit.	As above. No further action needed.	Closed	Planning Services
Matter Arising Out Of Item IP1115 Item 2	THAT staff provide a report to Council on the likely impact of ambulance services to our community with regard to the resolution for the Revised Planning Proposal for the Victoria Road Precinct (Item IP1115 Item 2).	Letter has been sent to NSW Ambulance Service - awaiting response. To be followed up in first half of 2016.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
IP1115 Item 7 Infrastructure Services Programs Report - Period Ending 30 September 2015	THAT: 1. Council resolves that CONFIDENTIAL ATTACHMENTS 4, 5, 6 and 7 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2) of the Local Government Act 1993;	No further action required.	Completed	Design & Investigation
	2. the report be received and noted;	No further action required.	Completed	Design & Investigation
	3. Council notes the introduction by Ausgrid of a 'tree trimming engagement program' and that a further report will be submitted once details are at hand, including any offer by Ausgrid to fund a tree replacement program; and	Further information will be submitted when details come to hand.	Ongoing	Design & Investigation
	4. Council considers the budget adjustments flagged in the report at the next quarterly review.	No further action required.	Completed	Design & Investigation
Extraordinary Council Meeting - 10 November 2015				
C1115 Item 1 Mayoral Minute: Council's Response To IPART Assessment and the NSW State Government's Ultimatum To Councils	THAT: 1. Council reinforce to its community, staff and the NSW State Government that its preferred option is to stand alone and is fundamentally opposed to forced amalgamations;	(Council presented to the Delegate on 2 February 2016 and made a written submission on 26 February 2016 reinforcing the community's long held opposition to a forced amalgamation.	Ongoing	General Manager
	2. given the legal predicament we now find ourselves in and the ultimatum issued by the NSW State Government, submit a first merger preference for Marrickville, Leichhardt and Ashfield Council and a second merger preference for Marrickville and City of Sydney Council by 18 November 2015;	Submitted on 11 November 2015	Completed	General Manager
	3. Council signal strongly to the State Government that it will: a. immediately withdraw its merger preferences if the State Government does not proceed with forced amalgamations; b. not support an Inner West Council amalgamation proposition comprising Marrickville, Leichhardt, Ashfield, Burwood, Strathfield and Canada Bay Councils under any circumstances;	Included in the submission on 11 November 2015	Completed	General Manager
	4. Council urgently undertake a community engagement process to inform residents of the latest developments. The community engagement process must highlight that Marrickville Council's ongoing preferred option is to stand alone, and provide a genuine opportunity for residents to consider and provide feedback on the potential benefits and risks of an amalgamated Marrickville-Leichhardt-Ashfield Council, including through a survey and community information sessions; and	Community engagement process has been completed and reported to Council at its meeting on 16 February 2016.	Completed	General Manager
	5. a report be provided back to the first Council meeting in 2016.	Report was considered by Council at its 16 February 2016 meeting.	Completed	General Manager

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 17 November 2015				
C1115 Item 8 Pressures Facing Local Community Services Organisations 2015	<p>THAT Council:</p> <p>1. continues to support collaborative partnerships with and between community organisations through Community Development Project Officers and Interagencies, Count Us In, and Council's grants programs including ClubGrants;</p> <p>2. continues to monitor the impact of reforms to the community sector on local service providers and the community, and report significant changes to Council;</p> <p>3. continues to provide appropriate advocacy on issues impacting upon local community service providers to the relevant State or Federal government agency;</p> <p>4. provides a copy of the information in this report to relevant NSW and Federal Government agencies, particularly those responsible for providing funding and support for community services;</p> <p>5. notes that the need for support for affordable premises was the most dominant issue facing community organisations [p210 of the report] and agrees to coordinate a forum or roundtable with community organisations specifically on this issue, with a report to be provided to Council in 2016; and</p> <p>6. provides a further report to Council on the potential for providing fee waivers or fee reductions for not for profit community organisations in relation to waste removal [see feedback at p225].</p>	No further action required.	Completed	Community Development
		No further action required.	Completed	Community Development
		No further action required.	Completed	Community Development
		Letters and reports sent.	Completed	Community Development
		Working party of relevant Council staff to be established as first step to plan forum/roundtable for second half of year.	Ongoing	Community Development
		Council doesn't have a commercial waste only a residential waste service. Legally, Council cannot pick up commercial waste so organisations such as The Bower have a private contractor and share this with ARC.	Ongoing	Community Development
C1115 Item 13 50:50 Vision - Councils for Gender Equality Program - Further Information	<p>THAT Council endorses the final program of additional activities contained in this report to attain a Silver Award under the 50:50 Vision – Councils for Gender Equality Program.</p> <p>1. THAT Council endorses the final program for activities to promote gender equity contained in this report with the following additions:</p> <p>a. The establishment of a Marrickville Council Women's Committee. The committee is to include: co-chairs or rotating chairs - with the positions to be held by elected women Councillors; two or more community representatives; and at least one female representative of staff. The Terms of Reference for the committee will include the promotion of gender equity in the civil, civic and political life of the Marrickville LGA and within Marrickville Council;</p> <p>b. Council to include in its standard reporting for gender equality in staffing measures of opportunities for women staff to undertake higher duties or secondments, including part-time staff; and</p>	<p>A report regarding the Marrickville Women's Advisory Group went to the Council Meeting on 16 February 2016 where it was recommended that Council adopt the Terms of Reference for the Marrickville Women's Advisory Committee.</p>	Closed	Community Services

Item Number	Action	Comments	Status	Responsibility
	2. THAT Council receive a further report recommending detailed Terms of Reference and membership of the Women's Committee, to be considered at a Council meeting in the first quarter of 2016.	A report regarding the Marrickville Women's Advisory Group went to the Council Meeting on 16 February 2016 where it was recommended that Council adopt the Terms of Reference for the Marrickville Women's Advisory Committee.	Closed	Community Services
C1115 Item 14 Fraud and Corruption Prevention Policy and Plan	THAT Council: 1. adopts the attached Fraud and Corruption Prevention Policy;	No further action required.	Completed	Governance & Risk
	2. adopts the attached Fraud and Corruption Prevention Plan;	No further action required.	Completed	Governance & Risk
	3. agrees to include actions relating to the potential fraud and corruption risks and mitigation measures in the Fraud and Corruption Policy/Plan as they pertain to Council activities as soon as possible; and	Councillor workshop scheduled for 22 March 2016.	Ongoing	Governance & Risk
	4. provides a report back to Council with specific additions to the Fraud and Corruption Policy/Plan by the first quarter of 2016.	Pending outcomes of Councillor workshop on 22 March 2016.	Ongoing	Governance & Risk
C1115 Item 20 Notice of Motion: Library Services	THAT: 1. Officers prepare a report outlining the opportunities for growth of the community initiatives program conducted in the Libraries; and	Officers to prepare a report requesting ongoing budget adjustment.	Ongoing	Library & History Services
	2. Council considers a budget adjustment at the next budget review of \$20,000 for the growth of the community initiatives program in our Libraries.	No further action required.	Completed	Library & History Services
C1115 Item 23 Notice of Motion: Proposals for Illawarra Road, Marrickville	THAT Council Officers provide a report investigating the following proposals for Illawarra Road, Marrickville: a. a raised shared zone between Petersham and Marrickville roads; b. a monthly street closure during daylight saving on a Friday or Saturday evening commencing 2017 to facilitate greater outdoor dining opportunities for restaurants and support the surrounding night time economic precinct; and c. consult with businesses within the precinct and with the Marrickville Chamber of Commerce regarding these proposals.	Investigation of a raised shared zone being undertaken by Infrastructure Planning as part of public domain master plan for Illawarra Rd. Quotations being sourced to complete investigations for temporary road closures.	Ongoing	Design & Investigation
	THAT: 1. Council provides in principle support for the development of a "Community Passport" to assist local asylum seekers and refugees to access local services and facilities;	No further action required.	Completed	Community Development
	2. Council invites the Asylum Seekers Centre, Settlement Services International and other relevant community and faith groups and services, to join a working group to finalise the details for a pilot of the project;	Letter sent in December to Asylum Seeker Centre with Council report and Notice of Motion inviting them to participate.	Ongoing	Community Development

Item Number	Action	Comments	Status	Responsibility
C1115 Item 24 Notice of Motion: Marrickville Community Passport for Refugees and Asylum Seekers	<p>3. the working group considers:</p> <p>a. the outcomes of the Darebin's Asylum Seekers Support Project and the Darebin Community Passport which was launched in 2014;</p> <p>b. options for the inclusion of a directory of local support services available to asylum seekers and refugees, including places of worship;</p> <p>c. possible in kind services that could be provided by Council, including free access to Council facilities such as gyms and pools during off peak times;</p> <p>d. possible partners who may wish to support the project, including other services and businesses operating in the LGA, and neighbouring Councils particularly the City of Sydney Council;</p> <p>e. options for Council to play a brokerage role, connecting interested volunteers and businesses with local services that provide support to refugees and asylum seekers;</p> <p>f. practical issues including the administration of the passport;</p> <p>g. funding options for the project;</p> <p>h. if required, an alternative name for the project;</p> <p>i. other matters which the working group considers are relevant; and</p> <p>4. Council considers a further detailed proposal, including a proposed budget, at a meeting in early 2016, with a view to launching the passport in June 2016 (Refugee Week).</p>	<p>Invite sent to relevant business units of Council to meet in early February 2016, prior to the establishment of a working party to identify further ways we can support Refugees and Asylum seekers in Marrickville LGA.</p> <p>No action on this yet.</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Community Development</p> <p>Community Development</p>
Infrastructure, Planning and Environmental Services Committee Meeting - 1 December 2015				
IP1215 Item 2 Draft Marrickville Local Environmental Plan 2011 (Amendment No. 4)	<p>THAT:</p> <p>1. action on draft amendments to MLEP 2011 and MDCP 2011 be deferred and referred to a Councillor Conference, with the exception of the bus shelter item (Recommendation L-Sch2 (01)) which is to proceed;</p> <p>2. Council resolves to prepare a Planning Proposal to amend MLEP 2011 to incorporate recommendation (Recommendation L-Sch2 (01)), relating to signage on bus and taxi rank shelters;</p> <p>3. Council submits the draft Planning Proposal to the Department of Planning and Environment for Gateway determination; and</p> <p>4. Council publicly exhibits the draft Planning Proposal.</p>	<p>Councillor conference scheduled for Tuesday 23 February 2016.</p> <p>Planning Proposal prepared.</p> <p>Planning Proposal forwarded to the Department of Planning and Environment on 18 December 2015</p> <p>Draft Planning Proposal placed on exhibition. (Exhibition period from 9 February 2016 to 24 February 2016.</p>	<p>Ongoing</p> <p>Completed</p> <p>Completed</p> <p>Ongoing</p>	<p>Planning Services</p> <p>Planning Services</p> <p>Planning Services</p> <p>Planning Services</p>

Item Number	Action	Comments	Status	Responsibility
IP1215 Item 4 Post Exhibition Report - Planning Proposal For 141-161 New Canterbury Road, Lewisham (Georgious Chocolate Factory)	THAT: 1. the report be received and noted; 2. Council resolves to adopt the draft amendments to MLEP 2011 and MDCP 2011 in relation to the subject site;	No further action required.	Closed	Planning Services
	3. Council makes minor amendments to planning controls Nos. 12 & 14 relating to vehicular access and waste collection as detailed in this report;	No further action required.	Closed	Planning Services
	4. Council forwards the draft amendments to MLEP 2011 to the Department of Planning & Environment seeking final approval and gazettal; and	No further action required.	Closed	Planning Services
	5. Council places a notice in local newspapers when the amendments to MLEP 2011 are gazetted advising that it has come into force, and that the amendments to MDCP 2011 will come into force at a date specified in the notice.	Advertisement occurred 2 February 2016	Closed	Planning Services
	Council Meeting - 1 December 2015			
C1215 Item 1 Cycle Share System For Marrickville	THAT: 1. the report be received and noted;	No further action required.	Completed	Planning Services
	2. in accordance with Option 4 in this report, Council investigates undertaking a feasibility study into a complete cycle share scheme in partnership with City of Sydney and Leichhardt Council addressing scope, governance and budget implications;	Feasibility study in partnership with City of Sydney and Leichhardt Council to commence in early 2016.	Ongoing	Planning Services
	3. subject to the outcomes of item 2 above, a further report be prepared to Council seeking agreement on the approach and a budget allocation; and	To be undertaken further to Item 2, above.	Ongoing	Planning Services
	4. the agreed approach be included within the scoping of the new Integrated Transport Strategy.	To be included within the scoping of the new Integrated Transport Strategy in 2016.	Ongoing	Planning Services
Extraordinary Council Meeting - 27 January 2016				
	THAT: 1. Council requests the General Manager to prepare a draft submission to the Delegate for the consideration of Council at its meeting in February 2016 based on existing information available, including the results of the recent community engagement process, which responds to the factors in s263(3) of the Local Government Act and sets out the case for Marrickville standing alone;	Submission lodged on 26 February 2016 after a period of public exhibition.	Completed	General Manager
	2. Council acknowledges the distribution of an information flyer to its residents on the merger proposal and the examination process undertaken to date encouraging their full participation in that process and endorses the associated communication plan outlined in this report;	No further action required.	Completed	General Manager
	3. Council notes the need for the General Manager to prepare a transition plan should a new council be formed;	General Managers of each Council are collaborating with a view to presenting a draft Transition Plan to the April Council meeting.	Ongoing	General Manager

Item Number	Action	Comments	Status	Responsibility
C0116 Item 1 Council Amalgamation	4. Council allocates an amount of \$10,000 to facilitate the preparation of a transition plan and undertake associated activities should that be required;	To be considered at the March Quarter Budget review.	Ongoing	General Manager
	5. Council considers budget adjustments for the Fit for the Future processes undertaken to date and for the preparation of the transition plan at its December budget review;	Council considered this matter at its meeting on 16 February 2016.	Completed	General Manager
	6. Council formally request an extension of time for the Public Inquiry process and that a further public meeting be held in Marrickville as part of the Inquiry;	A response dated 26 February 2016 was provided to Councilors for information. It indicated that an extension to the time for the Public Inquiry process was a decision for the Delegate to make. An email request was sent to the Delegate on 2 March 2016.	Completed	General Manager
	7. Council lodges an application with the Minister for Local Government under the GIPA Act for access to a full copy of the KPMG report referenced in his proposal for amalgamation of Ashfield, Leichhardt and Marrickville Councils together with any associated documents including, without limitation, documents containing assumptions, models and/or data relied upon by KPMG in preparation of the report;	GIPA request was lodged. A response dated 26 February 2016 received on 1 March 2016 was provided to Councilors for information. No additional information was provided in response to the GIPA application.	Completed	General Manager
	8. Council publicly exhibits the draft submission as far as practicable;	The draft submission was publicly exhibited following its adoption at the Council meeting on 16 February 2016 and comments received included as an attachment to the submission which was made on 26 February 2016.	Completed	General Manager
	9. Council authorises the Mayor, General Manager and appropriate Officers to make a presentation to the Public Inquiry; and	Mayor and General Manager presented at the 2 February 2016 public meeting.	Completed	General Manager
	10. the report be received and noted.	No further action required.	Completed	General Manager

Item Number	Action	Comments	Status	Responsibility
Infrastructure, Planning and Environmental Services Committee Meeting - 3 February 2016				
Matter Arising out of Item 3 - Minutes Of WestConnex Advisory Committee Meeting Held On 17 December 2015	THAT Council: 1. withdraw approval for any test drilling or preparatory works on the Tempe Reserve for WestConnex or the Sydney Gateway, so that the matter can be brought to the elected Council;	No approvals are currently provided to WestConnex or the Sydney Gateway for drilling. Meeting arranged with WestConnex for next week to discuss process.	Ongoing	Infrastructure Works and Services
	2. confirm the right of residents to peacefully protest at the Tempe Reserve and other sites owned or managed by Council;	Noted.	Ongoing	Infrastructure Works and Services
	3. take all reasonable steps to ensure that the community is notified of all test drilling or preparatory works or proposals that Council is aware of, in relation to WestConnex or related road projects; and	Communication plan being prepared.	Ongoing	Infrastructure Works and Services
	4. confirm that any future decisions or applications for work relating to WestConnex or the Sydney Gateway will be brought to the elected Council for decision, rather than be determined through delegation or by staff.	Noted.	Ongoing	Infrastructure Works and Services
IP0216 Item 4 Planning Proposal For 73 Mary Street, 67, 69 And 71 Mary Street, 50 & 52 Edith Street & 43 Roberts Street, St Peters	THAT Council: 1. defer the determination of the planning proposal so that residents can be provided an opportunity to comment and that all relevant reports be provided to council;	No further action required.	Completed	Planning Services
	2. urgently notify local residents in the immediate vicinity of the proposal directly, including notification of the date at which the planning proposal will return to the elected Council for decision;	Letters distributed to nearby residents on 8 Feb 2016 including details of Council's March 15 meeting.	Completed	Planning Services
	3. make it clear to residents that, if the planning proposal is approved through the gateway process, there will be a community consultation process and opportunity to comment in relation to the required amendments to the LEP, and again in relation to any subsequent DA;	Letters distributed to nearby residents on 8 Feb 2016 including details of Council's March 15 meeting and the process.	Completed	Planning Services
	4. receive a report at the March meeting of Council on the feedback from residents;	Feedback from consultation to be reported to Council at its meeting of 15 March 2016.	Ongoing	Planning Services
	5. receive a report on the likely impact of the proposed WestConnex on local traffic, when the planning proposal is returned to Council for decision; and	Report to Council will include consideration of WestConnex.	Ongoing	Planning Services
	6. the matter be included on the agenda for the Councillor Conference to be held on 23 February 2016.	Councillor conference scheduled for 23 February 2016.	Ongoing	Planning Services

Item Number	Action	Comments	Status	Responsibility
IP0216 Item 7 Parks Automated Central Control System Upgrade	<p>THAT:</p> <p>1. pursuant to section 55 3(i) of the Local Government Act 1993 Council exempts from the tender process the acquisition and maintenance of a central controller program system that controls sports lighting, irrigation, water harvesting, electronic door strike and security alarm system (the Program System) at Henson Park, Camdenville Park, Marrickville Park, Arlington Reserve Mackey Park, Mahoney Reserve, Petersham Park, Steel Park, Tempe Reserve (Outdoor sportsfield), Tempe Reserve (Indoor Robyn Webster) and Wicks Park Tennis Court for the following reasons:</p> <p>a) the imminent switch off of Telstra's 2G network introduces a risk of system failure;</p> <p>b) a 12 month trial at Camperdown Park of a Program System identified the IIRI net system (IIRI System) to be the most suitable for Council's requirements;</p> <p>c) there is only 1 supplier Australia wide (based in NSW) that is prepared to supply and maintain the IIRI System; and</p> <p>2. the General Manager be delegated the authority to negotiate and sign the IIRI System supply and maintenance contracts for 3 years, with an option for a further 3 years, at Council's sole discretion.</p>	Contract being prepared and finalisation of the project schedule.	Ongoing	Infrastructure Planning and Property
IP0216 Item 8 Transport Committee Meeting Minutes 26 November 2015	<p>THAT:</p> <p>1. the report be received and noted; and</p> <p>2. Council reviews the priority of the proposed cycleway connectivity along Unwins Bridge Road and May Street.</p>	Contract being prepared and finalisation of the project schedule.	Ongoing	Infrastructure Planning and Property
IP0216 Item 9 Footbridge Between Tempe And Woolli Creek Stations	<p>THAT: 1. the report be received and noted;</p> <p>2. Council engage with Rockdale Council to submit a joint grant application for a feasibility study for the works; and</p> <p>3. Council liaise with Rockdale Council to seek support from State Authorities and local elected representatives for a delivery outcome and timeframe to be renegotiated or associated works freshly prioritised.</p>	No further action required.	Completed	Planning Services
		To be actioned.	Ongoing	Planning Services
		No further action required.	Completed	Design & Investigation
		Rockdale to be consulted.	Ongoing	Design & Investigation
		Rockdale to be consulted.	Ongoing	Design & Investigation

Item Number	Action	Comments	Status	Responsibility
Council Meeting - 16 February 2016				
C0216 Item 1 Merger Proposal - Draft Submission to Delegate	THAT Council: 1. receive and note the Draft Submission to the Delegate (ATTACHMENT 1);	No further action required.	Closed	Corporate Services
	2. provide input and direction to the Draft Submission to the Delegate, in particular to parts (e), (e4) and (e5) under Section 263(3) of the Local Government Act, 1993;	Councillor input was incorporated into the Draft Submission which has been publicly exhibited and features in Council's Final Submission to the Delegate.	Closed	Corporate Services
	3. publicly exhibit the Draft Submission; and	The Draft Submission was publicly exhibited between 17 and 23 February 2016.	Closed	Corporate Services
	4. lodge its final Submission to the Delegate no later than Sunday 28 February 2016.	Council's Final Submission was lodged on Friday 26 February 2016.	Closed	Corporate Services
C0216 Item 2 Towards New Local Government Legislation - Proposed Phase 1 Amendments	THAT Council endorse the proposed responses (see ATTACHMENT 1) to the "New Local Government Act Development Consultation – Phase 1" for submission under the Fit for the Future local government reform program, with the following amendments: 1. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles"; 2. Council disagree that the current commitment for Local Government to "exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights" should be watered down by replaced with only a commitment to act "hav(ing) regard to social justice principles"; 3. Council disagree that the commitment to act as a "responsible employer" be replaced with a weaker commitment to "endeavour to involve and support its staff", and recommends instead a strengthened commitment to ensure Local Council acts as a model employer; 4. the addition of a recommendation that provisions be added to ensure that a Council cannot be merged or abolished by the Minister or Executive without a poll of local residents; 5. that a recommendation be added that the Local Government Act formally recognises Aboriginal and Torres Strait Islander Australians; and 6. Item 4.1 of Council's submission be amended by deleting Point 2 relating to electronic voting and tallying technology.	Preparations for lodgement currently in progress to meet 15 March 2016 deadline.	Ongoing	Governance & Risk

Item Number	Action	Comments	Status	Responsibility
C0216 Item 3 Ipart Draft Report On The Review Of Reporting And Compliance Burdens On Local Government	THAT Council: 1. lodges a submission to IPART in response to its draft report on The Review of reporting and compliance burdens on Local Government; and 2. endorses the proposed response (see ATTACHMENT 1) for submission.	Submission lodged on 17 February 2016 (and confirmation of receipt received) - yet to be published on IPART website.	Closed	Governance & Risk
C0216 Item 4 Environmental Impact Statement For Westonnex Stage 2 - New M5 (Beverly Hills To St Peters)	THAT: 1. the report be received and noted; 2. Council endorses the Council submission and all attachments on the New M5 Environmental Impact Statement at ATTACHMENTS 1 to 5; and 3. Council forwards any additional comments arising from Council's consideration of this matter to the Department of Planning and Environment as an addendum to the submission.	No further action required.	Closed	Governance & Risk
		No further action required.	Closed	Planning Services
		Noted - no further action required.	Closed	Planning Services
		Noted. DP&E has been advised of Council's resolution. No further action required.	Closed	Planning Services
C0216 Item 6 Change To Clause 4.29 Of The Code Of Conduct For Councilors	THAT: 1. Council amends the Marrickville Council Code of Conduct for Councilors to update conflict of interest provisions under clause 4.29 of the Code in accordance with new requirements arising from the commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015; and 2. the form of words for amending the Code be those recommended by the NSW Office of Local Government in its latest revision of the Model Code of Conduct for Local Councils in NSW.	Updated copies published to web and despatched to both Councilors and key Council officers with advice drawing attention to the revised provisions.	Closed	Governance & Risk
		See above.	Closed	Governance & Risk
C0216 Item 7 Outcomes From The Public Exhibition Of The Commercial Trainer Policy And Proposed Fees And Charges	THAT: 1. the report be received and noted; 2. Council adopts the draft Commercial Fitness Training Policy and proposed Fees & Charges as attached to this report; 3. all residents and stakeholders who made submissions during the public exhibition be notified of Council's determination; and 4. the Commercial Fitness Training Policy and Fees & Charges be reviewed annually to ensure management of recommended parks for commercial fitness training is meeting community needs.	No further action required.	Completed	Culture and Recreation
		No further action required.	Completed	Culture and Recreation
		Residents and stakeholders to be informed.	Ongoing	Culture and Recreation
		No further action required.	Completed	Culture and Recreation

Item Number	Action	Comments	Status	Responsibility
C0216 Item 9 Sports Walk Of Honour Nominations	THAT: 1. the report be received and noted; 2. the list of recommended sportspeople in this report be represented on the Sporting Walk of Honour at Marrickville Park; and 3. further work be undertaken to identify some indigenous women sportspeople to add to the list.	No further action required.	Completed	Library & History Services
		No further action required.	Completed	Library & History Services
		Officers currently researching suitable indigenous and female sportspeople to add to the list.	Ongoing	Library & History Services
C0216 Item 15 Notice Of Motion: No Stopping Signs	THAT: 1. except in circumstances where there are clearly no safety issues of concern, Council adopt a policy of installing a "No Stopping" sign when the sign: a) has been requested by residents; b) has concurrence from the Pedestrian, Cyclist and Traffic Calming Advisory Committee;	Noted.	Completed	Design & Investigation
	2. Council agrees to install signage which was recommended by the Pedestrian, Cyclist and Traffic Calming Advisory Committee for Henry Lane to prevent illegal parking within 10m of the intersection with Victoria Lane in Lewisham; and 3. signage installed should indicate to drivers the statutory 10 metre No Stopping distance where they are at risk of getting booked.	Notification to be sent to residents, prior to installations.	Ongoing	Design & Investigation
		Noted.	Completed	Design & Investigation
C0216 Item 17 Notice Of Motion: No Business In Abuse Campaign	THAT: 1. the General Manager sign the No Business in Abuse pledge on behalf of Marrickville Council;	A copy of the pledge will be signed once received.	Ongoing	General Manager
	2. Council's procurement policy be updated to ensure that no new contracts with Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, are entered into until their association with detention centers cease;	Council's procurement procedures have been amended to reflect resolution.	Completed	Finance
	3. Council's investment policy be updated to ensure that Council is not investing in Broadspectrum (formerly Transfield) and Wilson Security, or other companies that profit from detention centres, until their association with detention centers cease; and 4. Council publicly promote Council's commitment, as one of a range of initiatives Council is undertaking to demonstrate support and welcome for refugees and asylum seekers.	Council's Investment Policy will be amended to reflect resolution and presented to the March 2016 CCS committee for endorsement.	Ongoing	Finance
		Action completed.	Completed	Corporate Strategy & Communications

Item Number	Action	Comments	Status	Responsibility
C0216 Item 18 Notice Of Motion: Equity In Childcare Fees	THAT Council: 1. review and update its policies on holiday care and other childcare programs to ensure that duplicate fees are not required to be paid for the one child or family;	Published fees schedule and policies checked for accuracy, no amendment required and all staff informed of appropriate practise.	Closed	Children and Family Services
	2. otherwise review and update its fees policies to ensure they can flexibly accommodate a range of family situations, including separated parents; and	As above.	Closed	Children and Family Services
	3. refund the fees of any families that have been charged duplicate fees over the last 6-12 months.	Enrolment fees refunded as they were charged twice affected a total of 3 families in the last 12 months, using our Outside school hours care services only. Total amount refunded to 3 families is \$224.70 or \$74.90 each.	Closed	Children and Family Services
C0216 Item 25 Mayoral Minute: Submission To Delegate – Proposed Ward Boundaries	THAT Council: 1. submit to the Delegate a preference for a new Council area to be divided into 3 wards each comprising 5 Councillors allowing each existing LGA to remain largely intact as a ward area within the amalgamated Council; and	This resolution was incorporated into the Draft Submission which has been publicly exhibited and features in Council's Final Submission to the Delegate.	Closed	Corporate Services
	2. undertake to consult with the community on this preferred ward model and the option of a directly elected Mayor and the results to be included in Council's submission to the Delegate.	Draft Submission incorporating this resolution of council was exhibited between 17 and 23 February 2016 and features in Council's Final Submission to the Delegate.	Closed	Corporate Services
C0216 Item 26 Mayoral Minute: Inauguration Of Filed Artwork In Trafalgar Street – Extension Of Invitation To Portuguese Government	THAT Council: 1. extends an invitation to the Portuguese Government to be represented at the unveiling on 13 March 2016 of the tiled artwork by Luis Geraldes which is being relocated from Audley Street to Trafalgar Street in Petersham; and	Letter from the Mayor extending an invitation has been forwarded.	Closed	Culture and Recreation
	2. liaises with the office of the Consul General of Portugal on contact with a suitable local representative and / or a representative of the Portuguese Government who may already be visiting Sydney around the time of the Barrio Festival.	Advice has been received from the office of the Consul General of Portugal that Paulo Cunha Alves, Ambassador of Portugal will attend the unveiling at the Bairro Portuguese Food and Wine Festival on 13 March 2016.	Closed	Culture and Recreation

Item No: C0316 Item 11

Subject: NOTICE OF MOTION: PEDESTRIAN SAFETY AROUND HENSON PARK

File Ref: 12/4674/24903.16

From Councillor Victor Macri

MOTION:

THAT Council investigates the issues of speeding and pedestrian safety in the section of Illawarra Road between Sydenham Road & Thompson Street, Marrickville and provides recommendations for the consideration of the Pedestrian, Cyclist and Traffic Calming Advisory Committee.

Background

The narrowness of Illawarra Road, north of Sydenham Road, combined with vehicles speeding and pedestrian volumes in the vicinity of Henson Park and the Henson Park Hotel is creating potentially dangerous vehicle conflicts and pedestrian safety issues.

It is desirable that options be investigated to reduce the speed of approaching vehicles along this section of road.

Officer's Comments:

Comment from Manager, Design and Investigation:

This matter can be investigated and a report submitted to the Pedestrian, Cyclist and Traffic Calming Advisory Committee using existing resources.

Resource Implications:

The issue can be investigated within existing operational resources.

ATTACHMENTS

Nil.

Item No: C0316 Item 12
Subject: NOTICE OF MOTION: ONGOING TENURE OF NSW LOCAL GOVERNMENT COUNCILLORS FURTHER TO COUNCIL MERGER PROPOSALS
File Ref: 12/4674/25115.16
From Councillor Morris Hanna

MOTION:**THAT Council:**

1. write to Premier Mike Baird and Paul Toole MP (Minister for Local Government) seeking an undertaking from them that all duly elected local government councillors in NSW will be allowed to remain in office until the next round of local government elections are conducted; and
 2. convey to the Premier and Minister for Local Government its deep concern that any action arising from proposed Council mergers should not leave constituents without democratically elected local government representatives.
-

Background

As the NSW State Government's *Fit For The Future* reform agenda has been unfolding, it has begun to raise concerns about potentially negative impacts on representative democracy.

The State Government began indicating in late 2015 that the next round of local government elections (originally due on 10 September 2016) is to be deferred until at least March 2017. In January 2016, the Minister for Local Government proposed a host of mergers for local government authorities across NSW including the one between Ashfield, Leichhardt and Marrickville Councils. To date there has been no firm commitment from the Minister about local representation arrangements during any transition period between dissolution of existing Councils and the next local government election.

The Minister may choose to replace elected councillors with administrators rather than extending the electoral terms of councillors until deferred elections occur. Such action would be to the detriment of local democracy, especially at a time when community leadership from local representatives is vital for promoting community cohesion and nurturing emergent local government organisations.

Officer's Comments:**Comment from Manager, Governance & Risk:**

Officers of Council continue to monitor *Fit For The Future* reform developments very carefully. They have verified that, to date, neither the Premier of NSW or the NSW Minister for Local Government have formally placed on the public record any firm commitment about the future of elected representation during any transition period/s associated with proposed local government mergers.

The Minister may pursue a standard transition approach to all affected agencies or choose to make cases for different treatments. He appears unlikely to adopt a firm position until findings contained within reports on merger proposal reviews (due to be lodged with him and the Boundaries Commission at the end of March 2016) are assessed. He has the discretion to propose to the Governor whatever interim governance arrangements he considers to be appropriate in the Proclamation that creates any new council.

Wholesale extension of terms of office for local government representatives in NSW is not unprecedented. In 2003 the State Government resolved to extend the standard term of office for Councils from 3 to 4 years when it passed the *Local Government Amendment (Elections) Act 2003 No23*. A realignment of the electoral cycle was also introduced in conjunction with this change and it resulted in terms of office for Councillors being extended from September 2003 to March 2004.

It is a straight forward exercise to draft cross-referenced letters to the Premier and Minister for Local Government in line with the details above.

Resource Implications:

Can be undertaken within existing resources.

ATTACHMENTS

Nil.

Item No: C0316 Item 13

Subject: NOTICE OF MOTION: WESTCONNEX LEGAL ADVICE

File Ref: 12/4674/25068.16

From Councillors Melissa Brooks and Sylvie Ellsmore

MOTION:

THAT legal advice received by Council in relation to the activities at the Alexandria Landfill be made public.

Background

Last year concern was raised by members of the community about the activities at the Alexandria Landfill (Albert Street, St Peters), which had been compulsorily acquired by the WestConnex Authority (WDA) in late December 2014.

At its 15 September 2015 meeting Council passed the following:

"Noting that the site was historically licenced to receive and handle asbestos and other contaminated material, which potentially poses a high risk to residents if not properly managed, and noting the reports from residents that excavation activities appear to be being undertaken on the site, Council agrees, subject to urgent external legal advice in relation to its power, to immediately issue a stop work order on the site until the WDA can confirm that the activities it has undertaken are the subject of a valid development consent, or a valid exemption from Council's development controls."

Council subsequently received legal advice on the activities at the site. A statement was released to the community in late September confirming that "Council has received legal advice in relation to this matter and decided to take no action at this time."

The legal advice was never formally reported to the elected Council, and there has not been an opportunity for the elected Council to make a decision about whether it should be made public.

Where legal advice is tabled at a Council meeting, it is normal practice for the advice to be made confidential. The elected Council then makes a decision as to whether to deal with the information in closed session, because it considers the information confidential under the provisions of the *Local Government Act 1993*.

There is a presumption under the *Local Government Act 1993* that all information on which Council makes its decision is discussed openly and made public.

If Council chooses to close a meeting to the public or not make a report to Council public, it must have a valid reason under the Act. These reasons can include the protection of legal privilege but this reason alone is not sufficient. The Council must also decide it is in the public interest to make part of a meeting confidential.

In particular, the Act states:

- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Officer's Comments:

The fundamental purpose behind legal professional privilege is to allow clients to receive frank advice from their legal advisers without fear of that advice being used against the client. Legal professional privilege is a fundamental immunity which is enshrined in legislation such as the *Evidence Act 1995* and section 10A(2)(g) of the *Local Government Act 1993*.

It is important to note that privilege is "owned" by a client and not the legal adviser. Accordingly, a lawyer has no right to waive privilege over legal advice. That decision must be made by the client – which, in this case, is Council.

There are 2 limitations on Council claiming privilege over legal advice in Council meetings:

1. Section 10B(1)(b) - As is identified in the body of the NoM, Council must be satisfied that, on balance, discussion of the matter in an open forum would be contrary to the public interest; and
2. Section 10B(2) – the advice must relate to legal matters that are substantial and which, are clearly identified and fully disclosed in the advice.

Where the substance of legal advice is disclosed, such disclosure would be inconsistent with the maintenance of privilege. Accordingly, making legal advice public or discussing it in an open forum constitutes waiver of privilege.

The advice the subject of this NoM was provided to Councillors by way of email on 2 October 2015. A subsequent email was issued to Councillors on 6 October 2015 regarding the issue of waiving privilege over the advice. Copies of the emails will be provided to Councillors **UNDER SEPARATE COVER** to assist Councillors in making a decision regarding this NoM.

Resource Implications:

Nil.

ATTACHMENTS

Nil.

Item No: C0316 Item 14
Subject: NOTICE OF MOTION: SUPPORT FOR THE MARCH 20 PALM SUNDAY REFUGEE RALLY
File Ref: 12/4674/25099.16
From Councillor Sylvie Ellsmore

MOTION:

THAT Council supports the Palm Sunday Rally on 20 March 2016 by:

- a. promoting residents' participation in the event through its social media, website and email lists; and
 - b. making copies of its Refugee Welcome signs available to interested staff, Councillors or residents who plan to attend the event, to use/ display at the rally.
-

Background

The Refugee Action Coalition, a local community group, has sent a request to the Council asking for support for the upcoming Palm Sunday Rally. The theme of this year's rally is 'Welcome Refugees'.

A copy of the Palm Sunday Rally flyer is provided at **ATTACHMENT 1**.

Officer's Comments:**Comment from Manager, Corporate Strategy and Communications:**

Communications can promote the rally to residents through existing channels which include social media, e-newsletter and Council website.

Comment from Manager, Community Development:

Community Development will promote the rally through its numerous email lists and networks and can organise to print A4 colour copies of Council's Refugee Welcome sign. A pdf version of this sign also will be attached to all emails sent promoting the Palm Sunday rally (see **ATTACHMENT 2**.) A copy of this sign has been forwarded to Communications to place on Council's website.

Resource Implications:

Printing of A4 colour copies of Council's Refugee Welcome sign can be undertaken within current budget / resources.

ATTACHMENTS

1. Palm Sunday Rally Flyer
2. Marrickville Council Welcomes Refugees & Asylum Seekers Sign

PALM SUNDAY RALLY

**WELCOME
REFUGEES**

**20 MARCH
SUNDAY**

**1 PM BELMORE
PARK**

**(OPP CENTRAL STATION)
MARCH TO VICTORIA PARK**

**FOR INFO CALL IAN 0417 275 713
PENNY 0402 353 205
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MARRICKVILLE COUNCIL

Item No: C0316 Item 15

Subject: NOTICE OF MOTION: OPTIONS FOR RECOVERY OF COSTS FROM
HIRERS OF SPORTING FIELDS NOT LEFT IN FIT CONDITION

File Ref: 12/4674/25708.16

From Councillor Victor Macri

MOTION:

THAT Officers prepare a report for Council outlining options for the recovery of costs from sporting groups who fail to leave our sports fields in a fit condition.

Background

I have been approached by residents who were concerned about the condition of Camdenville Oval following weekend use of the grounds.

It is not acceptable for sporting groups to leave our fields in an unacceptable condition requiring a clean-up by Council. Groups hiring our community facilities are required to leave a bond to cover any additional costs involved with the hire. Could Officers outline the options available to Council to recover any costs associated with the hire of our sporting grounds in the event that they are left in an unacceptable condition.

Officer's Comments:

Council Officers will provide a report to Council in May setting out the options as requested in this Notice of Motion.

Resource Implications:

Nil.

ATTACHMENTS

Nil.

Item No: C0316 Item 16
Subject: MARRICKVILLE HOSPITAL SITE REDEVELOPMENT - PROGRESS REPORT
File Ref: 15/5876/22816.16

Prepared By: William Blunt - Executive Manager, Major Projects

Authorised By: Brian Barrett - General Manager

SUMMARY

This report provides Council with an update of actions taken following the appointment of Mirvac Projects Pty Ltd to undertake the redevelopment of the former hospital site and seek endorsement of the future actions and associated matters.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in **CONFIDENTIAL ATTACHMENT 4** of this report is classified as confidential under the provisions of Section 10A (2) (c) of the Local Government Act 1993 for the following reasons:

a) the information would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business
And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. Council resolves that **CONFIDENTIAL ATTACHMENT 4** to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) of the Local Government Act 1993;
2. the report be received and noted;
3. Council endorse the public artwork proposal; and
4. Council approve the allocation of funds for the ongoing implementation of the project as set out in the report.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023
1.1 The community is active and healthy
1.2 The community has improved access to a range of local services for all ages and abilities

BACKGROUND

Council at its meeting of 6 October 2015 recognised the significant milestone that was achieved for the community of Marrickville with the completion of the expression of interest and tender process that led to the execution of the PDA with Mirvac.

Council also recognised the benefits that will flow to the community with the development of the former Marrickville Hospital Site including the Council Works (defined term) including: provision of the new Library and Community Hub with its associated open space, underground car parking and through site link via Hospital Lane, together with the adjacent residential development on the northern portion of the site.

Council also recognised the financial benefits incorporated in the PDA including the construction of the Council Works at no cost to Council, the provision of affordable housing units at no cost to Council, the conservation of Buildings 1 and 4 of the former hospital, the provision of a shell space within Building 1 for Council to lease and the payment of financial contributions.

DISCUSSION

The following issues are discussed:

Project Governance

To oversee the implementation of the PDA, a Project Control Group (PCG) chaired by the General Manager and including the four directors and Legal Counsel has been formed. Terms of Reference for the project implementation phase have been adopted and are included at **ATTACHMENT 1**. The Terms of reference require for provision of reports to the Major Projects Steering Committee and/or Council.

The PCG has met on seven occasions since the execution of the PDA.

Standing agenda items include: Conflicts of Interest, Report by the Executive Manager Major Projects (EMMP), Resources, Risk, Finance and Community Engagement.

The PCG is supported by Council's Major Projects team with administrative support from the Executive Support Officer.

Management of the PDA

The PDA requires both parties to nominate representatives. Council's representative is William Blunt, Council's Executive Manager Major Projects (EMMP).

Representatives and other staff of both Council and Mirvac have been holding regular project meetings and have met on eight occasions and will continue to meet every fortnight to ensure the smooth and consistent implementation of the PDA.

Project Plan

The EMMP has prepared a Project Plan that establishes the key matters relating to the implementation of the project including:

- Description of the project
- The Project Delivery Agreement (PDA)
- Participants and responsibilities
- Financial issues
- Program matters
- Risk management
- Probity
- Leases
- Public Art

Version 1 of the Project Plan has been endorsed by the PCG.

The Project Plan is being continually reviewed and further sections are being developed as the project is implemented. Current with regard to the Project Plan includes the development of a further Risk Management Plan, resources required to support the implementation of the project and process to manage and review the completion of the design.

Timeline

The PDA establishes timelines for the project including the following Milestones:

15 July 2017

- Lodgment of Overarching Development Application (ODA) and other Development Applications (see below)
- Submission of Design Documents for Council Works (see below) for council review and approval

15 January 2017

- Council provides its Fitout Design Documents and Public Art Documents to Mirvac (see below)

Early to Mid 2017

- Regulator issued Development Consent for the ODA
- Developer's Land transferred to Mirvac when a number of conditions have been satisfied including: Obtain the ODA, registration of the subdivision, payment to Council of the developer's contribution, provision of bank guarantees to Council.
- Council Works are to be completed within 19 months of the Transfer

End 2018 (Target)

- Completion and opening of new library and community hub

Mid 2019 (Target)

- Completion of residential works
- Affordable Housing Units transferred to Council

Status reports against these dates will be provided to the Major Projects Steering Committee and/or Council as the project progresses.

Overarching Development Application (ODA)

Under the terms of the PDA, Mirvac must lodge their ODA for the whole of the redevelopment including Council Works no later than 15 July 2016. Prior to lodgment, Mirvac must submit their proposed ODA to Council for review. Council has 20 business days for that review. Mirvac have advised they aim to lodge their ODA earlier on or about 1 June 2016. If the ODA is in accordance with the PDA, the General Manager shall exercise his delegation and grant land Owners consent for the ODA to be lodged.

Mirvac have engaged Tonkin Zulaikha Greer Architects to design their residential component and have engaged another team from within BVN to complete the complete the design of the Council Works (from the current status to 100%).

Mirvac had a pre-development application lodgment meeting in early February.

Mirvac's team subsequently met with the PCG on 29 February 2016 and provided a briefing on their design of the residential component of the project, their work to complete the design of the Council Works and provided advice on their planned environmental initiatives for the residential component of the development.

On Tuesday 23 February 2016, Mirvac held an information session with the residents of Lillydale Street. Prior to the meeting, Mirvac confirmed to the Council that they would not be seeking to increase the height of the development above the height limits set in the LEP and would recognise the design issues relating to the surrounding developments including those in Lillydale Street.

Given Council has an interest in the ODA being the Council Works component, the ODA will be referred to external planners for assessment and reporting to the Joint Regional Planning Panel. To ensure appropriate management of the ODA through the process, a project specific Probity Plan has been developed by an external consultant and implemented for the development application processes.

As the Director PES is a member of the PCG, the Probity Plan provides that he has no involvement in any aspect of the assessment process.

Once lodged and accepted as being complete, advertising of the ODA will occur.

Other Development Applications

The PDA enables Mirvac to lodge the following other Development Applications to support the project:

- Subdivision
- Diversion of existing sewer and storm water systems
- Demolition and civil works.

These are required to be lodged on or before 15 July 2016.

Upon receipt of the above applications, a decision will be made by the Manager Development Assessment if those applications will be reviewed internally or if they will be assessed by an independent planner.

Given the nature of the applications and the low monetary value, it is likely that these will be referred to Council for determination.

Design Documents for Council Works

The PDA provides for Mirvac to complete and submit the Design Documents (defined term) for the Council Works on or before 15 July 2016.

These documents were substantially completed by BVN Architects for the tender process. That version is incorporated in the PDA. The task for Mirvac, is to complete those documents in accordance with the substantial technical specifications and schedules also included in the PDA.

Upon submission, Council will have 20 business days to review the documents and respond to Mirvac. If Council is not satisfied with the completeness of the documents, Council may reject those documents and Mirvac must resubmit until the documents are acceptable.

If approved by the EMMP (with referral to the PCG), the documents will form the basis of the construction of the Council Works (except the fitout – see below).

All works incorporated in those documents is to be constructed at no cost to Council.

Fitout Design

Concurrently with the above work, BVN are working to complete the design of the fitout for the new library and community hub.

At the time of the tender, BVN had prepared outline designs for the fitout however those designs remained to be completed. A provisional sum to cover the cost of the fitout is included in the PDA against which the cost of the fitout will be set against.

The PDA requires Council to complete its design and documents for the fitout and provide those to Mirvac by 15 January 2017. At that time, Mirvac will review those and provide a quotation for those works. If the EMMP (with referral to the PCG) upon reviewing the quote is satisfied with the value of the quote, it can accept the quote and have Mirvac proceed to integrate the fitout works in the overall works or it can require Mirvac to procure three tenders and have those submitted for review and acceptance by Council.

To ensure the fitout integrates seamlessly with the Council Works being prepared by Mirvac, BVN are currently working with the New Marrickville Library Working Group (NMLWG) which is chaired by the Manager Library and History Services and includes other staff to complete the design by the time the ODA and Design Documents are lodged.

As the design is developed and finalised, Council will have its cost planner review the design and documents to ensure the cost is within the provisional sum included for these works.

A copy of the design plans for the fitout included in the PDA are included at **ATTACHMENT 2**.

Affordable Housing

As part of the PDA, Mirvac must nominate the location and layouts for the affordable housing units prior to the transfer of the land to Mirvac.

At this point in time and in the absence of the ODA, it is unknown how many affordable housing units will be delivered to achieve the 4 % requirement set in the PDA.

Future work of staff responsible for affordable housing, will include a review of the ODA to assess the number of units to be provided by Mirvac and to assess the levels of compliance with the technical specifications included in the PDA.

Public Art

The PDA includes for the provision of public art into the Council Works.

Culture and Recreation have prepared a Public Art Proposal which was reviewed and approved by the PCG for submission to Council. A copy of the proposal is included as **CONFIDENTIAL ATTACHMENT 4**.

The Proposal includes for the incorporation of five units of public art – both externally and internally and proposes a budget of \$280,000 be allocated for this component of the project.

The implementation of the proposal will be overseen by Council's Public Art Reference Group, in accordance with Council's Public Art Policy and Public Art Guidelines.

Resources

The work above is resource intensive and managing the proper implementation of the PDA is critical to the success of the project.

The day to day responsibility within Council rests with the Major Projects Team headed by the Executive Manager Major Projects. Day to day work is undertaken by the Project Director – Ms Sandy Bailey.

A further project manager will be appointed to assist the team with the extensive work being undertaken concurrently and coming up with the submission of the ODA and Design Documents and completion of the fitout design.

The project is also supported within Council by the PCG, NMLWG, and other staff with regard to affordable housing and public art.

Once the ODA and other DAs are lodged, other staff will become involved in administration and review processes.

The above work is in addition to other ongoing work by staff and is also being undertaken at a time of uncertainty and other workloads relating to the potential amalgamation of Councils. Appropriate management of the project across an amalgamation process will be critical to ensure the ongoing implementation of the project.

The PCG recognises the important issues relating to the implementation of the project and is monitoring resource requirements, including the option to engage specialist project management and consultant expertise to assist at critical periods.

Risk Management

Identification and mitigation of risks is necessary to ensure the effective implementation and completion of the project.

A comprehensive risk management plan was prepared and implemented during the Expression of Interest and Tender process.

On 5 November 2015, council received a response from the Office of Local Government to its Capital Expenditure Review submission made to the OLG on 9 June 2015. A copy of the letter

from OLG is included at **ATTACHMENT 3**. The OLG reminded Council of the importance of continuing its focus on the mitigation and management of risks during the project.

As a first step to identify and mitigate risks during the implementation, Council's external lawyers prepared a comprehensive schedule of responsibilities flowing from the PDA. This schedule provides guidance on potential risks.

In addition, Council has engaged a specialist risk consultant to prepare a further risk management plan covering future risks and identifying appropriate mitigation measures to be implemented. The further plan will be reviewed by the PCG for adoption and implementation.

Community Information

Community engagement and information to date has included:

- Three fully-booked community tours were held of the former Marrickville Hospital site and two tours conducted for Council's Library staff
- A digital 'virtual' tour was created and distributed broadly via email to the data-base of approximately 1400 people as well as promoted on social media and in e-news.
- The three tender concepts were publicly exhibited at Marrickville Library including massing models on a site model
- Following the selection of Mirvac by Council, the display was amended to focus on the Mirvac concept
- The site model incorporating the Mirvac massing model was displayed at Marrickville Festival
- A newsletter was distributed to residents adjacent to the site (Lilydale, Stanley and Livingstone).
- An e-newsletter was distributed to the data-base
- Council's website was updated.
- A media release announced the Mirvac decision
- Social media promoted the Mirvac decision and public display of the model

Council has received letters from residents of Lillydale Street expressing concern at the proposed development.

Mirvac has held an information session with residents of Lillydale Street.

Formal notification processes will commence upon receipt of the ODA and any Other DA's. Residents will have 14 days in which to make submissions.

It is planned that prior to any construction works commencing on site and during construction, Mirvac will provide regular information briefings to local residents.

The Major Projects Team and the Communication and Engagement Coordinator will liaise with Mirvac during the latter part of 2016 to develop an agreed community information strategy to be implemented during the construction works. The aim of the strategy will be to keep local residents and the broader community fully informed of progress, and future activities.

FINANCIAL IMPLICATIONS

The cost to construct the Council Works including a provisional sum for the fitout is incorporated within the PDA.

The costs for the ongoing management and implementation of the project within Council is required to be funded by Council.

At its meeting of 19 May 2015, Council endorsed a cost plan that included various provisions including \$30.975m for the construction of the Council Works including fitout and a budget of \$2.55m for implementation of the project as envisaged at the time of the expression of interest; and tender phase including consultant costs, authority fees and a small contingency of \$500k.

As discussed above, a budget for the provision of public artwork amounting to \$280,000 is required.

Expenditure against the \$2.55m is being incurred and appropriate budget allocations have been included in the 2015/2016 budget and Long Term Financial Plan. Future receipt of contributions from Mirvac have been included in the 2016/2017 financial year.

Staff costs over the life of the project will be capitalized to the project to the end of the defects liability period in 2010.

Any required further adjustments will be incorporated in future quarterly reviews.

PUBLIC PARTICIPATION

There has been no public participation in the preparation of this report.

The public has been kept informed of progress as discussed above under Community Information.

CONCLUSION

Since the Project development Agreement was executed with Mirvac, the project has progressed with appropriate governance and management structures and measures being implemented. Key issues including the incorporation of public art and the provision of affordable housing have been developed.

ATTACHMENTS

1. MHS PCG Terms of Reference
2. Fitout Plans
3. Letter from Office of Local Government
4. NML Public Art Proposal - *Confidential*

MARRICKVILLE HOSPITAL SITE REDEVELOPMENT

PROJECT CONTROL GROUP – TERMS OF REFERENCE

MEMBERSHIP

General Manager or Acting General Manager – Chair Person

Director Infrastructure Services

Director Corporate

Director Planning

Director Community

General Counsel

During leave, Acting Persons may attend but shall not become members

A quorum of the PCG shall be at least 3 members

The PCG acting as a whole (all members) may agree to amend the Membership, terms of Reference or any other matter relating to the activities of the PCG

TERMS OF REFERENCE

Meet regularly throughout the life of the project – timing to be determined by the PCG

To overseeing delivery of the project in accordance with the PDA and agreed plans

To receive regular progress reports from the Project Director with regard to issues relating to the implementation of the Project Development Agreement and associated matters

Review specific issues relating to Council's obligations and provide direction to the Project Director when required

Facilitate regular reports to Council via the Major Project Steering Committee and/or Council

Ensure the project is adequately resourced and that adequate funds are available to implement the project

Regularly review the financial status of the project

Regularly review the risk profile for the project and provide direction to the Project Director where risks are required to be mitigated

To receive submissions from the NMLWG, Public Artwork Team, Affordable Housing team and/or others and make decisions for implementation.

Review communications plans and oversee community engagement activities

Decisions shall be reached by consensus but where a consensus cannot be reached, the decision of the Chair Person shall be final

ADMINISTRATION

The PCG shall be supported by the Project Director and project team

Minutes shall be taken of all meetings and confirmed at a subsequent meeting

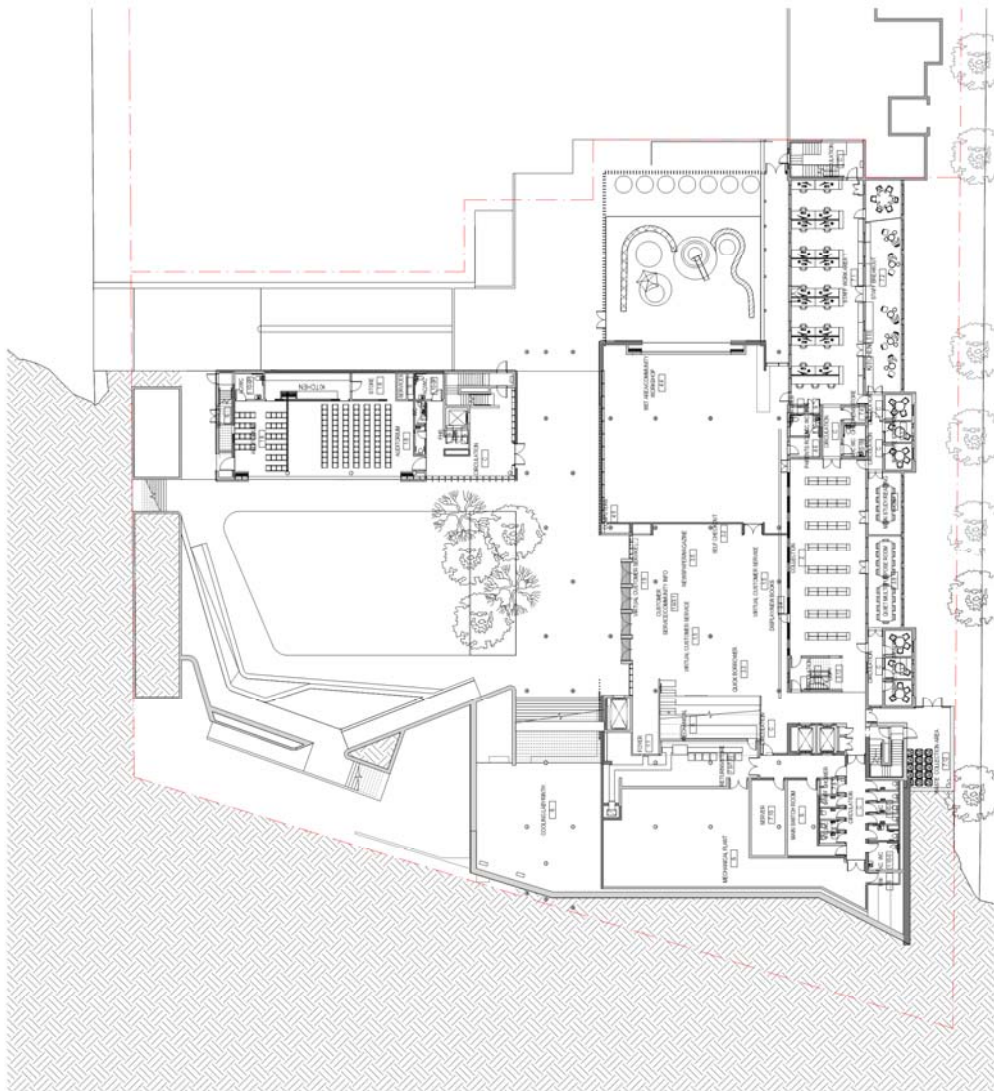
The Executive Support officer shall provide administrative support

STANDING AGENDA ITEMS

- Conflicts of Interest
 - Receipt of Progress Report (to include report from BVN of Design Matters with Mirvac and Fitout)
 - Resources
 - Risks
 - Finance
 - Community engagement and/or consultation
 - Reports to the Major Projects Steering Committee and/or Council
-



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Authorizing the Committee

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MARRICKVILLE COUNCIL

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Abstract

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FOR INFORMATION
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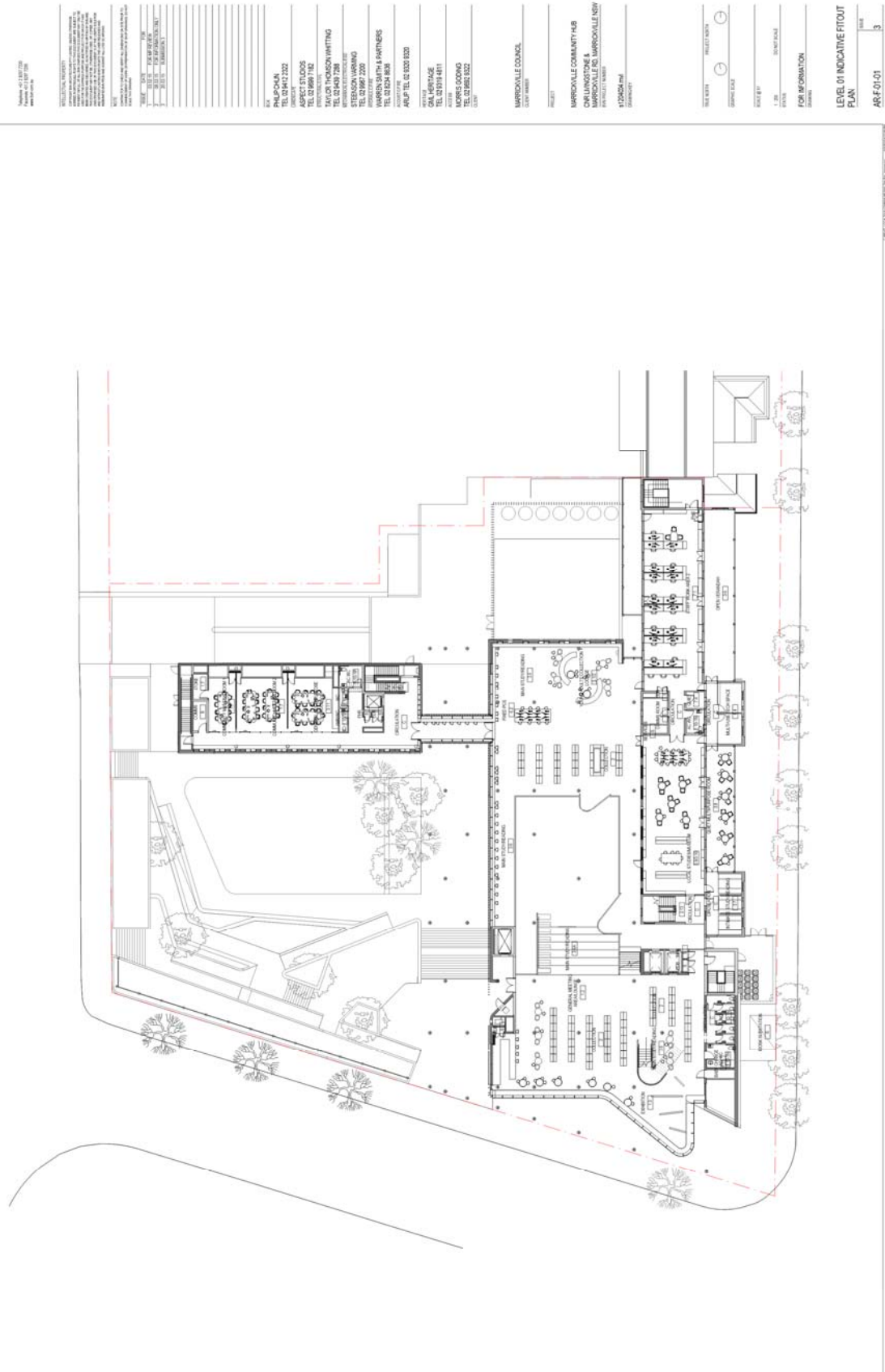
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FOR: MARRICKVILLE COUNCIL

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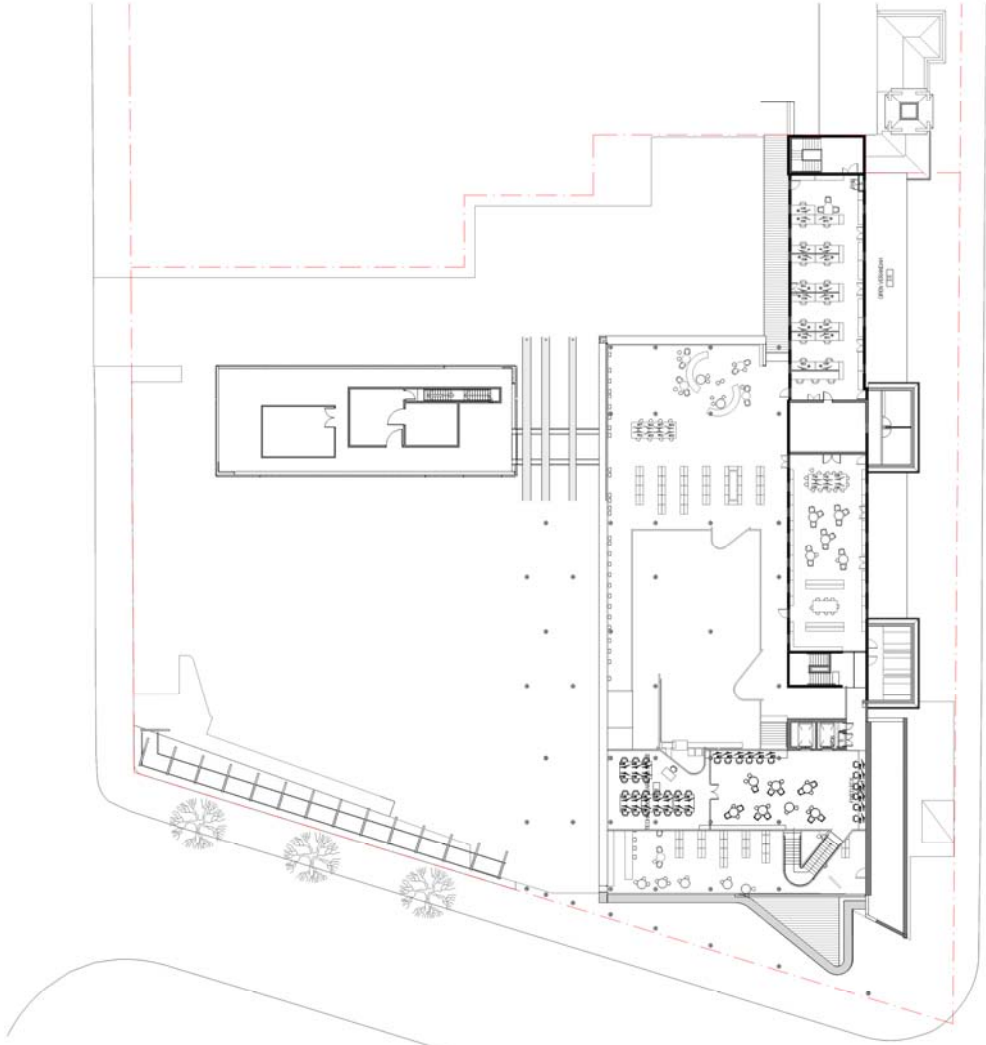
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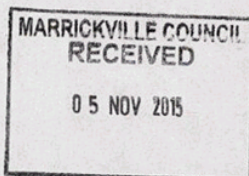
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Office of
Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A425029
Your Reference:
Contact: Chris Duff
Phone: 02 4428 4186

Mr Brian Barrett
General Manager
Marrickville Council
PO Box 14
PETERSHAM NSW 2049



Dear Mr Barrett

Thank you for your letter of 9 June 2015 about a capital expenditure review for the redevelopment of the Marrickville Hospital site. I am sorry for the delay in replying.

After reviewing the information provided, it has been determined that Council has satisfactorily addressed the Office of Local Government's capital expenditure criteria.

Although Council has generally satisfied the Office's capital expenditure criteria, it is important to note that this response should not be construed to be an endorsement of the capital expenditure proposal.

I note that the project was assessed as being unusually risky for Marrickville Council, according to its capital expenditure review. As such, I would like to reinforce the recommendation made in the capital expenditure review of the importance of Marrickville Council continuing its focus on the mitigation and management of risks during the entire project.

I trust this information is of assistance.

Yours sincerely
Protected by
PPIPA

Mark Hely
Acting Director, Investigations and Performance

30/10/15

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Item No: C0316 Item 17

Subject: ANNETTE KELLERMAN AQUATIC CENTRE

File Ref: 12/4726/22579.16

Prepared By: William Blunt - Executive Manager, Major Projects and Joe Strati - General Counsel

Authorised By: Brian Barrett - General Manager

SUMMARY

This report provides advice and recommendations in relation to the required refurbishment and maintenance works at the Annette Kellerman Aquatic Centre and the finalisation of proceedings with ADCO Constructions Pty Ltd.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENTS 1 and 2 of this report are classified as confidential under the provisions of Section 10A (2) (c), (e) and (g) of the Local Government Act 1993 for the following reasons:
 - a. Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
 - b. Information that would, if disclosed, prejudice the maintenance of law; and
 - c. Advice concerning litigation.

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENTS 1 and 2 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Sections 10A(2) (c), (e) and (g) of the Local Government Act 1993;
2. the report be received and noted; and
3. Council adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
1.1	The community is active and healthy
1.2	The community has improved access to a range of local services for all ages and abilities
1.3	The community has increased opportunities for participation and engagement

BACKGROUND

At the Council meetings on 3 December 2013 and 18 February 2014, Council considered reports regarding required architectural and mechanical works. A further report regarding electrical and glazing works was submitted to Council on 15 April 2014.

On 25 November 2014, Council resolved to adopt a tender recommendation to appoint specialist consultants to further investigate the required works and provide designs and tender documents for those works.

The required works are discussed in **CONFIDENTIAL ATTACHMENT 1**.

Information relating to the finalisation of proceedings with ADCO Constructions Pty Ltd is contained in **CONFIDENTIAL ATTACHMENT 2**.

PUBLIC PARTICIPATION

There has been no public consultation with regard to the contents of this report.

CONCLUSION

The attached confidential reports (**CONFIDENTIAL ATTACHMENTS 1 and 2**) provide advice to Council and make recommendations.

ATTACHMENTS

1. Confidential Attachment 1 - *Confidential*
2. Confidential Attachment 2 - *Confidential*

Item No: C0316 Item 18
Subject: TENDER 21/15 CAMDENVILLE PARK UPGRADE - ASSESSMENT OF TENDERS
File Ref: T/21/15-BP/8992.16

Prepared By: Bill Pearce - Civil Engineer - Project Management

Authorised By: Neil Strickland - Director, Infrastructure Services

SUMMARY

The Camdenville Park Upgrade Tender no. 21/15 is for the major upgrade of Camdenville Park and includes reshaping the site, regrading the sports field, construction of a new playground and path works. A report on the results of assessment of the received tenders by the Tender Review Panel can be found in **CONFIDENTIAL ATTACHMENT 1**. Construction is planned to commence in April 2016.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in **CONFIDENTIAL ATTACHMENT 1** of this report are classified as confidential under the provisions of Section 10A (2) and (d) of the Local Government Act 1993 for the following reasons:
 - a. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
 - b. it is not in the public interest to reveal all details of these tenders of the assessment process. Companies have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by companies could result in the withholding of such information by companies and reduction in the provision of information relevant to Council's decision;

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. Council resolves that **CONFIDENTIAL ATTACHMENT 1** to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993;
2. the report be received and noted; and
3. Council adopt the recommendation contained in **CONFIDENTIAL ATTACHMENT 1** in relation to the selection of contractors to undertake the work under the subject tender.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
3.6	Marrickville's parks, grounds and open spaces provide diverse opportunities for recreation and enjoyment and are designed with community input

BACKGROUND

This report presents the assessment of tenders for Tender No 21/15 Camdenville Park Upgrade.

The works include:

- Demolition of existing improvements;
- Reshaping the surface profiles and remediating with an imported soil layer;
- Returfing, mass planting and tree planting;
- Pathways, path lighting, retaining walls, park furniture, fencing;
- Playground installation;
- Realignment and renewal of sportsfield including soil works, irrigation, drainage, sports lighting and turf;
- Rain garden and in-ground water storage tank (discretionary item).

Open tenders for the upgrade works were advertised on 3 December 2015 and closed on 3 February 2016.

The tendered works exclude the western portion of the park which is planned to be occupied for WestConnex construction from mid-2016. At its meeting of 15 September 2015 Council resolved not to proceed with the construction of the BMX Pump Track owing to the uncertainty around WestConnex proposals for the park. It is expected that SMC will honour its previous commitment to construct the BMX Track as part of the WestConnex works.

DISCUSSION

At the closing of tenders a total of five submissions were received from the following companies:

Sportsturf Solutions
Glascott Landscape and Civil
Regal Innovations
Wilson Pedersen Landscapes
North Shore Paving

Tender submissions were examined and evaluated in accordance with the criteria set out below:

1. Tender price
2. Methodology and program
3. Expertise, experience and capacity
4. Extent of conformity, technical and commercial compliance with Council's Request for Tender

FINANCIAL IMPLICATIONS

Funding for the works is provided in the 2015-2016, 2016-2017 and 2017-2018 financial years in the Capital Works Budgets. Details of funding for the project are included in **CONFIDENTIAL ATTACHMENT 1**.

PUBLIC PARTICIPATION

Extensive community engagement was undertaken in the development of the Camdenville Park Plan of Management and Master Plan, adopted in 2013. Works identified within the upgrade are in accordance with the recommendations in the Plan of Management and Master Plan. Further community engagement has been undertaken in preparation of detailed designs for the park, in particular for the playground design.

Community newsletters were issued to surrounding residents in May and July 2015 and further newsletters and on-site construction notices will be provided as required including construction notifications.

CONCLUSION

The Tender Review Panel has undertaken an assessment and made recommendations for Tender 21/15 as set out in **CONFIDENTIAL ATTACHMENT 1**. The recommendation of the Panel is submitted to Council for its consideration and adoption.

ATTACHMENTS

1. Camdenville Park Upgrade - Assessment of Tenders - *Confidential*

Item No: C0316 Item 19

Subject: TENDER 22/15 MARRICKVILLE PARK BUILDING UPGRADES -
ASSESSMENT OF TENDERS

File Ref: 15/5848/8732.16

Prepared By: Marcello Telese - Project Officer, Open Space (Building and Facilities)

Authorised By: Neil Strickland - Director, Infrastructure Services

SUMMARY

The Marrickville Park Building Upgrades Tender Number 22/15 is for the replacement of external cladding and roof sheeting to the existing Marrickville Park Tennis Club building, replacement of the existing grandstand and amenities building with a new amenities building and new cladding to the existing stable building.

A report by the Tender Review Panel on the results of the assessment of received tenders, which recommends the engagement of a tenderer to undertake the upgrade work, can be found in **CONFIDENTIAL ATTACHMENT 1**.

The work is scheduled to commence in April 2016. The tennis club works are to be completed before the demolition of the grandstand and new building works commence.

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:
 - a. the information within **CONFIDENTIAL ATTACHMENT 1** of this report, if disclosed, could confer a commercial advantage on persons with whom the Council proposes to or may conduct business.

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. Council resolves that **CONFIDENTIAL ATTACHMENT 1** to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993, and as such is to be treated as confidential;
2. Council adopts the recommendation contained within **CONFIDENTIAL ATTACHMENT 1**; and
3. the General Manager be given delegated authority to sign the Contract on behalf of Council.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

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| 1.2 | The community has improved access to a range of local services for all ages and abilities |
| 1.4 | The community feels safe, connected and has accessible infrastructure |
| 3.9 | Marrickville's built environment demonstrates good urban design and the conservation of heritage, as well as social and environmental sustainability |

BACKGROUND

Tenders were recently invited for renewal of existing buildings at Marrickville Park. The works aim to implement priority actions of the Marrickville Park Plan of Management and Masterplan and include:

- Replacement of the existing tennis club roof and cladding;
- Demolition of the existing grandstand and amenities buildings; and
- Construction of a new sports amenities building including accessible public toilets.
- Cladding of the existing Stables building

The tender period commenced on Wednesday 16 December 2015 with a closing date of Wednesday 27 January 2016.

DISCUSSION

At the closing of tenders six submissions were received. Tender submissions were examined and evaluated in accordance with the criteria set out below:

1. Tender Price;
2. Methodology, Program & Financial Capacity;
3. Expertise, Experience & Project Personnel;
4. Conformity and commercial compliance with Council's Request for Tender.

FINANCIAL IMPLICATIONS

Funding for the works is provided in the 2015-2016 Capital Works Budget. Details of funding for the project are included in **CONFIDENTIAL ATTACHMENT 1**.

PUBLIC PARTICIPATION

Extensive community engagement was undertaken in the development of the Marrickville Park Plan of Management and Master Plan, adopted in August 2015. Works identified within the upgrade are in accordance with the recommendations in the Plan of Management and Master Plan.

A community newsletter advising of the works was circulated in December 2015 and further notifications will be provided prior to works commencing. An updated newsletter will be provided as works progress. Designs have been prepared in consultation with the tennis club and other sports users and stakeholders will be provided with specific project notifications as required.

CONCLUSION

The Tender Review Panel has undertaken an assessment and made recommendations for Tender 22/15 as set out in **CONFIDENTIAL ATTACHMENT 1**. It is recommended that Council adopt the recommendations of the Panel.

ATTACHMENTS

1. Marrickville Park Building Upgrade - Tender Assessment Report - *Confidential*

Item No: C0316 Item 20
Subject: TENDER 30/15 RENEWAL OF PICKET FENCES - MARRICKVILLE AND PETERSHAM PARKS
File Ref: T/30/15-BP/10629.16

Prepared By: Terrie Chin - Project Officer - Design and Investigation

Authorised By: Neil Strickland - Director, Infrastructure Services

SUMMARY

Tenders were called for the renewal of picket fences at Marrickville and Petersham Parks. Works will include the installation of white powdercoated steel picket fence and gates around the sporting ovals of Petersham and Marrickville Parks and disposal of existing timber picket fences.

A report by the Tender Review Panel on the results of the assessment of received tenders, which recommends the engagement of a tenderer to undertake the upgrade work, is included as a confidential attachment.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENTS 1 and 2 of this report are classified as confidential under the provisions of Section 10A (2) (c) and (d) of the Local Government Act 1993 for the following reasons:
 - a. the information within CONFIDENTIAL ATTACHMENTS 1 and 2 of this report, if disclosed, could confer a commercial advantage on persons with whom the Council proposes to or may conduct business.

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT Council:

1. resolves that CONFIDENTIAL ATTACHMENTS 1 and 2 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993; and
2. adopts the recommendations contained in CONFIDENTIAL ATTACHMENT 1 and 2.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

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| 3.6 | Marrickville's parks, grounds and open spaces provide diverse opportunities for recreation and enjoyment and are designed with community input |
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BACKGROUND

Tender T30/15 - Renewal of picket fences at Marrickville and Petersham Parks is for the demolition of the existing deteriorating timber fences around the sporting ovals of Petersham and Marrickville Parks and installation of new white powder coated steel picket fences and gates. Following a review of aluminum and steel picket sportsfield fencing installed by other Councils, including City of Sydney, a proprietary system powder coated steel fencing has been selected for durability and longevity.

Works at Marrickville Park will occur concurrently with park upgrading works which are commencing in March 2016.

DISCUSSION

Tenders were invited and closed on 3 February 2016. At the closing of tenders a total of 8 submissions were received from the following companies:

1. Northern Fencing
2. Blue Dog Fencing
3. Spik Services
4. Local Fencing Pro
5. Meams
6. Civil Tech Services
7. Scully Outdoor Designs
8. Cooper

A tender evaluation panel was formed and the tender submissions were examined and evaluated in accordance with the criteria set out below:

1. Tender price
2. Methodology and program
3. Expertise, experience and capacity
4. Extent of conformity, technical and commercial compliance with Council's Request for Tender

The evaluation panel has assessed the submissions using an agreed methodology and the summary of the assessment is included in **CONFIDENTIAL ATTACHMENT 1**. The recommendation of the Panel is included in its assessment report which is appended to this report as **CONFIDENTIAL ATTACHMENT 2**.

FINANCIAL IMPLICATIONS

Funding for the works is provided in the 2015-2016 Capital Works Budget.

PUBLIC PARTICIPATION

Specification of the fencing work has been prepared in consultation with affected sporting clubs through Council's Culture and Recreation Services. Sporting use of the fields is to be maintained during installation. Community and sports club notification of the installation will be provided before commencement. The project has been included in the Marrickville Park Upgrade Newsletter 1 distributed to residents in December 2015.

CONCLUSION

The Tender Review Panel has undertaken an assessment and made recommendations for Tender 30/15 as set out in **CONFIDENTIAL ATTACHMENT 1**. The recommendation of the panel is submitted to Council for its consideration and adoption.

ATTACHMENTS

1. Tender Assessment Spreadsheet - *Confidential*
2. Tender Panel Review Report - *Confidential*

Item No: C0316 Item 21
Subject: TENDER 27/15 MAJOR COMMUNITY EVENTS PROGRAM - STAGING
TENDER RESULTS
File Ref: T/27/15-BP/22880.16

Prepared By: Simone Parrott - Events Coordinator

Authorised By: Simone Schwarz - Director, Community Services

SUMMARY

Tenders closed on Wednesday 21 December 2015 for the 1 year contract, with options to extend for three periods of 12 months and up to a total of 4 years, for the provision of staging, structures, fete stalls and stands for Council's Major Community Events Program.

The tender assessment is contained in **CONFIDENTIAL ATTACHMENTS 1 and 2**.

RECOMMENDATION

THAT:

1. Council move into closed session to deal with this matter as information contained in **CONFIDENTIAL ATTACHMENTS 1 and 2** of the 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:
 - (a) the information within this report, if disclosed, could confer a commercial advantage on persons with whom the Council proposes to or may conduct business; and
 - (b) it is not in the public interest to reveal all details of these Tenders or the assessment process. Companies have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by companies could result in the withholding of such information by companies and reduction in the provision of information relevant to Council's decision.

And in accordance with Sections 10A(4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. the Council resolve that **CONFIDENTIAL ATTACHMENTS 1 and 2** to the report be treated as confidential in accordance with Section 11(3) of the Local Government Act 1993, as it relates to a matter specified in Section 10A(2) of the Local Government Act 1993, and as such is to be treated as confidential;
2. the report be received and noted; and
3. Council adopts the recommendations contained in **CONFIDENTIAL ATTACHMENTS 1 and 2**.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

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| 4.4 | Council operations are high quality, sustainable, ethical and efficient |
| 4.5 | Council is financially viable and provides value for money in the delivery of its services |

BACKGROUND

A public tender process was initiated in November 2015 for the staging, structures, fete stalls and stands for Council's Major Community Events Program.

Advertising was undertaken in the Inner West Courier and the tender was made available through the Tenders Online website.

DISCUSSION

Tenders closed on Wednesday 21st December 2015. Four submissions were received by the closing date, as follows:

- Butler's Events & Staging;
- Festival Hire (NSW) Pty Ltd;
- Pillingers Hiring Services (NSW) Pty Ltd; and
- Posh Events Pty Ltd.

Submissions were reviewed by a tender review panel comprising:

- Team Leader Corporate Sustainability;
- Event Coordinator; and
- Event Project Officer.

Prequalification eligibility was evaluated against the following criteria:

- Proven capacity to complete a project;
- Methodology and relevant experience;
- Workplace, Health & Safety;
- Environmental systems; and
- Price.

The tender assessment is contained in the Tender Report **CONFIDENTIAL ATTACHMENTS 1 and 2.**

FINANCIAL IMPLICATIONS

Acceptance of this Tender fits within the allocated budgets for the delivery of the Major Community Events Program.

PUBLIC PARTICIPATION

Nil.

ATTACHMENTS

1. Tender Score Sheet - *Confidential*
2. Tender Assessment Comments - *Confidential*

Item No: C0316 Item 22
Subject: TENDER 28/15 NEW DULWICH HILL LIBRARY - RECOMMENDATION FOR ENGAGEMENT OF CONTRACTOR
File Ref: T/28/15/138284.15
Prepared By: Nadia Barbov - Project Manager - Major Projects
Authorised By: Brian Barrett - General Manager

SUMMARY

Council has acquired a 260sqm tenancy on the ground floor of the new development "The Cooperage" at 362-372 New Canterbury Road, Dulwich Hill which is to be used for the new Emanuel Tsardoulis Library to replace the existing Dulwich Hill Library. This report discusses the tenderers that have been received for the fit out of the new library, the naming of the library in recognition of Councillor Emanuel Tsardoulis, library signage and the proposed formal opening date.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENT 1 of this report are classified as confidential under the provisions of Section 10A (2) (c) and (d) of the Local Government Act 1993 for the following reasons:
 - a. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
 - b. commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, WHERE THE MEETING IS NOT CLOSED:

THAT:

1. Council resolves that CONFIDENTIAL ATTACHMENT 1 to the report be treated as confidential in accordance with Section 10A (4) of the Local Government Act 1993, as they relate to a matter specified in Section 10A(2)(c) and (d) of the Local Government Act 1993;
2. the report be received and noted; and
3. Council adopts the recommendation contained in CONFIDENTIAL ATTACHMENT 1.

Our Place, Our Vision – Marrickville Community Strategic Plan 2023

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| 1.2 | The community has improved access to a range of local services for all ages and abilities |
| 1.7 | The community is engaged in lifelong learning opportunities |

BACKGROUND

The current Dulwich Hill Library is located in a stand-alone former dwelling house in Seaview Street, Dulwich Hill. The building is located adjacent to one of the two car parks and is also adjacent to the Early Childhood Centre (now closed). The existing library and childcare centre are being reviewed for integration into the adjacent car park for future redevelopment. The existing library is cramped and run down.

In September 2013, Council entered into a Voluntary Planning Agreement (VPA) for the development at 362-372 New Canterbury Road. The VPA provides space for a replacement library within the development.

The new development on site consists of 6 storeys including a basement car park level. Retail tenancies and cafes are located fronting New Canterbury Road whilst residential apartments are accommodated on the upper floors and also along the Herbert Street and Seaview Street frontages.

A Development Application for the fitout of Tenancy 6 for the new library was approved by Council on 11 November 2015, Determination Number 201500452.

Tenders for the work have been received and are reported within **CONFIDENTIAL ATTACHMENT 1**.

DISCUSSION

Engagement of a head contractor to carry out fit out works

The attached **CONFIDENTIAL ATTACHMENT 1** provides advice to Council and makes recommendations.

Naming of the Library and recognition of Emanuel Tsardoulis

At the November 2014 Council meeting (C1114 Item 13) Council resolved to recognise the service of Councillor Emanuel Tsardoulis to the local community by naming the new Dulwich Hill Library in his memory.

Following the above resolution, Emanuel's wife, Zoi Tsardoulis, was invited to select from a list of potential suggestions. She has selected *The Emanuel Tsardoulis Library*. Officers have contacted the Geographical Naming Board and have been advised there is no formal process required for the naming of Libraries. On this basis, appropriate signage will be provided including a plaque to be installed at the Library recognising Councillor Emanuel Tsardoulis' service to the community.

Council officers will also liaise with Zoi Tsardoulis regarding Council hosting a small function to formally recognise and celebrate Cllr Tsardoulis' service to the community via the naming of the Library in his honour.

Library signage

Officers are in the process of selecting a signage consultant for the Library's external, internal and way finding signage. Due to the potential amalgamation, combined with the significant costs associated with the installation of signage, the Marrickville Council and Marrickville Library logo will not appear on any signage. A space for any future logo will be incorporated for the placement of logos once the amalgamation outcome has been determined.

Opening

Details of the opening of the new library will be determined closer to the opening. However, it is recommended that a soft opening take place when the works are completed with a formal opening occurring once the Library is open and running smoothly. It is likely that the official opening could take place as part of the Dulwich Hill Village Fair on Sunday 11 September 2016.

FINANCIAL IMPLICATIONS

Refer to **CONFIDENTIAL ATTACHMENT 1**.

PUBLIC PARTICIPATION

There has been no public consultation with regard to the contents of this report.

CONCLUSION

The attached **CONFIDENTIAL ATTACHMENT 1** provides advice to Council and makes recommendations.

ATTACHMENTS

1. New Dulwich Hill Library - Tender Assessment Report - *Confidential*