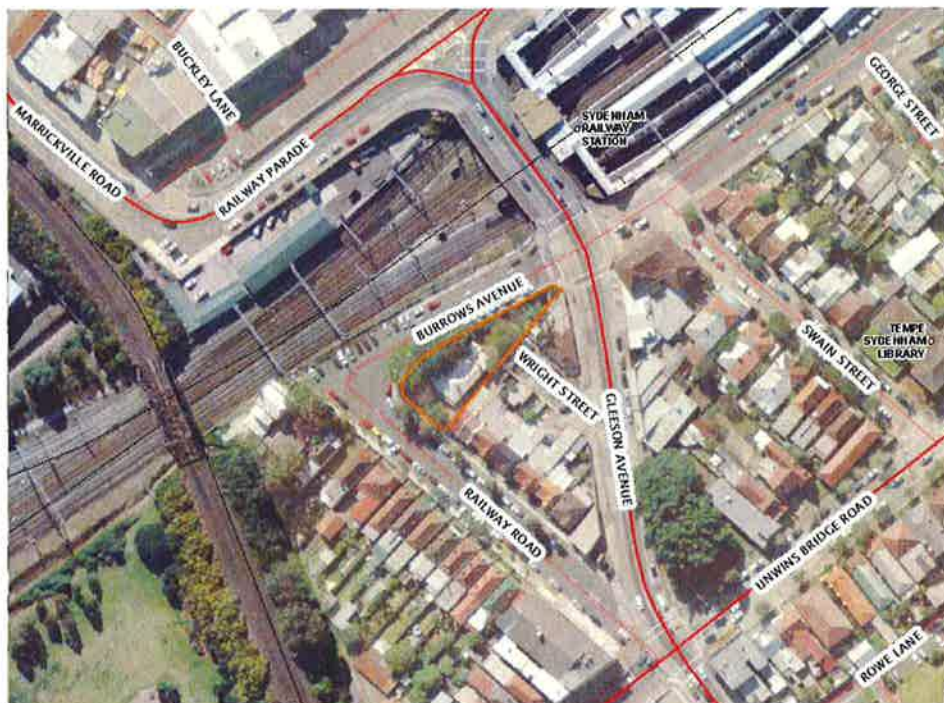


# **RAILCORP SUBMISSION TO JOINT REGIONAL PLANNING PANEL**

**Demolition, removal of trees  
and remediation of site.**

**117 Railway Road, Sydenham**

**DA 201000599**



**MAY 2011**

## **ITEM A: Can Council refuse development consent?**

The subject development application involves the demolition of existing buildings (none of which are heritage listed), removal of trees and to undertake Category 1 remediation works. The Category 1 remediation works require development consent under State Environmental Planning Policy No.55 – Remediation of Land (SEPP55).

Clause 12(1) of SEPP55 states:

*"The consent authority must not refuse development consent for a category 1 remediation work unless the authority is satisfied that there would be a more significant risk of harm to human health or some other aspect of the environment from the carrying out of the work than there would be from the use of the land concerned (in the absence of the work) for any purpose for which it may lawfully be used."*

Further, Clause 12(2) of SEPP55 also states:

*"Nothing in this clause prevents the consent authority from refusing consent to a development application if:*

- (a) by operation of an environmental planning instrument or section 79B(3) of the Act, the development application may not be determined by the granting of consent without the concurrence of a specified person, and*
- (b) that concurrence is not given.*

As concurrence is not required, then Clause 12(2) of SEPP55 does not apply to this development proposal.

Section 3 of Council's Planning Report addresses SEPP55 and states that *'[i]n the absence of testing for contaminants under the dwelling there is not considered to be adequate evidence to support the case for demolishing the dwelling to allow Category 1 remediation of soils under the dwelling.'*

However, regardless whether there is contamination under the dwelling or not, or whether Council believes RailCorp's Remedial Action Plan provides enough evidence that there is, the fact remains that the remainder of the site is contaminated and requires Category 1 remediation (and Council has not disputed this).

As such, Council is still required to comply with the requirements of SEPP55 when assessing the Category 1 remediation works on the remainder of the site as proposed under this development application.

Whilst Council's decision failed to take into account whether there would be a more significant risk of harm to human health or some other aspect of the environment as required by Clause 12(1) of SEPP55, Council's Planning Report indicates that the remediation was in fact assessed and was in fact not found to pose a more significant risk of harm to human health or some other aspect of the environment. This is evident in the statement contained in the Report from Council's Environmental Officer '*...who has raised no objection to the proposal subject to the imposition of conditions on any consent granted*'.

It is RailCorp's contention that Council's decision is unlawful as it does not comply with Clause 12(1) of SEPP55 which requires Council not to refuse development consent to RailCorp's application as Council has not satisfied itself or assessed that '*...there would be a more significant risk of harm to human health or some other aspect of the environment from the carrying out of the work...*'. It is also RailCorp's contention that Council's only option under SEPP55 is to approve the development as proposed.

It is RailCorp's contention that Clause 12(1) of SEPP55 would also apply to any decision made by the Joint Regional Planning Panel (JRPP), and as such, the JRPP would not be able to support Council's refusal and instead must approve RailCorp's development application.

#### **ITEM B: Has Council considered all relevant environmental planning instruments?**

Section 79C(1)(i) of the Environmental Planning and Assessment Act (EPAA) requires Council to consider any environmental planning instrument. It is RailCorp's contention that Council's Planning Report should have addressed the relevant provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

Clause 79(2)(a)(iii) permits RailCorp to demolish the subject cottage (even if it was listed as a local heritage item) for use of the land for a rail infrastructure facility as defined in the ISEPP. This Clause permits demolition without the need to obtain Council's consent and any proposal would be assessed by RailCorp under the provisions of Part 5 of the EPAA.

As RailCorp has declared the site surplus and suitable for divestment RailCorp can not utilise this provision. However, as a minimum Council should have made an assessment of this provision in the event Council's refusal of the application resulted in the property being returned to an operational railway use which could require the demolition of the building in order to provide rail infrastructure facility on the site.

## **ITEM C: Response to Council's Reason for Refusal of 5 April 2011**

Reason for Refusal 1: RailCorp disagrees with this motion, as follows:

- *No justification for demolition*

There is no planning or legislative requirement that requires an applicant to justify the demolition of a building that is not heritage listed, and where the LEP permits demolition with consent. The Marrickville LEP 2001 also does not contain any provision that require an applicant to justify the demolition of a non-heritage item. It is RailCorp's contention that as demolition is permissible within the zone then RailCorp should be permitted to take advantage of this.

However, RailCorp has provided Council with information to its intention with the site and why demolition is required. RailCorp has advised in its application that the site has been declared as surplus and will be sold once RailCorp has obtained an approved Site Audit Statement from an EPA Accredited Auditor that the site is suitable for residential development. To obtain the SAS the site needs to be remediated, and given the RAP that was prepared by GHD considers that the fill extends under the cottage, the cottage would need to be demolished.

RailCorp also advised Council that the funds from the sale of the site have been earmarked for use by RailCorp's Office of Rail Heritage who will use the funds for heritage projects. For JRPP's benefit the funds have been targeted to non operating railway heritage, both fixed heritage (eg buildings such as the current project of major repairs to the State listed Large Erecting Shop at South Eveleigh) and moveable heritage (such as the restoration and presentation of heritage rolling stock for public display).

Further, due to the depth of fill across the site (ie. 0.8m), excavation close to the building could compromise it's structural integrity, hence it is likely that fill materials adjacent to footing would need to remain, thus preventing Category 1 remediation works which cannot be refused under SEPP55.

It is RailCorp's contention that it has in fact justified the reasons for demolition.

- *Insufficient details on heritage impacts*

In relation to insufficient to information been provided in relation heritage impacts it is RailCorp's contention that Council's inclusion of this is as a reason is unjustified as the building is not a heritage item and that several Council documents indicate this.

In 1986 the *Marrickville Heritage Study* was prepared for Council by Fox and Associates. This study undertook a comprehensive study of all properties within the Marrickville LGA to determine their heritage status. The cottage at



117 Railway Road, Sydenham was not identified as a heritage item or identified as an item that needed further investigation. At the time of the study the cottage at 117 Railway Road, Sydenham was occupied, in better condition than present with maintained gardens and would have been noticed during the preparation of the 1986 heritage study.

RailCorp also understands that in 2001 Tropman and Tropman were engaged to undertake the *Marrickville Heritage Study Review*. It is understood that the subject property was not identified as a heritage item for potential listing. At the time of the study the cottage at 117 Railway Road, Sydenham was occupied, in better condition than present with maintained gardens and would have been noticed during the preparation of the 2001 heritage study.

It is understood that the 2001 *Marrickville Heritage Study Review* was used in the formulation of the heritage items that needed to be listed in the current Marrickville LEP 2001. The LEP as first gazetted did not list the subject property as a heritage item. At the time of the LEP's gazettal the cottage at 117 Railway Road, Sydenham was occupied, in better condition than present with maintained gardens and would have been noticed during the LEP process.

Since its gazettal, Marrickville LEP 2001 has been amended some 24 times and at no stage has the subject property been listed as a heritage item.

In June 2009 the *Marrickville Review of Potential Heritage Items* was prepared for Council by Paul Davies Pty Ltd. It is understood that the items to be reviewed as part of this study were developed from a larger list of potential heritage items arising from earlier heritage studies which were also reviewed by Council staff. It is also understood that in the LEP Update Report to Council's Development & Environment Services Committee (dated 7 April 2009) stated that the draft report on new heritage items was forwarded to Council officers for review, and that there were Councillor briefing sessions. It is RailCorp's contention that if the subject property had any heritage significance that this would have been picked up as part of this stage.

It is understood that the 2009 Paul Davies report was used to formulate the list of heritage items to be listed in the Draft Marrickville LEP 2010. As a result of this study some 100 new heritage items were proposed for listing in the Draft LEP. The Draft LEP did not propose to list the subject property as a heritage item when it was publicly exhibited.

The Draft LEP proposes to zone the subject site to R3 Medium Density Residential. Council is proposing this zone to allow for the site's future development for medium density development. It is RailCorp's contention that this indicates that Council has in fact made an assessment of the subject property and determined that it is suitable for development, which cannot occur if the cottage is retained.

Further, at the Extraordinary Council Meeting of 24 May 2011 Council considered the Report titled *Post Public Exhibition Report – Draft Local Environmental Plan 2010*. This Report provided details on the submissions received and recommended a number of amendments to be made in the Draft LEP. The report was accompanied with attachments dealing with heritage and site specific issues.

Section 2.3.6 of the Report deals with heritage issues and in particular the submissions received. Attachment S1 of the Report (refer Attachment A) contains details on the submissions and none of the submissions received on the Draft LEP requested the listing of the subject property.

The submission that was received in the relation to the subject property related to an objection to the rezoning of the site to the proposed R3 Zone. Attachment S2 of the Report (Attachment B) contains the recommendation that there be no changes to the Draft LEP on this property. It is understood that this Report was adopted by Council and that there was no recommendation that the subject property be listed as a heritage item. This resolution is therefore inconsistent to Council's resolution to refuse consent for this development application.

Therefore it is RailCorp's contention that Council has in fact a vast array of documentation indicating that the subject property is not a heritage item, and that it has had ample opportunity since the 1986 Heritage Study to assess this building regarding its heritage significance, and to list it if deemed significant. It is RailCorp's contention that Council's requirement for RailCorp to provide such details is unjustified given that this is not a requirement for this building under the current or draft LEP or any Council DCP. It is RailCorp's contention that Council should not have relied on this issue as a reason for refusal given that Council itself has not provided any evidence on the building's significance to support its decision.

RailCorp also disputes Council's Heritage and Urban Design Advisor's comment contained in the Planning Report for this development application which stated:

*'As the site is substantially covered by foliage, and is located in a quiet side street, it is reasonable to see why it may have been overlooked.'*

The 1986 and 2001 Heritage Studies described above were undertaken during the period that the cottage was occupied, was in better condition than present and with maintained gardens, and as such would have been easily identified if it was actually considered to be a cottage with heritage significance. Further, given the submissions lodged (with some stating that *'...the house enjoys a prominent location on a corner block and is well known'*) during the exhibition of the development application indicates that the community is aware of the existence of the building, and as such would have requested the listing of the building as part of the 2001 LEP and the 2010

Draft LEP. It is considered that the Advisor's comment is misleading as it is contradicted by the submissions made.

Council's Advisor also queried the cottage's omission from the State listing of the Sydenham railway station. It is RailCorp's position that this is a matter for Council to address given that the current 2001 LEP and draft 2010 LEP do not include the cottage as part of the listing of the Sydenham railway station.

RailCorp's current Section 170 Register does not include the cottage as a heritage item as this is consistent with Council's previous Studies, the current 2001 LEP and draft 2010 LEP. Further, details on this specific issue are provided below at Item E.

- *No demonstration that Category 1 remediation is required under the Cottage*

In relation to remediation under the cottage this is clearly detailed in the RAP that was submitted with the development application. The data indicates that the site is contaminated from fill and that this fill is likely to be under the house given the proximity of the contamination to the house. To render the site suitable for residential development RailCorp will need to obtain an approved Site Audit Statement from an EPA Accredited Auditor, who is unlikely to do so given the unknown status of the soil beneath the cottage. Further, as the cottage is not heritage listed there was no requirement at the time of the investigations to assess the soils beneath the cottage given that the current LEP permitted demolition which would facilitate the required access to the soils to undertake the required testing.

RailCorp's ability to undertake testing of the soil beneath the cottage will be impractical and costly due to access restrictions. To be able to undertake the required soil test boring, elements of the cottage would need to be removed and will also pose a safety risk to personnel from collapse given the evident termite damage. Given the condition of the property this may result in certain parts of the cottage's fabric being damaged. Further, given the presence of hazardous material, the undertaking of such work may also be impractical and costly.

It is RailCorp's contention that Council has failed to make an assessment of the practicalities of undertaking the required boring to confirm the contamination without posing a safety risk or damage to the existing building and that it should have considered this prior to formulating its decision.

Reason for Refusal 2: RailCorp disagrees with this motion, as follows:

▪ *Public Submissions received*

Council's report states that seventeen (17) submissions were received against the proposal. Council's report fails to provide details as to how many of these actually objected to the demolition of the cottage on heritage grounds and how many objected in order to prevent the site's future development and the proposed R3 Draft LEP zoning. Council has also dismissed the fact that many of the objections to the demolition of the cottage was on the proviso that either Council or Department of Heritage/Planning take over control of the site. Further comments on the submissions received are provided in Item D below.

Council's report also states that a petition with 314 signatures was received objecting to the proposal. This is incorrect as an email from Council dated 20 May 2011 confirmed that there were in fact 288 signatures. As will be discussed below Council has provided no details as to the nature of the petition and whether there was an objection to the demolition of the cottage on heritage grounds. Council also fails to state that the petitioners actually requested that Council acquire the site as a proviso to its retention.

It is RailCorp's contention that Council's refusal should not have been based only on the public interest as prescribed by Section 79C(1)(e) of the EPAA but all matters contained in Section 79C. Council's reason for refusal does not state whether it has taken the other matters prescribed in Section 79C of the EPAA in its decision to refuse consent.

Reason for Refusal 3: RailCorp disagrees with this motion, as follows:

Council's statement that there have been considerable concerns to the demolition of the cottage is incorrect and miss-leading. As it will be shown in Item D below it is RailCorp's contention that Council has not properly assessed the nature of all the submission made and as such has incorrectly relied on these to arrive to its decision. Further, it is RailCorp's contention that Council has also failed to properly assess whether the objections are actually justified given that none provide any evidence to support their claim that the cottage has heritage significance that meets Heritage Office requirements.

RailCorp is concerned with Council's statement that it is currently looking at options for the heritage listing of the cottage. In order for Council to list the cottage it would have to undertake a comprehensive heritage assessment of the cottage which will take time. RailCorp is of the view that Council has had ample opportunity to list the building and has a number of heritage studies to rely on which do not identify this cottage as a heritage item.



However, should Council pursue this option it is Railcorp's understanding that it would be done as part of Council resolution 20 in relation the Draft LEP Post Public Exhibition Report (dated 24 May 2011). Council resolved to prepare an outline and cost for a further heritage study process emanating from the Draft LEP. Council's report states that the time frame would be 5 years. Should Council decide to incorporate the review of this property as part of that study then this an unreasonable timeframe for RailCorp to wait. This also contradicts Council's resolution to adopt the Post Public Exhibition Report which also recommended that no changes be made to the subject property.

In addition, Council's deadline for the LEP as determined by the Department of Planning is June 2011. In order for Council to meet this deadline, a specific heritage review of this cottage only could not be realistically undertaken during this timeframe in order for this building to be included in the current version of the draft LEP. Hence it would have to be part of a future amendment with an unknown timeframe. This is an unreasonable delay to be borne by RailCorp given that Council has had ample previous opportunities to review and list the cottage.

Council's resolution states that there was significant community concerns regarding RailCorp's development application.

Council's report state's that 17 submission and a petition with 314 signatures was received objecting to the demolition of the cottage. As it will be shown below, it is RailCorp's contention that the petition in fact does not state an objection to the demolition of the building on heritage grounds. It only clearly states an objection to the removal of the trees and a request that Council acquire the site. It is RailCorp's contention that given that it has based a decision on this petition it should at least have addressed the request by the petitioners that it acquire the property. Council failed to place any value on this request but instead has wrongly relied on the petition as a reason to object to the building's demolition.

Of the 17 Submission received, only a small portion state an objection to the demolition of the building on heritage grounds. The majority of objections to the demolition seem to be made in an attempt to prevent the site's future development that would be permitted under the draft LEP R3 zoning. It seems there is more of an objection to this than the RailCorp's proposal. Of the remaining objections these only object to other aspects of the development application, such as the removal of the trees. Therefore Council has wrongly asserted that there has been substantial community opposition to the demolition of the cottage on heritage grounds as it has not properly assessed the nature of the objections.

RailCorp provides its assessment of the submissions below.

## ITEM D: Review of Submissions

Please refer to Attachment C which contains the submissions and their relevant numbering:

- Submission 1 – Residing at ~~80 Railway Road, Sydenham~~

Submission raises 3 items – objection to trees being removed, requesting further info on need for remediation (which is contained in the RAP), and access to the property. This submission does not object to the demolition of the building, in fact it states *'I acknowledge that the current building is derelict and requires demolition...'* It is RailCorp's contention that this submission provides support for the demolition of the building and not against as reported by Council.

- Submission 2 – ~~Residing at 98 Railway Road, Sydenham~~  
Submission 3 – ~~Cafe at 4 Burrows Avenue, Sydenham~~  
Submission 5 – ~~Residing at 104 Railway Road, Sydenham~~  
Submission 12 – ~~Residing 106 Railway Road, Sydenham~~

These 4 submissions are identical.

Whilst these objectors states that they objects to RailCorp's DA to demolish the cottage (as stated in the first paragraph), remove 21 trees and remediate the land, none of the 8 points that follow in the submission actually raise an objection to the demolition of the building on heritage grounds. In fact, item 8 of the submission urges Council to seek the site's possible future use a green space with landscaping and trees, which would suggest the building being removed and the site used as a park. It is RailCorp's contention that Council cannot use this as evidence to a specific objection to the demolition to the cottage on heritage grounds.

- Submission 4 – Residing at ~~113 Railway Road, Sydenham~~

Whilst this submission states that it objects to RailCorp's DA to demolish the cottage (as stated in the first paragraph), remove 21 trees and remediate the land, the matters raised under the heading Issue 8 – Demolition of house relate more to the impact of demolition works, rather than the loss of the building. In fact the submission suggests that *'we agree that something needs to happen to 117 Railway Road, Sydenham...'* and *'...the house itself is probably uninhabitable'* with a further suggestion that Council purchase the site and turn it into *'...a small park for young children in this street...'*. This would suggest support for the actual demolition of the building and as such it is RailCorp's contention that Council cannot use this submission to justify its decision to refuse consent.

- Submission 6 & 14 – Both objectors residing at 64 Railway Road, Sydenham

As such this should in effect be considered as a single objection from the same household.

This submission states its objection to the demolition of the house. However, it also suggests that the property be given to Heritage NSW for alternate use. It seems that this statement could be considered as a proviso to the retention of building, and a means of preventing a future development of the site as indicated in the comment *'...if the house was demolished and a new building put in it's place, it will put on due parking pressure on Railway Road.'*

The submission also states a number of incorrect facts in relation to the DA and matters that have no relevance (ie under flight path and pollution in Sydenham). Therefore, it is RailCorp's contention that whilst Council can use this as an object to the demolition of the building Council has not acknowledged that it may be a means to prevent the site's future development as will be permitted with the change in zoning under the Draft LEP.

- Submission 7 – Residing at 11 Swain Street, Sydenham

This submission states its objection on heritage grounds. The submission also makes the claim that this building is *'...one of the most historic houses in Sydenham'* even though it misidentifies this building as a *'level-crossing keeper's house'*. The submission provides no evidence to support the claim and given that it wrongly identifies this building it could be indicate the significance actually relates to another building. Given the other subject matter raised by the submission this submission could be seen as being anti demolition perse given recent demolitions in the area and to prevent the site's development.

- Submissions 8 & 9 – both submissions list address as PO Box 6181 Marrickville South.

These submissions only object to the removal of trees and not the demolition of building.

- Submission 10 – Marrickville Heritage Society

This submission was from the Marrickville Heritage Society. It is unclear as to whether their submission is an actual objection to the demolition given the statement *'...we cannot plead for retention of the cottage on the basis that it is a heritage item'* (which it is not) and seems to raise concerns with Council's reasons for not already listing it with the Station.

Whilst the Heritage Society raises the issue of the importance of this building, its submission provides no evidence of the building's actual heritage

significance and has instead tried to create a nexus with the Railway Station and a station master's residents at Tempe.

It is RailCorp's contention that the Heritage Society's submission was only triggered by a request by the public as confirmed by the statement '*...we have been approach by members of the public and asked to oppose this proposed demolition*' following the lodgement of the development application. RailCorp understands that the Society had made a submission to the Draft LEP and made a number of suggestions for possible heritage listings. The Society did not propose 117 Railway Road, Sydenham as a property to be listed (see Attachment D). Hence RailCorp must content that if the property was truly '*...of great local historical and heritage significance*' as stated in its submission to the development application it would have requested the listing of the building in its draft LEP submission. The Society would also have been able to provide evidence of the building's significance in its submission, rather than rely on RailCorp to provide evidence that it is not. It seems that this submission is in reply to community opposition to the development of the site.

- Submission 11 – Objector residing at 135 Urwins Bridge Road, Tempe

This submission states its objection to the demolition of the cottage on heritage grounds as the cottage '*...is of great historical, social and architectural significance to me and my family.*' The objector provides no further evidence or information of why this cottage has this level of significance and seems to be based on personal preference rather an assessment of heritage significance using Heritage Office guidelines to enable its listing. Further, the objector states that the '*Station Master's house enjoys a prominent location on a corner block and is well known*'. Given this comment and the previous in relation to significance to the objector it is not known why this has not triggered the objector to submit a request for the listing of the building during the public exhibition of the Draft LEP.

- Submission 13 – Objector resides at 12 Frederick Street, Sydenham

This submission states that it supports the application to demolish the cottage. RailCorp also understands that the objector addressed the Council during the Council meeting requesting them to approve RailCorp development application.

- Submission 15 – unknown address

Submission objects to demolition of the cottage on heritage grounds. Objector proposes that the \$450,000 required to remediate the site and demolish the building is better spent on refurbishment and re-use of cottage. Refurbishment and re-use will still require remediation of the land, removal of hazardous material and restoration of the cottage to heritage standard. This would cost more than the cost of works being proposed under this application.

- Submission 16 – Residing at [REDACTED]

Submission objects to the demolition on heritage grounds. Similar to submission 15 the objector suggest that the \$450,000 is better spent keeping the site without. RailCorp responds to this as per above.

- Submission 17 – Residing at [REDACTED]

Submission objects to the demolition on historical and architectural grounds, but provides no reasons or evidence.

- Petition

Council has wrongly stated the number of signed petitioners. Council confirmed on May 2011 that the actual number of petitioners is 288. However, on investigation of the petition that the petitioners actually signed, the petition does not actually object to the demolition of the building but in fact,

1. objects to the removal of the trees
2. raises a concern that the application does not provide any info on the future use of the site and that they have a concern with what will be developed their in the future
3. raises an issue with parking and traffic and the need for further info on the future use of the site.
4. wrongly asserts that there is no information on the reason for remediation of which is clearly provided in the SEE and RAP.
5. wrongly asserts that RailCorp has let the property slip into disrepair.
6. that if the cottage cannot be restored that Council purchase the site for uses that increase the amenity of the local residents with planting and landscaping to provide a gateway.

Given the above, it is RailCorp's contention that Council has wrongly determined that the petition is an objection to the demolition of the building on heritage grounds and as such has wrongly relied on this to form an incorrect determination.

In fact, the petition places more of onus on Council to purchase the site in the event the building cannot be restored or retained, ie it is demolished. Further, even though the petition makes reference to the '*...historic stationmaster's house...*' it provides no evidence of the heritage significance of the building nor any stated objection to its demolition.



#### **ITEM E: Why is the cottage not on RailCorp's Section 170 Register.**

Council has required RailCorp to justify as to why the subject property is not listed on RailCorp's Section 170 Register (the Register) even though Council has not listed the cottage in its current LEP or proposed to list it in the Draft LEP. Further, none of Council's Heritage Studies since 1986 have proposed the listing of the building or identified that it is significant. It is RailCorp's view that Council may believe that by RailCorp listing the cottage on the Register that it would prevent RailCorp from demolishing it or that it has been omitted in order to facilitate the cottage's demolition. RailCorp therefore provides the following information for the JRPP's consideration.

In December 2009 RailCorp's Office of Rail Heritage prepared the document titled *RailCorp Section 170 Heritage and Conservation Register – Update 2009 – Summary Report*.

The update of RailCorp's Register has employed the following methodology, based on the NSW Heritage Branch Guidelines for the Assessment of Cultural Heritage Significance and the State Agency Heritage Guide Principles and Guidelines.

- I. Identification of Potential Heritage Assets
- II. Preparation of a Thematic History
- III. Historical Investigation
- IV. Field Work and Physical Analysis
- V. Assessment of Cultural Heritage Significance
- VI. Comparative Analysis
- VII. Internal Consultation and Review

The majority of existing entries on former rail entity Section 170 Registers were entered based on a heritage study commissioned by the former State Rail Authority in 1997, supplemented by over 30 years of specialist input. This meant a well-established basis for the identification of heritage assets for RailCorp's Register. Identification of potential heritage assets also included survey of internal specialist knowledge and a comprehensive review of existing databases and registers, including the following:

- RailCorp Section 170 Heritage and Conservation Register
- Rail Infrastructure Corporation Section 170 Heritage and Conservation Register
- (Former) State Rail Authority of NSW Section 170 Heritage and Conservation Register
- Australian Rail Track Corporation (ARTC) Section 170 Heritage and Conservation Register
- NSW State Heritage Register
- NSW Local Council Local Environment Plan Heritage Schedules and other planning instruments

- Register of the National Trust of Australia (NSW)
- Australian Heritage Database
- Royal Australian Institute of Architects Heritage Register
- Internal RailCorp asset registers and databases

This process identified over 650 potential fixed heritage places which have been considered during the course of the Register update.

Following the above process, the historical, physical and heritage assessment information of each property was used to undertake a comparative analysis to assist in confirmation of assessments.

Section 170 Register Review Committees, comprised of all internal stakeholders, were established to review the assessments and listing recommendations. This process drew on internal asset knowledge and expertise to assist in ensuring accuracy of listing information and assessments.

As Council was previously advised, as part of the above process the above stated comparative assessment was undertaken of all railway residences, and that this assessment determined that this cottage did not warrant listing on the Register. As Council was advised this cottage was considered to be a poor example of its type and does not form part of a heritage group (unlike most residences which are listed on the Register) which are good examples of railway residences that also have a physical and historical relationship to a railway station precinct. There are 19 residences which have been listed on the Register which collectively demonstrate good examples of a type of railway residence.

As RailCorp's Summary Report document contains commercial-in-confidence material on other properties not relevant to this development application RailCorp cannot release this document as a public document. However, RailCorp can furnish a copy of the document for the JRPP for review during the panel meeting.

It should be noted that RailCorp submitted its Report to the Heritage Officer in December 2009.

RailCorp also advises that even if the above RailCorp heritage review did identify that the cottage had some local significance, under the previous Heritage Guidelines and current Heritage Regulation 2005 RailCorp cannot include the cottage on the Section 170 Register, as shown below:

#### State Agency Heritage Guide

Section 1.3 of the Guide deals with "Items to be Listed in Heritage and Conservation Registers" (refer Attachment E). This Section states that in

accordance with the Heritage Act, an agency such as RailCorp is required to include in its register:

- Items listed on the State Heritage Register (ie State significant items)
- Items listed on environmental planning instrument (ie local or state items)
- Items subject to, or that could be subject to, an interim heritage order.

At the time of the preparation of the RailCorp Section 170 Register the property at 117 Railway Road, Sydenham did not meet these three requirements in order for it to be included on the Register.

Heritage Regulation 2005.

The Regulation was amended on 29 January 2011 with the insertion of Clause 20 specifically dealing with what items should be placed on an agency's Section 170 Register, being:

**20 Items to be included in Heritage and Conservation Registers**

- (1) *The following classes of items of the environmental heritage are prescribed for the purposes of section 170 (4) (a) of the Act:*
- (a) items that are listed as heritage items under an environmental planning instrument made under the Environmental Planning and Assessment Act 1979,*
  - (b) items that are subject to an interim heritage order,*
  - (c) items that are listed on the State Heritage Register,*
  - (d) items identified by the government instrumentality concerned as having State heritage significance.*

Again, the property does not meet this legislative requirement and as such RailCorp could not list the property on the Section 170 Register.

However, as indicated above, as this property was assessed during the comparative assessment to not have heritage significance for listing on the Section 170 Register, this should not have had any bearing on Council's consideration and refusal of the application.

**ITEM F: Clarify misleading, incorrect and other information contained in Council's Planning Report.**

- Council's report makes reference that the '*...cottage is in close proximity to the State listed Sydenham Railway Station group listing*'. Council has provided no reason as to the relevance of this in its consideration.

- Council's report states that the *'findings of the report by HLA in relation to the condition of the house and the lack of testing for contamination in soils under the house, appear to contradict the statement in RailCorp's letter'* of 14 March 2011. Council in fact has miss-understood the relevance of the HLA report. The HLA report was not a proper condition assessment report but a report to assess the hazardous material contained in the cottage. This report was also completed in 2003 when the house was in better condition than at present. RailCorp's advice in its March 2011 letter is based on the condition of the cottage to date which is not the same as it was in 2003. Council has wrongly assumed that the condition of the cottage has not changed since 2003.
- Council's report states that the cottage has been *'neglected for some time'*. RailCorp advises that it has not neglected the building. In fact RailCorp has gone beyond the norm and dealt with this property as if it was a heritage item (even though there was no requirement to do so).

Section 3.38 of the State Agency Heritage Guide requires where a building cannot be used that it should be "mothballed" and that the building is secured, weatherproofed and regularly monitored. RailCorp has undertaken all these requirements.

- Council's report states that the previous development application that was approved in 2005 did not propose the demolition of the cottage. As detailed in the RAP submitted with the 2005 development application it was considered that the total demolition of the cottage was not financially viable at that time and was only considered prudent to undertake only the works to remove an environmental risk. The cottage would have remained in its mothballed state until it was viable to demolish it to enable the divestment of the property. RailCorp advises that it considers that at the present time the demolition of the cottage and sale of the land is viable given the increased value of the property since 2005.
- Council's report states that the cottage *'may have heritage value'* but has provided no further information or clarification as to how it arrived at this determination, particularly as it is the main reason for the refusal of the development application. Council has failed to include any information on all the previous heritage studies undertaken on behalf of Council which have not identified this cottage as having heritage significance. Council has failed to elaborate on why it believes the building does or may have heritage significance.
- Council's report contains RailCorp's statement from its correspondence of 14 March 2011 in relation to heritage and why it has not been included as part of the State listing of Sydenham railway station. RailCorp's comment provides detailed reasons as to why the cottage is not on the Section 170 Register and that this is consistent with Council's LEP, DLEP and most

recent heritage review. Council's Heritage Advisor failed to address or respond to RailCorp's comments and instead provided an example of a station master's residence in Queanbeyan simply because it is '*...similar but slightly more ornate*'. The Advisor then fails to elaborate on the significance and relevance of this to the subject cottage and the assessment of the development application.

- Council's report states that Council requested RailCorp to address '*reasons for the possible omission of the house from the listing but the applicant has failed to satisfactory address this*'. RailCorp disagrees with this given that on the previous page of the report it contained a quotation from RailCorp's letter of 14 March 2011 addressing the very reason why the cottage was not listing with Sydenham station listing, and that this was consistent with Council's LEP, DLEP and most recent heritage review. It is RailCorp's contention that in fact Council has failed to address the reasons as to why the Council itself has not listed the cottage with its listing of the Station in the current and draft LEPs.
- Council's report states that RailCorp stated that *there may not be an actual heritage report for the building* and that this is contradicted in RailCorp's letter of 14 March 2011 which stated that RailCorp undertook '*a comparative assessment of railway residences*' as part of the Section 170 register review. This is not a contradiction as stated by Council. RailCorp advises that Council has instead misunderstood the information and confused/assumed that the comparative assessment of the railway residence was in fact a heritage report of the kind that Council normally deals with. This is not the case as the comparative assessment undertaken by RailCorp is not the type of report/outcome that could be deemed by any heritage expert as being a specific heritage report for a property.
- Council's report states that Council's Heritage Advisor recommended that the demolition of the cottage not be supported as the heritage significance had not been sufficiently addressed and that demolition was not proven to be necessary for decontamination of the site. Given the RailCorp submission above Council's Heritage Advisor is incorrect given the amount of heritage studies undertaken for Council, the current LEP and Draft LEP which all do not list the cottage as a heritage item. Council's Heritage Advisor may have missed it due to it being '*hidden behind foliage and in a quiet street*' but this is doubted given the amount of heritage studies undertaken since 1986 when the cottage was in better condition and the fact that its presence is known to the locals which had not requested that it be listed previously, and prior to the lodgement of the development application.

RailCorp also advises that the RAP clearly states that the fill is likely to occur under the cottage and that demolition is required to remove all contaminated fill and hazardous material. The RAP was prepared by



experienced consultants in this field who have more expertise on what may be located beneath the cottage than Council's Heritage Advisor.

**ITEM G: RailCorp's Position**

Given the above information, it is Railcorp's contention that Council either cannot refuse consent in accordance with SEPP55 or should have approved it if it had taken all the relevant information for the assessment of the application and properly assessed the submissions made.

RailCorp therefore requests that the JRPP not support Council's resolution and instead approve the subject application.

# ATTACHMENT S1 - HERITAGE

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
<b>HERITAGE</b>				
<b>2.1 Heritage Items</b>				
91 and 89A-89E Camden Street, Enmore	1.1.01 & 1.1.02 77555.10 79195.10	The submission objects to the proposed heritage listing of the subject properties. Heritage listing was previously proposed for the properties and rejected. The properties are significantly altered from any sort of 'heritage' state, and are not 'representative Victorian Georgian style cottages' due to past alterations. The properties in Short Street do not warrant heritage listing either.	All properties have been altered/original fabric replaced, and some have first floor additions, but the extent of changes has not obscured their original form which is still evident. The inventory sheet talks to the value of the facades, not withstanding that - originality of fabric is not strongly evident. (windows, doors, fences and roofing are often replaced).  The predominant heritage value is described as representative of the subdivision pattern and development type of the time. The inventory sheet mentions the properties 11-19 James Street as part of the re-subdivision.  Also the 'association' with a local identity was a factor in its listing.	Requires peer review: Significance is 3 fold: 1. association with Garsed, 2. unusual 1870 subdivision pattern, 3. aesthetic significance as diminutive streetscape.  Half of the extant significant subdivision is not included in the listing (11-19 James Street). This undermines one of the criteria for inclusion. The significance of Garsed is not considered to be adequately established and the streetscape is the predominant aesthetic criteria. Therefore, inclusion as an HCA would seem more appropriate than as a heritage item.
Objection to proposed heritage listing - 89A-89E Camden Street Enmore	1.1.03 13907.11	Objection to proposed heritage listing - 89A-89E Camden Street Enmore	See Above	See Above
Tempe Railway Station and St Peters Railway Station	1.1.04 79526.10	RailCorp has undertaken a heritage assessment and supports the heritage listing of the stations. Consultants recommend that St Peters Station be listed as 'local' significance only – it is the least intact of the 5 stations along the Illawarra line and the platform building sits within the most altered context.	The level of significance attributed to the stations is currently 'State' due to their present listing on the State Heritage Register. The dMLEP 2010 is merely reflecting that status. For the listing to be downgraded, the items would need to be removed from the State Heritage Register. (RailCorp Heritage Register has been reviewed. A total of 10 items are listed in Marrickville. One of these items had been incorrectly listed on the Section 170 register as being in Sydney LGA, i.e. Underpass	No change to the listing in Schedule 5 which must reflect the status on the State Heritage Register.  (The Liberty St Underpass is now included on the Potential Heritage Items list as a result of it's listing in the Section 170 Register.)

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
94 Audley Street, Petersham (rear)	1.1.05 85793.10	The owners of the subject property strongly object the proposed heritage listing. The submission argues that the site does not meet the threshold of significance for heritage listing – the streetscape setting of the site has been compromised by the intrusion of the CBA building at the front; modifications have led to substantial loss of original fabric; the development potential is too great; it is unlikely the owner would be prepared to invest in conservation and maintenance; and it is unlikely that the Council/community would contribute to these costs. In relation to the inventory - CBA's occupation of the site has ceased; CBA does not own the site; and Council's heritage consultants did not inspect the interior of the building (the original features referred to in the inventory report no longer exist).	bridge at Liberty Street Stanmore). Agree with objector.  The amount of remaining original/reconstructed fabric is negligible: the original form of the building cannot be adequately perceived. Alterations are significant and overwhelming.  Non-original built components make up 80% of the fabric. Only the partial rear roof shape (not the cladding), a single dormer, a single internal stair and skirting board, and a few walls remain.  All other details have been removed, and the level of invasive work (such as concrete ground and first floors, toilet room, strong rooms, air-conditioning, removal of all doors, windows, ceilings and floors, and all the external detail) for use as a bank, has meant reversibility is not practical.	Removal from dMLEP 2010 Schedule 5
110 Audley Street, Petersham	1.1.06 4903.11	The submission opposes the heritage listing of the subject property. The owners plan to extensively upgrade the property into a restaurant and multiple units or studios with basement parking. One of the owners also owns the adjoining property (108 Audley St), allowing significant redevelopment opportunities. Heritage listing could adversely affect the value and development potential of the building and land.	The property is an intact elegant federation shop. Much of the interior detail is intact and publically visible and accessible. Further development of the site is not precluded by the listing - rather, listing will enable appropriate development. Regardless of listing, development possibilities are not unlimited.	Current listing maintained.
Proposed listing of 4 London Street, Enmore	1.1.07 5926.11	Submitter objects to the proposed Heritage Item listing of the property at 4 London Street, Enmore. Submitter claims nothing in the house is original except for the front external walls. If anything, only this part of the house should be listed. Submitter is concerned about the ramifications of heritage listing for any future development of the house.	London Street once provided an example of an intact speculative subdivision along the west side of the street, with a series of repetitious house types. The original house design is of a high quality, attributed to a known high calibre designer/builder. Approximately half the original houses in this group have recently been demolished or significantly altered. The streetscape is now mixed with town houses and flat buildings. The façade is the significant	The façade and visible form is a predominantly intact example of a distinctive and elegant Victorian House. Condition of interiors is unknown and group significance no longer exists. Therefore criteria for <u>Requires Peer Review</u> Significance of group association is not considered to be met, although aesthetic significance remains

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
			<p>remaining original feature.</p> <p>Of the four remaining houses in the group, this is one of the two that is most intact. It does not contribute much to the aesthetic value to the streetscape. However it is acknowledged that because the row has suffered substantial modification, it is no longer an intact row, and its significance has therefore been diminished.</p> <p>Number 4 and number 14 currently stand on their own as high quality intact buildings. No's 2 and 12 are highly modified and their listing is perhaps impractical considering the degree of modification. Therefore the loss of group significance must be acknowledged.</p> <p>*As a comparison: A row of Victorian Gothic semis (16 of them) in a block between London (24-38) and Cambridge (33-47) are substantially intact and therefore a much better representative example of a Victorian subdivision.</p> <p>**Some objectors have been alarmed by a standard paragraph in the inventory sheets, under the heading 'recommended management' which advises that: significant internal features (and a list of examples is included such as stairs, joinery, windows, internal layout etc) should be retained. The wording should be rephrased so it reads "where present".</p> <p>The comments are reasonable - the owners do not object to listing – they object to restoration which is not required.</p> <p>**See above</p> <p>The points may have validity.</p> <p>The submission is in support of the listing but not</p>	<p>reasonably strong, it may have been a face brick building that is now rendered.</p> <p>**All the inventory sheets should be reworded to be clear that only "where present" significant details should be preserved.</p>
Proposed listing of 2 Thompson Street,	1.1.08 85491.10	On behalf of the owners, the submitter has carried out a detailed inspection of the property and additional research involving the land titles information and		The content of the subject inventory sheet to be reviewed and altered if required.

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Marrickville		Sands directory and have determined that there are errors of fact in the current draft inventory. There are also incorrect assumptions in regard to the intactness of the property. This information should be corrected by Council so that the listing accurately reflects the history and significance of the property.	without correcting the details on the inventory sheet.	
Proposed listing of Dynamo Auto Electrical - 316 Princes Highway, St. Peter	1.1.09 5412.11	Submitter (owners of the property) reject any suggestion that their property meets the criteria for heritage listing and believes that there may be a case of mistaken identity when referring to the significance of the site.	The interwar service station has not been mistakenly listed. It is a rare remaining example of its type. Given the zoning is Industrial, it is acknowledged that the listing may be a constraint on the future use of the site.	<u>Current listing supported on heritage grounds.</u> However listing may limit redevelopment potential of the site which will need to be considered in any future development application.
17-19 Sebastopol Street, Enmore	1.1.10 8027.11	The submitter claims there are mistakes in the Statement of Significance for the subject property relating to its alleged association with the Thompson brothers and refutes its description as a 'Victorian Georgian'.	The points raised require investigation. The submission is not generally against listing but is against incorrect information in the inventory sheets.	<u>The content of the subject inventory sheet to be reviewed and altered if required.</u>
Stella Inn / Tempe Hotel - 735 Princes Highway, Tempe	1.1.11 7335.11	Objects to proposed heritage listing of subject property. Claims that research has not been thorough or properly conducted, and the cost and complexity of having to prepare Conservation Management Plans is unreasonable. The objection raises concerns about fire upgrades required by council and how requirements such as this may be complicated/made more expensive by heritage listing. Also objects to late notice of Council's intent to list the property.	Objection is raised at the apparent lack of internal inspection of the property prior to draft listing. However no reasons are included as to why the property does not merit draft listing on heritage grounds. A Conservation Management Plan is not likely to be requested on the subject site because it is not considered complex enough to warrant one. A Heritage Impact Statement would be required to accompany any DA. Early notification of an intention to list a property without the protection of 'draft heritage' status can result in demolition and damage to a heritage property. However, the draft heritage items have been listed on Council's website for over 12 months.	<u>Current listing maintained</u>
White Cockatoo Hotel - 30 Terminus Street, Petersham	1.1.12 7095.11	The western half of the building should not be listed, as it was added in the mid 20th century.	The heritage listing relates to the whole site. The inventory sheet can be altered to address the lack of significance of the newer, western component.	<u>Current listing maintained.</u> Alter sheet if required after validation at a site inspection.



Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
2a Sadlier Crescent, Petersham	1.1.13 7596.11 8009.11 8944.11 9328.11	Objects to proposed listing as an Heritage Item. Objector believes the premises is "poorly built and in need of constant repair. No heritage value whatsoever" and thinks his property has been unfairly singled out.	The property does require repairs, including repairs to timber window sills, painting of timber windows, and repointing mortar in some areas. All properties require maintenance and repairs. The property is one of three significant interwar flat buildings which have been identified as a group. Owner claims that limits on income potential of site through protected tenancies results in lack of funding to properly maintain the site. Also the existing configuration, coupled with constrained access on a small site, means that improvements will not be possible and the building will continue to deteriorate.	<u>Current listing supported on heritage grounds.</u>
113 Illawarra Road, Marrickville	1.1.14 9021.11	Owner objects to proposed listing. Owner bought property under the impression that proposed listing was abandoned. Does not believe the premises is in good enough condition or unique enough to be of heritage significance.	The property is a humble, single storey corner shop. The shop is a rare remaining example of what was once a common building type. It is now in a streetscape of two storey terraces but was once part of a thriving shopping strip which substantially relocated to Marrickville Road in the 1900's. The remaining early features include wall tiles (poorly laid and in poor repair), parapet and building form. The original ground floor verandah, and a more recent suspended awning are gone. Window openings are probably original, but probably not the timber window facing Illawarra Road. The building is opposite the former Marrickville Town Hall, and is no longer used as a shop but as a residence.	<u>Requires peer review.</u> The property is a rare remaining example of a single storey shop. However the tiles are in poor condition and the tiling is not of a high standard. The retention of the tiles could be considered overly onerous as could a limitation on changes to the single storey form because the site is in a very exposed location.
Proposed listing of 89 Crystal Street, Petersham	1.1.15 9182.11	Submitter requests additional information regarding proposed listing. Submission is predominantly expressing concern with Council's DA processes rather than the LEP.  "We request more detailed information about the proposal to heritage list the above property. In particular: (1) Why this property has been selected;	In summary, the statement of significance claims: the property is evidence of the early subdivision pattern, the building is aesthetically significant as an uncommon Victorian Georgian style Villa, and it possesses a significant range of 1890's interior finishes (recently painted over but recoverable). It is also clear that much of the fabric is not original, although the replaced elements are generally sympathetic and the original design is still	<u>Current listing maintained.</u> The quality of the extant building is considered sufficiently intact. Loss of some original features is offset by replacements with nonintrusive elements. Interiors retain research potential.

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		<p>(2) What aspects of this property will be included in the listing and why; and</p> <p>(3) What options do we have to challenge the Council's decision particularly in our experience that the Council's track record managing development applications is very poor".</p>	substantially legible.	
Objection to proposed listing of 46 Frederick Street, Sydenham	1.1.16 11850.11 12043.11	<p>Submitter suggests that a number of changes have been made to the building, and within the immediate streetscape, since 1986 that have negatively impacted upon its level of heritage significance.</p> <p>Submitter believes that significance of a Victorian period corner shop residence in the Marrickville area lies in its architectural form and detailing and what it can reveal about the pattern of subdivision in the immediate surrounding area in the late Nineteenth Century. Changes in the surrounding streets mean that it lacks the context of the late Victorian working class subdivision it was built to serve. In short, the building does not demonstrate a comparable level of integrity, or ability to convey a sense of past development patterns with other examples in the Marrickville area.</p>	<p>The three shops listed in the Fox inventory are listed with incorrect addresses. The addresses are corrected in dMLEP 2010. Correct addresses are: 46 Frederick Street Sydenham, and 47 &amp; 52 Sutherland Streets St Peters. They and the shop at 51 Sutherland Street all contribute to legibility of late 19<sup>th</sup> C corner shop development. The alterations to the façade, including the removal of wrought iron work and the introduced under-verandah bracket detail, is recent (2009-10) work carried out by the owner without Council consent. According to photo records, the recent bracket details are reproductions of an extant detail on some of the first floor verandah posts. Their reproduction is supported on heritage grounds.</p>	Current listing maintained
Support for the proposed listing of Brook Lodge, 174 Denison Road, Dulwich Hill	1.1.17 10394.11  1.1.18 11604.11  1.1.19 11996.11  Pro-forma submission:	<p>Submission is a pro-forma, expressing support for the proposed listing of 'Brook Lodge', 174 Denison Road, DH</p> <p>56 pro-forma submissions - expressing support for the proposed listing of 'Brook Lodge', 174 Denison Road, DH</p> <p>7 pro-forma submissions - expressing support for the proposed listing of 'Brook Lodge', 174 Denison Road, DH</p> <p>Pro-forma submission - expressing support for the proposed listing of 'Brook Lodge', 174 Denison Road,</p>	No objections to listing	Current listing maintained

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
	1.1.20 13212.11  1.1.21 13249.11  1.1.22 13492.11  1.1.23 13494.11	DH		
Objection to proposed listing of 12 London Street, Enmore	1.1.24 12406.11	The subject house in itself no longer satisfies the criteria for inclusion under any of the dMLEP 2010 criterion. The group, to which it was historically part, no longer exists. The property should be removed from the draft list of new items.	Agree with objector. No's 2 and 12 London Street, Enmore are highly modified. Their listing is impractical, considering both the degree of modification and the loss of group significance.	<u>Removal of No's 2 &amp; 12 from Schedule 5</u>
Objection to proposed listing of 233 Old Canterbury Road, Dulwich Hill	1.1.25 13182.11	Objection to proposed listing based on extent of modifications.	Agree with objector. The property is indeed highly modified both internally and externally. The extent of modification, and the limited remaining heritage-significant fabric, indicates that reconstruction of the property is not economically viable, nor would it create historic value. The association with the more intact house of John Gelding at 227 Old Canterbury Road contributes to its significance. However, the former nursery between them is now filled by housing, and the house is so altered that the link between them is not immediately recognisable.	<u>Removal from Schedule 5</u>
Objection to proposed listing of 12 London Street, Enmore	1.1.26 12741.11	Owners object to proposed listing of 12 London Street Enmore.	Agree with objector. No's 2 and 12 London Street, Enmore are highly modified and their listing is impractical, considering both the degree of modification and the loss of group significance.	<u>Removal of No's 2 &amp; 12 from Schedule 5</u>
Objection to proposed listing of 36 Thomas Street, Lewisham	1.1.27 13194.11  1.1.28	Objection to proposed heritage listing of 36 Thomas Street, Lewisham as an Item of Local Significance.	36 Thomas Street, Lewisham is a grand and intact example of the Victorian Filigree style. Outside Heritage Conservation Areas, similarly intact buildings of this type are typically conserved as	<u>Current listing maintained</u>

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
Objects to proposed listing of 96 Corunna Road, Stanmore (rear Gatehouse)	13253.11 1.1.30 13199.11 & 13453.11	Objects to proposed heritage listing of subject property.	Items. The significance of the site is high, being one of the oldest remaining structures in the LGA (erected between 1850–1870), and being the former gatehouse on Parramatta Road to a significant rural estate: “Annandale House”. The condition of the property however is reported to be severely degraded and its location in a rear lane makes it virtually unappreciable. The proximity of recent development, and the loss of context have left it without a frontage, reasonable access for maintenance, or streetscape. Conservation would render it unworkable as a modern dwelling, and the amount of new fabric required may result in reconstruction rather than restoration. Appears to be low incentive for private investment.	Requires peer review and a fabric condition survey. Highly significant and in reportedly very poor condition.
W. MacFarlane Furniture Workshop - 48 Charles Street, Petersham	1.1.31 13254.11 & 14690.11	Submission recommends that: 1. Council defers a decision on the heritage listing of 48 Charles Street, Petersham, pending further research to confirm the accuracy of the Heritage Inventory on the property. 2. Council undertake detailed research to establish the likely lifespan of commercial buildings of the age and type of 48 Charles St, Petersham and if special conservation provisions are required, Council make determination for special support for such conservation.	Not withstanding the removal of original details from the property, the replacement with contemporary elements, and the addition of new components, the overall form of the Federation Warehouse building remains. This includes the fenestration pattern, skyline, parapet and wall treatments. This style existed between 1890 and 1915.  Inaccuracies in the Inventory Sheet should be corrected regarding the reported age of certain elements, and the age of the building should be qualified.  Owners of heritage items are not required to carry out repairs to “original specifications”. Council requires new work to be identifiable as contemporary.  Reconstruction is not a requirement. It is acknowledged that there is a limit to a building's	Current listing maintained, correct fabric details, and qualify age of building in Inventory Sheet.

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
			useful life, and that there is a point when the loss of original features is so extensive as to make the building unrecognisable and without integrity. In this case the design integrity remains intact.	
W. MacFarlane Furniture Store - 67-69 Westbourne Street, Petersham	1.1.32 13846.11 & 13854.11		The style of the building appears to have been substantially altered from early Federation Warehouse style face brick to a Victorian style ashlar render. This is a significant change to the finish of the exterior and is irreversible. On aesthetic grounds this is a basis for exclusion as a heritage item. However, the historic association with the MacFarlane store and the Charles Street Workshop remains	<u>Requires peer review</u>
Object to proposed listing of 25 Railway Street, Petersham	1.1.33 13485.11	Objects to the proposed listing of property at 25 Railway Street, Petersham as a heritage item in the dMLEP 2010.	The subject site is in an HCA. The interiors and rear of the property are substantially altered. The main significance of the property appears to be in its streetscape value which is protected by virtue of being in an HCA. The objectors tender a document from their bank attesting that Heritage Listing would devalue the equity in their home and are therefore faced with having their loan retracted. The objector points to a comparable property in the HCA which has not been identified for heritage listing.	<u>Current listing not necessary.</u> The property's streetscape value is protected by virtue of it's inclusion in a heritage conservation area.
Listing of 5 Eliza Street, Newtown	1.1.34 15537.11	Submitter wishes to advise Council that the Newtown School of Arts has a continuous history in the building at 5 Eliza Street, and the entry should therefore not be referred to as 'former'. Further, it should be noted that rates are paid to Council from the Newtown School of Arts.	The inventory sheet will be altered to reflect the ongoing and current occupation by the Newtown School of Arts	<u>Current listing maintained.</u> Inventory sheet requires amendment.
Support for the Heritage Listing of Brook Lodge - 174 Denison Road, Dulwich Hill	1.1.35 18348.11	Supports the heritage listing of the Brook Lodge, 174 Denison Street in Dulwich Hill, in the dMLEP 2010.  The site, as a prominent building in the area, clearly shows how the area re-developed larger land holdings to smaller land holdings. It has significant architectural merit as a c.1879 building, designed in the Rustic	Agree with letter of support.	<u>Current listing maintained</u>



Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		<p>Gothic style. It makes a significant visual contribution to the local area. It is also important due to its historical links to the history and development of Dulwich Hill through the Davis family, who built it.</p> <p>I believe that the building more than meets the criteria for listing as an important local Heritage Item, as published by the Heritage Office of NSW.</p>		
<b>HERITAGE</b>				
<b>2.2 Heritage Conservation Areas</b>				
Cardigan Street, Stanmore	1.2.01 12283.11 & 12286.11	Submitters request that both sides of Cardigan Street, Stanmore be considered in the proposed HCA.	<p>The integrity and cohesion of the buildings in the HCA were not comparably represented in Cardigan Street. The heritage assessors believed the street did not meet the requirements for inclusion. The background report on the review of Heritage Items by Paul Davies Pty Ltd states that in assessing all the HCAs, two Heritage Office criteria were used to establish eligibility for inclusion as an HCA, when only one is required. There is therefore potential for expansion of some areas where residents support it.</p> <p>The integrity and cohesion of the qualities of the buildings in the HCA were not comparably represented in Cardigan Street. The heritage assessors believed the street did not meet the requirements for inclusion. The background report on the review of Heritage Items by Paul Davies Pty Ltd states that in assessing all the HCA's, two Heritage Office criteria were used to establish eligibility for inclusion as an HCA when only one is required. There is therefore potential for expansion of some areas where residents support it.</p>	<p>Future review of boundaries of the <u>HCA against Heritage Branch criteria where residents support it.</u></p> <p>Future review of boundaries of the <u>HCA against Heritage Branch criteria where residents support it.</u></p>
HCA 7 Kingston West - Cardigan Street from Rosevear Street to Railway Avenue, Stanmore	1.2.02 13129.11	Pro-forma - 29 signatories - objection to removal of HCA status - objectors wish to remain part of an HCA		
Objection to inclusion in HCA of 6 Denison Road, Lewisham	1.1.29 13197.11	Objects to inclusion in proposed HCA 26 or any other Heritage Conservation Area as our property is not unique, does not meet any of the criteria as set down in the Government's Heritage Manual and is similar in	<p>HCA 26 is not a collection of unique housing, rather it is a collection of housing ranging from 1880-1940. The quality of the housing is of a high standard, and on the whole is representative of</p>	<p>Retain inclusion in HCA. Review boundaries of HCA in relation to the subject areas after gazettal of dMLEP 2010. May not sufficiently qualify as</p>

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		appearance to many of the houses within Lewisham, the Marrickville LGA and many other parts of Sydney.	different styles. The subject site is an intact example of an early Federation dwelling. However: there are only ten buildings included in this HCA group, they are geographically isolated from each other, stylistically different, and do not share a defined streetscape. Therefore their qualification as an 'Area' is considered physically tenuous. The benefits of being in an HCA i.e. cohesive/sympathetic surrounding development - are not afforded to them.	an "Area"
Objection - Lewisham Estate HCA	1.2.03 13541.11	Objects to the designation of a new HCA affecting our property and several others situated at the northern end of Denison Road leading into Hunter Street.	HCA 26 is not a collection of unique housing, rather it is a collection of housing ranging from 1880-1940. The quality of the housing is of a high standard, and on the whole is representative of different styles. The subject site is an intact example of an early Federation dwelling. However: there are only ten buildings included in this HCA group, they are geographically isolated from each other, stylistically different, and do not share a defined streetscape. Therefore their qualification as an 'Area' is considered physically tenuous. The benefits of being in an HCA i.e. cohesive/sympathetic surrounding development - are not afforded to them.	<u>Retain inclusion in HCA. Review</u> boundaries of HCA in relation to the subject areas after gazettal of dMLEP 2010. May not sufficiently qualify as an "Area"
<b>HERITAGE</b>				
<b>2.3 Other comments</b>				
Marrickville Heritage Society	1.3.01 11587.11	Requests an expansion of the introduction to dMDCP 2010 Part 8.  Suggests and requests that Council should plan to carry out a heritage study review of these areas not examined in detail by the Paul Davies study, specifically to the south of the LGA.  In the interests of protection, not only of heritage items in the vicinity of future developments, but also the visual and aesthetic amenity of all areas, <b>we ask</b>	The labour intensive research offered to Council, at no cost, by the Marrickville Heritage Society is valuable. The Society has extensive knowledge of the area and a broad skills base, including recognised experts in history and the built environment. The positive sentiments expressed by the Society regarding the increasingly high calibre of entries in the Marrickville Medal each year are acknowledged. 1. References to external documents is not preferred. Government Departments and	It is recommended that Council investigate options for funding conservation of Annandale Farm Gate House and 1 Hilltop Avenue as significant items of Heritage significance under threat of dilapidation. That a Heritage Review be carried out as a matter of priority, on the areas outside the Davies Study, particularly in the southern areas of

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		<p><b>Council to establish general guidelines to be observed by proponents for all development</b> within the LGA, particularly with regard to medium and high-rise structures.</p> <p>We have identified a number of places where the relationships of large and small buildings are likely to be aesthetically uncomfortable and thereby affect heritage values. We would value the opportunity to discuss these with Council officers and request that Council make this possible.</p> <p>Submission suggests a number of additional properties that should be considered for heritage listing.</p>	<p>State planning legislation are constantly changing and therefore external references cannot be relied upon.</p> <p>2. It is agreed that a future Heritage Study of those areas outside the parameters of the most recent Heritage Study is required. Many of these areas have heritage significance that is under-acknowledged and under-protected. A completion time frame of 5 years as suggested is reasonable.</p> <p>3. The preservation of general character outside the ambit of HCAs and Items is addressed via the 'Period Building' controls. These are aimed at conserving intact representative examples of earlier styles. Streetscape conservation is also protected through zoning and height controls across the LGA.</p> <p>4. See section 2.3.12 of Council Report regarding height.</p> <p>5. The three items suggested for additional Council input/funding are all significant sites. Two of these sites are commented on earlier in this document. 94 Audley Street, Petersham has been inspected and is irretrievably altered. Council should investigate funding options for items of high significance in a physically threatened state, such as the Annandale Farm Gate House. Interpretation may be an option for 94 Audley Street as insufficient extant fabric remains due to invasive bank alterations.</p> <p>6. The additional details of the two assessed hotels, and the names and details of the four unassessed hotels have been added to the list of potential heritage items for future heritage review.</p>	<p>the LGA.</p> <p>That the Marrickville Heritage Society be involved in identifying potential heritage items for that purpose.</p>

Subject	Submission & TRIM No.	Summary of Submission	Planning Response	Recommendation
Objection - Proposed Rezoning of 117 Railway Road, Sydenham	<p>2.1.37 13602.11</p> <p>2.1.38 13866.11</p> <p>2.1.39 13853.11</p>	<p>Objection to the proposed rezoning of 117 Railway Road, the property of Rail Corporation of NSW, the historic Sydenham Station Master's house; from Residential 2A (low density residential) to R3 (medium density residential and shops).</p> <p>Submitters object to the proposed rezoning on the grounds that they suspect that the land is being remediated and the station masters house and 21 trees are being destroyed in order to build units or commercial developments that would impact adversely on the local residents and environment.</p> <p>Concern with loss of privacy to 113 &amp; 115 – adjoining semi-detached properties.</p> <p>Concerned that you need a log-on name and password to view Development Applications on-line.</p>	<p>117 Railway Road, Sydenham is currently zoned part Residential 2A and part Open Space 6A with a proposed R3 Medium Density zone under the draft Plan. The portion zoned open space is not Council owned land, is not part of Council's park system nor is it to be acquired. The land owned by RailCorp appears to have retained this part open space zoning since the 1970s and is an outstanding anomaly, along with the adjoining house at 5 Wright Street which will be corrected under the dMLEP 2010.</p> <p>The subject property has a proposed 9.5m height which is the same height given to the adjoining dwelling houses and a FSR of 0.6:1, which applies to multi dwelling housing. Flat buildings are not a permissible use in the R3 zone unless they are part of the adaptive reuse of an existing industrial or warehouse building. Similarly shops/retailing or office are not permissible unless in a pre-existing shop that has lost its existing use rights. Therefore, the land at 117 Railway Road cannot be developed for residential flats nor used for retail or office uses.</p> <p>The R3 Medium Density zone permits dwelling houses, attached dwellings, secondary dwellings, seniors housing, semi-detached dwellings and multi-dwelling houses, along with boarding houses, group homes and hostels. The subject land can be used for these, along with the other prescribed uses in the R3 zone. All these residential uses are also permissible in the R2 zone (with the exception of multi dwelling housing), which is equivalent to the existing Residential 2A zone. The only difference in terms of residential accommodation between the two zones is that the R3 zone permits multi dwelling housing with consent.</p> <p>RailCorp, through s62 consultation, sought a zone that would enable more than one dwelling to be located on the land. In this regard, the R3 zone proposed for the land is the least 'intensive', and a low height (two-storey) and FSR were applied to ensure new development fitted with the surrounding built form.</p> <p>It is acknowledged that the trees on the subject land would provide some visual and other relief from the noise and activity of the rail line, buses and traffic in the immediate area. However, tree removal would be considered, either through a permit or development consent process, and is a separate matter to the rezoning of the land.</p> <p>The potential loss of the building at 117 Railway Road and its possible replacement by a 2 storey building would be assessed for its impact on adjoining properties, unless the development could proceed as complying development under the Codes SEPP. Council does not have a minimum</p>	No changes recommended to dMLEP or dMDCP 2010.

## Attachment C



# Submission 1



60 Railway Road  
SYDENHAM NSW 2014

30<sup>th</sup> December 2010

Phone: 92 8467 3000

Email: [tonic@ebix.com.au](mailto:tonic@ebix.com.au)

## DEVELOPMENT APPLICATION: DA201000599

Application : Rail Corporation of NSW

Premises : 117 Railway Road Sydenham

I wish to lodge my concerns regarding the above development application.

**1. Removal of 21 trees.** Those trees, which are well established, provide a welcome patch of green in an area which is heavily built up. The trees are attractive and a haven for bird life.

Wherever possible trees should be protected as part of the local environment and the Council have made a very noticeable and pleasing contribution by planting trees in previously bare areas. It would seem a contradiction to permit 21 trees to be removed.

## 2. Remediation of the land.

- (a) **Contamination** - there appears to be a possibility that the site is contaminated with lead, asbestos etc. Any disturbance to this site could be the cause of serious health issues to the area. The development application does not explain how the remediation would be approached in order to prevent dust etc from spreading over the neighbourhood.

Inappropriate handling could be seriously detrimental to human health and the environment. This not only applies to immediate residents, but there is a children's playschool and park in the near vicinity.

- (b) **Reason for Remediation** - the development application does not give any reason for the remediation. I acknowledge that the current building is derelict and requires to be demolished, but I can find no information on what is intended to be put in its place.

- If the replacement building is a block of units, a group of semi-detached houses, perhaps commercial premises, would there be adequate off-street parking?
- Would the replacement building conform to the current style and character of the area? For example, a multi storey building (more than 2 floors) would be unsuitable.
- If the block were to be zoned for commercial or part commercial use. The impact on the residents would be unacceptable, particularly as the site is right in the middle of residential premises. What business hours are planned? How much noise would be generated? How much rubbish would be generated (clientele leaving rubbish in the street). Would there be adequate off-street parking?

# Submission 1

Any of these options would put additional stress on the residents of Railway Road in particular with street parking, traffic flow, street safety, rubbish and noise.

- (c) **Access to the block.** Where would exits and entrances be placed? Wright Street being little more than a laneway. Railway Road and Burrows Avenue are already heavy traffic areas, which is aggravated by the number of government buses (now including the Metro buses) moving and standing along Railway Road and Burrows Avenue.

It should be noted that the buses quite often block the street, making it dangerous for pedestrians and difficult for motor vehicles to pass.

- (d) Are management processes in place so that Marrickville Council can adequately monitor the remediation. Developers can often take shortcuts despite Council regulations and any fines that may apply.
- (e) The Rail Corporation to date has demonstrated a deliberate disregard for the local residents by allowing the building to become derelict and rarely making any effort to maintain the property. Rubbish needs to be removed, trees need to be pruned, the grass needs to be mown. It is unlikely that the Rail Corporation will suddenly get an attack of conscience and approach this remediation plan with any degree of care and responsibility.

Regards,

ANTOINETTE MOORE



REFERENCE: DA201000599

Date: 14<sup>th</sup> JANUARY 2011

Name: [REDACTED]

Address: [REDACTED]

Business hours contact number: [REDACTED]

Dear Kimberley Linden and Councillors of Marrickville Council,

In regards to the Notice of Proposed Development Application number: DA201000599

Applicant: Rail Corporation of NSW

Premises: Railway land – 117 Railway Road, Sydenham

We strongly object to the above application to demolish the old stationmaster's house at 117 Railway Road, destroy 21 established trees and remediate the land. Our reasons for objecting are:

1. We strongly object to the removal of 21 trees. The trees, some of which were planted by residents still living in the street, are very large, they act as a noise and pollution buffer, are home to many species of birds and provide welcome greenery in a suburb not overly endowed with trees. On 16 November 2010 the Marrickville Council endorsed its Draft Urban Forest Policy & Strategy. Removing 21 established trees contradicts the stated policy of the Council in this strategy.

2. There is no information about the reasons for remediation. According to Coffee Geosciences who applied to remediate this land in 2005, the site is contaminated with lead, asbestos and contaminated fill. Their proposal did not proceed, and was opposed by local residents who were concerned that the disturbance of the site would present a health hazard. If materials on the site present a danger to residents when disturbed the present proposal would raise the same concerns.

3. Approval of the 2005 application to remove 6 trees and remediate the land was subject to many conditions including :

- no injury to be caused by the emission of noise, dust, vapours or other impurities which are a nuisance or prejudicial to health
- to ensure the replacement of the canopy cover and the successful establishment of new trees
- the trees to be replaced by the same number of trees known to reach a mature height greater than 10m
- replacement trees to be super advanced stock, minimum 200 litre size containers

If granted, the current application should be subject to the same conditions

4. A condition of the previous application was the protection of street trees from trenching or excavation works, with access routes not to be gained over the roots of street trees. The security bond to ensure this was grossly inadequate, \$1550 maximum, which would not be a deterrent to a developer.

[REDACTED]

## Submission 2

5. Footpath access for residents and commuters. The footpath from Gleeson Avenue opposite the railway station runs down Burrows Avenue towards Railway Road then ends abruptly. In order to go to or from the railway station, people are either forced to step onto the road and navigate parked cars, buses at the bus stop and rusty guard rails, or to cross the road and use the footpath outside the property affected by the application. There would be no safe access for residents and commuters during demolition unless the footpath on the other side of the road was extended.

6. The proposal does not provide any information about the reasons for the application and the proposed use of the land. We note that the proposed Marrickville Council's 2010 Local Environment Plan recommends changing the zoning of this property from 2A (low density residential) to R3 (medium density residential). We are aware of the fact that Marrickville Council is under pressure to increase its quota of medium density housing but we oppose using a small corner of Railway Road in an otherwise low density residential area for medium density housing rather than many of the other streets in Marrickville which already contain medium density housing. All of the streets in this area of Sydenham are zoned 2A, including Railway Road, and are streets of mainly flat residential buildings with owner occupiers. We are concerned that the land is being remediated in order to build multi-dwellings or developments that would impact adversely on the local residents and environment. We would urge that no development application be considered until Rail Corporation indicates what its intentions are in relation to this property.

7. Rail Corporation has not shown any regard for the amenity of local residents and commuters. Their property, the historical stationmaster's house built in the 1880s, has been let slip into a state of disrepair. The land they own adjacent to the railway line in Burrows Avenue is not maintained, the fence is derelict, the footpath dangerous and bordered by ugly rusty barriers. This neglect by Rail Corporation does not inspire confidence that any proposal of theirs will improve the local environment.

8. This area is used heavily by commuters on the Illawarra and Bankstown rail lines. We urge the Council to consider possible uses of this site that would increase the amenity of local residents, commuters and other visitors to the area, such as planting trees and landscaping to provide a gateway from Marrickville and Sydenham to other suburbs serviced by the rail lines.



# Submission 2

## To the residents of Railway Road and surrounding streets

There is a proposal by the Council as part of the Draft Local Environment Plan (LEP) to change the zoning for 117 Railway Road from 2A to R3, ie from low density residential to medium density residential, eg. multi-dwelling housing. Residential flat buildings will be prohibited.

117 Railway Road is the only property in the area that they want to change from 2A to R3 zoning.

It seems a great coincidence that this proposal by Council to change the zoning of this house only was followed quickly by Rail Corporation's proposal to demolish the house. It is the only house in the area to be given this zoning.

Multi-dwelling buildings ie units, villas or flats are not compatible with the type of housing in this area, which is mainly flat residential. There will be an impact on traffic, noise, congestion and general amenity.

Council officers will be conducting Public Open Days to discuss the contents of the draft Marrickville Local Environmental Plan. (There was one on Dec. 16 which was not advertised widely.) The next is Monday 10th January 2011, Herb Greedy Hall, 79 Petersham Road, Marrickville, between 10am and 2pm.

People have until 28 Feb. 2011 to object to this LEP.

Submissions to the content of the draft MLEP and DCP 2010 must be in writing and received by 5pm on Monday 28 Feb. 2011.

Submissions can be made in the following ways:

- In writing:  
The General Manager  
Marrickville Council  
PO Box 14  
PETERSHAM NSW 2049
- Fax: 9335 2029
- Email: [marrickvillebydesign@marrickville.nsw.gov.au](mailto:marrickvillebydesign@marrickville.nsw.gov.au)





**Submission 3**

MARRICKVILLE COUNCIL

21 JAN 2011

RECEIVED

REFERENCE: DA201000599

Date: 18/1/11

Name: ANGELA STANISLAW

Address: BURROWS AVENUE, SYDENHAM

Business hours contact number: 0449 284 085

Dear Kimberley Linden and Councillors of Marrickville Council,

In regards to the Notice of Proposed Development Application number: DA201000599

Applicant: Rail Corporation of NSW

Premises: Railway land – 117 Railway Road, Sydenham

We strongly object to the above application to demolish the old stationmaster's house at 117 Railway Road, destroy 21 established trees and remediate the land. Our reasons for objecting are:

1. We strongly object to the removal of 21 trees. The trees, some of which were planted by residents still living in the street, are very large, they act as a noise and pollution buffer, are home to many species of birds and provide welcome greenery in a suburb not overly endowed with trees. On 16 November 2010 the Marrickville Council endorsed its Draft Urban Forest Policy & Strategy. Removing 21 established trees contradicts the stated policy of the Council in this strategy.

2. There is no information about the reasons for remediation. According to Coffee Geosciences who applied to remediate this land in 2005, the site is contaminated with lead, asbestos and contaminated fill. Their proposal did not proceed, and was opposed by local residents who were concerned that the disturbance of the site would present a health hazard. If materials on the site present a danger to residents when disturbed the present proposal would raise the same concerns.

3. Approval of the 2005 application to remove 6 trees and remediate the land was subject to many conditions including :

- no injury to be caused by the emission of noise, dust, vapours or other impurities which are a nuisance or prejudicial to health
- to ensure the replacement of the canopy cover and the successful establishment of new trees
- the trees to be replaced by the same number of trees known to reach a mature height greater than 10m
- replacement trees to be super advanced stock, minimum 200 litre size containers

If granted, the current application should be subject to the same conditions

4. A condition of the previous application was the protection of street trees from trenching or excavation works, with access routes not to be gained over the roots of street trees. The security bond to ensure this was grossly inadequate, \$1550 maximum, which would not be a deterrent to a developer.

## Submission 3

5. Footpath access for residents and commuters. The footpath from Gleeson Avenue opposite the railway station runs down Burrows Avenue towards Railway Road then ends abruptly. In order to go to or from the railway station, people are either forced to step onto the road and navigate parked cars, buses at the bus stop and rusty guard rails, or to cross the road and use the footpath outside the property affected by the application. There would be no safe access for residents and commuters during demolition unless the footpath on the other side of the road was extended.

6. The proposal does not provide any information about the reasons for the application and the proposed use of the land. We note that the proposed Marrickville Council's 2010 Local Environment Plan recommends changing the zoning of this property from 2A (low density residential) to R3 (medium density residential). We are aware of the fact that Marrickville Council is under pressure to increase its quota of medium density housing but we oppose using a small corner of Railway Road in an otherwise low density residential area for medium density housing rather than many of the other streets in Marrickville which already contain medium density housing. All of the streets in this area of Sydenham are zoned 2A, including Railway Road, and are streets of mainly flat residential buildings with owner occupiers. We are concerned that the land is being remediated in order to build multi-dwellings or developments that would impact adversely on the local residents and environment. We would urge that no development application be considered until Rail Corporation indicates what its intentions are in relation to this property.

7. Rail Corporation has not shown any regard for the amenity of local residents and commuters. Their property, the historical stationmaster's house built in the 1880s, has been let slip into a state of disrepair. The land they own adjacent to the railway line in Burrows Avenue is not maintained, the fence is derelict, the footpath dangerous and bordered by ugly rusty barriers. This neglect by Rail Corporation does not inspire confidence that any proposal of theirs will improve the local environment.

8. This area is used heavily by commuters on the Illawarra and Bankstown rail lines. We urge the Council to consider possible uses of this site that would increase the amenity of local residents, commuters and other visitors to the area, such as planting trees and landscaping to provide a gateway from Marrickville and Sydenham to other suburbs serviced by the rail lines.

# Submission 4

## E-mail Message

**From:** [SMTP:Web enquiry]  
**To:** Council Internet Mailbox [EX:/O=MARRICKVILLE  
 COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL]  
**Cc:**  
**Sent:** 17/01/2011 at 6:08 PM  
**Received:** 17/01/2011 at 6:06 PM  
**Subject:** Online form: Lodge a comment on a DA

### Application details

DA Number: DA201000599  
 DA Address: 117 Railway Road, Sydenham NSW 2044

### Your personal details

Name: [REDACTED]  
 Address: [REDACTED]  
 [REDACTED]  
 Contact phone no: [REDACTED]  
 E-mail address: [REDACTED]

### Comment on application

Please select an option: Overall I am AGAINST the proposal  
 Enter your comments here: The General Manager,  
 Attn: Ms Kimberly Linden  
 Marrickville Council  
 PO Box 14  
 PETERSHAM NSW 2049

17 January 2011

Re DA201000599 Proposed Development 117 Railway Road, Sydenham

Dear Ms Linden

As a long-term owner and resident of 113 Railway Road, Sydenham NSW 2044, the semi-detached property attached to 115 Railway Road, Sydenham, itself adjacent to 117 Railway Road, we wish to lodge our strong objection to the proposed development at 117 Railway Road, the property of Rail Corporation of NSW, the historic Sydenham Stationmaster's house; ie to denude the property of all its trees which is a home and refuge for many native birds and insects, and to demolish the house. We are attached by a double-brick wall to "Brick Terrace No 115" on the SPB Surveying Pty Ltd's drawing.

We confirm that contrary to Council advice on page 1/7 "Development Checklist" Bullet point 2 of "Pre-Lodgement," "It is preferable that you discuss your proposal with your neighbours prior to design or lodgement" that we have not been consulted whatsoever by City Rail Corporation (NSW) prior to their lodgement of this DA.

Numerous issues surround 117 Railway Road, Sydenham, which I have addressed under various sub-headings beginning with the earlier DA Determination by Marrickville Council, dated 13 September 2005.

Issue 1 - Development Proposal for 117 Railway Road, 2005 (DA200500503) (Appendix 1)

There were 36 conditions applicable to the consent for the 2005 DA being granted dated 13 September 2005. City Rail Corporation NSW did not then avail itself of the consent, but instead only installed a security fence around its property, which met Condition 13 (page 3) of the September 2005 Determination.

Issue 2 - Removal of 21 trees

2.1 The 2005 Development Application resulted in the approval for 6 trees to be removed. This 2010 Development Application has called for the removal of 21 trees, which is more than three times as many trees as the previous proposal. The

## Submission 4

previous DA consent allowed for "at least 6 replacement trees known to reach a mature height greater than 10 metres". This was never implemented. We query the increase.

2.2 The 2010 DA documentation, specifically Tree Categorisation Plan (Figure 4-1) has two plus signs ["+"] indicating 2 trees for demolition outside the 117 property - Marrickville Council's own paperbark trees on the verge. While verbal assurance has been provided by phone from Council that these paperbarks are not proposed for removal, it does not alter the fact that these trees are marked identically to the ones inside the fence line, proposed to be removed. Clarity needs to be provided as to why they are indicated at all, if not proposed to be removed, seeing as they are not Railway Corporation property.

Issue 3 - size, and usefulness of existing trees

To convey the size of the trees indicated by line drawings in the chart provided by SPB Surveying Pty Ltd, we have provided a YouTube video to indicate the size and variety of trees under threat by this DA: As "A picture is worth a thousand words" our written objection includes this url, because visual footage (and we are in a high-technology age) shows better than text what locals value about the existing property:

<http://www.youtube.com/user/kassmusic#p/a/u/0/L2FzYu2gcCg>

We would appreciate consideration being given to this clip please, as the url is part of our Objection and is referred to in this written submission. Thank you.

This clip indicates the usefulness of these trees to our community, such as:

1. Oxygen - the big trees, especially palms and umbrella tree at the northern end, flowering jasmine, cherry blossom and hibiscus on western side, jacarandas on both southern and eastern sides, are like the clean-air lungs of our street, as our air-quality is negatively affected by pollution from:
  - a. diesel fumes from heavy vehicles and buses on three bus routes passing along our street,
  - b. freight trains travelling 24/7 along the double freight corridor parallel to the southern side of Railway Road (ie, opposite 117 Railway Road, and further to the east and west),
  - c. aviation fuel and noise from low-flying planes approaching Kingsford Smith airport nearby
  - d. fumes from City Railway Corporation (NSW)'s trains 24/7 through Sydenham Station
2. Sound buffer from noise from Rail Corp NSW's 3 different train-lines through Sydenham interchange
3. Sound buffer from regular maintenance by Rail Corp NSW's at evenings and during weekends
4. Roosting site for many birds regular to our area, many of which require significant height:
  - a. Chinese bulbuls (in clip)
  - b. Koels (in clip)
  - c. Ravens (not in clip, but frequent this property due to high trees, especially on southern end)
  - d. Australian Magpies (as above)
  - e. Australian currawongs (in clip)
  - f. Rainbow Lorrikeets (in clip)
  - g. Fruit-bats in the 30-40 metre palms when in fruit (as now) at northern end of property
  - h. Red Wattlebird, attracted to nectar in the jacarandas on eastern/southern side of property
  - i. Peewee and magpie-larks
  - j. New Holland Honeyeaters
  - k. Silver eyes
  - l. spotted turtle doves
  - m. cockatoos -difficult to film large birds in dense foliage, but by their song, they are evident
5. Shelter from the rain and shade on hot days for commuters

## Submission 4

6. A green corridor for reptiles and insects such as ~~stick insects~~, praying mantis, katydids, at least two species of leaf insect (brown species and green species) spotted by one son, butterflies such as Orchard/Citrus and Monarch butterflies (in clip), and others such as Australian weevil (in clip)
7. Potential to prevent soil erosion during flooding, via deeply embedded tree roots, as shown in news footage of the Brisbane /Victorian floods this week. The resilience of trees saves people.
8. Assist with drainage where storm water drains (as at front of 117 Railway Rd, and at east of 117 Railway Rd, on Wright St side - in clip- responsible for drainage for ALL properties in Wright St) are depended upon, and may prove inadequate, as evidenced by our house being flooded in Dec 1998, due to storm water drain in Wright St, (117 Railway Road's eastern entrance) being blocked.

### Issue 4 - Remediation of the land

If remediation is to occur, due to asbestos being found in the existing improvements, or ASS (though DA page 3/7 says "Yes" but provides no followup) the dust from the asbestos is more than likely to be spread by the wind around our neighbourhood, especially around adjacent neighbours at Gleeson Ave, and along Wright St / Railway Road, northern side, and then beyond to south side of Railway Road, commuters, and the like. We notice that DA 201000599 has been very minimally completed, especially with regard to Section 6, where no doubt disconnection of some of these services is applicable, including removal of waste - and its impact on drainage, including storm water drain (see clip for narrow drain next to Wright St entrance to 117 Railway Road). (see Issue 9 page 3.)

### Issue 5 - Conflict of DA201000599 with Marrickville Council approved Tree Policy

This planned proposal to chop all the trees that give us some nature in this semi-industrial/commercial / residential area appears to be in conflict with Marrickville Council's own recently approved Tree Policy, where an audit of all trees was agreed in November 2010 to be carried out - both on private land, and on council land, and with the assistance of aerial photography. It would be interesting to know the value of these existing trees, especially the very tall palms that are part of our community, even if on Railway Corporation land, including some on disputed land adjacent to the property on Gleeson Ave. Our neighbours have reported that they planted these palms date back between 30 and 40 years ago. Attempts to buy the land to preserve the trees did not result in a change of ownership.

### Issue 6 - Native trees versus exotic flowering trees

A bird needs food, and is attracted to trees that provide nectar (or to insects that are attracted to the nectar). When pollination of the tree occurs by bird, butterfly, moth or insect, as with the taller trees, the fruit itself then attracts other birds and bats. If a tree has no flowers, why bother visiting it, apart from shelter? But if a tree provides shelter and food, then flowering exotics win out over non-flowering natives.

Earlier this month I walked through Sydenham Green, where many families lived prior to their houses being bought and their properties becoming a park in the late 1990s. A few of their domestic trees and shrubs remain, which would have provided flowers or fruit then for inside the house. No doubt there was a variety of birds then, as we now have at 117 Railway Road, because 117 was planted not as a low-maintenance Council Park but as a residential garden, and with an obvious 'blue' theme, in the blue jacarandas, blue hydrangeas and blue agapanthus . (There is also a pink theme, demonstrated by jasmine and cherry blossom trees on the west side, and pink hibiscus on both the west and east walls.) The non-flowering natives (because all I could see was greenery on the trees, and not any flowers) at Sydenham Green had grown very well, but that day in that quite big area, I saw not a single native bird. What I did see were two very large flocks of feral pigeons - about 50 near the BBQ area, and about another 50 gathered on the telephone lines to the north of Sydenham Green. One must question how the removal of any sort of flowering trees benefits native birds? There are so many birds in our area, it must be to do with the flower gardens, not status of trees as to 'native' or 'exotic'. Regardless of the lack of (non-flowering) native trees, the garden at 117 fulfils the needs of many small and especially large



## Submission 4

birds, by providing food and shelter, and a green corridor for security, in a high-transportation area.

### Issue 7 SPB Surveying Pty Ltd diagram

It is not clear to us if the two palms on the northern end are included to be demolished - there are no canopies indicated, as there are elsewhere on this sheet, including the Council's own two paperbarks. Why is there this omission? Are these trees planned to be removed, as is indicated in the plus signs on Figure 4-1 - the gathering of little plus signs that include jasmine, umbrella tree and the tall palms - these provide the view in Burrows Ave while one waits at the bus-stop, for any of the three bus routes to come. Lack of consistency between the two diagrams with the trees is a discrepancy, for which clarification needs to be provided.

### Issue 8- Demolition of house

We see in this Development Proposal no guarantee to neighbours against noise, removal of rubbish or trees, protection for passers by of removal of trees, security or insurance issues. I am unsure if the legal owners of 115 Railway Road are aware of this proposal, seeing as they live in Byron Bay. But they have no separating wall whatsoever, by the side wall (and window) from earthmoving works occurring at 117 Railway Road, if the DA is approved (see evidence in clip). If their property gets affected by earth-moving equipment it will just as likely affect our property, seeing as we share a common brick dividing wall with 115. I would not be happy with cracks in my outer walls, nor in our front porch, nor damage to our common wall. What protection measures are in place for adjacent properties if this DA is approved? I would like similar conditions applied, as in 2005, but would recommend more effort to save both adjacent properties, as well as the trees and wildlife seeing as Marrickville Council is a Greens council.

### Issue 9- Sewage pipes

On the eastern side of 117 Railway Rd (with its drive-on access in Wright Street) there is a brick outside toilet by the security fence. As this is included in DA under "Ancillary buildings", about 2 metres up in Wright Street, there is a 'manhole' and inside my property there is also one that connects to both of these - these will be affected by any changes in 117 and we have not been consulted. Last time there was a street blockage, I had to open my property to allow repairs to be carried out. We find this DA to lack detail where impact with the neighbours is concerned.

### Conclusion

We agree that something needs to happen to 117 Railway Road, Sydenham, as security fences have prevented the vacant property becoming a place for unwelcome suppliers (as used to occur by car), but the front stone fence is falling down, and the house itself is probably uninhabitable. We residential owners in Railway Road Sydenham repair our properties, to make them habitable, and to be proud of.

We would like to know more clearly Sydney Rail Corporation's intentions towards future use of this property. The Council's plan to rezone this property suggests a possible redevelopment with Sydenham Station along with its numerous security cameras, and if approved, with the removal of the trees, the property would have a direct line of vision to Sydenham Station to the north, as well as to Sydenham Depot to the west of the railway lines. We consider this a possibility, due to Sydenham Station's strategic importance as the nearest interchange to Sydney International / Domestic airports, and also, as local free rag, MX reported in 2010, as Sydenham is proposed to become a new base for NSW State Emergency Services. We also wonder at the connection between the same blue markings at the rear of our properties in Wright Street, and on Sydenham Station platforms in January 2011.

Suggestions from locals include that Council buy the land and retain the trees, and turn the property into a small park for young children in this street, whose cricket balls can currently run across Railway Road in front of buses; repair the historic house to its former glory; have it as a Sydenham Historic Society property, selling postcards, and Railway memorabilia, or any other useful,

## Submission 4

historic function.

Thank you for the opportunity to raise these environmental and community issues.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

(Also being emailed as a pdf to all Marrickville Councillors, on advice to indicate community opposition. A petition is also being provided to Council prior to close-off by another Railway Road, Sydenham resident and home owner.)

# Submission 5

REFERENCE: DA201000599

Date: 18 Jan 2011

Name: [REDACTED]

Address: [REDACTED]

Business hours contact number: [REDACTED]

Dear Kimberley Linden and Councillors of Marrickville Council,

In regards to the Notice of Proposed Development Application number: DA201000599

Applicant: Rail Corporation of NSW

Premises: Railway land – 117 Railway Road, Sydenham

We strongly object to the above application to demolish the old stationmaster's house at 117 Railway Road, destroy 21 established trees and remediate the land. Our reasons for objecting are:

1. We strongly object to the removal of 21 trees. The trees, some of which were planted by residents still living in the street, are very large, they act as a noise buffer, are home to many species of birds and provide welcome greenery in a suburb not overly endowed with trees. On 16 November 2010 the Marrickville Council endorsed its Draft Urban Forest Policy & Strategy. Removing established trees contradicts the stated policy of the Council in this strategy.

2. There is no information about the reasons for remediation. According to Coffee Geosciences who applied to remediate this land in 2005, the site is contaminated with lead, asbestos and contaminated fill. Their proposal did not proceed, and was opposed by local residents who were concerned that the disturbance of the site would present a health hazard. If materials on the site present a danger to residents when disturbed the present proposal would raise the same concerns.

3. Approval of the 2005 application to remove 6 trees and remediate the land was subject to many conditions including :

- no injury to be caused by the emission of noise, dust, vapours or other impurities which are a nuisance or prejudicial to health
- to ensure the replacement of the canopy cover and the successful establishment of new trees
- the trees to be replaced by the same number of trees known to reach a mature height greater than 10m
- replacement trees to be super advanced stock, minimum 200 litre size containers

If granted, the current application should be subject to the same conditions

4. A condition of the previous application was the protection of street trees from trenching or excavation works, with access routes not to be gained over the roots of street trees. The security bond to ensure this was grossly inadequate, \$1550 maximum, which would not be a deterrent to a developer.

5. Footpath access for residents and commuters. The footpath from Gleeson Avenue opposite the railway station runs down Burrows Avenue towards Railway Road then ends abruptly. In order to go to or from the railway station, people are either forced to step onto the road and navigate parked cars,

## Submission 5

buses at the bus stop and rusty guard rails, or to cross the road and use the footpath outside the property affected by the application. There would be no safe access for residents and commuters unless the footpath on the other side of the road was extended.

6. The proposal does not include any information about the reasons for the application and the proposed use of the land. We note that the proposed Marrickville Council's 2010 Local Environment Plan recommends changing the zoning of this property from 2A (low density residential) to R3 (medium density residential). We are aware of the fact that Marrickville Council is under pressure to increase its quota of medium density housing but we oppose using a small corner of Railway Road for medium density housing rather than many of the other streets in Marrickville which already contain medium density housing. All of the streets in this area of Sydenham are zoned 2A, including Railway Road, and are streets of mainly flat residential buildings with owner occupiers. We are concerned that the land is being remediated in order to build multi-dwellings or developments that would impact adversely on the local residents and environment. Commuters who use the area for parking which is already in short supply near the railway station would also be affected. We would urge that no development application be considered until Rail Corporation indicates what its intentions are in relation to this property.

7. Rail Corporation has not shown any regard for the amenity of local residents and commuters. Their property, the historical stationmaster's house built in the 1880s, has been let slip into a state of disrepair. The land they own adjacent to the railway line in Burrows Avenue is not maintained, the fence is derelict, the footpath dangerous and bordered by ugly rusty barriers. This neglect by Rail Corporation does not inspire confidence that any proposal of theirs will improve the local environment.

8. This area is used heavily by commuters on the Illawarra and Bankstown rail lines. If the historical stationmaster's house cannot be restored, we urge the Council to consider possible uses of this site that would increase the amenity of local residents, commuters and other visitors to the area, such as planting trees and landscaping to provide a gateway from Marrickville and Sydenham to other suburbs serviced by the rail lines.

9. As an aside, after speaking to many local residents, from Sydenham to St Peters and Tempe, there are many people who feel that their interests, as well as the local history of the area are being neglected by the Council. Apart from the stationmasters house, the Coptic Church in Railway Road was often mentioned. Some people questioned how the renovations in the General Gordon Hotel, which has been turned into a tasteless de facto TAB, complete with ATMs in the gaming area, gained approval from the Council. Residents were resentful and anxious about many other issues, such as the gas drilling in Canal Road. Many people expressed cynicism about the timing of the development application, and questioned the point of community meetings held in the past few years between residents and Council members. Hopefully the Council will show that it is seriously considering what is best for the long term interests of the area and its residents, both new arrivals and long term, when it decides what will happen to the site of the historic and wilfully negelected Sydenham station masters house.

**Submission 6****E-mail Message**


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**From:** [\[SMTP:Web enquiry\]](#)  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](#)  
**Cc:**  
**Sent:** 19/01/2011 at 11:47 AM  
**Received:** 19/01/2011 at 11:45 AM  
**Subject:** Online form: Lodge a comment on a DA

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## Application details

DA Number: DA201000599

DA Address: 117 Railway Road Sydenham NSW 2044

## Your personal details

Name: [REDACTED]

Address: [REDACTED]

Contact phone no: [REDACTED]

E-mail address: [REDACTED]

## Comment on application

Please select an option: Overall I am AGAINST the proposal

Enter your comments here: DA201000599 - I wish to express my concern and strongly suggest that this application be denied.

The house at 117 Railway road should be Heritage listed and it is a disgrace and a shame that it not. Rail Corp have allowed the house to decay and fall into disrepair and should be held responsible and pay for the house to be brought back up to a decent standard.

The house, which is the old Station Masters house should not be destroyed. It should be given/sold to the Department of Planning of NSW, which is the agency responsible for Heritage. The suburb of Sydenham is one of Federation charm which this house encompasses. Sydenham is enriched in history and this house is part of that. Railway Road, where the house is situated is full with free standing federation houses. The street even has sandstone gutters. It would be a outright shame if this house was demolished. Other area's on Sydenham and Marrickville which are not nearly as old as this house are heritage listed (for example - the drainage pit in Garden st which was built in the 30's) which gives way for this house to have already been on the heritage listing.

Sydenham railway station is heritage listed and this house goes hand in hand with the station

Another issue is, the birdlife that lives in the trees. The demolition of the trees would have a terrible affect on them. The house premises has many native birds that have established nests in the trees. Marrickville Council is interested in conserving and preserving the Cooks River and it's plant and birdlife. I'm positive these birds that live in the trees at 117 Railway Road Sydenham have a direct result with the rejuvenation of the Cooks river as well.

In relation to the demolition of the trees still. Sydenham is under the flight path, it has it's own train station, the highway is very close and Gleeson Ave and Unwin's Bridge Road are very busy. There is a high concentration of pollution in Sydenham, especially where the house is. The trees should stay as they help provide clean air and vital oxygen for the surrounds.

If the house was demolished and a new building put in it's place, it will put on due parking pressure on Railway road. Railway road is already at bursting point with the parking situation and cannot handle any more cars. I'm sure that the new building would have parking, however what about visitor parking.

With further investigation, into the DA, it states that the land is contaminated with acid sulphate. It is best to leave the land in it's current condition, to not expose the acid sulphate.



## Submission 6

Sydenham is the forgotten suburb of the inner west and is not maintained well by the council unlike other suburbs in the surrounding area. The area of Sydenham, with it's historical building should be preserved.

In closing, the house and trees of 117 Railway should stay and not be sold. The house and land should be handed over to Heritage NSW and should be integrated into part of a historical tour of the area. The land should be cleaned of debris and opened up to the public. The house should be restored and the grounds even turned into a green corridor or parklands for people to enjoy.

Please take my concerns into consideration. Should this application be approved it will have an negative impact on the area and the street. It would also be a severe blow to the heritage Sydenham.

Thank you.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

# Submission 7

## Re: 117 Railway Road, Sydenham DA 201000599

I am writing to lodge my objection to the above DA submitted by Rail Corporation NSW to demolish the house at 117 Railway Road, Sydenham and to remove the trees from the property.

On the Marrickville Council site where this DA is listed the address is given as Railway Land 117 Railway Road whereas every other submission just gives a street address. This somehow comes towards the heart of the matter where this address is not thought of in its residential context but as set apart almost as part of the railway. In actual fact this is a house and garden in a residential street and but for the security fence around it now would be an attractive house in an attractive neighbourhood.

I very much object to the demolition of this house as I think it well defines this whole street, indeed the whole neighbourhood and is in fact one of the most historic houses in Sydenham. Sydenham as a suburb has suffered much in the last decade or so with the razing of whole streets because of aircraft noise and is now but a shadow of it's former self, with businesses struggling to remain open in the shopping strip, increasing noise from all forms of transport, the use of the streets surrounding the station as one big commuter car park, and the demolition of hundreds of houses which detracts from the layout of the suburb, but Sydenham still has many proud residents who like many other inner-city dwellers value the heritage of their area, in fact many like myself who "feed" off the history of the area, who can spot a railway house, or a former post-office or bank building, shop and get pleasure from the vision of the past. This house is a piece of history and I think should be retained. Once this house is gone the vision has gone as well. I can see and have known since girlhood, the way Railway Road comes to the railway line where there was obviously a level crossing, with the adjacent crossing keeper's house; before the railway, Marrickville Road probably just continued along till it got to the Princes Highway. This is the stuff of life for many people.

Having had one's suburb decimated because of noise pollution, and living daily in an area that is seen by many as drop-off point for somewhere else does definitely devalue the area in one's mind and one can easily see that this affects residents of Sydenham but I think the Council should feel that there are still important things in our suburb, it does still have a heart and people still care about their surroundings.

Without seeming too precious about it, I wonder whether if this level-crossing keeper's house was in another part of Sydney it would be more valued- if this was part of the streetscape in Petersham or Burwood, or if it were the ferryman's cottage at Watson's Bay or Balmain it might have more people

## Submission 7

standing up for it. This just indicates the number of people who think they can take a stand; it doesn't actually change the value of the place itself.

I also strongly object to the removal of more than 20 trees. These are mature trees, provide homes for many birds and insects, shade, a buffer from the noise of the road and railway for residents of the surrounding streets and they also look nice. Council has quite strict policies regarding the removal of trees and this is exactly what this policy guards against. Having lived in Sydenham for 20 years now I can report that many more birds are coming to and through the area owing to the growth of trees in neighbourhood gardens and in nearby parks. How can Council justify removing all these trees? The so-called remediation of the land sounds like a "furphy" to me. Surely the best way to allow land to recover would be to allow it to revegetate. I'm not sure what the land is remediating itself from but no doubt all the surrounding properties are in the same boat and life goes on. It seems as if allowing the demolition of the house (a house needs residents, that's what it's built for, and many people need housing and would be glad to live there) and clearing the block of land clears the way for redevelopment of the site so in itself the DA is not an honest proposal.

I hope you will take my objection when considering this application.

Robyn Godfrey

11 Swain Street,

Sydenham

20th January 2011

## Submission 8

### E-mail Message

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**From:** Jacques Yezzi [SMTP:jacquesyezzi@gmail.com]  
**To:** Council Internet Mailbox [EX:/O=MARRICKVILLE  
COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL]  
**Cc:**  
**Sent:** 20/01/2011 at 1:03 PM  
**Received:** 20/01/2011 at 1:08 PM  
**Subject:** Re: Development Application - DA201000599

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Dear Marrickville Council,

Development Application - DA201000599

Applicant Rail Corporation Of NSW.

I wish to object to the removal of 21 trees as requested in this application.

Railcorp were asked by Marrickville Council to tidy up the exterior of the property last May 2010 to facilitate public safety especially at night. I believe this request has led to this development application.

I do not believe that the only way to remediate this land is to remove every tree. Sydenham doesn't have many large trees or a group like these trees so the removal of this habitat will have a large impact on the urban wildlife. I have seen for myself that a large amount of birds live & forage in the trees of this property.

I doubt that an ordinary ratepayer could get permission to remove all trees on their property as Railcorp is requesting. I do not believe that Marrickville Council should allow all the trees on the property to be removed & should negotiate with Railcorp to keep as many as possible.

Replacing the trees is of little benefit because the trees take decades to grow to the height of the current trees. I cannot see the purpose of leveling the land & the Development Application does not say what Railcorp intend to do with the land once they have finished remediation.

I ask that the application as it stands is refused. I ask that as many trees on the property as possible are retained as they benefit both the urban wildlife & the community.

## Submission 8

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]

---

This email has been scanned for all viruses by the MessageLabs SkyScan service on behalf of Marrickville Council.

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## Submission 9

### E-mail Message

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**From:** [REDACTED]  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](mailto:Council Internet Mailbox [EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL])  
**Cc:**  
**Sent:** 20/01/2011 at 1:05 PM  
**Received:** 20/01/2011 at 1:05 PM  
**Subject:** Re: DA201000599

---

Dear Marrickville Council,

Development Application - DA201000599  
Applicant Rail Corporation Of NSW.

I wish to object to the removal of 21 trees as requested in this application.

Railcorp were asked by Marrickville Council to tidy up the exterior of the property last May 2010 to facilitate public safety especially at night. I believe this request has led to this development application.

I do not believe that the only way to remediate this land is to remove every tree. Sydenham doesn't have many large trees or a group like these trees so the removal of this habitat will have a large impact on the urban wildlife. There is a large amount of birds that live & forage in the trees of this property.

I doubt that an ordinary ratepayer could get permission to remove all trees on their property as Railcorp is requesting. I do not believe that Marrickville Council should allow all the trees on the property to be removed & should negotiate with Railcorp to keep as many as possible.

Replacing the trees is of little benefit because the trees take decades to grow to the height of the current trees. I cannot see the purpose of leveling the land & the Development Application does not say what Railcorp intend to do with the land once they have finished remediation.

I ask that the application as it stands is refused. I ask that as many trees on the property as possible are retained as they benefit both the urban wildlife & the community.

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]

---

This email has been scanned for all viruses by the MessageLabs SkyScan service on behalf of Marrickville Council.

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**PO BOX 415  
MARRICKVILLE NSW 1475**

ABN 75 016 843 096  
Formed 1984

20 January 2011

Marrickville Council  
Council's Citizens' Service Centre  
PO Box 14  
**PETERSHAM NSW 2049**

Attention: Planning Department

Dear Sir

## **DA201000599 – 117 RAILWAY ROAD SYDENHAM**

---

The Society is concerned at this proposal to demolish the Station Master's House at Sydenham Station. In addition to the concerns of the Society and its members, we have been approached by members of the public and asked to oppose this proposed demolition.

Appearing, at least from external inspection, to be remarkably intact, we wonder why this exceptional 1880s cottage was omitted from the heritage listing of Sydenham station, which we believe is listed on the State Heritage Register. We note that the house was built in the mid 1880s when the Illawarra Railway Line was opened, at which time the station was called Marrickville Railway Station. In 1895 when the Sydenham to Bankstown line opened, the name of the station was changed to Sydenham Station.

We are unaware of what affects the land that requires 'remediation', but it would certainly seem that, were the land not earmarked by RailCorp as a potential development site, any such remediation could be conducted without the need to demolish the cottage and remove many of the trees on its site.

Of course we cannot plead for retention of the cottage on the basis that it is a heritage item. On the other hand, it would be difficult for the applicant to argue that the Station Master's House is not of great local historical and heritage significance.

We would like to see the application refused, and the applicant instead asked to propose the cottage for heritage listing. This delightful cottage could undoubtedly become a landmark property within a charming pocket of Sydenham. Its size, location and setting suggest that it would be eminently suitable for restoration and many alternate uses. If the applicant is reluctant to take this step, we ask whether Council is in a position to propose it as a heritage item under the current Draft LEP.

The station master's house at 86 Station Street Tempe has been sold and is now privately owned. This attractive cottage has been recommended by Paul Davies Pty Ltd Architects, Heritage Consultants (in their report on Potential Heritage Items for Marrickville Council,

# Submission 10

June 2009) to be considered in the Marrickville LEP as part of the Tempe Railway Station Group.

In summary we feel it is an oversight that this cottage is not among our LGA's heritage items. We respectfully ask Council to refuse this application and to take any steps that may be available to it to provide it with heritage protection.

Sincerely

LORRAINE BEACH  
Vice President

# Submission 11

[Redacted]  
[Redacted]  
[Redacted]

6/2/2011

To the General Manager of Marrickville Council

## **RE: DA 117 Railway Parade Sydenham**

(I trust my application will be received as I was told an extension was given for this DA until 4/2/11. So I am only two days over the due date and was previously told in writing, that submissions would be accepted up to 2 weeks after the closing date.)

I wish to strongly object to the DA for 117 Railway Road on heritage grounds, and on environmental grounds due to excessive tree removal.

This building is of great historical, social and architectural significance to me and my family, and I believe the broader local community. This DA seeks the complete demolition of the original Sydenham Station's Station Master's house! Too many historical buildings have been lost in the Sydenham/Tempe areas. The loss of this building would be unacceptable to me. The Sydenham Station Master's house enjoys a prominent location on a corner block and is well known. Unfortunately, Railcorp has allowed the building to become derelict in recent years, but it is obviously in good condition and can be saved!

Sydenham is one of the earliest railway stations in Sydney, and the station still maintains the original platform waiting rooms and facilities. The train station and the station master's house together make up a historical group of buildings that represent the early building and expansion of our suburbs.

The Tempe Station Master's house and station have heritage orders on them, and as such I see no reason why the Sydenham Station Master's house, and railway station, should not also be recognised for their social, historical and architectural significance to our community.

Whilst it could be argued that there are other buildings in the local area that represent the same architectural period as that of the Sydenham Station Master's house, do these buildings have historical and social significance to the community? Can they be connected to other historically significant buildings in the area such as the railway station? Are they connected to the building of our suburbs? And are they secure from future demolition?

With the push to knock down buildings to allow for the needs of development, we, as a community, need to be careful which buildings we do dispose of to allow for residential and commercial growth in our suburbs.

I also object to the removal of 23 established trees from the site. This is excessive in the extreme and I do not believe that all of these trees would need to be removed even if the demolition of the house was approved.

Kind regards

[Redacted]



REFERENCE: DA201000599

Date: 11/2/2011

Name: [REDACTED]

Address: [REDACTED] 117 Railway Rd. [REDACTED]

Business hours contact number: [REDACTED]

Dear Kimberley Linden and Councillors of Marrickville Council,

In regards to the Notice of Proposed Development Application number: DA201000599

Applicant: Rail Corporation of NSW

Premises: Railway land – 117 Railway Road, Sydenham

We strongly object to the above application to demolish the old stationmaster's house at 117 Railway Road, destroy 21 established trees and remediate the land. Our reasons for objecting are:

1. We strongly object to the removal of 21 trees. The trees, some of which were planted by residents still living in the street, are very large, they act as a noise and pollution buffer, are home to many species of birds and provide welcome greenery in a suburb not overly endowed with trees. On 16 November 2010 the Marrickville Council endorsed its Draft Urban Forest Policy & Strategy. Removing 21 established trees contradicts the stated policy of the Council in this strategy.

2. There is no information about the reasons for remediation. According to Coffee Geosciences who applied to remediate this land in 2005, the site is contaminated with lead, asbestos and contaminated fill. Their proposal did not proceed, and was opposed by local residents who were concerned that the disturbance of the site would present a health hazard. If materials on the site present a danger to residents when disturbed the present proposal would raise the same concerns.

3. Approval of the 2005 application to remove 6 trees and remediate the land was subject to many conditions including :

- no injury to be caused by the emission of noise, dust, vapours or other impurities which are a nuisance or prejudicial to health
- to ensure the replacement of the canopy cover and the successful establishment of new trees
- the trees to be replaced by the same number of trees known to reach a mature height greater than 10m
- replacement trees to be super advanced stock, minimum 200 litre size containers

If granted, the current application should be subject to the same conditions

4. A condition of the previous application was the protection of street trees from trenching or excavation works, with access routes not to be gained over the roots of street trees. The security bond to ensure this was grossly inadequate, \$1550 maximum, which would not be a deterrent to a developer.

5. Footpath access for residents and commuters. The footpath from Gleeson Avenue opposite the railway station runs down Burrows Avenue towards Railway Road then ends abruptly. In order to go to or from the railway station, people are either forced to step onto the road and navigate parked cars, buses at the bus stop and rusty guard rails, or to cross the road and use the footpath outside the property affected by the application. There would be no safe access for residents and commuters during demolition unless the footpath on the other side of the road was extended.

6. The proposal does not provide any information about the reasons for the application and the proposed use of the land. We note that the proposed Marrickville Council's 2010 Local Environment Plan recommends changing the zoning of this property from 2A (low density residential) to R3 (medium density residential). We are aware of the fact that Marrickville Council is under pressure to increase its quota of medium density housing but we oppose using a small corner of Railway Road in an otherwise low density residential area for medium density housing rather than many of the other streets in Marrickville which already contain medium density housing. All of the streets in this area of Sydenham are zoned 2A, including Railway Road, and are streets of mainly flat residential buildings with owner occupiers. We are concerned that the land is being remediated in order to build multi-dwellings or developments that would impact adversely on the local residents and environment. We would urge that no development application be considered until Rail Corporation indicates what its intentions are in relation to this property.

7. Rail Corporation has not shown any regard for the amenity of local residents and commuters. Their property, the historical stationmaster's house built in the 1880s, has been let slip into a state of disrepair. The land they own adjacent to the railway line in Burrows Avenue is not maintained, the fence is derelict, the footpath dangerous and bordered by ugly rusty barriers. This neglect by Rail Corporation does not inspire confidence that any proposal of theirs will improve the local environment.

8. This area is used heavily by commuters on the Illawarra and Bankstown rail lines. We urge the Council to consider possible uses of this site that would increase the amenity of local residents, commuters and other visitors to the area, such as planting trees and landscaping to provide a gateway from Marrickville and Sydenham to other suburbs serviced by the rail lines.



29/12/10.

The General Manager.  
Marrickville Council

Dear Sir / Madam,

Re: DA 10/00599 117 Railway Rd Sydenham.

I have inspected the plans and specifications. I basically support the proposal however the application is deficient in the following areas:

(1) The site will be substantially disturbed by tree removal, topsoil removal and rehabilitation.

No provision has been proposed for spraygrazing or turfing the exposed topsoil after the development has been completed. Sedimentation control is required prior to the next DA application.

(2) The Council easement is on the eastern not the southern boundary (error in description).

(3) The property on the eastern boundary has windows and grill on the zero lot line. Roof water pipes and gutters encroach on this railway property.

Yours sincerely,

A large, dark, irregular redacted area covering the signature and any text below it.



**Submission 14****E-mail Message**


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**From:** SMTP Web Group  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](#)  
**Cc:**  
**Sent:** 20/01/2011 at 2:11 PM  
**Received:** 20/01/2011 at 2:08 PM  
**Subject:** Online form: Lodge a comment on a DA

---

Application details  
 DA Number: DA201000599  
 DA Address: 117 Railway Road  
 Your personal details

Name: [REDACTED]  
 Address: [REDACTED]

Contact phone no: [REDACTED]  
 E-mail address: [REDACTED]

Comment on application

Please select an option: Overall I am AGAINST the proposal

Enter your comments here: DA201000599 - I wish to express my concern and strongly suggest that this application be denied.

The house, which is the old Station Masters house should not be destroyed. It should be given/sold to the Department of Planning of NSW, which is the agency responsible for Heritage. The suburb of Sydenham is one of Federation charm which this house encompasses. Sydenham is enriched in history and this house is part of that. Railway Road, where the house is situated is full with free standing federation houses. The street even has sandstone gutters. It would be a outright shame if this house was demolished. Other area's on Sydenham and Marrickville which are not nearly as old as this house are heritage listed (for example - the drainage pit in Garden st which was built in the 30's) which gives way for this house to have already been on the heritage listing as it was build around the 1880's.

The house at 117 Railway R oad should be Heritage listed and it is a disgrace and a shame that it not. Rail Corp have allowed the house to decay and fall into disrepair and should be held responsible and pay for the house to be brought back up to a decent standard.

Sydenham railway station is heritage listed and this house goes hand in hand with the station .

Another issue is, the birdlife that lives in the trees. The demolition of the trees would have a terrible affect on them. The house premises has many native birds that have established nests in the trees. Marrickville Council is interested in conserving and preserving the Cooks River and it's plant and birdlife. I'm positive these birds that live in the trees at 117 Railway Road Sydenham have a direct result with the rejuvenation of the Cooks river as well.

In relation to the demolition of the trees still. Sydenham is under the flight path, it has it's own train station, the highway is very close and Gleeson Ave and Unwin's Bridge Road are very busy. There is a high concentration of pollution in Sydenham, especially where the house is. The trees should stay as they help provide clean air and vital oxygen for the surrounds.

If the house was demolished and a new building put in it's place, it will put on due parking pressure on Railway road. Railway road is already at bursting point with the parking situation and cannot handle any more cars. I'm sure that the new building would have parking, however what about visitor parking.

## Submission 14

With further investigation, into the DA, it states that the land is contaminated with acid sulphate. It is best to leave the land in it's current condition, to not expose the acid sulphate.

Sydenham is the forgotten suburb of the inner west and is not maintained well by the council unlike other suburbs in the surrounding area. The area of Sydenham, with it's historical building should be preserved.

In closing, the house and trees of 117 Railway should stay and not be sold. The house and land should be handed over to Heritage NSW and should be integrated into part of a historical tour of the area. The land should be cleaned of debris and opened up to the public. The house should be restored and the grounds even turned into a green corridor or parklands for people to enjoy.

Please take my concerns into consideration. Should this application be approved it will have an negative impact on the area and the street. It would also be a severe blow to the heritage of Sydenham.

Respectfully



**Submission 15****E-mail Message**


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**From:** [REDACTED]  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](mailto:Council Internet Mailbox [EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL])  
**Cc:**  
**Sent:** 24/01/2011 at 11:48 AM  
**Received:** 24/01/2011 at 11:48 AM  
**Subject:** Objection to the removal of Sydenham trees and Stationmasters cottage

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I would like to formally object to Marrickville councils plan to remove the 21 mature trees and Station Masters house in Sydenham.

Railcorp's DA says it will cost \$450,000 to demolish everything & remediate the soil. With that kind of money you could renovate & keep a piece of Sydenham's history & have change left over. Having looked at the gorgeous & very similar in design, renovated Station Master's house at Tempe, I think it is imperative that both the Sydenham cottage & the trees are retained.

We cannot keep losing our historical houses & the trees that surround them. They are part of our culture and history. We must preserve them. Not just for human cultural reasons but for the wildlife that live in the trees and surrounds, and for the oxygen they provide our polluted inner city environment.

In fact I would even step forward as a caretaker of the cottage. It could serve as an idyllic property for an art gallery, a music venue, or an artist residence. With \$450,000 the community could easily turn this property around and make it into an asset for the inner-west community and somewhere the council will be proud to say they saved!

If you are interested in discussing how this could be done, please contact me on my number below.

Kind regards,

--

++++++

[REDACTED]  
<http://radicalnature.net>  
 0411 933 3333

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**Submission 16****E-mail Message**

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**From:** [REDACTED]  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](mailto:Council Internet Mailbox [EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL])  
**Cc:**  
**Sent:** 26/01/2011 at 10:35 AM  
**Received:** 26/01/2011 at 10:35 AM  
**Subject:** DA201000599 Demolition of the Station Master's house &, removal of 21 trees & remediate the land at 117 Railway Road Sydenham

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The Assessing Officer, Marrickville Council Planning Department,

We write to note our objection regarding DA 201000599 by Railcorp to demolish the Station Master's house, remove 21 trees & remediate the land at 117 Railway Road Sydenham.

We live in the area and often pass the house on our way to drop children off to childcare. Though in a neglected state the house appears to be far from "beyond repair".

We do not see the logic in spending \$450,000.00 to destroy the building and gardens. We feel the house has much value from a heritage perspective and could be restored for residential sale or Railcorp use. The proposal in the DA appears very short sighted in this regard, not to mention economically irrational given the amount of money that would be spent carrying out the DA.

The local area surrounding the station masters house is extremely harsh with busy roads, aircraft & traffic noise, rubbish and hard surfaces dominating. The station master's house is like an urban oasis in this environment with the trees and house providing a real and perceived offset to the harsh surrounds. The demolition of the house and clearing of the land would remove the last vestige of softness and beauty in this area. This proposal would be a severely retrograde step for this area. Surely this is not the aim of council's planning policy.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

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**Submission 17****E-mail Message**

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**From:** [REDACTED]  
**To:** [Council Internet Mailbox \[EX:/O=MARRICKVILLE COUNCIL/OU=MARRICKVILLE/cn=Recipients/cn=COUNCIL\]](#)  
**Cc:**  
**Sent:** 20/01/2011 at 1:59 PM  
**Received:** 20/01/2011 at 1:59 PM  
**Subject:** OBJECTION TO Development Application 201000599 applicant: Rail Corporation Of NSW.

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I, [REDACTED] of [REDACTED] am writing to object to the DA 201000599 by applicant Rail Corporation of NSW.

I object the demolition of Master's building, which should be protected for its historical and architectural value.

I object to the removal of trees which are mature and cover a large area. The trees in this area shelters a number of native animals and their removal would cause a negative impact on the native wildlife of the surrounding area.

Thank you for your time.

Important notice

Marrickville Council's Development Applications on Exhibition system is currently experiencing technical difficulties, and unfortunately the associated documentation is not linking to the DAs.

For further information regarding the application you are interested in, please contact the Council officer responsible for the application on their direct line (which is indicated on notification letters and onsite notices) or contact Council on 9335 2222.

You may also view the application at the Administrative Centre from 8.30am to 5pm Monday to Friday (public holidays excepted).

Council apologises for any inconvenience, and is working to rectify the situation as soon as possible.

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# Petition

Proposed development application No. DA201000599  
Applicant: Rail Corporation of NSW  
Premises: Railway land – 117 Railway Road, Sydenham

We, the undersigned residents and commuters, object strongly to this proposal to demolish the old stationmaster's house at 117 Railway Road, destroy 21 established trees and remediate the land.

1. We strongly object to the removal of trees. The trees, some of which were planted by residents still living in the street, are very large, they act as a noise buffer, are home to many species of birds including wattlebirds, silvereyes, koels, parrots, willy wagtails, bulbuls, carrawongs, magpies and fruit bats, and provide welcome greenery in a suburb not overly endowed with trees. Removal of these trees would have a severe and negative impact on the environment of this street. On 16 November 2010 the Marrickville Council endorsed its Draft Urban Forest Policy & Strategy. Removing established trees contradicts the stated policy of the Council in this strategy.
2. The proposal does not include any information about the proposed use of the land. We note that the proposed Marrickville Council's 2010 Local Environment Plan recommends changing the zoning of this property from 2A (low density residential) to R3 (medium density residential). All other streets in this area are zoned 2A, including Railway Road, and are streets of mainly flat residential buildings with owner occupiers. We are concerned that the land is being remediated in order to build units or developments that would impact adversely on the local residents and environment.
3. Parking and traffic problems are already an issue for commuters, residents and their visitors. We would urge that no development application be considered until Rail Corporation indicates what its intentions are in relation to this property.
4. There is no information about the reasons for remediation. According to Coffee Geosciences who applied to remediate this land in 2005, the site is contaminated with lead, asbestos and contaminated fill. Their proposal did not proceed, and was opposed by local residents who were concerned that the disturbance of the site would present a health hazard. If materials on the site present a danger to residents when disturbed the present proposal would raise the same concerns.
5. Rail Corporation has not shown any regard for the amenity of local residents and commuters. Their property, the historical stationmaster's house built in the 1880s, has been let slip into a state of disrepair. The land they own adjacent to the railway line in Burrows Avenue is not maintained, the fence is derelict, the footpath dangerous and bordered by ugly rusty barriers. This neglect by Rail Corporation does not inspire confidence that any proposal of theirs will improve the local environment.
6. This area is used heavily by commuters on the Illawarra and Bankstown rail lines. If the stationmaster's house cannot be restored, the residents urge the Council to consider possible uses of this site that would increase the amenity of local residents, commuters and other visitors to the area, such as planting trees and landscaping to provide a gateway from Marrickville and Sydenham to other suburbs serviced by the rail lines.



Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		appearance to many of the houses within Lewisham, the Marrickville LGA and many other parts of Sydney.	different styles. The subject site is an intact example of an early Federation dwelling. However: there are only ten buildings included in this HCA group, they are geographically isolated from each other, stylistically different, and do not share a defined streetscape. Therefore their qualification as an 'Area' is considered physically tenuous. The benefits of being in an HCA i.e. cohesive/sympathetic surrounding development - are not afforded to them.	an "Area"
Objection - Lewisham Estate HCA	1.2.03 13541.11	Objects to the designation of a new HCA affecting our property and several others situated at the northern end of Denison Road leading into Hunter Street.	HCA 26 is not a collection of unique housing, rather it is a collection of housing ranging from 1880-1940. The quality of the housing is of a high standard, and on the whole is representative of different styles. The subject site is an intact example of an early Federation dwelling. However: there are only ten buildings included in this HCA group, they are geographically isolated from each other, stylistically different, and do not share a defined streetscape. Therefore their qualification as an 'Area' is considered physically tenuous. The benefits of being in an HCA i.e. cohesive/sympathetic surrounding development - are not afforded to them.	<u>Retain inclusion in HCA. Review</u> boundaries of HCA in relation to the subject areas after gazettal of dMLEP 2010. May not sufficiently qualify as an "Area"
<b>HERITAGE</b>				
<b>2.3 Other comments</b>				
Marrickville Heritage Society	1.3.01 11587.11	Requests an expansion of the introduction to dMDCP 2010 Part 8.  Suggests and requests that Council should plan to carry out a heritage study review of these areas not examined in detail by the Paul Davies study, specifically to the south of the LGA.  In the interests of protection, not only of heritage items in the vicinity of future developments, but also the visual and aesthetic amenity of all areas, <b>we ask</b>	The labour intensive research offered to Council, at no cost, by the Marrickville Heritage Society is valuable. The Society has extensive knowledge of the area and a broad skills base, including recognised experts in history and the built environment. The positive sentiments expressed by the Society regarding the increasingly high calibre of entries in the Marrickville Medal each year are acknowledged. 1. References to external documents is not preferred. Government Departments and	It is recommended that Council investigate options for funding conservation of Annandale Farm Gate House and 1 Hilltop Avenue as significant items of Heritage significance under threat of dilapidation. That a Heritage Review be carried out as a matter of priority, on the areas outside the Davies Study, particularly in the southern areas of

Subject	Submission No. TRIM No.	Summary of Submission	Planning Response	Recommendation
		<p><b>Council to establish general guidelines to be observed by proponents for all development</b> within the LGA, particularly with regard to medium and high-rise structures.</p> <p>We have identified a number of places where the relationships of large and small buildings are likely to be aesthetically uncomfortable and thereby affect heritage values. We would value the opportunity to discuss these with Council officers and request that Council make this possible.</p> <p>Submission suggests a number of additional properties that should be considered for heritage listing.</p>	<p>State planning legislation are constantly changing and therefore external references cannot be relied upon.</p> <p>2. It is agreed that a future Heritage Study of those areas outside the parameters of the most recent Heritage Study is required. Many of these areas have heritage significance that is under-acknowledged and under-protected. A completion time frame of 5 years as suggested is reasonable.</p> <p>3. The preservation of general character outside the ambit of HCAs and Items is addressed via the 'Period Building' controls. These are aimed at conserving intact representative examples of earlier styles. Streetscape conservation is also protected through zoning and height controls across the LGA.</p> <p>4. See section 2.3.12 of Council Report regarding height.</p> <p>5. The three Items suggested for additional Council input/funding are all significant sites. Two of these sites are commented on earlier in this document. 94 Audley Street, Petersham has been inspected and is irretrievably altered. Council should investigate funding options for items of high significance in a physically threatened state, such as the Annandale Farm Gate House. Interpretation may be an option for 94 Audley Street as insufficient extant fabric remains due to invasive bank alterations.</p> <p>6. The additional details of the two assessed hotels, and the names and details of the four unassessed hotels have been added to the list of potential heritage items for future heritage review.</p>	<p>the LGA.</p> <p>That the Marrickville Heritage Society be involved in identifying potential heritage items for that purpose.</p>

## **Attachment E**

### **1.3 Items to be Listed in Heritage and Conservation Registers**

Heritage and conservation registers are to include assets of state and local heritage significance. According to the Heritage Act, an agency is required to include in its register:

- items listed on the State Heritage Register (state significant items);
- items listed on an environmental planning instrument (local or state significant items);
- items subject to, or that could be subject to, an interim heritage order (potential local or state significant items).