

Item 3.**Development Application: 5020 Chapman Road, Annandale - D/2022/253**

File No.: D/2022/253

Summary

Date of Submission:	23 March 2022 Amended documentation submitted 30 May 2022
Applicant:	City of Sydney
Owner:	City of Sydney
Planning Consultant:	Andrew Robinson Planning Services
Heritage Consultant:	Tonkin Zulaikha Greer
Cost of Works:	\$3,310,926
Zoning:	The site is located within the RE1 - Public Recreation zone. The proposal is for remediation works to a road and First Title Creation subdivision (a form of subdivision to create a parcel identity/lot and DP), which is permissible with consent.
Proposal Summary:	<p>The application seeks consent for remediation works to part of Chapman Road (1,822sqm) and First Title Creation subdivision. Within this section of road, 40 existing car spaces and 5 trees will be removed, allowing for this section of Chapman Road to be closed and remediated.</p> <p>The application is being reported to the Local Planning Panel for determination as City of Sydney is the landowner and applicant, and more than one (1) submission was received during the assessment of the proposal.</p> <p>The proposed works and subdivision are to facilitate the gazettal of the road closure and the future use of the roadway and adjacent open space to The Crescent as recreational area (synthetic sports field).</p>

The recreational area is being provided in accordance with the Johnstons Creek Parklands Master Plan (2013) and has been approved under a Part 5 Infrastructure and Environmental Impact Assessment (IA/2022/4) on 13 April 2022. The recreational area proposal was assessed as 'Development without Consent' under the provisions of State Environmental Planning Policy (Transport & Infrastructure) 2021 and Part 5 of the *Environmental Planning and Assessment Act 1979*.

The Part 5 Infrastructure and Environmental Impact Assessment identified that Category 1 remediation works within a 'floodway' would require a development application (DA). Additionally, the inclusion of part of Chapman Road for the new sports field requires formal closure of the affected portion of the road. In order to define the portion to be closed, a parcel identity must be created, known as 'First Title Creation', a form of subdivision that also requires development consent.

The closure of part of Chapman Road has been endorsed by Council (on 29 March 2021) and the subsequent parking changes to Chapman Road (i.e. removing the 45 car spaces, constructing a new cul-de-sac and changing other on-street parking arrangements) was approved by the Local Pedestrian, Cycling and Traffic Calming Committee on 24 February 2022.

The DA for Category 1 remediation works within a 'floodway' and First Title Creation subdivision that is the subject of this assessment was notified for a period of 28 days between 31 March and 29 April 2022. Thirteen (13) submissions were received, commenting on the reduction of car spaces having an adverse impact on local residents, users of the recreational area and the nearby childcare centre, both in terms of lack of parking in the area, and safety within Chapman Road and The Crescent, as well as contamination impacts.

Subject to conditions, the proposed remediation of the roadway and First Title Creation subdivision with associated works is not considered to have a significantly adverse impact on neighbouring properties or impede the use of adjoining recreational open space. The proposal is consistent with the City's master plan for the area, in that it will facilitate the future use of the site as a synthetic sports field and is considered to be in the public interest.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) SEPP (Resilience and Hazards) 2021
- (ii) SEPP (Transport and Infrastructure) 2021
- (iii) SEPP (Biodiversity and Conservation) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Endorsement of Chapman Road Closure

Recommendation

It is resolved that consent be granted to Development Application No. D/2022/253 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the relevant objectives and controls of Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).
- (B) The proposal is in the public interest because it is consistent with the objectives of the RE1 - Public Recreation zone.
- (C) The application has demonstrated the proposal will not result in unacceptable amenity impacts on surrounding properties. The site is to be remediated, addressing the SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land, such that the site can be made suitable for the proposed use.
- (D) The proposal is consistent with the City's Johnstons Creek Parklands Master Plan 2013, in that it will facilitate the future use of the site as a synthetic sports field and is considered to be in the public interest.

Background

The Site and Surrounding Development

1. The site is a road reservation known as 5020 Chapman Road. The portion of road subject to this application has an area of 1,822sqm, comprising part of the carriageway and footpath, and a cul-de-sac to the north. This section of Chapman Road is currently used for on-street parking, containing forty (40) parking bays).
2. To the north of Chapman Road, where the cul-de-sac- is located, is the Glebe Railway Viaduct, which is a State Heritage Item (SHR: 01034). The Railway Viaduct contains the Light Rail railway line. Further north (with access below the railway viaduct) are Federal Park Sports Field, Bicentennial Park and Jubilee Oval.
3. Adjoining the road reservation to the east and west are open fields associated with Federal Park and The Crescent open space. Federal Park, on the eastern side of Chapman Road, is a Local Heritage Item (I30).
4. To the immediate south-west at No. 7 Chapman Road is a childcare centre owned by the City of Sydney. Further south-west along Chapman Road is vacant land that has been fenced off, and a two storey warehouse development containing two tenancies, Pet-O and a carpet store.
5. The site is not heritage listed and is not located within a heritage conservation area. The site is located within the Western Parklands locality and is identified as being subject to flooding.
6. A site visit was carried out on 8 July 2022. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Chapman Road (portion to be closed) looking north to the Railway Viaduct



Figure 3: Chapman Road looking south. The Crescent Parklands adjoin the road to the right (west).



Figure 4: The Railway Viaduct adjoining Chapman Road to the north. View is from the Crescent parklands looking north-east to the viaduct.



Figure 5: The childcare centre, adjoining the Crescent Parklands to the south



Figure 6: The Crescent viewed across the Crescent parklands, looking west



Figure 7: The Crescent Parklands looking south-west to the childcare centre. Chapman Road is to the left (east). The main grass area will be the site of the new multipurpose sports field.



Figure 8: Chapman Road looking south to the childcare centre and the 'Pet O' building



Figure 9: The Railway Viaduct adjoining Chapman Road to the north and the skatepark at 11-13 The Crescent. View is from the Crescent parklands looking north-east.



Figure 10: The Crescent looking south

History Relevant to the Development Application

Site History

7. The Crescent open space (adjoining Chapman Road to the west) comprises Nos. 7, 9 and 11 The Crescent and was historically used for commercial and industrial land uses. The site was remediated and converted to public open space in 2016, forming part of the open space network within the Johnstons Creek Parklands.
8. The Johnstons Creek Parkland Master Plan, adopted by the City of Sydney in August 2013, endorsed a strategic vision to redevelop The Crescent open space into a new recreation precinct, with a 'Village Green' for junior sports which would reclaim the land along The Crescent and Chapman Road.
9. As part of the City of Sydney's sports field development program, Council has identified No. 7 The Crescent and part of Chapman Road as a site suitable for active junior sports and has been selected as a multipurpose synthetic surface field as part of the strategic vision of the master plan.
10. The Village Green area for The Crescent is detailed below, with No. 7 The Crescent and part of Chapman Road indicated by the red circle.



THE CRESCENT

- | | |
|---|--|
| ① Freshwater wetland at entry | ⑧ Community facility |
| ② Boardwalk through wetlands | ⑨ Village Green for junior sports |
| ③ Primary parkland entry for pedestrians, bike riders and vehicles and drop off with Nelson Street vista retained | ⑩ Proposed 90-degree angle parking and new pedestrian crossing along The Crescent |
| ④ New bridge | ⑪ New pedestrian entry and bus stop along The Crescent |
| ⑤ Existing saltmarsh retained and embellished | ⑫ Skate park and plaza space |
| ⑥ Car parking | ⑬ Viaducts opened with relocation of existing uses in community facility and/ or allocated community space in Tram Sheds |
| ⑦ Park and community facility drop-off plaza | |

Figure 11: The Crescent Master Plan Precinct, as outlined in the Johnston's Creek Parkland Master Plan 2013. The Village Green is marked out by red dashed lines and the synthetic sports field is circled in red. Note: the Master Plan envisions the complete removal of Chapman Road.

Partial Road Closure

11. To enable the construction of the sports field, approximately 1,822 square metres of Chapman Road is to be closed to traffic. In a consultation and approval process separate to this DA, City Projects notified the partial closure of the road reservation and removal of 45 car spaces (40 within the closed section of Chapman Road and 5 for the new cul-de-sac) in the Sydney Morning Herald and Sydney Your Say between 9 November and 27 December 2020, inviting feedback on the proposal. Sixty-one public submissions and one formal objection from Ausgrid were received.
12. The proposed road closure was reported to the City's Transport, Heritage and Planning Committee on 22 March 2021 and endorsed by Council on 29 March 2021.

13. The road closure is detailed below.

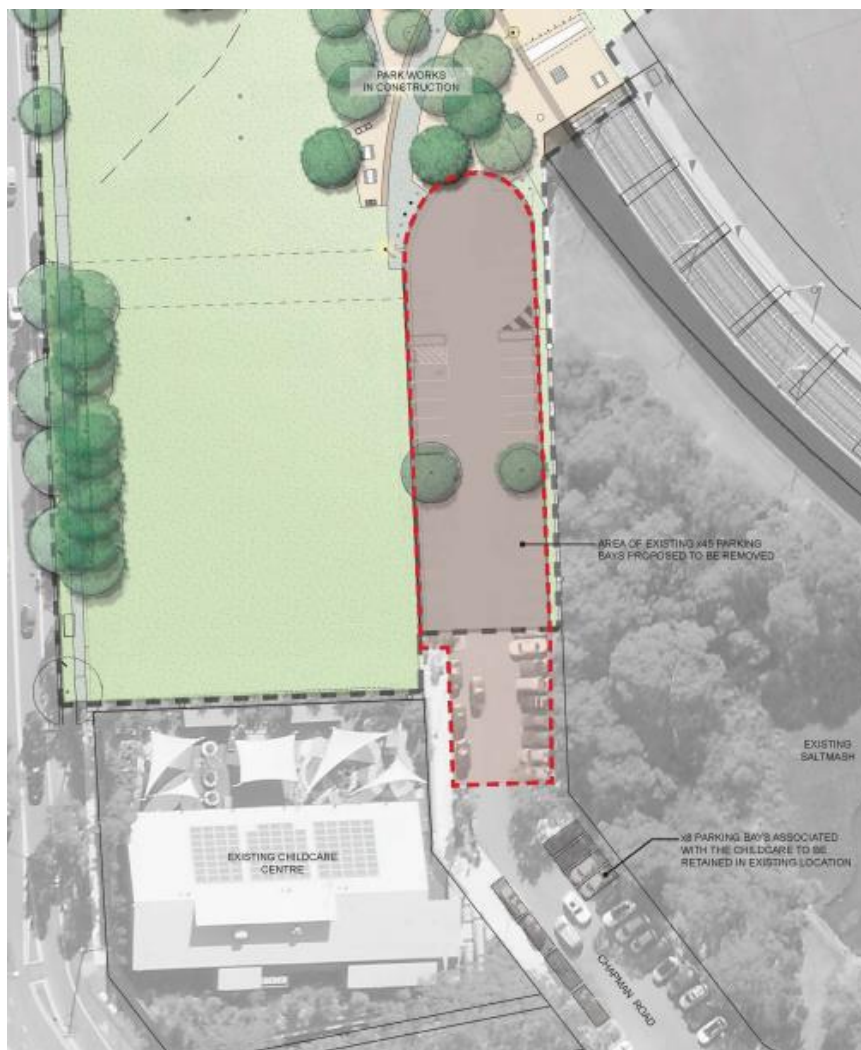
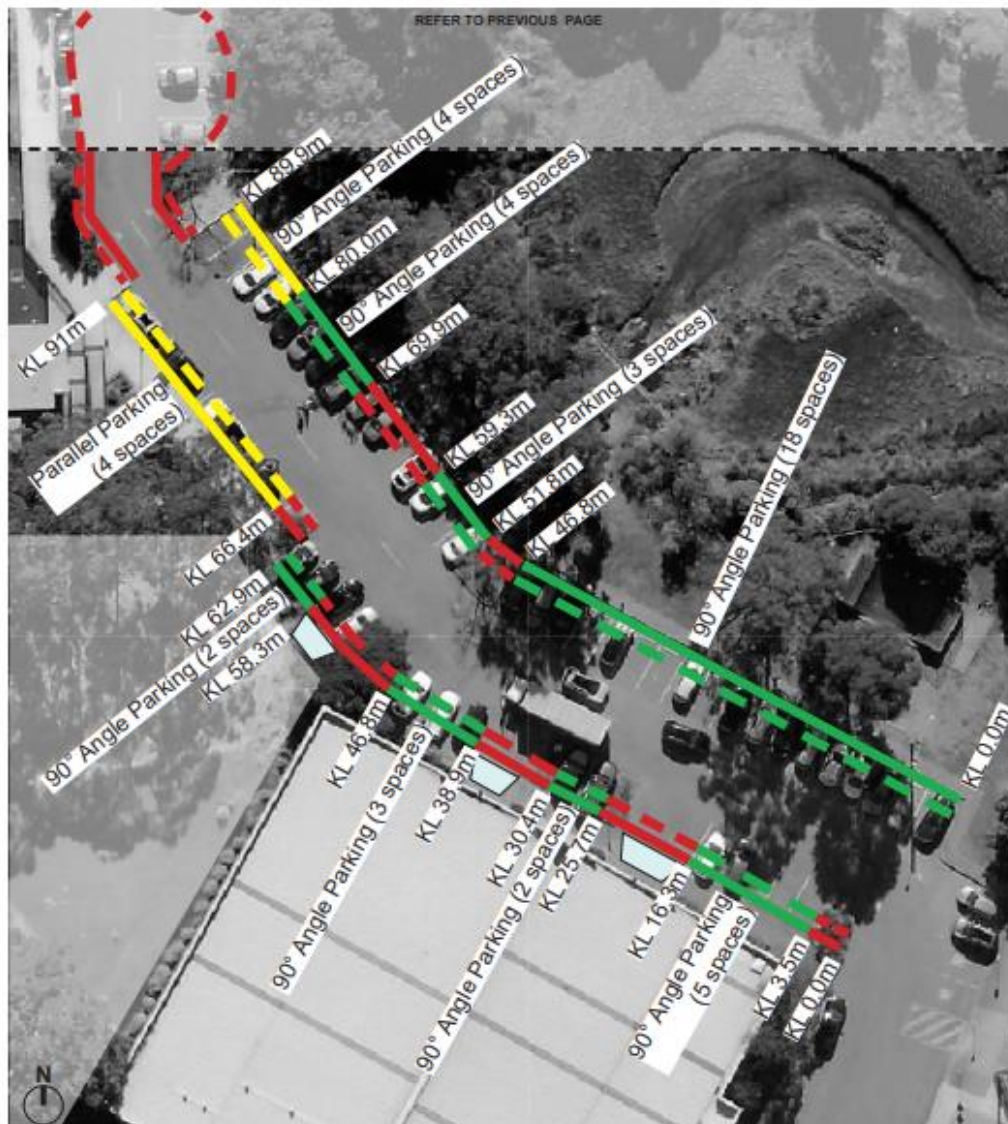


Figure 12: The partial road closure of Chapman Road, endorsed by Council on 29 March 2021

14. On 24 February 2022, the Local Pedestrian, Cycling and Traffic Calming Committee endorsed the following traffic and parking changes to Chapman Street:

- (a) permanent road closure of part of Chapman Street;
- (b) reallocation of parking on the northern side of Chapman Road (25 spaces) as "2P 8am-10pm" 7 days a week;
- (c) reallocation of parking on the southern side of Chapman Road (13 spaces) as "2P 8am-10pm" 7 days a week;
- (d) reallocation of parking on the northern side of Chapman Road (4 spaces) as "1/4P 8am-10pm" 7 days a week (for the child care centre);
- (e) reallocation of parking on the southern side of Chapman Road (4 car spaces) as "1/4P 8am-10pm" 7 days a week (for the childcare centre).

15. The endorsed changes relating to parking are depicted below.



Existing

-  Driveway
-  2P 8am - 6pm Mon - Fri
-  No Stopping
-  1/4P Mon - Fri
7am-9am & 3pm-6pm

Proposed

-  New Road Condition / No Parking
-  2P 8am-10pm
-  No Stopping
-  1/4P 8am-10pm

Figure 13: The endorsed parking changes to Chapman Road (partial closed road not depicted, but is to the north of the image), 24 February 2022

The Crescent Synthetic Sports Field (part of 'Village Green')

16. The proposed scope of works for The Crescent Synthetic Sports Field (comprising The Crescent and part of Chapman Road) was reported to the Environment Committee on 11 October 2021. The project consists of a new raised compact sized multipurpose synthetic sports field, supplemented by field lighting; new seating; new accessible circulation paths; new overland flow path; as well as new open lawn area, new trees and planting.
17. Concept plans were presented to the community between 20 April and 14 May 2021 and exhibited on the City's website by City Projects. Community and sporting group feedback was associated with three broad themes: field size, parking and environmental concerns. Feedback was incorporated into the Revised Concept Design, this included a review of the proposed field size and location to allow for senior hockey training.
18. The scope of works for The Crescent Synthetic Sports Field was endorsed by Council on 18 October 2021.



Figure 14: The Crescent Synthetic Sports Field, endorsed by Council on 18 October 2021



Figure 15: The Crescent Synthetic Sports Field perspective, looking north-east to the Railway Viaduct

Part 5 Infrastructure and Environmental Impact Assessment

19. The scope of works outlined above for the new synthetic sports field to The Crescent open space and the closed section of Chapman Road are being carried out as 'Development without Consent' under the provisions of State Environmental Planning Policy (Transport & Infrastructure) 2021 and approved under a Part 5 Infrastructure and Environmental Impact Assessment (IA/2022/4), under Part 5 of the *Environmental Planning and Assessment Act 1979* on 13 April 2022.
20. The Part 5 Infrastructure and Environmental Impact Assessment identified that Category 1 remediation works within a 'floodway' would require a DA. Additionally, the inclusion of part of Chapman Road for the new sports field requires formal closure of the affected portion of the road. In order to define the portion to be closed, a parcel identity must be created, known as 'First Title Creation', a form of subdivision that also requires development consent.

Development Applications

21. The following applications are relevant to the current proposal:
 - **D/2014/1997** – Development consent was granted on 29 June 2015 at 7 Chapman Road for the demolition of the existing building and adjoining structures, and construction of a new childcare centre for a maximum of 80 children; associated earthworks; drainage; ancillary works; landscaping; and signage. Modifications A-C have since been approved but are not relevant to this application.
 - The childcare centre is immediately to the south-west of the area of Chapman Road to be closed.

- Condition 14 (Allocation of Parking) requires 8 drop off / pick up spaces to be provided. These spaces are currently accommodated within Chapman Road and as outlined under 'Site History' are to be included in the area of Chapman Road to remain open to traffic.
- **D/2016/678** – Development consent was granted on 29 March 2017 at 7, 9 and 11-13 The Crescent for the demolition of buildings along The Crescent, removal of infill structures under the light rail viaduct, site remediation, shortening of Chapman Road, and construction of new public open space, including a skate park.

Compliance Action

22. There are no current compliance actions directly relating to Chapman Road.

Amendments

23. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 24 May 2022. It was requested that a Transport Impact Study be prepared and submitted for review, as per Section 3.11.1 'Managing transport demand' of the Sydney DCP 2012. The report needed to address the overall impact of removing car spaces on the local traffic network and advise if the childcare centre could still provide pick-up/drop-off spaces in accordance with their consent (which requires 8 car spaces).
24. The applicant responded to the request on 30 May 2022, and submitted a parking study, community engagement study (relating to the synthetic sports field, parking changes and partial road closure), and the Local Pedestrian, Cycling and Traffic Calming Committee decision relating to the partial road closure and parking changes that have been approved.

Proposed Development

25. The application seeks consent for the following:
 - Remediation of part of Chapman Road that adjoins Nos. 7, 9 and 11-13 The Crescent. The affected area is 1,822sqm. Remediating the affected area will result in the removal of 45 car spaces and 5 trees. It is noted that the closure of this section of Chapman Road, and the removal of the car spaces have already been approved; and
 - First Title Creation to create a parcel identity for the affected area, to allow for the gazettal of the road closure of the affected part of Chapman Road.

26. The draft Plan of Subdivision for the proposed development is provided below.

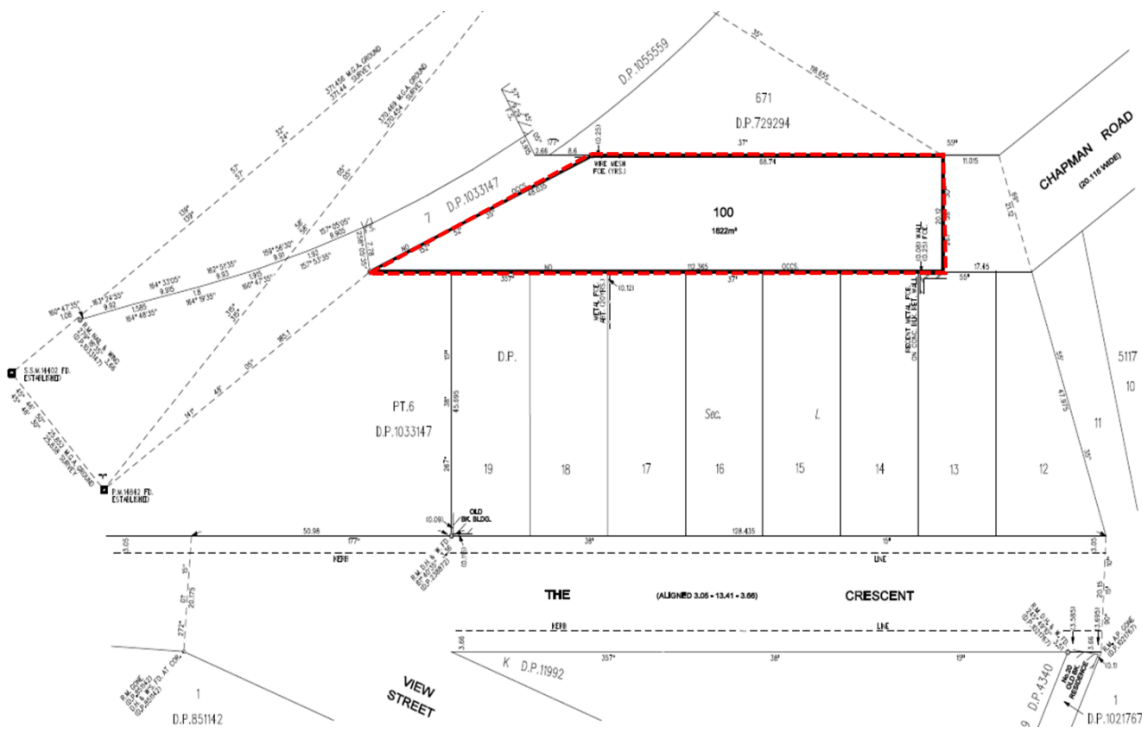


Figure 16: Proposed draft subdivision plan for First Title Creation. The section of Chapman Road affected by the proposal is outlined in black.

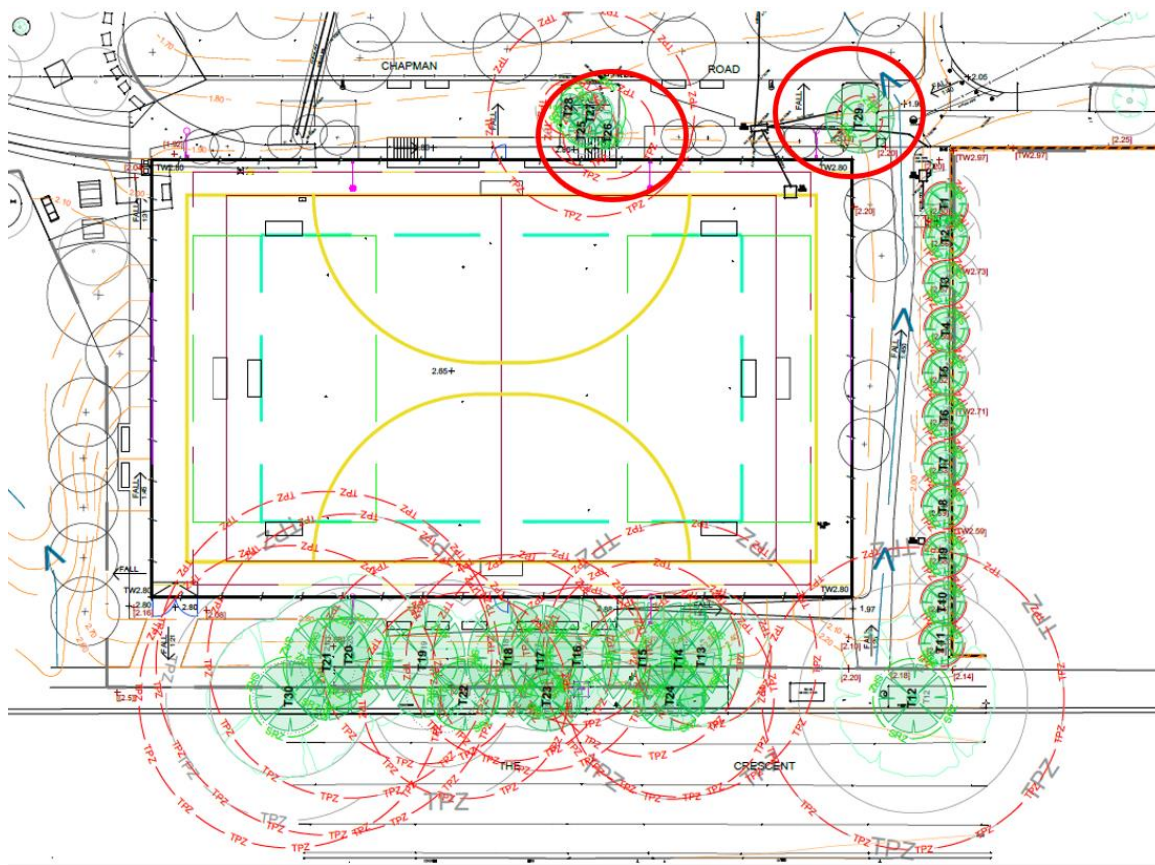


Figure 17: Five (5) trees to be removed within Chapman Road circled in red (T25, 26, 27, 28 and 29)

Assessment

27. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

28. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
29. The area historically consisted of several commercial and industrial properties located along 3-13 The Crescent (also having a frontage to Chapman Road). Numerous investigations have been carried out as part of previous applications to redevelop these areas as parkland and the childcare centre at 7 Chapman Road. It was indicated that uncontrolled filling across The Crescent lands has resulted in hydrocarbon, metals and asbestos contamination. Most of the area has previously been remediated using a cap and contain strategy and are subject to Long-term Environmental Management Plans (LTEMP).
30. Chapman Road has not previously been investigated, but as part of this DA an intrusive investigation was carried out (with boreholes to a depth of 3m). The investigation found the sub-surface profile of Chapman Road to contain metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, organochlorine pesticides and asbestos.
31. Site investigations have also identified elevated concentrations of ammonia and arsenic in the groundwater (although does not represent a risk as groundwater use is restricted).
32. A Remediation Action Plan (RAP) relating to the site, accompanied by a Site Audit Statement has been submitted with the development application.
33. The RAP proposes a cap and contain strategy, implementing a capping layer at a minimum of 1m below ground (the same method that is already in place across most of The Crescent lands) to limit exposure of contaminants and still allows for tree plantings as well as other forms of landscaping. This will require the implementation of an LTEMP, requiring ongoing monitoring. This is similar to the other parklands in close proximity owned by the City of Sydney.
34. The Site Auditor confirms the above approach is appropriate.
35. Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation. The RAP has also been reviewed by the City's Public Domain Unit who have no objection, subject to the implementation of the capping layer.

36. Following remediation and validation works, and the creation of the LTEMP, a positive covenant, pursuant to Section 88E of the *Conveyancing Act 1919* is to be registered on the title of the land for Chapman Road (once created), binding current and future owners to be responsible for ongoing maintenance and any future rehabilitation works if required. An appropriate condition is recommended.
37. Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

38. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 2.48 Determination of development applications – other development

39. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within an easement for electricity purposes .
40. The application was referred to Ausgrid for a period of 21 days and no objection was raised, subject to the imposition of advisory conditions recommending that the development comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. These conditions have been included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.97 – Development adjacent to rail corridors

41. The application is adjacent to the Sydney Light Rail corridor and was subsequently referred to Transport for NSW (TfNSW) for comment. TfNSW have recommended conditions requesting that the development comply with certain procedures when working in close proximity to the railway corridor, and to protect Light Rail infrastructure, which are included in Attachment A - Recommended Conditions.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

42. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
43. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
44. A review of the plans and documentation has revealed 30 trees will be affected by the proposal. This includes five trees proposed for removal to Chapman Road and the remaining 25 trees will be retained and protected.

45. The plans indicate trees numbered 25, 26, 27, 28 and 29 are proposed for removal to facilitate reconfiguration of entry points, ramps and car parking arrangements. With the exception of T27, all are rated as having low landscape significance and low retention value. Tree 27 has been rated as having moderate landscape significance and medium retention value.
46. The removal of these tree will not have any impact on the amenity of the immediate area and is supported by the City's Tree Management Unit.
47. To compensate for the loss of canopy cover that will result from tree removal, City's Tree Management Unit have requested the replacement planting of at least one (1) tree must be undertaken. It is noted that tree plantings within the closed section of Chapman Road have been approved under the Part 5 assessment.
48. The plans indicate that the remaining trees will be retained and protected, and conditions are recommended to ensure that this occurs.
49. The City's Tree Management Unit has also recommended conditions affecting the landscape design of the sports field (including relocating a ramp) and remediation of The Crescent to ensure further tree removal is not required. The proposal however, relates to Chapman Road only, and as such, conditions relating to the design of the future park or remediation in other areas of the parklands cannot be imposed.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

50. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
51. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

52. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the RE1 Public Recreation zone. The proposal is for remediation works to a road and First Title Creation (a form of subdivision to create a parcel identity), which is permissible with consent.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	N/A	The height of buildings control does not apply to the road reservation. Notwithstanding, no new structures are proposed within the roadway.
4.4 Floor space ratio	N/A	The Floor space ratio control does not apply to the road reservation. Notwithstanding, no new structures are proposed within the roadway, and no increase in floor area.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not heritage listed and is not located within a heritage conservation area. Chapman Road, however, is adjacent to the State Heritage Railway Viaduct (SHR: 01034) to the north and adjoins the locally listed heritage listed Federal Park (I30) to the east. The application is accompanied by a Statement of Heritage Impact (HIS) assessing the overall impact of the works approved under Part 5, including the removal of parking on Chapman Road and conversion to parkland.

Provision	Compliance	Comment
		<p>The HIS notes that the removal of asphalt (for remediation) will allow for the introduction of new soft landscaping. The removal of car parking and this section of roadway is not considered to have any heritage impact.</p> <p>The HIS also acknowledges that the removal of trees along Chapman Road will have some heritage impact, however it is minimal as these trees are not mature and will be replaced.</p> <p>In light of the above, it is considered that the proposed remediation and removal of trees will have no impact on the curtilage of either heritage item and are considered acceptable, noting that there will be replacement trees planted as recommended by the City's Tree Management Unit and as part of the approved sports field design.</p>
5.21 Flood planning	Yes	<p>The site is identified as being subject to flooding and is in close proximity to Johnston's Creek Canal, which forms a 'floodway' during intense rain events.</p> <p>A bioswale is proposed to the east of the site (not part of this DA), which is intended to capture and filter stormwater movement from the site to the Johnstons Creek Canal when the park is constructed.</p> <p>Following remediation works, the area of Chapman Road to be included as part of the open space will be turfed and new trees planted.</p> <p>This application relates to remediation works only, and stormwater related impacts are dealt with under the Part 5 assessment.</p> <p>The proposal is therefore considered acceptable when assessed against the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	N/A	<p>The development is for remediation works, the removal of car parking and trees to facilitate the future use of a roadway as part of a new synthetic sports field.</p> <p>The proposal does not involve alterations to a building, and as such Clause 6.21 does not apply.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of Affordable Housing	Yes	The proposal is for remediation works, removal of trees and subdivision of a public roadway only and is excluded from the need to pay a contribution.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>Acid Sulfate Soils have not been identified during contamination investigations and whilst not expected, Chapman Road is located within a Class 1 and Class 2 area. An Acid Sulfate Soils Management Plan will be required to be prepared if encountered during the works.</p> <p>An appropriate condition is recommended for a management plan to be prepared for treatment, validation and management if Acid Sulfate Soils are found.</p>

Development Control Plans

Sydney Development Control Plan 2012

53. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

54. The site is located within the Western Parklands locality. The proposed development is in keeping with the unique character and the design principles of the locality. The proposal will result in the enhancement of the public domain, removing and containing contaminants and allowing for the future use of Chapman Road as open space.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development will result in the removal of 5 trees, which is considered to be an acceptable outcome subject to replacement planting being implemented. See discussion under the SEPP (Biodiversity and Conservation) 2021.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under Clause 5.21 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>In order to facilitate the formal closure of part of Chapman Road, it is proposed to create a First Title parcel identity over the 1,822sqm area that currently comprises part of the carriageway and footpath (eastern side only).</p> <p>The First Title Creation will have no impact on the setting of the heritage items adjacent to Chapman Road to the north and east, as per Section 3.8.2 of the SDCP 2012.</p> <p>As discussed within this report, the road closure has been endorsed by Council, with a notice of the proposal published in the newspaper and online for community and stakeholder feedback in accordance with Section 38B of the <i>Roads Act 1993</i>.</p> <p>In order to proceed to gazettal of the road closure, the First Title Creation subdivision is proposed, which will then be lodged with the NSW Land Registry Service.</p>

Provision	Compliance	Comment
		<p>During the notification period for this DA, comments were received from Ausgrid and Sydney Water. Ausgrid raised no objection, and Sydney Water noted that easements for access to their assets within the closed portion of Chapman Road may be required. Ausgrid also has assets within the roadway currently, and although they have not formally asked for easements to be granted in their favour it is assumed that they will also be required.</p> <p>The subdivision will also require an LTEMP to be registered on title, advising that the area is subject to ongoing maintenance relating to contamination and remediation.</p> <p>The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions, including the need for a subdivision certificate, protection of survey infrastructure, reference to the easements and LTEMP noted above, which are included in Attachment A.</p>
3.9 Heritage	Yes	<p>The site is not heritage listed and is not located within a heritage conservation area but is located in close proximity to State and Local Heritage Items.</p> <p>As discussed under Clause 5.10 of the SLEP 2012, the proposal has minimal heritage impact on the adjacent heritage items and is acceptable.</p>
3.11 Transport and Parking	Yes	<p>The application is accompanied by a car parking study to address Section 3.11.1 of the SDCP 2012 and to understand the impact of removing 45 car spaces.</p> <p>Refer to the 'discussion' section.</p>
3.14 Waste	Yes	<p>A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

Discussion

Removal of car spaces

55. The application is accompanied by a car parking study to address Section 3.11.1 of the SDCP 2012 and to understand the impact of removing 45 car spaces.
56. It is acknowledged that the closure of the roadway and removal of car spaces have already been approved by Council and the City's Local Pedestrian Cycling and Traffic Calming Committee. As part of this DA, the parking spaces are to be removed to allow for remediation. Submissions received during the exhibition period have raised concerns with the loss of parking and the need for pick-up/drop-off spaces for the existing childcare centre.
57. The applicant has submitted a copy of the car parking study that informed Council's approval of the Chapman Road closure in March 2021 and again in February 2022. Parking surveys were undertaken on Saturday 29 August 2020 and Thursday 3 September 2020 to record hourly parking occupancy and duration of stay data. The study notes that on Thursday morning, The Crescent experiences around 75% parking occupancy. Throughout the day, occupancy levels on Chapman Road increase from 54% at 12:00pm to 81% in the afternoon at 5:00pm. On Saturday between 12:00pm-2:00pm and 4:00pm-5:00pm, Tramsheds and Chapman Road experience high occupancy levels of more than 85% of capacity. The parking occupancy decreases from 6:00pm onwards.
58. The study then goes on to assess the proposed parking supply in the area. The removal of 45 car spaces from the Chapman Road Car Park will have the greatest impact on Thursday evenings and Saturday midday, where the demand exceeds capacity and this demand is likely to spill onto surrounding streets, some of which are primarily residential. Currently, all parking on The Crescent is unrestricted after 6:00pm on weekdays and all day on weekends. All parking at Tramsheds is ticketed with the first two hours free so areas with unrestricted parking may be disproportionately affected by the parking spill over.
59. To reduce the parking demand expected of the development and to manage the risk of parking overflow to surrounding streets, the study recommended a number of parking mitigation measures. These include promoting active and sustainable forms of transport, including the use of bus stops on The Crescent (2x north and 2x south), install bicycle parking facilities, and make changes to parking restrictions. The parking restrictions noted in the study have already been approved by the Local Pedestrian Cycling and Traffic Calming Committee on 24 February 2022 as follows:
 - (a) permanent road closure of part of Chapman Street;
 - (b) reallocation of parking on the northern side of Chapman Road (25 spaces) as "2P 8am-10pm" 7 days a week;
 - (c) reallocation of parking on the southern side of Chapman Road (13 spaces) as "2P 8am-10pm" 7 days a week;
 - (d) reallocation of parking on the northern side of Chapman Road (4 spaces) as "1/4P 8am-10pm" 7 days a week; and
 - (e) reallocation of parking on the southern side of Chapman Road (4 car spaces) as "1/4P 8am-10pm" 7 days a week.

60. The endorsed changes relating to parking are depicted below.

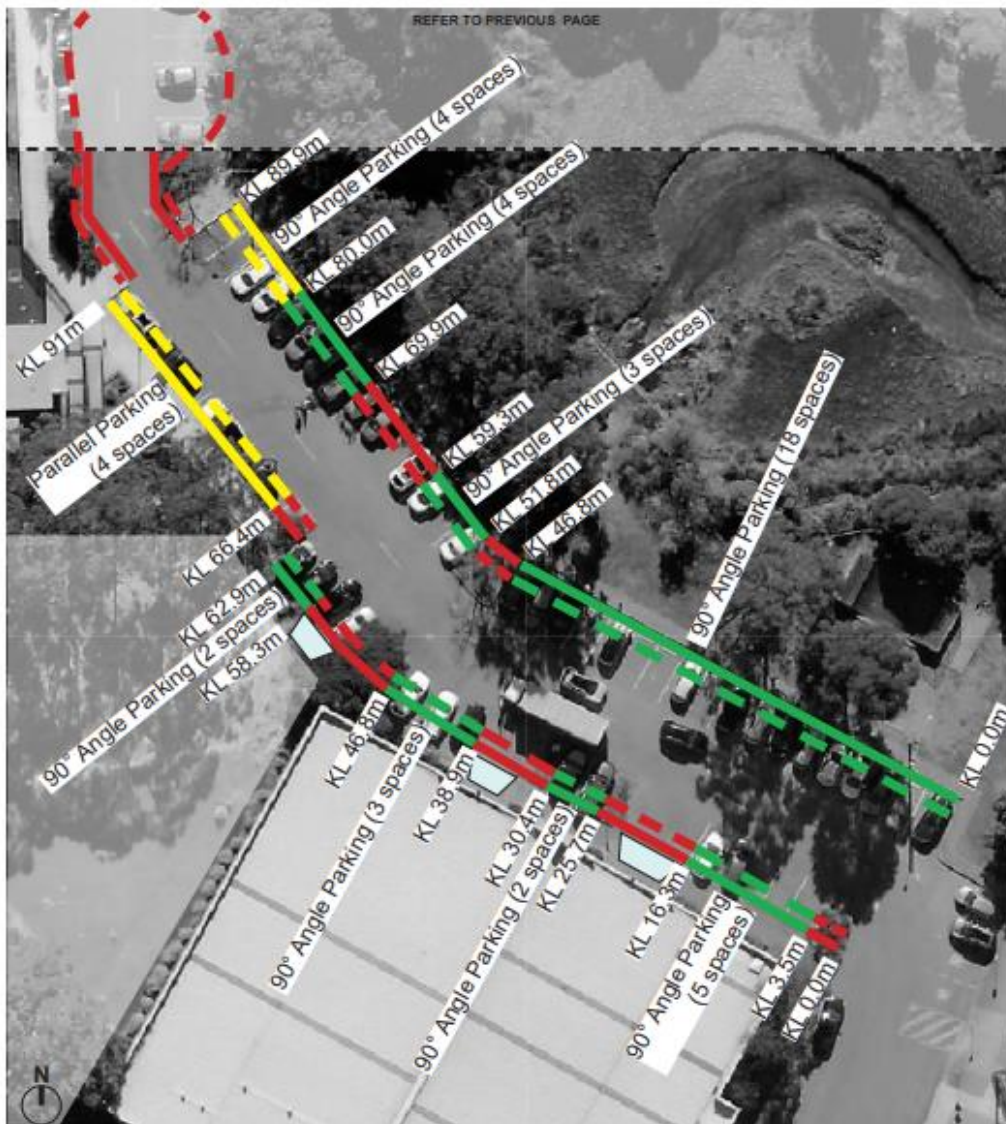


Figure 18: The endorsed parking changes to Chapman Road (partial closed road not depicted, but is to the north of the image), 24 February 2022

61. The eight 15-minute spaces outlined in part (d) and (e) above are for the childcare centre, as required by Condition 14 (Allocation of Parking) of D/2014/1997.
62. Council, and the City's Local Pedestrian, Cycling and Traffic Calming Committee considered that the overspill of parking associated from the parking loss could be accommodated through changes to parking provisions along Chapman Road and in surrounding streets, as outlined above.

63. The car parking study recommendations and subsequent approval of the removal of car spaces in Chapman Road are considered to adequately address the requirements of Section 3.11.1 of the Sydney DCP 2012.
64. Council's Transport and Access Officer noted that there is regional cycle connection that currently uses Chapman Road that is not mentioned in the documentation. The applicant has advised that the cycleway has been accommodated in the design of the new park.

Consultation

Internal Referrals

65. The application was discussed with Council's:
 - (a) Environmental Health Unit;
 - (b) Public Domain Unit;
 - (c) Surveyors;
 - (d) Transport and Access Unit; and
 - (e) Tree Management Unit.
66. The above advised that the proposal is acceptable subject to conditions. The City's Public Domain Unit and Tree Management Unit in particular, have recommended a number of conditions relating to construction of the sports field, public domain lighting and alignment levels and landscaping works to Chapman Road which do not form part of this DA proposal. As such, these conditions have not been imposed.
67. Where appropriate, conditions recommended by the above units within Council are included in the Notice of Determination.

External Referrals

Ausgrid

68. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
69. A response was received raising no objections to the proposed development.

Transport for NSW

70. Pursuant to Section 2.97 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
71. Comments were received on 19 April 2022. Conditions of consent were recommended which are included in the Notice of Determination.

Sydney Water

72. The application was referred to Sydney Water for comment.

73. Comments were received on 11 April 2022. Conditions of consent were recommended which are included as part of Attachment A.

Advertising and Notification

74. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 31 March 2022 and 29 April 2022. A total of 41 properties were notified and 13 submissions were received.

75. The submissions raised the following issues:

(a) Loss of parking spaces

- (i) **Issue:** The traffic study was completed in August/September 2020. It is not reflective of traffic during October to May, during the park's peak period. Additionally, the skate park did not exist and the kid's playground was closed for refurbishment. That time period is not reflective of the reality of today.
- (ii) **Issue:** It is very concerning that concerns over the parking situation were raised numerous times in the public consultation for this project and there is no sign that these concerns have been addressed.
- (iii) **Issue:** The loss of 45 car parking spaces as part of this development is untenable. Demand for parking has increased and, at peak times, there are no free spaces for parking. Reducing available parking while further increasing demand for parking in the area poses significant problems for the area, potentially increasing traffic and elevating the danger to pedestrians.
- (iv) **Issue:** The removal of these car spaces will push traffic onto local Annandale streets and will also prevent local residents (many with young children) from parking near their homes. Parents, kids, and teenagers will also need to rely on the surrounding streets to access the field.
- (v) **Issue:** The removal of car spaces will greatly increase the risk of accidents, either to vehicles or pedestrians.
- (vi) **Issue:** There are other sporting competitions played in this park i.e. touch football, AFL. Adding the hockey field will add further traffic to a location that struggles for parking.

Response: The above concerns regarding the loss of car spaces and safety concerns are noted. The permanent closure of Chapman Road and removal of car spaces have already been approved. This DA proposes to remediate the area currently occupied by the car spaces.

The traffic study noted by the objections was produced for the Community Engagement Report relating to the permanent road closure of Chapman Road in January 2021. The study made a number of recommendations for parking restrictions, and along with the Community Engagement report, have been endorsed by Council in March 2021, and the parking restrictions adopted by the Local Pedestrian, Cycling and Traffic Calming Committee in February 2022. The applicant has advised that traffic calming measures, including pedestrian crossings, are being reviewed by City of Sydney, Inner West Council and TfNSW. Any such measures are to be notified for public comment once further developed.

(b) Closure of the road

- (i) **Issue:** The cul-de-sac will also result in the creation of a turning circle immediately outside the children's playground which raises concerns with respect to safety and noise. The cul-de-sac should be moved further toward the northern end of the roadway away from the Centre.

Response: The location of the new cul-de-sac is not part of this DA proposal. As noted elsewhere, the changes to Chapman Road have already been approved.

- (ii) **Issue:** The *Roads Act 1993* permits a Road Authority to close a public road if it is not reasonably required for public use and is not required for access to adjoining land. The proposed road closure does not meet the requirements of the Act. This section of Chapman Road is used for access and on-street parking and contains car parking bays currently used daily. Under the current proposal, all of these parking bays will be removed with no alternate parking space proposed

Response: City of Sydney Council has nominated and approved the closure of Chapman Road, separate to the DA process. In meeting the requirements of Section 38A to 38E of the *Roads Act 1993*, the closed portion of the road is to be assigned a parcel identity (via First Title Creation) before the gazettal of the road closure can be completed. This DA relates to the First Title Creation.

(c) Use of vacant land / other areas for the park

- (i) **Issue:** I suggest using the vacant lot on Chapman Road owned by the City of Sydney for parking. It was once used by the child care centre and access should be provided again.

Response: There are no immediate plans for the use of the vacant land as car parking, either for the child care centre or the general public.

- (ii) **Issue:** A far more practical and safe location for such a development exists within the bounds of Jubilee Park near Federal Road. This area has far less traffic, provides adequate parking that does not need to be reduced for any development, has good proximity to public transport, and does not consume all available space for a very special purpose use. It is disappointing that this DA has proceeded to this point without adequately considering more appropriate alternatives.

Issue: This synthetic sports field should not be built in the proposed location and the space should be maintained with native grass (for the environment, for aesthetics and for the community).

Response: The Johnstons Creek Parkland Master Plan, adopted by the City of Sydney in August 2013, endorsed a strategic vision to redevelop The Crescent open space into a new recreation precinct. This closure of Chapman Road is part of this strategic vision. The Master Plan includes Jubilee Park, however this area has been identified as a recreational space for visitors. Playing fields are better suited in other areas, such as The Crescent parklands, as identified in the City's Sports Field Development Program, which seeks to increase playing capacity across the City of Sydney by 2030.

(d) Child care centre

- (i) **Issue:** Removing car spaces poses a risk to parents and children of the child care centre. Where will the 8 pick-up/drop-off spaces go?

Response: As discussed in this report, the 8 pick-up/drop-off spaces are to be provided on Chapman Road in close proximity to the child care centre.

- (ii) **Issue:** There should also be a zebra crossing to address safety concerns for children crossing the road on The Crescent. Families have to walk all the way to end of Johnston Street, or up to Wigram Road to find a safe crossing area (this is difficult with small children) – there are no plans for a pedestrian crossing to service this latest proposal.

Response: The applicant has indicated that they have contacted Transport for NSW to address parking restrictions along the eastern side of The Crescent under their control, and along with Inner West Council, are working together to review pedestrian access and traffic calming opportunities along The Crescent, including zebra crossings.

- (iii) **Issue:** The current 8, time restricted parking spots located in front of the centre are regularly used by participants of sporting programs during structured sporting programs. This has been an ongoing issue. These spaces are not clearly identifiable by the general public and do not reference being for the child care centre.

- (iv) **Response:** The 8 x 15 minute car spaces have been provided in the new design of Chapman Road, and the restriction extended to 8am-10pm, 7 days to discourage long term parking. Any parking non-compliances can be reported to Council's Rangers for further investigation.

- (v) **Issue:** The closure of Chapman Road and removal of spaces may be in conflict with the conditions of consent of D/2014/1997 for the child care centre, including the construction of a new footpath in front of the child care centre, provision of, and timing restrictions for, pick-up/drop-off spaces.

Response: Council has made changes to parking restrictions as part of the Local Pedestrian, Cycling and Traffic Calming Committee. As discussed elsewhere in this report, the 8 x 15 minute on-street car spaces are to be accommodated within Chapman Road. The already approved works to Chapman Road (the road closure and new cul-de-sac) now supersede the affected parts of the constructed footpath on Chapman Road, under D/2014/1997, however this is a separate matter to the current DA.

- (vi) **Issue:** Council's considerations on the proposed development application should contemplate their obligations under the agreement with the child care centre.

Response: Council's lease agreement with a property or business is not a planning consideration in the assessment of the DA.

(e) Contamination impacts

- (i) **Issue:** During remediation works, and future construction, work trucks should not be permitted to enter the site from Chapman Road to minimise risk of accidents and ensure the safety of children.
- (ii) **Issue:** There is no safe work method contemplating surrounding development whilst undertaking the remediation works.
- (iii) **Issue:** The contamination report seems to contain no contemplation of the effects upon the users of the child care centre, including staff and children aged six weeks to five years old, from exposure to the works. The cut and fill works associated with the Road removal should only be carried out at the northern end of the roadway away from the child care centre.

Response: The entire section of Chapman Road to be closed will need to be remediated in order to be used as part of the sports field. A condition requiring a Construction Environmental Management Plan is to be imposed, requiring the applicant to outline how the remediation works will be carried out without adverse amenity impact to surrounding development. This includes construction traffic, noise, fencing off the area and control of emissions.

(f) Design of the park

- (i) **Issue:** The SEE states that the development will provide a valuable new recreational space, catering for a range of uses. The proposal is for a mini hockey field which is special purpose and will not be catering to a range of uses.

Response: Noted. The design of the parkland and its use as a sports field is not the subject of this application.

- (ii) **Issue:** It would be more inviting for children and the community if the area was openly accessible on one side. The increased light pollution from flood lights is a concern.

Response: Concerns about accessibility and lighting are noted, however the design of the sports field has been approved under a Part 5 assessment and is not part of this DA. The lighting engineer specialist within Council reviewed the lighting report and detail associated with the Part 5 assessment and determined that the new lighting would conform to the relevant Australian Standard (AS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting), which require minimal light spill to areas outside the playing field.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

76. The development is not subject to a Section 7.11 development contribution as the proposal is for remediation, removal of car parking and trees, and subdivision of a roadway. It is a type of development that is excluded from the need to pay a contribution.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

77. The site is located within the Residual Lands affordable housing contribution area.
78. As the development is development for the purposes of community facilities, public roads or public utility undertakings, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

79. Environmental Planning and Assessment Act 1979.

Conclusion

80. The application seeks consent for remediation of part of Chapman Road (1,822sqm) and First Title Creation subdivision. Within this section of road, it is proposed to remove 45 car spaces and 5 trees and then proceed to closure and remediation of the site.

81. The proposed works and subdivision are to facilitate the gazettal of the road closure and future use of the roadway and open space adjoining it to the west as recreational area, designed as a synthetic sports field. The road closure and synthetic sports field have been approved by Council's Local Pedestrian, Cycling and Traffic Calming Committee and by a Part 5 Infrastructure and Environmental Impact Assessment under the *Environmental Planning and Assessment Act 1979*.
82. Subject to conditions, the proposed remediation of the roadway and First Title Creation subdivision with associated works are not considered to have a significantly adverse impact on neighbouring properties or impede the use of adjoining recreational open space. The proposal is consistent with the City's master plan for the area, in that it will facilitate the future use of the site as a synthetic sports field and is considered to be in the public interest.

ANDREW THOMAS

Executive Manager Planning and Development

Jessica Symons, Area Coordinator