

TEL: (02) 335 2000
FAX: (02) 335 2029
MAILING ADDRESS
BOX 14, PETERSHAM 2049
DX3910 - ANNANDALE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE
GENERAL MANAGER / TOWN CLERK



*Administrative Centre
Fisher Street
Petersham
2049*

COUNCILS REFERENCE: 1530/RCM0193TP202 (ID. 7278)

YOUR REFERENCE: 14th April, 1993

No. 14884

Department of School Education,
420 Forest Road,
HURSTVILLE NSW 2220

Dear Sir/Madam

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 ("the Act")
NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

Pursuant to Section 92 of the Act, notice is hereby given of the determination by Council of Development Application No. 443/92 for the construction of a playing field at the rear of Dulwich High School relating to the property situated at:-

**DULWICH HIGH SCHOOL, SEAVIEW STREET,
DULWICH HILL (HENSON WARD)**

In determining this application, Council considered all matters listed under Section 90 of the Act that were relevant to the Development Application.

The Development Application has been determined by the granting of consent subject to the following conditions:

1. The development being carried out substantially in accordance with Plan No. 3199-2 and details submitted to Council on 9 September 1992 with the application for development approval and as amended by the following conditions.
Reason: To confirm the details of the application as submitted by the applicant.
2. No floodlights being installed without the prior approval of Council.
Reason: To advise the applicant of the necessity to obtain Council approval for any floodlighting of the playing field.
3. The fence surrounding the perimeter of the playing field being limited to 1.2 metres in height.
Reason: To allow access to the playing field for the public.

IMPORTANT

English

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هام

Arabic

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重要：

Chinese

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ΣΗΜΑΝΤΙΚΗ ΑΝΑΚΟΙΝΩΣΗ

Greek

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IMPORTANTE

Portuguese

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QUAN TRỌNG

Vietnamese

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- 2 -

4. A four metre high wire fence is to be erected on the common boundary between residential properties and the public walkway.
Reason: To ensure that adjoining properties are protected from the sporting activities associated with the playing field.
5. Lots 2, 3 and 4 as shown on linen plan dated 16th October 1991, surveyor's reference SB51420 shall be consolidated into one lot.
Reason: To simplify titles and prevent sale of portion only.
6. A formal agreement in respect of the consolidation of lots 2, 3 and 4 shall be entered into between the Department of Education and Council within six (6) months of the date of consent, in relation to the community use, maintenance and public liability of the playing fields.
Reason: To protect Council's and the community's interests in the playing fields.
7. The applicant shall negotiate with all relevant service authorities to relocate or alternatively provide easements for any utility installations affected by road closures and acquisition. A copy of the respective authorities requirements shall be submitted for the information of the Director of Technical Services prior to the release of the linen plan of subdivision.
Reason: To ensure the relevant services or utilities are protected.
8. A pedestrian right of way shall be provided from Charlecot Street to Fairfowl Street at its junction with Fairfowl Lane.
Reason: To ensure pedestrian access is maintained through the site.
9. A linen plan of survey detailing the right of way, easements and any other requirements, together with associated documents shall be submitted to the Director of Technical Services for approval prior to lodgment at the Land Titles Office. These plans of survey and associated documents shall be lodged for registration, with a dealing number given by the Land Titles Office prior to the commencement of works.
Reason: To ensure the linen plan of subdivision complies with the requirements of the Director of Technical Services.

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- 3 -

10. All existing trees required to be pruned or removed that are above 3m in height will require Council permission prior to commencement of any work.
Reason: Council has in place a tree preservation order covering all trees above 3m in height throughout the Municipality.
11. A concrete footpath 1.2m wide shall be provided along the southern boundary of the playing field and along the western boundary up to Fairfowl Street.
Reason: To ensure all weather access is provided for pedestrians.
12. The proposed playing field, landscaping and road closures shall be constructed in accordance with Council plan no. 3199.
Reason: To ensure the works comply with the requirements of the Director of Technical Services.
13. Compliance with the requirements included in paragraphs (b), (c), (d) and (s) of the Standard Town Planning Conditions, annexed hereto, all of which paragraphs shall be deemed to be included in, and form part of, the conditions attached to this Consent.
Reason: As per the reasons specified on the annexure.

This approval is effective and operates from the endorsed date of consent as shown below (Section 93 of the Act) and will lapse unless the proposed development is commenced in accordance with Section 99 of the Act.

Under Section 97 of the Act you may, within twelve (12) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Please address any enquiries concerning this consent to the relevant department of Council.

Yours faithfully,

(C. R. MILLS)
GENERAL MANAGER/TOWN CLERK

Endorsed Date of Consent: 14th April, 1993

Ref: ITEM TP.48, DES MTG 1/1993 (ID. 2652 P.16-18)
Enquiries: Director Development & Environmental Services

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MARRICKVILLE MUNICIPAL COUNCIL
DEPARTMENT SCHOOL EDUCATION
DULWICH HILL HIGH SCHOOL

PLAYING FIELD MEETING - 10 AM - 2ND MARCH, 1993

AGENDA

- 1. DEVELOPMENT APPLICATION CONSENT**

- 2. SPORTS AND RECREATION GRANT \$25,000**
Discussion of the article appearing in the Glebe Tribune.

- 3. PROGRESS REPORT ON RELOCATION SERVICES**

- 4. DISCUSSION JOINT AGREEMENT WITH COUNCIL**
 - Council's contribution of \$25,000.
 - Works in kind by Council such as road termination and construction of paths, long term maintenance.
 - Community access to the playing field.
 - Passive recreation, no organised team sport.

- 5. JOINT MANAGEMENT PROJECT CONSTRUCTION TEAM**

- 6. GENERAL BUSINESS**

Bob O'Keefe
Terry Faint

**MARRICKVILLE MUNICIPAL COUNCIL
DEPARTMENT SCHOOL EDUCATION
DULWICH HILL HIGH SCHOOL**

Joint agreement
dept cantsell

PLAYING FIELD MEETING - 10 AM - 2ND MARCH, 1993

AGENDA

Just terms
closure of road - compulsory
apartments?
terms of formal agreement - community led

letter of intent

- Just Compensation Act
- 1. **DEVELOPMENT APPLICATION CONSENT**

discuss proposed conditions

appropriateness to guard
agent dept selling off.
opt Council offered to purchase

- 2. **SPORTS AND RECREATION GRANT \$25,000**

— Discussion of the article appearing in the Glebe Tribune.

- 3. **PROGRESS REPORT ON RELOCATION SERVICES**

goes no problem
commitment telecan

- 4. **DISCUSSION JOINT AGREEMENT WITH COUNCIL**

- Council's contribution of \$25,000.
- Works in kind by Council such as road termination and construction of paths, long term maintenance.
- Community access to the playing field.
- Passive recreation, ~~and~~ organised team sport.

quas loan programme
major to pass after
9/3/93
time 90% to completed

oval project team with Council represent package
many should be into oval

controlled by
(no Saturday or Sunday team sport?)
management committee?

maintenance

sandstone clubs → convert to school seating

- 5. **JOINT MANAGEMENT PROJECT CONSTRUCTION TEAM**

team: Pat Booker,

- 6. **GENERAL BUSINESS**

Plan of site
Plan booklet Terry by end of week.

letter

concerns

protecting community interest
in relation to school closing
property sold off
situation where roads

want something in formal agreement
first option to purchase

the letter of intent

protection in condition 6
redraft sent to

by end of March

draft agreement to Mario
waterboard / Sydney Electricity

This information is provided by Inner West Council.

ITEM TP.48

1530/RCM0193TP202(ID:7278)

TP NO. 443/92

Department of School Education

420 Forest Road

HURSTVILLE NSW 2220

DULWICH HIGH SCHOOL, SEAVIEW STREET, DULWICH HILL (HENSON WARD)

Director, Development & Environmental Services reports:

Synopsis

Application to construct a playing field at the rear of Dulwich High School. The subject land is presently vacant and involves the use of the closed section of Fairfowl Street and the properties that have been acquired by the Department of Education over a number of years.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.188 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

It is considered that the application is suitable for approval subject to appropriate conditions. The agreement of the Department of School Education is required to the imposition of any conditions.

Zoning: Special Uses (School) and Proposed Road Closure
Cost of Proposed Building Works: \$462,000
Date application received: 9 September 1992

Proposal

A development application has been received which is proposing to create a playing field for Dulwich High School from vacant land bounded by Fairfowl Street, Barnesbury Grove and Charlecot Street. The proposed playing field is approximately 100m in length and 45m in width and is located to the south west of the existing high school grounds. The playing field would be surrounded by a buffer to adjoining dwelling of a width varying from 2m to 15m. The proposal would also involve the removal of five (5) large trees from the middle of the existing vacant allotment, however, these would be compensated for by the planting of eighteen (18) trees within the buffer.

Background

Dulwich High School presently has no turfed sports field within the school grounds and in this regard has been disadvantaged for the teaching of physical education subjects. The following is an extract from the Department of Education's submission that accompanied the development application:

"The Department of School Education has been purchasing residential properties at the rear of the school for over twenty years to create a playing field. In excess of twenty residences have been acquired in the once bounded by Fairfowl Land, Charlecot Street and the rear of premises fronting Marrickville Road. The total area of the residences acquired is 5120 square metres. The desirable area of a high school site is 6 hectares. The area of the main school site at Dulwich High School is 1.507 hectares. The Secondary Schools Building Code provides for a level playing field of area 120 metres by 60 metres to be provided when constructing a new high school. The area is used by the physical education staff for physical education from 8.30 a.m. to 3.30 p.m. At any one time a maximum of two classes or 60 students are timetabled for physical education. Approximately 30 of these 60 students would be timetabled to use the school's gymnasium. The remaining 30 students would use the level playing field.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.189 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

The level playing field would be used for teaching skills associated with athletics, football, cricket etc. The playing field would be used for playing interschool sport one afternoon a week and for training school teams after school from 3.30 to 9.30 on Mondays to Fridays."

The Department of School Education and the school in conjunction with Marrickville Municipal Council are prepared to make the playing field available for community use at the Departments and Councils discretion.

The work to be done on site includes drainage, relocation of services (electricity, water, sewerage, telephone lines etc.) and the demolition of road hard paved surfaces in Fairfowl Land and the end of Barnsbury Grove and oval works associated with levelling of the site.

It is not proposed to install above ground brick structures on the site.

It is proposed to fence the site and erect goal posts. Experience elsewhere indicates that vandals and drug addicts frequent these spaces and break bottles and leave syringes around.

The Department is prepared to maintain sensible pedestrian access around the site to minimise inconvenience to the residents.

The Department is prepared to landscape the site to enhance the property."

Issues

Provision of the Marrickville Planning Scheme

(a) Zoning

The site is zoned 'Special Uses - School' under Marrickville Local Environmental Plan No. 33 and also incorporates land identified under LEP 33 as being subject to proposed road closure. The proposal is for the use of the school and thus would be a use which is permissible subject to conditions as may be imposed by Council.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.190 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

(b) **Mandatory Requirements**

The subject site contains an item of environmental heritage (school building) listed on L.E.P. No. 50 (Item 1.48). Clause 40(2) of the Marrickville Planning Scheme Ordinance states that Council shall not grant development consent to erect a building on the land on which there is situated an item of environmental heritage unless it has made an assessment of:-

- (a) the significance of the item as an item of environmental heritage;
- (b) the extent to which the carrying out of the development would affect the heritage significance of the item and its site;
- (c) whether any setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained; and
- (d) whether the item constitutes a danger to the users or occupiers of the item or to the public.

Under Clause 36 of the Marrickville Planning Scheme Ordinance, Council cannot refuse to grant Consent to the application or attach any conditions to its Consent except with the concurrence of the Minister. However, under amendments to the Environmental Planning & Assessment Act, the concurrence of the Minister for Planning & Environment is no longer required for the imposition of any conditions of Consent provided the written approval of the applicant is obtained to the imposition of those conditions.

The proposal does not involve the elements of the property which are recognised as the most significant in terms of heritage conservation ie. the buildings fronting Seaview Street. The proposed playing field is at the rear of the site and it is considered that no detrimental affect would occur to the item if development consent was granted.

Siting and Design

The proposed playing field of 4500 m² is the standard size of a football field. The site also consists of a buffer of approximately 2310m² varying in distance from residential properties and roadways of 2m to 15m. Public access and thoroughfare is proposed along the southern edge of the site from Charlecot Street via a pathway. On site works required would be the construction of kerb and guttering, stormwater drainage, planting of trees, erection of steel mesh fencing, relocation of services and the construction of angled parking in Charlecot Street. Residential properties adjoining the site would be protected by a 4m high mesh fence.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.191 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward) (cont'd)

Traffic and Parking

Council's Off-Street Parking Code has a requirement for secondary schools of one (1) space per two (2) teachers plus one (1) space per three (3) employees. There are presently about six (6) on-site parking spaces. It is considered that the use of the playing field during schools hours would not attract any excessive demand for parking.

The proposal includes the provision of fifteen (15) right angle spaces in Charlecot Street. If the playing field was to be used for sporting events on the weekend a demand for parking would be created. Council's Off-Street Parking Code does not provide a standard for sports fields nor does the RTA's Guidelines for Traffic Generating Developments. It is considered that the fifteen (15) proposed spaces and existing on-street parking in the surrounding street system should satisfy the parking demands.

Environment

Surrounding the subject land are a variety of residential dwellings. Barnsbury Grove is dominated by two and three storey flat buildings with the dwelling closest to the proposed playing field being a large two storey building. In Charlecot Street the dwelling adjacent to the proposed playing field is single storey as are most of the dwellings in that street.

Plan of Consolidation

The subject land consists of thirteen (13) former residential allotments and also public roadway. Consequently for the development to proceed the site is required to be consolidated.

Director, Technical Services reports:

This application is for the construction of a playing field for Dulwich High School in accordance with the plan prepared for the school by Council (plan no. 3199). The proposal will necessitate the closure of Fairfowl Street at its junction with Fairfowl Lane and at its junction with Charlecot Street and the closure of Barnsbury Grove for approximately fifty metres to the south of Fairfowl Street.

This proposal has been considered by the Local Traffic Planning & Advisory Committee Meeting held on 17th December 1992 and the following recommendations were made:-

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.192 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward) (cont'd)

- "1) the Committee raises no objection to the proposed closure of Fairfowl Street at its junctions with Fairfowl Lane and with Charlecot Street and of Barnsbury Grove at a point approximately fifty (50) metres south of Fairfowl Street; and
- 2) such closures be advertised in accordance with Section 269A of the Local Government Act 1919, as amended."

It is proposed that the playing fields will, by agreement between Council and the Department of Education, become a joint school and community recreational facility, with the fields being available to the public outside school hours.

Accordingly the title to the affected road section will be acquired by the Department of Education for a nominal sum.

The cost of construction of the playing field including landscaping, roadworks, service adjustments and a path from Charlecot Street to Fairfowl Street around the perimeter of the playing field is \$462,000.

At this stage funding for the construction of the playing field is as follows; Department of Education \$130,000; Dulwich High School \$50,000, Department of Sport and Recreation \$25,000 and Council \$25,000. \$219,000 is being sought from the Department of Arts & Sport, Environment, Tourism and Trade (DASETT) but at this stage the application seems to have been unsuccessful.

Council may consider increasing funding for the project from S.94 Contributions for the provision of open space in the Dulwich Hill area.

The following engineering conditions shall be imposed on this application:-

- 1) Lots 2, 3 and 4 as shown on linen plan dated 16th October 1991, surveyor's reference SB51420 shall be consolidated into one lot.
Reason: To simplify titles and prevent sale of portion only.
- 2) A formal agreement in respect of the consolidation of lots 2, 3 and 4 shall be entered into between the Department of Education and Council prior to commencement of construction or within three (3) months of the date of consent, whichever occurs first, in relation to the community use, maintenance and public liability of the playing fields.
Reason: To protect Council's and the community's interests in the playing fields.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.193 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

- 3) The applicant shall negotiate with all relevant service authorities to relocate or alternatively provide easements for any utility installations affected by road closures and acquisition. A copy of the respective authorities requirements shall be submitted for the information of the Director of Technical Services prior to the release of the linen plan of subdivision.
Reason: To ensure the relevant services or utilities are protected.
- 4) A pedestrian right of way shall be provided from Charlecot Street to Fairfowl Street at its junction with Fairfowl Lane.
Reason: To ensure pedestrian access is maintained through the site.
- 5) A linen plan of survey detailing the right of way, easements and any other requirements, together with associated documents shall be submitted to the Director of Technical Services for approval prior to lodgment at the Land Titles Office. These plans of survey and associated documents shall be lodged for registration, with a dealing number given by the Land Titles Office prior to the commencement of works.
Reason: To ensure the linen plan of subdivision complies with the requirements of the Director of Technical Services.
- 6) All existing trees required to be pruned or removed that are above 3m in height will require Council permission prior to commencement of any work.
Reason: Council has in place a tree preservation order covering all trees above 3m in height throughout the Municipality.
- 7) A concrete footpath 1.2m wide shall be provided along the southern boundary of the playing field and along the western boundary up to Fairfowl Street.
Reason: To ensure all weather access is provided for pedestrians.
- 8) The proposed playing field, landscaping and road closures shall be constructed in accordance with Council Plan No. 3199.
Reason: To ensure the works comply with the requirements of the Director of Technical Services.

Conclusion

It is considered that the playing field is a facility that is essential for a modern high school. The proposed site, having been vacant for some time, has not been detrimental to the locality as an area of passive recreation. Its conversion to active recreation should not adversely impact on adjoining residential properties having regard to the work proposed to protect these properties.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.194 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

RECOMMENDATION: ITEM TP.48

THAT the application to construct a playing field at the rear of Dulwich High School be **DEFERRED** and the following course of action be adopted by Council:-

THAT:

A. the applicant be advised that:-

- (i) The application is acceptable to Council subject to the imposition of the following conditions to the issue of development consent for the proposal, which are considered necessary for a satisfactory development:-
 1. The development being carried out substantially in accordance with Plan No. 3199-2 and details submitted to Council on 9 September 1992 with the application for development approval and as amended by the following conditions.
Reason: To confirm the details of the application as submitted by the applicant.
 2. No floodlights being installed without the prior approval of Council.
Reason: To advise the applicant of the necessity to obtain Council approval for any floodlighting of the playing field.
 3. The fence surrounding the perimeter of the playing field being limited to 1.2 metres in height.
Reason: To allow access to the playing field for the public.
 4. A four metre high wire fence is to be erected on the common boundary between residential properties and the public walkway.
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Town Planning Matters (cont'd)

- TP.195 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

6. A formal agreement in respect of the consolidation of lots 2, 3 and 4 shall be entered into between the Department of Education and Council prior to commencement of construction or within three (3) months of the date of consent, whichever occurs first, in relation to the community use, maintenance and public liability of the playing fields.
Reason: To protect Council's and the community's interests in the playing fields.
7. The applicant shall negotiate with all relevant service authorities to relocate or alternatively provide easements for any utility installations affected by road closures and acquisition. A copy of the respective authorities requirements shall be submitted for the information of the Director of Technical Services prior to the release of the linen plan of subdivision.
Reason: To ensure the relevant services or utilities are protected.
8. A pedestrian right of way shall be provided from Charlecot Street to Fairfowl Street at its junction with Fairfowl Lane.
Reason: To ensure pedestrian access is maintained through the site.
9. A linen plan of survey detailing the right of way, easements and any other requirements, together with associated documents shall be submitted to the Director of Technical Services for approval prior to lodgment at the Land Titles Office. These plans of survey and associated documents shall be lodged for registration, with a dealing number given by the Land Titles Office prior to the commencement of works.
Reason: To ensure the linen plan of subdivision complies with the requirements of the Director of Technical Services.
10. All existing trees required to be pruned or removed that are above 3m in height will require Council permission prior to commencement of any work.
Reason: Council has in place a tree preservation order covering all trees above 3m in height throughout the Municipality.

01/1993

Minute Book Page No.

Development & Environmental Services Meeting - 2nd February, 1993

Town Planning Matters (cont'd)

- TP.196 -

Item TP.48 - Dulwich High School, Seaview Street, Dulwich Hill (Henson Ward)
(cont'd)

11. A concrete footpath 1.2m wide shall be provided along the southern boundary of the playing field and along the western boundary up to Fairfowl Street.
Reason: To ensure all weather access is provided for pedestrians.
 12. The proposed playing field, landscaping and road closures shall be constructed in accordance with Council plan no. 3199.
Reason: To ensure the works comply with the requirements of the Director of Technical Services.
 13. Compliance with the requirements included in paragraphs (b), (c), (d) and (s) of the Standard Town Planning Conditions, annexed hereto, all of which paragraphs shall be deemed to be included in, and form part of, the conditions attached to this Consent.
Reason: As per the reasons specified on the annexure.
- (ii) It will be necessary to advise Council in writing of your agreement to the imposition of the above conditions within a period of one (1) month from the date of Council's notification and that upon receipt of such advice Council will issue development consent for the proposal subject to those conditions.
- B. upon receipt by Council of the written approval of the applicant to the imposition of the above conditions to the issue of development consent for the proposal, delegated authority be granted to the Director Development & Environmental Services to issue development consent for the proposal subject to those conditions.