

REZONING REVIEW – Briefing Report

Date of Referral:	14 August 2017	
Department Ref. No:	PGR_2017_IWEST_001_00	
LGA:	Inner West	
LEP to be Amended	Marrickville Local Environmental Plan 2011	
Address:	466 – 480 New Canterbury Road and 26 – 38 Hercules Street, Dulwich Hill	
Reason for review:	<input type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input checked="" type="checkbox"/> Council failed to indicate support for proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: The application form states that there are no reportable political donations or gifts to disclose.	

SUMMARY OF THE PROPOSAL

Background

- The rezoning request made by Angus Developments Pty Ltd seeks to rezone and amend development standards under the Marrickville Local Environmental Plan 2011 (Marrickville LEP 2011), which apply to land at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill (the site). The proposal seeks the following changes to the site:
 - rezone from IN2 Light Industrial to B5 Business Development and RE1 Public Recreation
 - permit residential flat buildings as part of a mixed-use development using Schedule 1
 - increase the floor space ratio (FSR) controls from 1:1 to 1.2:1, 2.2:1, 3:1 and 3.3:1
 - introduce maximum building heights of 20m 23m and 32m. No height control currently applies.
- The site contains a mix of uses being light industry, warehousing, commercial, residential and a place of public worship.
- At its meeting of 25 July 2017, Inner West Council decided to defer consideration of the planning proposal until the Sydenham to Bankstown Corridor Urban Renewal Strategy is

finalised. The applicant has submitted the rezoning review request as Inner West Council had not made a decision on a planning proposal request within 90 days of lodgement.

Locality and Context

- The subject site is approximately 5,965m² and is bounded by New Canterbury Road to the north, Kintore Street to the east, Hercules Street to the south and the Inner West Light Rail to the west.
- The surrounding area is developed with mixed-use medium density residential uses along New Canterbury Road, the Dulwich Hill Public School (1-2 storeys) is to the south across Hercules Street and beyond the school detached dwelling houses are typical.
- The subject site is located approximately:
 - 8km from the Sydney Central Business District
 - Adjacent to the Dulwich Grove Light Rail Station
 - 700m from the Dulwich Hill Train Station
 - 950m from Hurlstone Park Train Station.
 - 125m from the Dulwich hill Town Centre to the north-east along New Canterbury Road
 - Adjacent to an existing B4 Mixed Use zone across Kintore Street
- An aerial photograph of the site and its locality is provided at (**Attachments B and C**).

Site Description

- The site is located in Dulwich Hill, in the Inner West Council Local Government Area (LGA). The site is legally described as Lots 1, 2, 3, 5, 6 and 7 of Deposited Plan (DP) 236603, Lots 1, 2 and 4 of DP540366, Lot 14 Section 4 of DP932, and Lot 1, 2, 3 and 4 of DP542147.
- On the New Canterbury Road frontage of the site, there is a group of four shop top housing terraces which is adjoined by four double fronted commercial and light industrial buildings. On the Hercules Street frontage, there are three commercial tenancies, the rear of a light industrial building, a Greek Orthodox Church and a dwelling house. All buildings in the site are two storeys except for the dwelling house which is one storey.
- The nearest open space is Arlington Oval for organised sports and Johnson Park which is a passive recreation space, both are approximately 500m to the north of the site. Approximately 1km south is the Cooks River and associated recreational facilities which include walking and cycling tracks, sporting fields, large green open space, tennis courts, a golf course and playgrounds.

Current Planning Provisions

- The planning controls applying to the site under Marrickville LEP 2011 are shown in Table 1.

Marrickville LEP 2011 Control	Control applying to the site
Zoning	IN2 Light Industrial
Floor space ratio	1:1
Height	No height control applies

Table 1: Current planning controls under Marrickville LEP 2011

- The zoning, height and floor space ratio maps are provided in (**Attachment D**)

Proposed Planning Provisions

- The proposal seeks to amend Marrickville LEP 2011 by:
 - rezoning the site from IN2 Light Industrial to B5 Business Development and RE1 Public Recreation
 - permitting residential flat buildings and neighbourhood shops as part of a mixed-use development using Schedule 1
 - increasing the floor space ratio (FSR) controls from 1:1 to 1.2:1, 2.2:1, 3:1 and 3.3:1
 - introducing maximum building heights of 20m, 23m and 32m as no height control currently applies.
- The intended outcomes of these amendments are to facilitate a mixed-use commercial and residential development that will:
 - contain approximately 156 new dwellings
 - provide approximately 37 jobs in new retail and office floor space
 - create a new public thoroughfare between Hercules Street and New Canterbury Road
 - include a new community garden at the corner of Kintore Street and Hercules Street
 - be located adjacent to the Dulwich Hill Light Rail Station and within 100m of bus stops which provide access to the CBD, Bondi Junction and Balmain.

INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than 5 years old?

- No – The relevant planning controls are contained in the Marrickville LEP 2011.

STRATEGIC MERIT TEST

Consistency with the relevant regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.

Draft Central District Plan

- The draft Central District Plan (draft Plan) was released by the Greater Sydney Commission on 21 November 2016. The draft Plan gives effect to the four goals of A Plan for Growing Sydney through the priorities and actions expressed in the draft Plan in three themes:
 - A productive city (Goal 1)
 - A liveable city (Goals 2 and 3)
 - A sustainable city (Goals 3 and 4).
- The proponent considers that the planning proposal is consistent with the following parts of the draft Plan.
- *Priority 4.3: Improving housing choice* states that Inner West Council must provide an additional 5,900 dwellings by 2021. The additional densities sought as part of this planning proposal will assist Council in meeting its dwelling target, whilst increasing

housing diversity near a local centre (Dulwich Hill Centre) and public transport (Dulwich Grove Light Rail Stop).

- *Priority 4.4: Improve Housing diversity and affordability* aims to implement the Affordable Rental Housing Target when preparing Planning Proposals for new urban renewal areas or greenfield areas. The Draft Plan sets a target of 5% to 10% of new residential floor space be allocated for affordable housing.
- The proponent has advised that they intend on entering into a Voluntary Planning Agreement with Council, which at this stage comprises an offer to construct, strata sub-divide and dedicate to Inner West Council 3% of the apartments built on the subject site (5 apartments under the proposed scheme), in the same mix as the Council's Development Control Plan 2011 or cash equivalent for the benefit of the general public. The details of the Voluntary Planning Agreement have not been finalised at this stage and the proponent is in negotiation with Council.
- *Priority 4.6: Create Great Places* encourages design led planning that produces good architecture and planning as elements of a people centred, sustainable, liveable environment. The draft Plan requires growth to be managed to create healthy, well designed, safe and inclusive places that encourage economic and social activity, vibrancy and community spirit.
- The concept plans for the site have referred been to Council's Architectural Excellence Panel which generally supports the proposed concept, including the public domain improvements. The proponent states that they seek to create high quality architecture which will result in a well-designed, healthy, safe and inclusive space. New through site links are proposed as well as new public open space with a community garden.
- Further information on consistency with the draft Plan is available on pages 120-123 of the planning proposal.
- The proponent did not address *Priority 3.6: Protect and manage employment and urban services land*. The draft Plan takes a precautionary approach to the conversion of employment and urban service lands in the absence of a District wide assessment of their value and objectives. A District assessment has not been completed to date.

Consistency with a relevant local strategy that has been endorsed by the Department;

The Marrickville Urban Strategy

- The Marrickville Urban Strategy was adopted by Council in 2007. The Strategy establishes a vision and co-ordinated directions addressing a range of planning, community, and environmental issues, to guide short, medium and long term strategic planning policies for job and dwelling creation in the Marrickville LGA over a 10 year period.
- The Strategy supports the aim of locating additional residential development in and around existing centres with good access to public transport and services. The Strategy adopted six approaches to urban renewal to inform policy options for future residential development in the LGA. These are:
 1. Focus on residential density in and around centres;
 2. Focus on commercial zoned land in centres;
 3. Rezone select industrial sites;
 4. Develop new centres;
 5. Rezone select special use sites; and
 6. Increase density in infill areas.
- The proponent states that the planning proposal is consistent with the criteria 1, 3 and 6.
- The local strategy has not been endorsed by the Department.

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Revised Draft Sydenham to Bankstown Urban Renewal Corridor Strategy

- The Draft Sydenham to Bankstown Urban Renewal Corridor Strategy (S2B Strategy) and precinct plans were released by the Department of Planning and Environment on October 2015. Under this Strategy, the site was identified in the Dulwich Hill Precinct plan for medium to high rise housing.
- The draft Central District Plan was released in November 2016. Department of Planning and Environment released a revised S2B Strategy and precinct plans in June 2017. The planning proposal therefore responds to a change in circumstances since the District plan was released.
- Under the S2B Strategy the site continues to be identified for medium-high rise housing. The medium-high density classification of development equates to a built typology of a maximum of 8 storeys under *Part 6.3: Built form typology*.
- The proponent states that the planning proposal will facilitate development that is generally consistent S2B Strategy. To respond to the context, the planning proposal is generally 5 storeys in height, with an 8 storey building located adjacent to the light rail corridor. This building is part 9 storeys at the south-western corner due to the slope of the land. The proponent states this will ensure an active frontage and considers that a generally lower 5 storey built form with 8-9 storeys near the light rail will create a better urban design outcome than 8 storeys across the entire site.
- The proponent also notes an inconsistency of the planning proposal with the S2B Strategy, where part of the site fronting New Canterbury Road is proposed as B5 Business Development (combined with a Schedule 1 Additional permitted use to allow residential throughout and retail in the north-western corner). The controls for this part of the site provide for a mixed-use development rather than residential as identified in the S2B Strategy. The proponent considers this a more appropriate response to the site, retaining some employment (responding to A Plan for Growing Sydney (2014) and Section 117 directions) and providing commercial and some retail floor space to service the location, adjacent to the Dulwich Grove Light Rail Stop, and positioned between the Stop and the Dulwich Hill Centre.

SITE-SPECIFIC MERIT TEST

The Natural Environment (including known significant environmental values, resources or hazards)

Natural Environment

- The site is identified on the Marrickville LEP 2011 Natural Resource - Biodiversity Map. The proponent did not address this matter.
- The proposal states that:
 - the subject site has a history of predominantly light industrial usage which has over time led to an almost 100% site coverage extending to each of its four frontages with little relief other than pockets of landscaping near Kintore Street;
 - that the natural environment has been so modified over time to offer no significant environmental values or resources; and
 - the site offers a significant opportunity to introduce open space and landscaping which will significantly improve the natural environmental values of the site.
- Council did not comment in relation to critical habitats, threatened species or ecological communities on the site.

Contamination and geotechnical issues

- STS GeoEnvironmental Pty Ltd completed a preliminary site investigation for the site for Angus Developments Pty Ltd. The investigation found that the northern portion of the site is expected to have been used for commercial/industrial purposes since at least the 1930s, whilst the southern portion comprised residential allotments before being progressively redeveloped for commercial/industrial purposes between the late 1940s and 1950s.
- STS state that soil sampling showed that the concentrations of chemical contaminants are generally low and at levels that would not be expected to present an unacceptable risk to human-health or the environment for the proposed uses. In addition, the results show that the site is not expected to be the source of unacceptable groundwater impacts.
- The STS study concluded that if the site is excavated for basement car parking as proposed, the site is likely to be made suitable for the proposed mixed commercial and high-density residential land use.
- Council did not comment on relation to contamination or geotechnical issues.

Acid sulfate soils

- The planning proposal states that the site is designated at Class 5 Acid Sulphate Soils. However, the site is not identified on the Marrickville LEP 2011 Acid Sulfate Soils map.
- Council did not comment on acid sulfate soils.

Flooding

- The site is not identified on the Flood Planning Map of Marrickville LEP 2011. Overland flow and flood advice by Cardno estimates that even if the existing drainage system is fully blocked site will not be affected by the 100 year ARI overland flow flooding from New Canterbury Road or Hercules Street.
- Council did not comment on flooding.

Heritage

- The subject site is not listed as a heritage item under the Marrickville LEP 2011 or located in a heritage conservation area.
- Council did not comment on heritage.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal

- The proposal states that the site is an isolated local light industrial precinct surrounded by residential and mixed uses. The site has been used by a variety of light industries, mixed uses, warehousing, some limited residential use and a church. These uses have repurposed the structures over time with very little works undertaken or improvements made.
- The surrounding area is generally characterised by mixed uses to the north and east being ground level retail and residential above. The site is nearby by medium and high density residential uses to the north and west such as 4-6 storey residential flat buildings. The lands immediately adjoin to the south and south-east accommodate school facilities and low density residential uses.
- The proposal states that the light industrial uses have a direct effect on the school and residential properties to the west, south and east of the site due to traffic generation, on-site facilities and servicing. The proposal would allow the provision of buffers, planting, screening and the dedication of through site pedestrian and cycle linkages which would significantly improve the relationship between existing and likely future uses near the site.

- The proposal includes detailed massing and shadowing analysis to demonstrate the relationship between the existing and likely future uses in the vicinity of land are acceptable and meet contemporary amenity standards prescribed by the State and Council.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

- The site is located adjacent to the Inner West Light Rail corridor and the concept provided with the planning proposal shows a new pedestrian and cycling link to the station along its western border.
- The proposal identifies a lack of open space and planting in the locality and addresses this by dedicating open space for public, semi-private and private use on the site.
- The proponent is prepared to enter into a voluntary planning agreement with Council to dedicate five units for affordable housing which will alleviate a deficiency in the area.
- The proponent notes that the landscaping, open space, through-site link and affordable housing would be in addition to s94 contributions.

VIEWS OF COUNCIL AND AGENCIES

- On 15 August 2017, the Department wrote to Council advising of the request for a rezoning review seeking comments. On 24 August 2017, the Department received comments from the Council (**Attachment F**).
- The Council confirmed that the planning proposal submitted for a rezoning review is the same proposal that was considered by Council on 25 July 2017.
- The Council requested that the following determination be considered in the assessment of the rezoning review.

The Administrator determined that Council:

1. *Defers consideration of the planning proposal until the final Sydenham to Bankstown Corridor Urban Renewal Strategy is adopted;*
 2. *Conveys this position to the Department of Planning and Environment for its consideration in relation to any Pre-Gateway review application lodged by the Proponent.*
- The Council did not comment on the strategic or site specific merit of the planning proposal.
 - In the report to Council on 25 July 2017, Council staff recommended that the planning proposal proceed, subject to minor changes (**Attachment G**). The changes staff recommend related to:
 - applying an R4 High Density Residential zone over part of the site;
 - the wording of the proposed additional permitted use clause;
 - applying prescriptive maximum building heights and floor space ratios across the site.
 - The proponent has indicated full support for the recommended amendments to the planning proposal prior to public exhibition.

Contact Officer: Brendan Metcalfe
Senior Planner, Sydney Region East
Contact: 9860 1442

Locality Map



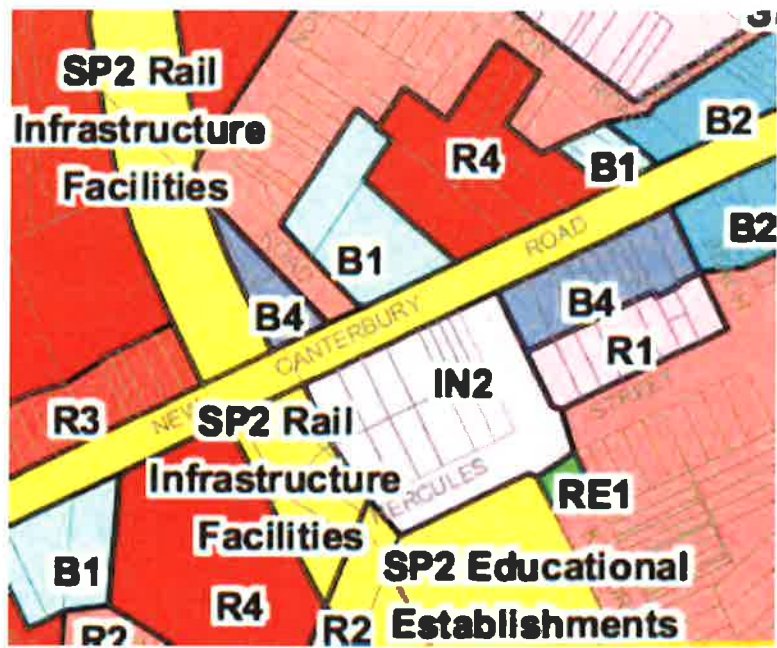
Site Map



Current LEP Maps

Marrickville Local Environmental Plan 2011

Land Zoning Map
- Sheet LZN_001



Zone	
B1	Neighbourhood Centre
B2	Commercial Core
B4	Mixed Use
R2	Environmental Conservation
E4	Environmental Living
IN2	Light Industrial
IN4	Working Waterfront
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
UL	Unzoned Land

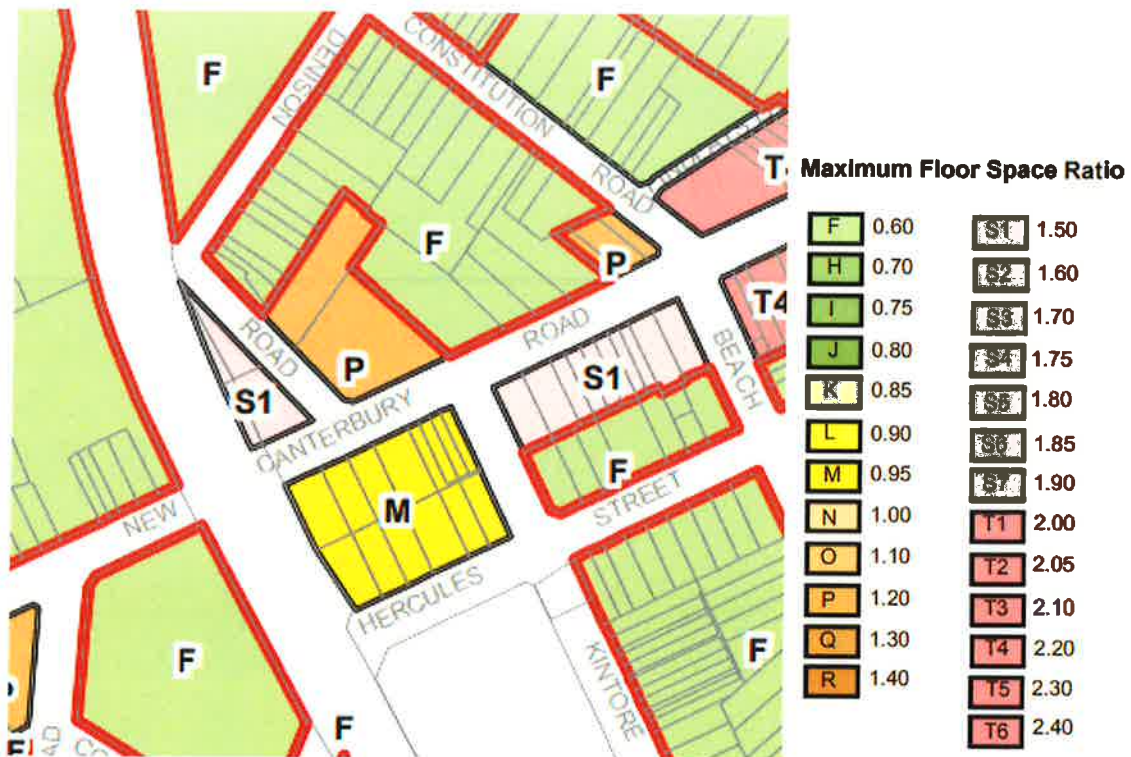
Current zoning map



Height of Buildings Map
Sheet HOB_001

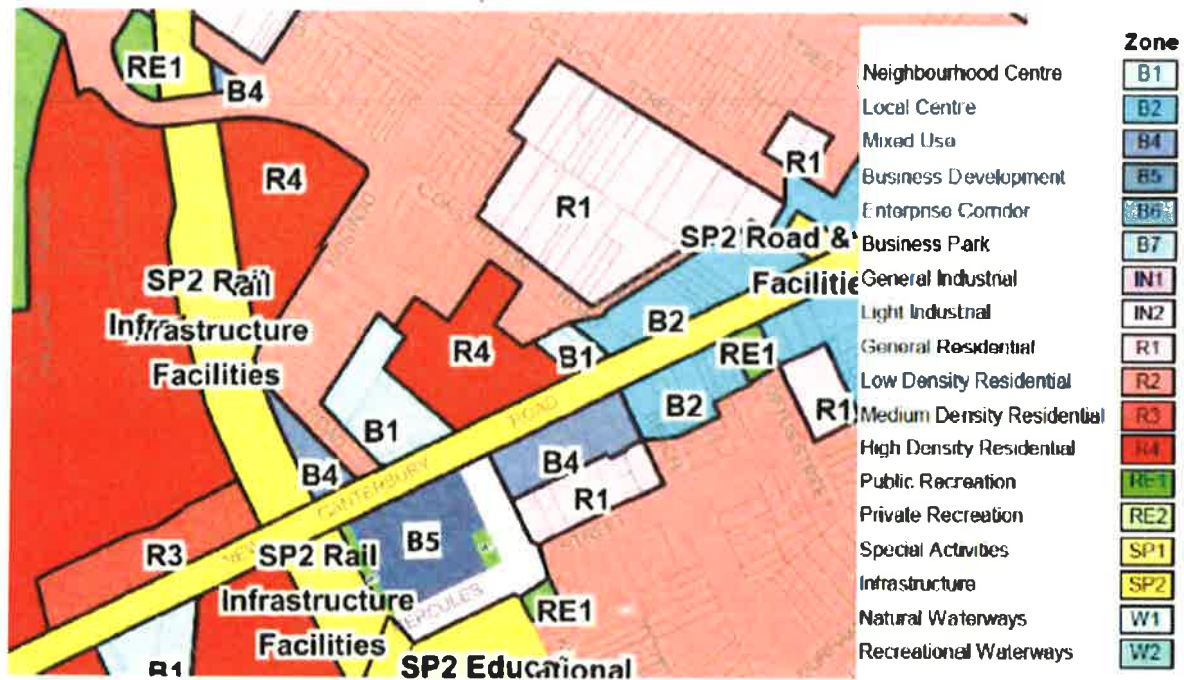
Maximum Building Height (m)	
J	9.5
L	11.0
N	14.0
P	17.0
Q	20.0
S	23.0
T1	26.0
T2	29.0
U	32.0

Current height map

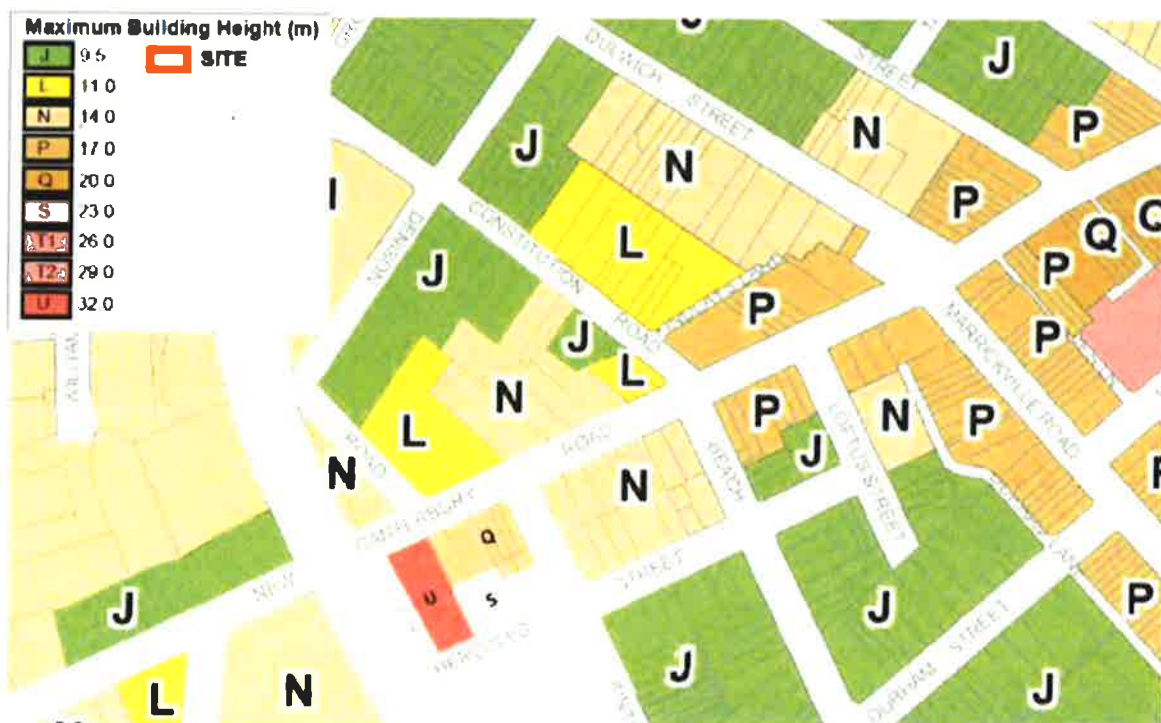


Current floor space ratio map

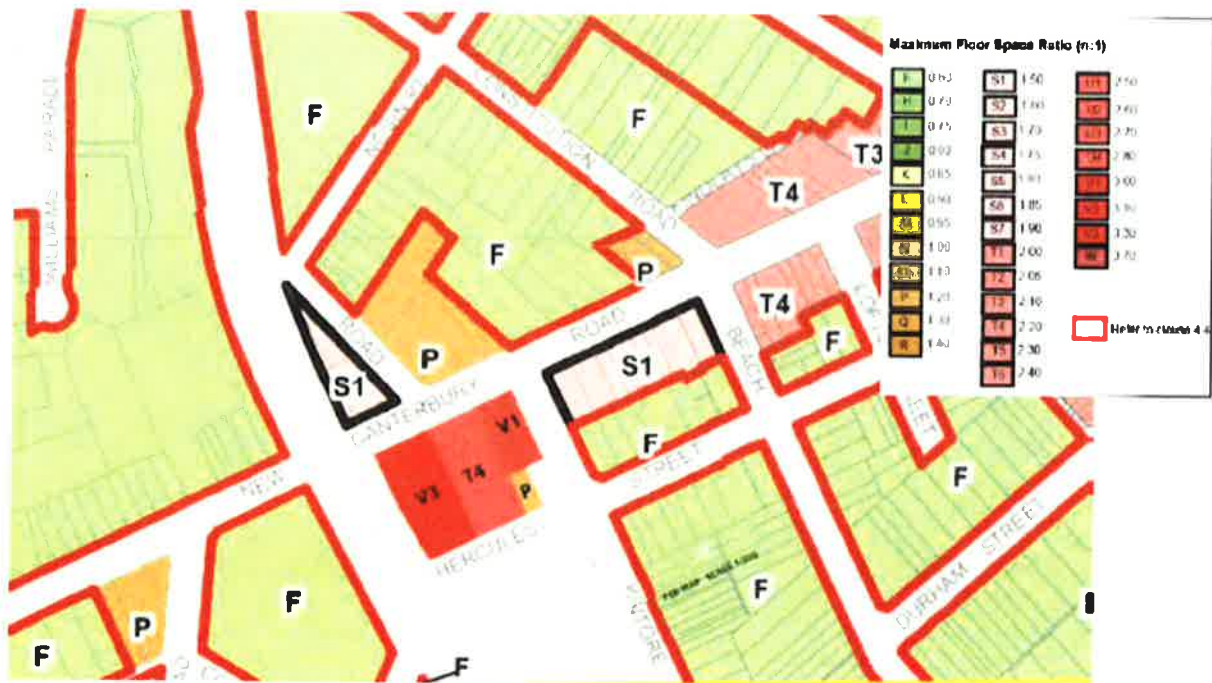
Proposed LEP Maps



Proposed zoning



Proposed maximum building height map



Proposed floor space ratio map



INNER WEST COUNCIL

OUR REF: DA201600376

22 August 2017

Karen Armstrong
Director, Sydney Region East
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms. Armstrong

**RESPONSE REGARDING APPLICATION FOR REZONING REVIEW –
PGR_2017_IWEST_001_00**

I refer to your letter notifying Council about the above Rezoning Review application made by Angus Developments regarding a planning proposal at 466-480 New Canterbury Road and 26-36 Hercules Street, Dulwich Hill.

Council can confirm that the planning proposal which has been applied for a Rezoning Review is the same planning proposal that was considered in a report at the 25 July 2017 Council Meeting, a copy of which is included on the Department's Tracking System.

At the Council Meeting:

The Administrator determined that Council:

- 1. Defers consideration of the Planning Proposal until the final Sydenham to Bankstown Corridor Urban Renewal Strategy is adopted;*
- 2. Conveys this position to the Department of Planning and Environment for its consideration in relation to any Pre-Gateway review application lodged by the Proponent.*

Accordingly, Council requests that this resolution be considered in your assessment of the Rezoning Review.

Should you have any queries, please direct these to Peter Failes, Urban Design Planner on 9335 2264.

Yours sincerely

Simon Manoski
Group Manager Strategic Planning

Customer Service Centres

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road Ashfield NSW 2131
Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street Leichhardt NSW 2040
Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street Petersham NSW 2049

Inner West Staff recommendation on planning proposal

1. Council supports the development intention of the planning proposal as outlined by the concept design within the submitted Urban Design Report, dated 23 May 2017;
2. The planning proposal zoning be altered, with Marrickville Local Environmental Plan (MLEP) 2011 Zoning Maps being amended from IN2 Light Industrial zone to:
 - a) RE1 Public Recreation zone for the land on the western edge of the site adjacent to the Light Rail line, and the proposed pocket park on the south-eastern corner of the site (or RE2 Private Recreation for any of this land that Council does not agree to take ownership of);
 - b) B5 Business Development for Nos. 466-480 New Canterbury Road, (excluding the area proposed to be zoned RE1 Public Recreation) and the rear (approximately 9 m) parts of Nos. 26-28 Hercules Street, Dulwich Hill not proposed to be zoned RE1 Public Recreation or RE2 Private Recreation, being Lots 1, 2, 3 and 4 DP542147, Lot 1 DP540366, Lots 1, 2 and 3 DP236603 and rear (approximately 9 m) parts of Lot 4 DP540366 and Lot 14 Section 4 DP932, with an additional permitted use clause applying to such zoned land;
 - c) R4 High Density Residential for Nos. 34-38 Hercules Street, (excluding the area proposed to be zoned RE1 Public Recreation) and the rear of No. 474 New Canterbury Road fronting Hercules Street, Dulwich Hill, being Lots 5,6 and 7 DP236603 and Lot 2 DP540366; and
 - d) RE2 Private Recreation for No. 28 Hercules Street, (excluding the area proposed to be zoned B5 Business Development) and the part of No. 26 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill.
3. The planning proposal clause wording to be included in Schedule 1 Additional permitted uses be altered to read:

Use of certain land at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill

 - 1) This clause applies to land at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147; Lots 1, 2 and 4 DP540366; Lots 1, 2, 3, 5, 6 and 7 DP236603; and Lot 14 Section 4 DP932.
 - 2) Development for the following purposes is permitted with consent:
 - (a) residential flat buildings, as part of a mixed use development, on land zoned B5 Business Development but only if:
 - i. any dwelling located on the ground floor will not have frontage to New Canterbury Road;
 - (b) neighbourhood shops on the land at 478-480 New Canterbury Road, Dulwich Hill, being Lots 1 and 2 DP236603 in Zone B5 Business Development; and
 - (c) vehicular and pedestrian access, car parking and site facilities on the land at 34-38 Hercules Street and the rear of 474 New Canterbury Road, Dulwich Hill in Zone R4 High Density Residential to service the development on the land at 474-480 New Canterbury Road, Dulwich Hill in Zone B5 Business Development.

4. The planning proposal height of building (HoB) be altered, with MLEP 2011 HoB Maps being amended from no height identified to:
 - a) 17 metres for Nos. 466-472 New Canterbury Road, the front part of No. 474 New Canterbury Road, 476 New Canterbury Road, the front 7.5 metres of Nos. 478 and 480 New Canterbury Road and the rear (approximately 9 m) part of Nos. 26-28 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147, Lot 1 DP540366, Lot 3 DP236603 the front 7.5m of Lots 1 and 2 DP236603, and the rear (approximately 9 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932;
 - b) 20 metres for the rear part of No. 474 New Canterbury Road and No. 34 Hercules Street, Dulwich Hill, being Lot 2 DP540366 and Lot 7 DP236603;
 - c) 29 metres for the rear part behind the front 7.5 m of Nos. 478-480 New Canterbury Road, Dulwich Hill, being Lots 1 and 2 DP236603 (excluding the area proposed to be zoned RE1 Public Recreation, which is to have no height control indicated);
 - d) 32 metres for No. 36-38 Hercules Street, Dulwich Hill, being Lots 5 and 6 DP236603 (excluding the area proposed to be zoned RE1 Public Recreation, which is to have no height control indicated); and
 - e) 9.5 metres for the front (approximately 22 m) part of Nos. 26-28 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill, being the front (approximately 22 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932 not proposed to be zoned RE1 Public Recreation or B5 Business Development.
5. The planning proposal floor space ratio (FSR) be altered, with MLEP 2011 FSR Maps being amended from 0.95:1 FSR to:
 - a) 3.0:1 for Nos. 466-472 New Canterbury Road and rear (approximately 9m) part of Nos. 26-28 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147, and rear (approximately 9 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932;
 - b) 2.2:1 for Nos. 474-476 New Canterbury Road, and No. 34 Hercules Street (excluding the western (approximately 5.5m) part of No. 476 New Canterbury Road and the western (approximately 6.0-7.5m) part of No. 34 Hercules Street), Dulwich Hill, being Lots 1 and 2 DP540366 and Lots 3 and 7 DP236603 (excluding the western (approximately 5.5m) part of Lot 3 DP236603 and the western (approximately 6.0-7.5m) part of Lot 7 DP236603);
 - c) 3.3:1 for Nos. 478-480 New Canterbury Road, the western (approximately 5.5m) part of No. 476 New Canterbury Road, Nos. 36-38 Hercules Street, and the western (approximately 6.0-7.5m) part of No. 34 Hercules Street, Dulwich Hill, being Lots 1, 2, 5 and 6 DP236603, the western (approximately 5.5m) part of Lot 3 DP236603, and the western (approximately 6.0-7.5m) part of Lot 7 DP236603;
 - d) 0.6:1 for the front (approximately 22 m) part of Nos. 26-28 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill, being the front (approximately 22 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932 not proposed to be zoned RE1 Public Recreation or B5 Business Development; and
 - e) No FSR indicated for the front (approximately 22 m) part of No. 26 Hercules Street, Dulwich Hill, being the front (approximately 22 m) part of Lot 14 Sec 4 DP932, relating to the land proposed to be zoned RE1 Public Recreation for a pocket park on the south-eastern corner of the site.
6. Council officers consider the Voluntary Planning Agreement (VPA) Offer in accordance with Council's interim VPA Policy;

7. The planning proposal, **as altered by recommendations 2-5**, be forwarded to the Minister for Planning for a Gateway determination in accordance with Section 56 of the Environmental Planning & Assessment Act 1979;
8. Council requests that delegated plan making functions be granted in relation to the planning proposal; and
9. Site specific planning controls be developed to apply to the future development at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill, for inclusion in Part 9.18 (Precinct 18 – Dulwich Hill Station North) of MDCP 2011 and that these be publicly exhibited concurrently with the planning proposal.