Item No: **C0717 Item 12**

Subject: **PLANNING PROPOSAL NO. DA201600376 AT 466-480 NEW CANTERBURY ROAD AND 26-38 HERCULES STREET, DULWICH HILL**

File Ref: DA201600376/09/72587.17

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SUMMARY

On 27 July 2016, Council received a planning proposal, for a site known as 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill. The planning proposal seeks to amend Marrickville Local Environmental Plan (MLEP) 2011 by:

1. Amending the zoning from IN2 Light Industrial to RE1 Public Recreation for the proposed public open space link along the western edge of the site and public open space pocket park on the south-eastern corner of the site, and to B5 Business Development for the remaining land;
2. Including a clause 22 in Schedule 1 Additional permitted uses of MLEP 2011 to permit residential flat buildings throughout the B5 Business Development zone, and neighbourhood shops limited to the north-western corner of the site;
3. Amending the MLEP 2011 height of building (HoB) map from no height identified to a mixture of 20 m, 23 m and 32.0 m, and retaining no HoB control for the area relating to the proposed open spaces and the church; and
4. Amending the MLEP 2011 floor space ratio (FSR) map from 0.95:1 FSR to a mixture of 2.4:1, 3.0:1 and 3.3:1 for the mixed use component, 1.2:1 for the church, and no FSR identified for the proposed public open space pocket park on the south-eastern corner of the site.

The planning proposal is supported by other documentation, including an urban design report that outlines the envelope and architectural concept, consisting of:

- a perimeter block layout, with built form generally massed to the site edges and provision of a shared central communal open space courtyard;
- Five storey mixed use development along New Canterbury Road, with retention of the four two-storey shop facades near Kintore Street corner and ground floor non-residential use (with retail limited to the north-western corner of the site);
- Eight storey, part nine storey for a minor part fronting Hercules Street, 'landmark' mixed use building massed to the western side of the site adjacent to the light rail / GreenWay corridor, but setback 6-8 m, and setback a minimum of 7.5 m from the New Canterbury Road boundary;
- Five storey residential flat building in the central part of Kintore Street side of the site;
- Five storey, part six storey for a minor part fronting Hercules Street, residential flat building in the central part of Hercules Street fronting side of the site;
- Retention and alteration of the Greek Orthodox Church of the Holy Unmercenaries, located at 28 Hercules Street;
- Provision of public open spaces, consisting of a pocket park on the corner of Hercules and Kintore Street and a strip of land adjacent to the light rail corridor connecting between Hercules Street and New Canterbury Road; and
- A three level basement car park accommodating 29 spaces, with entrance off the middle of the Kintore Street frontage and a three level basement car park accommodating 137

spaces, with entrance off the middle of the Hercules Street frontage.

The proponent has worked responsively with Council, through the pre planning proposal and planning proposal stages, including referral comments received from the Architectural Excellence Panel, which has resulted is a highly advanced envelope and architectural concept, based on a good understanding of the site and its context and providing a well-considered approach to connectivity, the public domain, heritage preservation and density. This gives a high level of confidence about the potential built outcome that will result from the planning proposal.

While the development intention of the planning proposal as outlined by the concept is supported, some alterations to the proposed planning controls is recommended, to ensure they match the proposed envelopes and lead to the desired land use and built outcomes.

The proponent has provided a voluntary planning agreement offer for public open space and affordable housing. This would be provided in addition to Section 94 contributions and other public domain works provided as part of the development. The value of the public benefits or otherwise of the offer will need to be the subject of further evaluation and negotiation with the proponent after any Gateway determination from the Department of Planning and Environment and prior to the final determination of the planning proposal.

The proposal is considered to have strategic merit as it involves increasing residential densities in a highly accessible location and is consistent with the direction of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The proposed redevelopment has the potential to provide significant community benefit through public domain improvements, improved pedestrian linkages and affordable housing, associated with the terms of the final VPA to be negotiated with Council. Accordingly, it is recommended that Council resolve to forward the planning proposal in the manner recommended in this report to the Department of Planning and Environment for Gateway determination.

RECOMMENDATION

THAT:

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 9 m)

Item 12

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.

1. BACKGROUND

On 21 October 2015 Council received a Pre-Planning Proposal Advice application for a mixed use development, as well as provision of open space and the ongoing use of a church at 28 Hercules Street. The proposal was supported by an Urban Design Report that provided analysis of the site and surrounds and a concept design consisting of 5 storey residential envelopes on the majority of the site; an 8 storey 'landmark' building adjacent to the light rail corridor; retention and alteration of the church building; some ground floor retail fronting New Canterbury Road; and public open spaces, consisting of a pocket park on the corner of Hercules and Kintore Street and a link adjacent to the light rail corridor. An advice letter was sent to the proponent on 10 December 2015, including comments from the Architectural Excellence Panel (AEP), which generally supported the proposal, given the development was consistent with the draft Sydenham to Bankstown Urban Renewal Corridor Strategy and the scale was generally appropriate for the site. The advice recommended improvements to the envelope treatment and configuration of zoning and development standards to achieve the desired development outcome. It also supported the open spaces being offered (while noting

the limitations of the small pocket park) and suggested other public domain and social infrastructure (affordable housing) needs in the locality that the development should contribute towards.

On 27 July 2016, Council received the subject planning proposal. An additional information letter was sent out on 29 August 2016 to address certain information missing and clarify aspects of the proposal, which the applicant has subsequently addressed.

Amendments to the Planning Proposal were submitted in June 2017, responding to issues raised. The proponent has now gained ownership of No. 26 Hercules Street (on which the public open space pocket park is proposed to be located), and has modified the planning proposal to include the front part of 26-28 Hercules Street to be in the Primary Site. This enables the implementation and dedication of the public open space pocket park to be delivered as part of a VPA tied to the development of the Primary Site, along with the church alterations and additions, which are required in order for the rear part of these properties to be excised and be added to the Secondary Site.

LRAC considered this report at its Meeting on 11 July 2017 and recommended:-

L0717 Item 4 Planning Proposal No. DA201600376 at 466 - 480 New Canterbury Road and 26 -38 Hercules Street Dulwich Hill
Recommendation: Drury / Stott
THAT the LRAC calls on the Administrator to defer the consideration of this proposal until the Minister makes a decision about the Sydenham to Bankstown Urban Renewal Corridor Strategy.
CARRIED

Officers Comment

The Sydenham to Bankstown Urban Renewal Corridor Strategy is currently on public exhibition until 3 September 2017. There is no mandated timeframe in which the Minister must make a decision on the Strategy. It is not expected that a decision will be made on the Strategy until late 2017 or early 2018.

Although Council may determine to hold the proposal in abeyance until such time that the Strategy is in place, the proponent will have the opportunity during this period to submit a pre-Gateway application to the Department of Planning and Environment and circumvent Council's decision. The pre-Gateway application could revert to the proponent submitting the planning proposal as originally submitted to Council which is a less desirable proposal to that currently before Council.

This approach is not recommended as Council staff have worked proactively with the proponent to shape a planning proposal that will deliver an improved built form outcome, public open space, improve the condition of the Church on site and provide a quality urban domain and access to Dulwich Grove Light Rail Station.

2. THE SITES AND SURROUNDING DEVELOPMENT

The site that the planning proposal relates to consists of 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill. The site is bounded by New Canterbury Road (a major, highly trafficked RMS classified road) to the north (with a 78.46 m long frontage); Kintore Street to the east (being 60.96 m in width), Hercules Street on the south (being 75.759 m in length); and the light rail / GreenWay corridor (with the light rail situated 6-9 m below the site level in a deep cutting) to the west (being approximately 61.17 m in total width - consisting of 13.565 m, 16.915 m and 30.685 m segments). The total site area is 4,743 sqm.

Item 12

The site accommodates a number of buildings of various ages and styles which are used for light industrial and artisan purposes. On-site parking is available in an existing at grade parking area on the southern portion of the site from Hercules Street, which also provides some limited servicing. The buildings on the north-eastern corner of the site comprise traditional two storey shop top housing, while the south-eastern corner of the site accommodates a two storey church building and single storey brick and tile cottage.

The site is located approximately 8km south-west of the Sydney CBD; 1km north of Cooks River; 800m north of Dulwich Hill Railway Station; 300m south-west of Dulwich Hill Centre; 400m south-west Dulwich High School of Visual Arts and Design; opposite the Dulwich Hill Primary School (on the other side of Hercules Street); and directly adjacent to the entrance to the Dulwich Grove Light Rail Stop (at the north-western corner of the site). The site is situated 100m from bus stops on both sides of New Canterbury Road for multiple Sydney Buses routes (418, 428, 444, 445 and L28), with routes 425 and 426 located on nearby Marrickville Road. The site is also located adjacent to the regional RR08 Newtown to Canterbury cycling route (running along Hercules Street); regional RR01 Cooks River to Iron Cove GreenWay cycling/walking route running along the path to the west of the light rail corridor (at street level above the cutting); and near local LR18 Marrickville Station to West Dulwich Hill cycle route (running along nearby Beach Road).

The area around the site has a mix of zonings, including Residential R1 – General Residential; R2 – Low Density Residential; R3 Medium Density Residential; R4 – High Density; B1 – Neighbourhood Centre; B2 – Local Centre; and B4 – Mixed Use. This reflects the mix of uses, including light industrial, warehousing, retail/commercial mixed-use and medium density residential uses, with retail in the Dulwich Hill Centre and single dwelling housing further from the site, in the surrounding Dulwich Hill suburb.

Image 1: Site location

The planning proposal relates to the properties shown in the table and map below, which comprises a Primary Site and a Secondary Site. Nos. 474 - 480 New Canterbury Road and 26 and 34-38 Hercules Street are currently owned by the proponent, and it is understood that an arrangement has been made with the Greek Orthodox Church of the Holy Unmercenaries at 28 Hercules Street, to undertake alterations and additions to the church building (to reduce the

building length but widen it slightly) and undertake boundary adjustments to change the configuration of the church property. Except for the rear part of Nos. 26-28 Hercules Street these properties form the Primary Site. The remaining properties form the Secondary Site, which may be developed separately.

Address	Lot/DP	Area	Interest
474 New Canterbury Road, Dulwich Hill	Lot 1&2 DP540366	1026.0 sqm	Primary Site
476 New Canterbury Road, Dulwich Hill	Lot 3 DP236603	371.5 sqm	Primary Site
478 New Canterbury Road, Dulwich Hill	Lot 2 DP236603	371.5 sqm	Primary Site
480 New Canterbury Road, Dulwich Hill	Lot 1 DP236603	524.2 sqm	Primary Site
Front part of 26 Hercules Street Dulwich, Hill	Front part of Lot 14 Sec 4 DP932	Approx. 216 (of 306.1) sqm	Primary Site
Front part of 28 Hercules Street Dulwich, Hill	Front part of Lot 4 DP540366	Approx. 216.5 (of 306.6 sqm)	Primary Site
34 Hercules Street Dulwich, Hill	Lot 7 DP236603	371.5 sqm	Primary Site
36 Hercules Street Dulwich, Hill	Lot 6 DP236603	371.5 sqm	Primary Site
38 Hercules Street Dulwich, Hill	Lot 5 DP236603	482.3 sqm	Primary Site
466 New Canterbury Road, Dulwich Hill	Lot 1 DP542147	148.5 sqm	Secondary Site
468 New Canterbury Road, Dulwich Hill	Lot 2 DP542147	148.5 sqm	Secondary Site
470 New Canterbury Road, Dulwich Hill	Lot 3 DP542147	142.1 sqm	Secondary Site
472 New Canterbury Road, Dulwich Hill	Lot 4 DP542147	170.7 sqm	Secondary Site
Rear part of 26 Hercules Street Dulwich, Hill	Rear part of Lot 14 Sec 4 DP932	Approx. 90.1 sqm (of 306.1) sqm	Secondary Site
Rear part of 28 Hercules Street Dulwich, Hill	Rear part of Lot 4 DP540366	Approx. 90.6 sqm (of 306.6) sqm	Secondary Site

Item 12

Image 2: Identification of subject site

3. EXISTING PLANNING CONTROLS

The site is currently zoned IN2 Light Industrial; has no Height of Building (HOB) development standard and has a 0.95:1 floor space ratio (FSR) development standard.

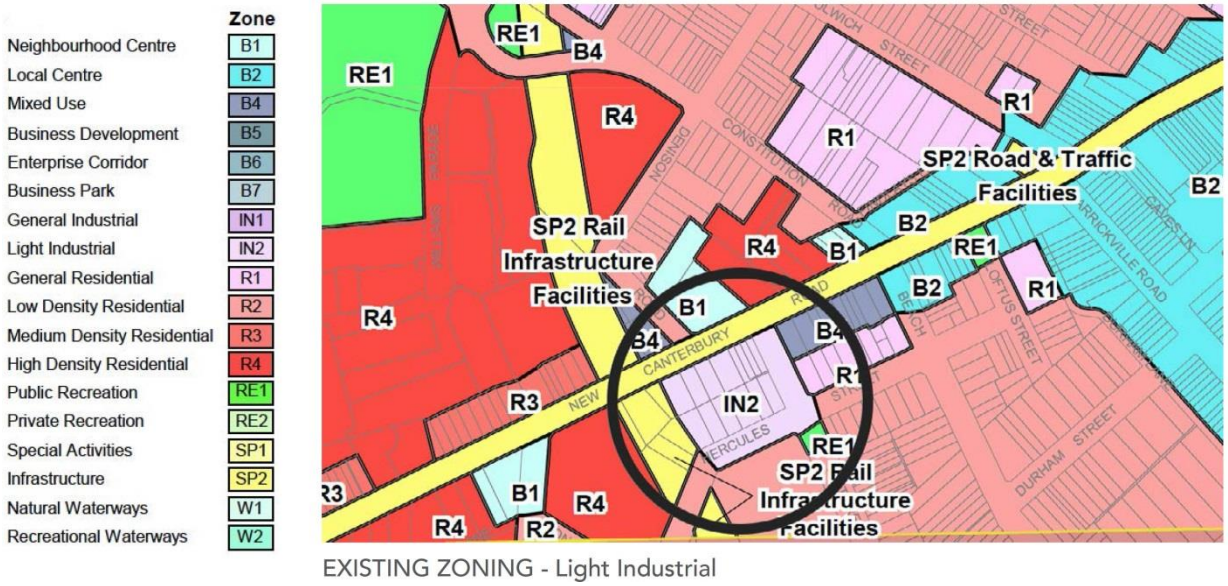
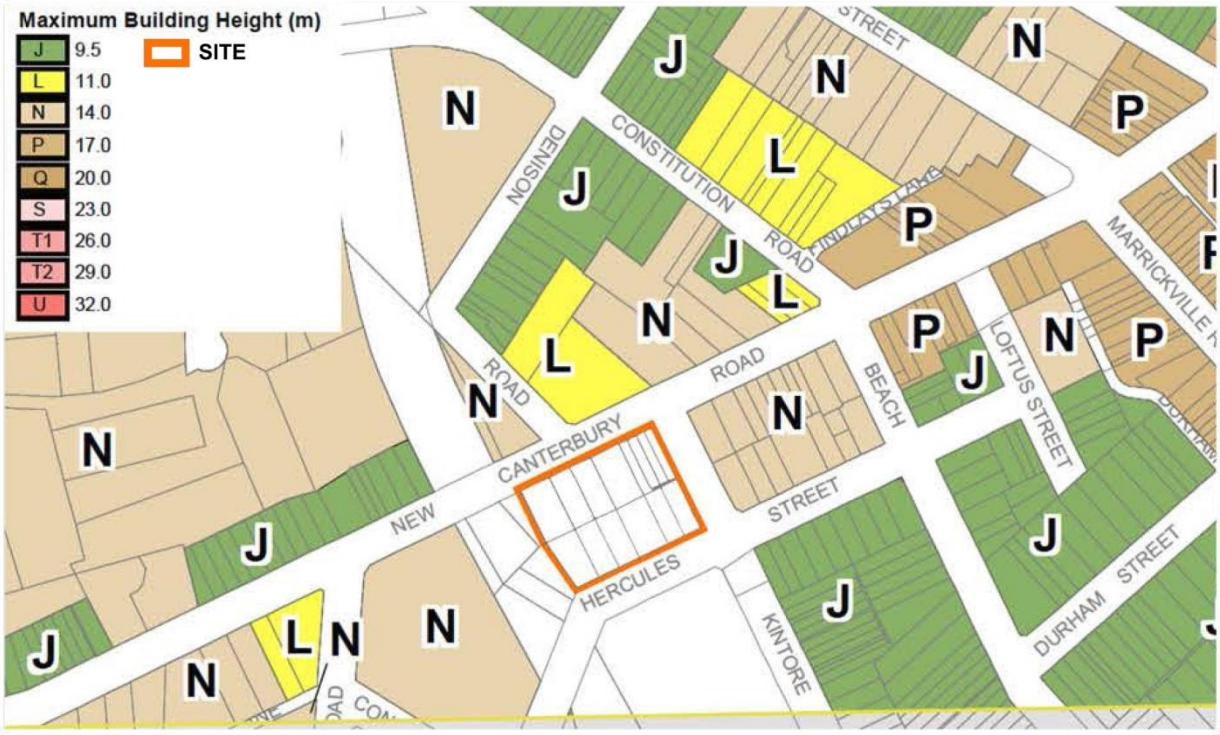
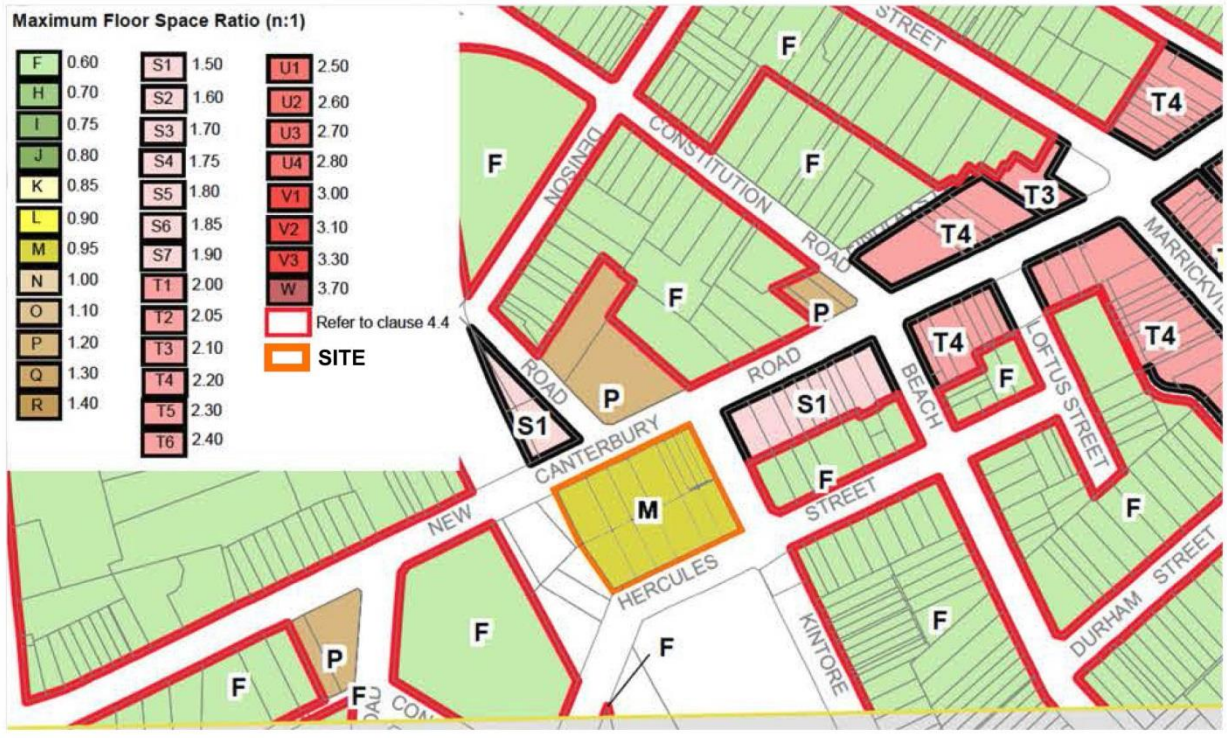


Image 3: Existing MLEP 2011 zoning



MAXIMUM HEIGHT MAP

Image 4: Existing MLEP 2011 Height of Building



MAXIMUM FSR MAP

Image 5: Existing MLEP 2011 Floor Space Ratio

4. DETAILS OF THE PLANNING PROPOSAL

The planning proposal seeks to amend Marrickville Local Environmental Plan (MLEP) 2011 by:

1. Amending the zoning from IN2 Light Industrial to RE1 Public Recreation for the part of No. 480 New Canterbury Road (Lot 1 DP236603) and part of 38 Hercules Street (Lot 5

Item 12

DP236603) relating to the proposed link along the western edge of the site, and the front part of No. 26 Hercules Street (Lot 14 Section 4 DP932) relating to the proposed pocket park on the south-eastern corner of the site;

2. Amending the zoning from IN2 to B5 for the remaining land;

3. Including a clause 22 in Schedule 1 Additional permitted uses as follows:

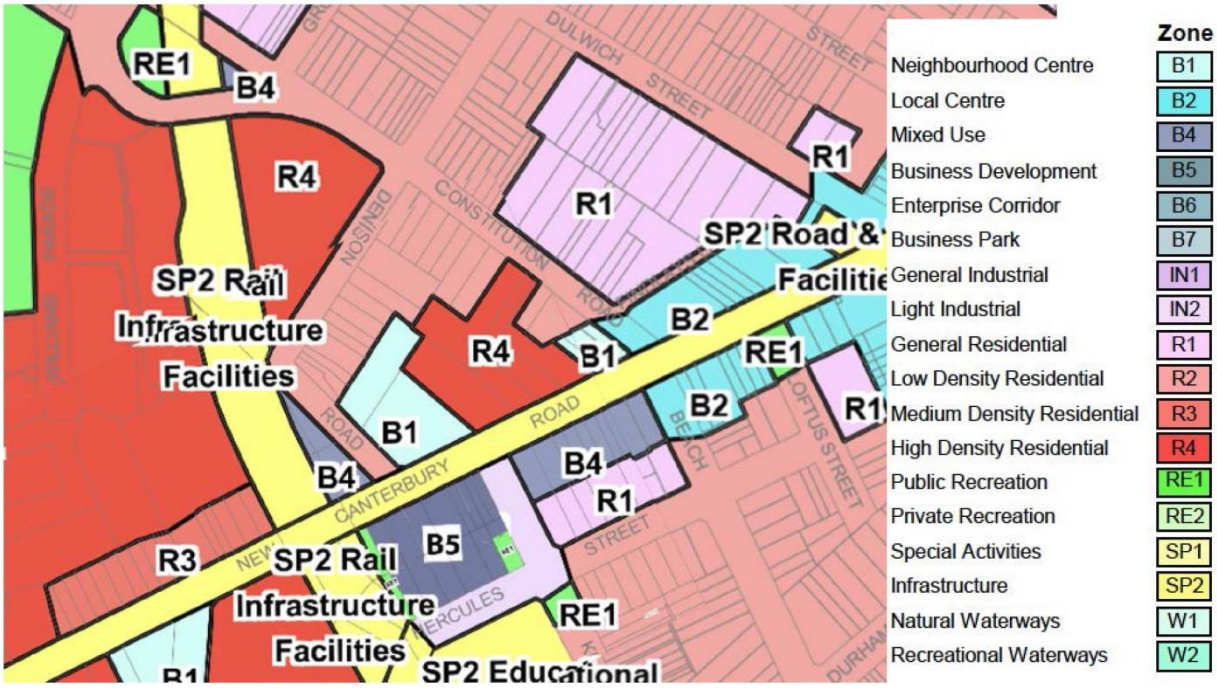
22. Use of certain land at 466 - 480 New Canterbury Road, Dulwich Hill

(1) This clause applies to land at 466–480 New Canterbury Road and 26 – 40 Hercules Street, Dulwich Hill, being Lot 1 DP236603; Lot 2 DP236603; Lot 3 DP236603; Lot 5 DP236603; Lot 6 DP236603; Lot 7 DP236603; Lot 1 DP540366; Lot 2 DP540366; Lot 1 DP542147; Lot 2 DP542147; Lot 3 DP542147; Lot 4 DP542147; Lot 4 DP540366; Lot 14 Section 4 DP932;

(2) Development for the purpose of a residential flat building is permitted with development consent, as part of a mixed use development, but only if:

(a) neighbourhood shops are only permitted within 45m of the New Canterbury Road entry of Dulwich Grove Light Rail Station, and

(b) any dwelling located on the ground floor will not have frontage to New Canterbury Road.



PROPOSED ZONING - Business Development & Public Recreation

Image 6: Proposed amendment to MLEP 2011 zoning

4. Amending the MLEP 2011 height of building (HoB) map from no height identified to:

(a) 20 metres for Nos. 466-472 New Canterbury Road (Lots 1, 2, 3 and 4 DP542147), the front part of No. 474 New Canterbury Road (Lot 1 DP540366), 476 New Canterbury Road (Lot 3 DP236603) and rear part of Nos. 26-28 Hercules Street (Lot 14 Sec 4 DP932 and Lot 4 DP540366);

(b) 23 metres for the rear part of No. 474 New Canterbury Road (Lot 2 DP540366) and No. 34 Hercules Street (Lot 7 DP236603); and

(c) 32 metres for Nos. 478-480 New Canterbury Road (Lots 1 and 2 DP236603) and 36-38 Hercules Street (Lots 5 and 6 DP236603), excluding the land proposed to

be zoned RE1 public recreation relating to the link along the western edge of the site;

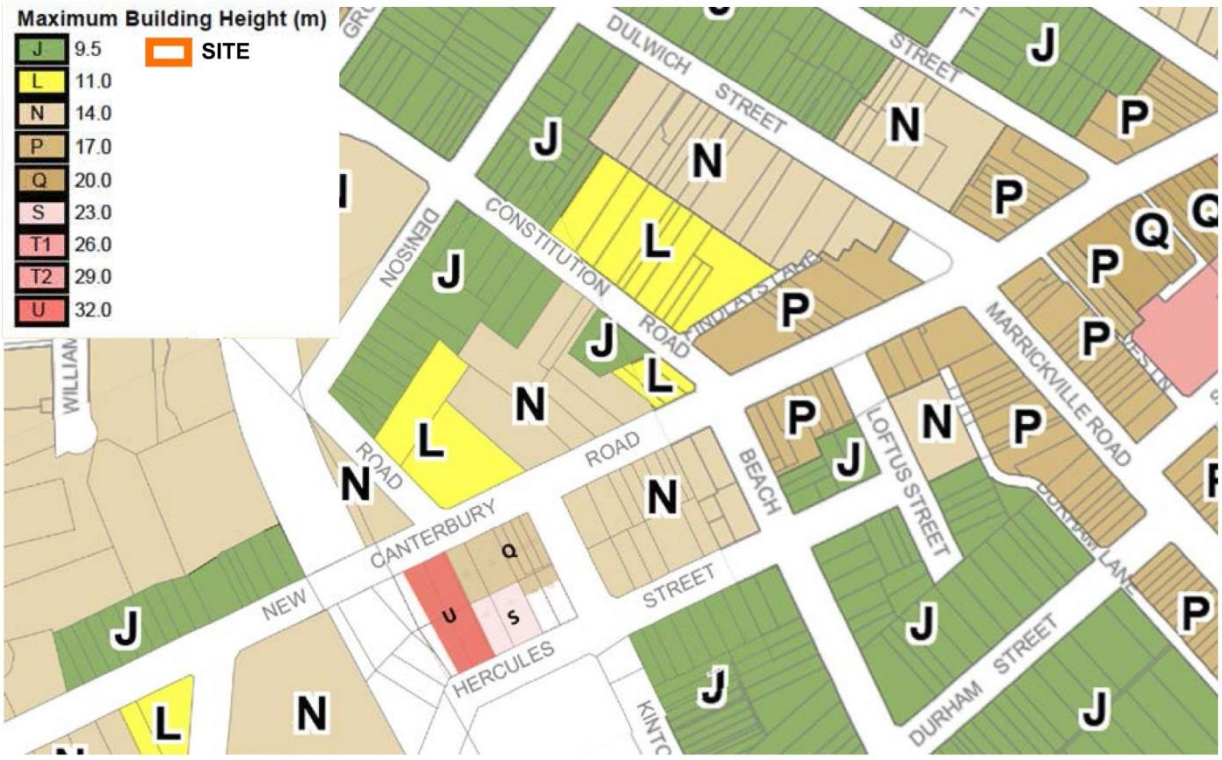


Image 7: Proposed amendment to MLEP 2011 Height of Building

5. Amending the MLEP 2011 floor space ratio (FSR) map from 0.95:1 FSR to:

   (a) 3.0:1 for Nos. 466-472 New Canterbury Road (Lots 1, 2, 3 and 4 DP542147) and rear part of Nos. 26-28 Hercules Street (Lot 14 Sec 4 DP932 and Lot 4 DP540366);
   (b) 2.2:1 for No. 474 New Canterbury Road (Lot 1 and 2 DP540366), 476 New Canterbury Road (Lot 3 DP236603) and No. 34 Hercules Street (Lot 7 DP236603);
   (c) 3.3:1 for Nos. 478-480 New Canterbury Road (Lots 1 and 2 DP236603) and 36-38 Hercules Street (Lots 5 and 6 DP236603);
   (d) 1.2:1 for the front part of No. 28 Hercules Street (Lot 4 DP540366); and
   (e) No FSR indicated for the front part of No. 26 Hercules Street (Lot 14 Sec 4 DP932), relating to the land proposed to be zoned RE1 public recreation for a pocket park in the south-eastern corner of the site.

Image 8: Proposed amendment to MLEP 2011 Floor Space Ratio

The planning proposal is accompanied by the following supporting documentation:

- Urban Design Report
- Assessment of Traffic and Parking Implications
- Preliminary Site Investigation (investigating potential contamination)
- Waste Management Plan
- Heritage Assessment
- Overland Flow Flood Advice

The supporting Urban Design Report outlines the envelope and architectural concept, including calculations of FSR and HoB, which confirms that the proposed FSR and HoB in the planning proposal correlates with the desired massing for the site. The submitted envelope and architectural concept consists of:

- A perimeter block layout, with built form generally massed to the site edges and provision of a shared central communal open space courtyard, approximately 16 m wide x 34 m long in size.

- Five storey mixed use development along New Canterbury Road, with retention of the four two-storey shop facades near Kintore Street corner, ground floor non-residential use (with retail limited to the north-western corner of the site opposite the light rail stop entrance onto an integrated forecourt area and residential above, massed to the New Canterbury Road boundary and to Kintore Street near the corner (with a recess on level 2 where it is above the retained façade);

- Eight storey, part nine storey for a minor part fronting Hercules Street, ‘landmark’ mixed use and residential flat building massed to the western side of the site adjacent to the light rail / GreenWay corridor but setback 6-8 m, and setback a minimum of 7.5 m from the New Canterbury Road boundary (and five storey street wall massing);

- Five storey residential flat building in the central part of Kintore Street fronting side of the site, setback minimum 3 m form the Kintore Street boundary;

- Five storey, part six storey for a minor part fronting Hercules Street, residential flat building in the central part of Hercules Street fronting side of the site, setback minimum 3 m from the Hercules Street boundary;

- Retention and alteration of the Greek Orthodox Church of the Holy Unmercenaries, located at 28 Hercules Street, involving relocation of its apse from its rear to its eastern side, to connect to a new community space/garden

- Provision of public open spaces, consisting of a pocket park on the corner of Hercules and Kintore Street (approximately 9 m wide x 22m long and 210 sqm in area) and a strip of land adjacent to the light rail corridor connecting between Hercules Street and New Canterbury Road (approximately 6-8 m wide x 61 m long and 397 sqm in area) that will have a 2m wide shared walking/cycling path, trees and other landscaping (and potentially integrated landscape treatment on the top of the rail cutting on Transport for NSW (TfNSW) owned land and public domain treatment at the entrance of the Dulwich Grove light rail stop to create a larger integrated forecourt over TfNSW, Council and proponent owned land).

- A three level basement car park accommodating 29 spaces, with an entrance from the Kintore Street frontage, allowing separate development to occur for Nos. 466-472 New Canterbury Road (Lots 1, 2, 3 and 4 DP542147) and the rear part of Nos. 26-28 Hercules Street (Lot 14 Sec 4 DP932 and Lot 4 DP540366), if required.

- A three level basement car park accommodating 137 spaces, with an entrance from the Hercules Street frontage, to serve the remaining mixed use development.

5. Developer Contributions

The proponent has advised that they intend on entering into a Voluntary Planning Agreement (VPA) with Council, outlined as follows to comprise:

1. *Public open space on the western side of subject site on the interface with the light rail corridor. This new space will:-*
   - *effectively provide a through-site-link between the residential lands to the south and the entry to the Dulwich Grove Light Rail Station;*
   - *provide improved pedestrian and bicycle access through the site; and*
   - *form part of an important link within the broader pedestrian network that links Dulwich Hill and the light rail and bus network.*

   The developer offers to finance the embellishment works and dedicate the land to Inner West Council on the western side of subject site (as show on Annexure A) on the interface with the light rail corridor to the value of $2.41m (land $1.4m, embellishment $1m) for the benefit of the general public as an additional public benefit provided as part of the project.

2. *Public open space provision on the south-eastern of subject site fronting Hercules and Kintore Streets. This new public open space will:-*
   - *provide a pocket park for use by the broader residents of the Hercules/Kintore Street precinct;*
   - *provide a visual curtilage to the Church of the Holy Unmercenaries; and*
   - *form part of an important link within the broader open space network of Dulwich Hill.*

   The developer offers to finance the embellishment works and dedicate the land to Inner West Council on the south-eastern of subject site (as show on Annexure A) fronting

Item 12

Hercules and Kintore Streets to the value of $1.93m (land $1.3m, embellishment $0.63m) for the benefit of the general public as an additional public benefit provided as part of the project.

3. *Public owned affordable housing provision in close proximity to the light rail station. This new public owned affordable housing will:-*
   - *be completed to the same standard as the other housing units; and*
   - *be dedicated to the Council as strata lots as part of the strata plan.*

   There is no requirement under the Marrickville Local Environmental Plan 2011 for the dedication of these affordable housing units. Notwithstanding this, the developer offers to construct, strata sub-divide and dedicate the units to Inner West Council on the subject site of 3% of the apartments (5 apartments under the proposed scheme) in the same mix as the DCP or cash equivalent for the benefit of the general public as an additional public benefit provided as part of the project.

The voluntary planning agreement would not exclude (wholly or in part) the application of section 94, 94A or 94EF. The benefits under the agreement are not to be taken into consideration in determining a development contribution under section 94.

Other public benefits identified by the proponent that the redevelopment will provide, are the

- retention (and expected restoration) of the facades of the four shops on the north-eastern corner of the site (corner New Canterbury Road and Kintore Street), and
- retention (with some alteration improvements) of the Greek Orthodox Church of the Holy Unmercenaries,

that the proponent has considered worthy of retention as identified in a supporting heritage study submitted with the planning proposal, while not being worthy of heritage listing.

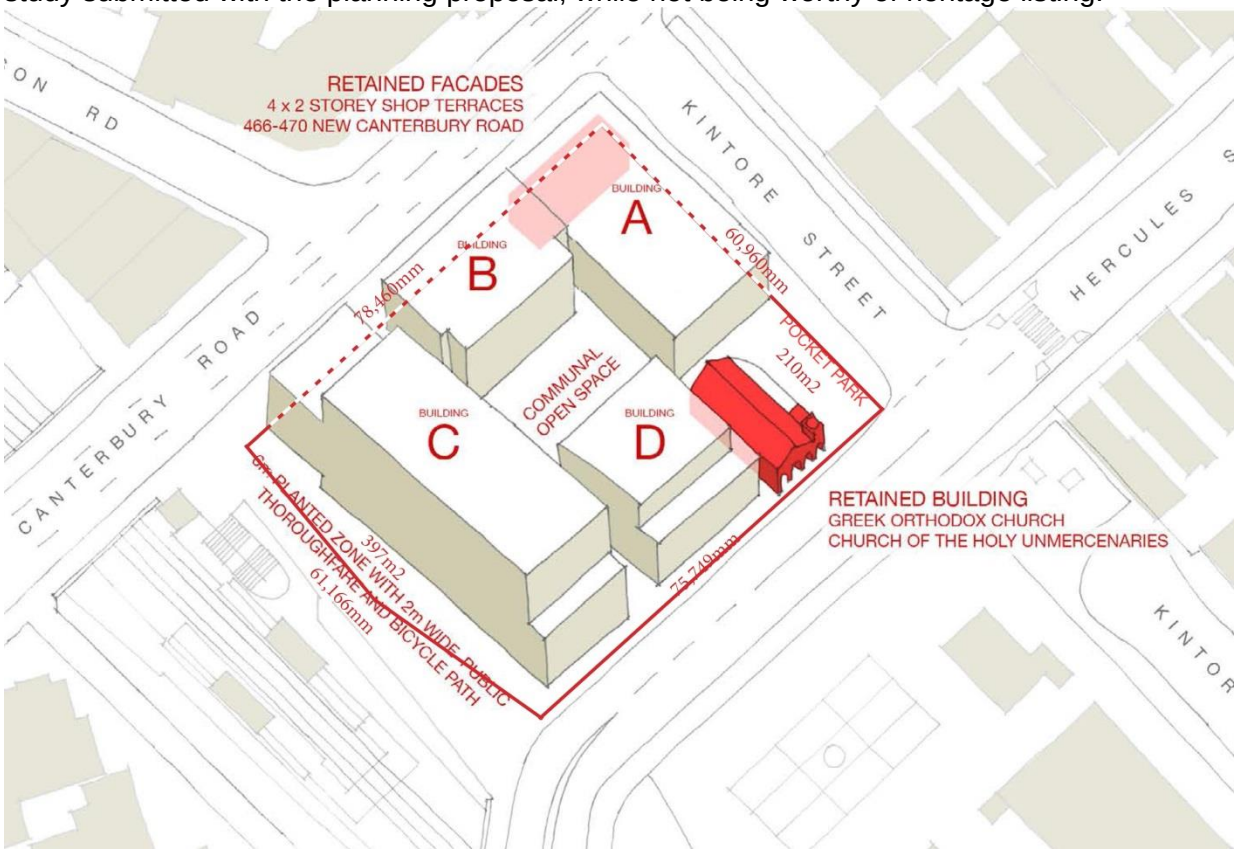


Image 9: Proposed public benefits (also refer to ground floor plan in attachments)

While Council is generally supportive of the provision of the 'pocket park' as green open space and the link providing public access, referral comments from the Public Domain Planning Unit within the Recreation and Aquatics Group considered the open spaces being offered do not offer great recreation benefit to the LGA and as such it would not be worth the expense for

Council to take ownership of these facilities. However, Environmental Services and Planning Services find value in Council taking ownership for these spaces to be fully public open space (especially in relation to the Light Rail Station forecourt, link between Hercules Street and New Canterbury Road and landscaping on the edge of the GreenWay in accordance with GreenWay landscape guidelines, to enhance the GreenWay access, biodiversity and a habitat corridor, and ensure ongoing stewardship of this area can be achieved).

While the retention of the church and 'heritage' facades have only limited public benefit it will be a positive outcome to enable architectural, social and cultural continuity for the area. While there are no mechanisms to protect the church, it will benefit from the property now being in the Primary Site, requiring alterations and addition in order for the rear part of the property to be excised and be added to the Secondary Site. Additionally, the planning controls recommended will result in the site having limited development potential, which will assist in the long term retention of the church rather than it being redeveloped. In regards to the heritage facades, it is considered reasonable that the merits of the retention of the 'heritage' facades be considered as part of any future DA of the Secondary Site.

The proponent has been informed that other contributions could be delivered as part of the development (potentially of greater strategic value) such as improvements to Transport for NSW owned Dulwich Grove Light Rail Stop entrance (to assist creating an integrated forecourt); implementation of the GreenWay missing link near the site (shared walking/cycling route RR01); cycling route RR08 along Hercules Street; public domain improvements surrounding the site, such as street trees, verge extensions to allow larger street trees and streetscape improvement, undergrounding or aerial bundling of power lines; provision of green walls; and public art.

The value of the public benefits or otherwise of the offer will need to be the subject of further evaluation and negotiation with the proponent after any Gateway determination from the Department of Planning and Environment and prior to the final determination of the planning proposal. Any draft VPA supported will be placed on exhibition concurrently with any planning proposal receiving Gateway.

6. ASSESSMENT OF PROPOSED ENVELOPES AND ARCHITECTURAL CONCEPT

The proponent has worked responsively with Council, through the pre planning proposal and planning proposal stages, providing detailed analysis of the site and its context; multiple preliminary envelope massing studies; presentations of public domain and other public benefit; proof of concept architectural plans and perspective drawings; shadow diagrams and presentation of other visioning images. While the envelope and architectural concept has been generally supported by the AEP, recommendations were provided to refine the envelopes and architectural concept.

Key recommendations included pushing the mass to the New Canterbury Road boundary; providing increased setback of the upper 3 storey 'landmark' building component; providing step down of the 5th storey to the north of the central communal courtyard; providing horizontal and vertical breaks between main building parts; and providing commercial activation fully along New Canterbury Road (instead of residential with poor amenity), to improve the quality of the built form and the streetscape, as well as solar amenity to the central communal open space. The comments from the AEP were reflected in submitted amendments to the planning proposal and Urban Design Report.

The shadow diagrams submitted demonstrate that in mid-winter some of the apartments to the west will only be shadowed from 9.00am to approximately 10.30am. The orientation of these units is such that the units will receive solar access to northern-eastern windows and private open space for 2 hours from 10.30 to 12.30 and south-eastern windows currently will have very limited solar access, resulting in minimal loss of solar access to these windows. The envelope will not shadow any other residential properties. While schools have no solar access

controls it is noted that the playground of the Dulwich Hill Primary School will only be significantly shadowed in mid-winter after 1.30pm, after lunch time use.

The collaboration with the proponent has resulted in a highly advanced envelope and architectural concept being submitted in support of the planning proposal, based on a good understanding of the site and its context and providing a well-considered approach to connectivity, the public domain, heritage preservation and density. From the submitted solar access analysis it is considered it is sufficient to support the planning proposal to proceed to gateway. This gives a high level of confidence about the potential built outcome that will result from the planning proposal.

7. STRATEGIC CONTEXT ASSESSMENT

(i) A Plan for Growing Sydney (2014)

A Plan for Growing Sydney was released in late 2014 and sets the direction for planning in Sydney over the next 20 years.

The proponent considers the planning proposal to be consistent with A Plan for Growing Sydney, outlining that *the future of New Canterbury Road under the Sydney Metropolitan Plan and the Marrickville LEP is for the future development of this corridor as an intensive mixed use locality of residential, shops, restaurants and services*.

A Plan for Growing Sydney contains a number of broad objectives relating to the supply of housing across the Sydney area. It notes that Sydney's population growth will require an additional 664,000 dwellings by 2031. The document contains overarching principles on how to accommodate population growth and housing supply relevant to this planning proposal including:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas;
- Direction 2.1: Accelerate housing supply across Sydney; and
- Direction 1.9: Support priority economic sectors (requiring under Action 1.9.2 that new proposals to convert existing industrial zoned land to other uses being assessed under the Industrial Lands Strategic Assessment Checklist)

It is considered that the planning proposal is consistent with Principle 1 and Direction 2.1 as it will provide additional residential accommodation in close proximity to existing services and public transport.

In terms of Direction 1.9, the updated Marrickville Employment Lands Study (MELS) 2014, does not make a specific recommendation concerning appropriate planning controls for the subject site. However, Action 4.3 supports *rezoning of select residential interface sites to B4 Mixed Use: Some industrial sites that are peripheral to the main industrial precincts, or are fragmented, but have good public transport accessibility and are not constrained may be appropriate for mixed use zoning. Rezoning to B4 Mixed Use should not compromise existing industrial activity and should not jeopardise the future role and function of industrial precincts and should not risk the ability of the LGA to meet demand employment targets*.

The subject site is an isolated, fragmented, industrial zoned land holding, such that the proposed rezoning will not compromise existing industrial activity or jeopardise the future role and function of industrial precincts. The site also has excellent public transport accessibility and is not constrained such that it is suitable for mixed use zoning / residential zoning. In addition to this, the recommended B5 zoning on the New Canterbury Road side of the site will allow for the continuation of some employment uses fronting New Canterbury Road. The B5 zone has been nominated instead of B4 to ensure a greater mix of employment, such as

business premises and office premises, with a Schedule 1 Additional permitted uses clause being added to allow retail premises only adjacent to the Dulwich Grove Light Rail Stop.

(ii) Towards Our Greater Sydney 2056

The Greater Sydney Commission has been tasked with reviewing A Plan for Growing Sydney as well as developing District Plans. As part of the review of A Plan for Growing Sydney, a new document entitled Towards Our Greater Sydney 2056, which is seen as the first part of the process of reviewing A Plan for Growing Sydney, has been developed and publicly exhibited. The need for this document has arisen out of a shift in the focus of strategic planning since the release of A Plan for Growing Sydney. The document seeks to redefine the community's understanding of Greater Sydney as a metropolis of three cities, being Eastern City, Central City and Western City.

This document provides broad objectives in relation to the future operation of Greater Sydney, including A Productive Sydney, A Liveable Sydney and a Sustainable Sydney. It is considered that this planning proposal is consistent with the broad aims of this document as it seeks to provide additional residential accommodation near an existing centre with good access to services and public transport.

(iii) Draft Central District Plan

Subregional planning strategies (District Plans), to support the aims of A Plan for Growing Sydney, have been prepared and are currently in draft form following a public consultation period that finished on 31 March 2017.

The draft Plans aim to facilitate well-coordinated, integrated and effective planning for land use, transport and infrastructure across the Greater Sydney Region over the next 20 years.

The Inner West Council is located within the Central District and the following assessment considers the planning proposal, having regard to the relevant sections of the draft Central District Plan (dCDP):

4.3 Improving housing choice

The dCDP establishes a housing target for the Inner West Council to provide an additional 5,900 dwellings by 2021. The dCDP requires Council to undertake a number of actions in relation to housing supply, including the following:

- monitor and support the delivery of Inner West's five-year housing target of 5,900 dwellings
- investigate local opportunities to address demand and diversity in and around local centres and infill areas with a particular focus on transport corridors and other areas with high accessibility.

The additional densities sought as part of this planning proposal will assist Council in meeting its dwelling target, whilst increasing housing diversity in close proximity to a local centre (Dulwich Hill Centre) and public transport (Dulwich Grove Light Rail Stop).

4.4.4 Deliver Affordable Housing

The dCDP requires the relevant planning authority to include an Affordable Rental Housing Target as a form of inclusionary zoning and sets a target of 5% to 10% of new floor space at rezoning stage.

The proponent has advised that they intend on entering into a Voluntary Planning Agreement (VPA) 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 DCP or cash equivalent for the benefit of the general public.

In light of the requirements outlined in Council's Affordable Housing Policy (and the dCDP), the proponent has advised that they are willing to negotiate with Council as to the public benefits to be provided as part of the final VPA.

The value of the public benefits or otherwise of this offer is still the subject of evaluation and negotiation with the proponent. The final terms of the offer can be finalised after any Gateway determination and prior to the final determination of the planning proposal.

4.6 Create Great Places

The dCDP encourages design led planning that produces good architecture and planning as elements of a people centred, sustainable, liveable environment. The dCDP 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 proponent has provided architectural drawings as part of the planning proposal that demonstrate the built form vision of the planning proposal. The architectural plans have been reviewed by Council's AEP who are generally supportive of the proposed schemes. As part of the planning proposal the proponent has identified significant public domain improvements which coupled with high quality architecture will create a well-designed, healthy, safe and inclusive space.

(iv) Marrickville Urban Strategy (2007)

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

The MUS supports the aim of locating additional residential development in and around existing centres with good access to public transport and services. The MUS adopted six urban renewal approaches to inform policy options for future residential development within the LGA. These are:

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

The planning proposal is consistent with the criteria established in the MUS, particularly approaches 1, 3 and 6.

(v) Revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy

The draft Sydenham to Bankstown Urban Renewal Corridor Strategy (draft Strategy) and precinct plans were released by the Department of Planning and Environment on October 2015. Under this draft Strategy and the Dulwich Hill Precinct plan, the subject site was identified for medium-high rise housing. In June 2017, a revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy (revised draft Strategy) and precinct plans were released by the Department of Planning and Environment. Under the revised draft Strategy and Dulwich Hill Station Precinct plan, the subject 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 eight storeys under 6.3 Built form typology.

The proposal is generally consistent with the strategic direction identified under the revised draft Strategy and Dulwich Hill Station Precinct plan. However, 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, becoming 9 storeys in a minor section due to the land dropping away to the south-western corner (which will ensure an active frontage). It is considered the generally

lower height with minor 9 storey inconsistency as massed in the planning proposal will create a better urban design outcome. The other inconsistency is that the part of the site fronting New Canterbury Road is to be a B5 (combined with a Schedule 1 Additional permitted use to allow residential throughout and retail in the north-western corner), that will require this part of the site to be a mixed use development rather than purely residential as identified in the draft Strategy and Dulwich Hill Station Precinct plan. It is considered this is 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 servicing the location, adjacent to the Dulwich Grove Light Rail Stop, and position between the Stop and the Dulwich Hill Centre.

(vi) Marrickville Community Strategic Plan 2023

Marrickville Council's Community Strategic Plan (CSP) 2023 was adopted by Council in June 2013. The plan sets the desired future direction and priorities for Council over a 10 year period. The planning proposal is considered to be consistent with the following key result areas contained in the CSP:

- 1.5.4 Pursue planning controls that support existing and new supplies of affordable housing – The proponent has advised that they intend on entering into a Voluntary Planning Agreement (VPA) with Council as outlined above. However, in light of the requirements outlined in Council's Affordable Housing Policy, the proponent has advised that they are willing to negotiate with Council as to the public benefits to be provided as part of the final VPA.
- 3.3.2 Promote accessibility of railway stations and bus stops – The subject site is located directly adjacent to the Dulwich Grove Light Rail Stop and 100m from bus stops on both sides of New Canterbury Road for multiple Sydney Buses routes (418, 428, 444, 445 and L28), with routes 425 and 426 located on nearby Marrickville Road. The planning proposal and VPA being negotiated includes a public open space link adjacent to the light rail / GreenWay corridor, providing a connection between Hercules Street and New Canterbury Road at the Light Rail Stop and potentially public domain improvements to the Light Rail Stop entry by providing an integrated forecourt (being negotiated with TfNSW and Inner West Council land owners). Also the uplift proposed as part of this planning proposal is considered reasonable given it will be transport oriented development, increasing the population that will have access to the light rail and bus infrastructure.

(vii) The Inner West Council Interim Statement of Vision and Priorities

Council's recently adopted Interim Statement of Vision and Priorities will guide Council until a single Community Strategic Plan is developed for the Inner West. The Interim Statement, which was adopted at a Council meeting on 28 March 2017, contains eight high level priorities:

- Planning and development
- Transport
- Social vitality, creativity and quality of life
- Sustainability and the environment
- One Council
- Local industry and business
- Advocacy
- Local democracy

The planning proposal is considered to be consistent with these eight high level priorities.

(viii) State Environmental Planning Policies (SEPPs)

SEPPs are environmental planning instruments which address planning issues within the State. The following assessment considers the SEPPs that are relevant to the planning proposal:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

A preliminary site investigation (PSI) report prepared by STS GeoEnvironmental Pty Ltd was submitted as part of the planning proposal. The PSI report concluded that:

The results of the soil sampling program performed as part of this investigation show that the concentrations of chemical contaminants measured in the soils on the site are generally low and at levels that would not be expected to present an unacceptable risk to human-health or the environment for a mixed commercial and high-density residential land use setting. In addition, the results of the soil sampling program show that the site is not expected to be the source of unacceptable groundwater impacts.

Based on the results of this investigation and also that the site is proposed to be bulk excavated for a basement car parking facility as part of the proposed redevelopment, the site is likely to be made suitable for the proposed mixed commercial and high-density residential land use simply by developing the land in accordance with the current proposed plans. However, however given that a number of allotments which form part of the site were not able to be accessed during this investigation it is recommended that a thorough inspection of the site be undertaken by an environmental consultant at the time of redevelopment after the existing buildings and hardstand surfaces have been removed (when the underlying soils are exposed) in order to screen the site for potential soil impacts. In addition, given that the soil sampling performed as part of this investigation was preliminary in nature it is recommended that further limited soil sampling also be performed at the time of redevelopment to confirm that the concentrations of contaminants in the soils within the areas outside the footprint of the proposed bulk excavation are low and do not present an unacceptable risk to human-health or the environment for the proposed use of the land.

It is considered that sufficient information has been provided with this planning proposal to demonstrate that the proposal is consistent with the aims and objectives of the SEPP to enable the rezoning and density uplift to be supported. Further detailed investigation will be required with any future development application made for the site.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 and the Apartment Design Guide apply to residential flat buildings, shop top housing and the residential component of mixed use developments where the building is greater than three storeys in height and contains four or more dwellings.

The planning proposal was considered by Council's AEP who were generally supportive of the concept plan submitted that demonstrated that a good built and public domain outcome would result from the planning proposal and provided recommendations to improve the architectural treatment of any development application submitted for the site.

Accordingly the planning proposal is considered consistent with the requirements of SEPP 65.

(ix) Section 117 Directions

The following Section 117 Directions are relevant to this planning proposal:

Direction 1.1 Business and Industrial Zones

The relevant objective of Direction 1.1 is *(1) (b) to protect employment land in business and industrial zones*, and applies because *(3) the planning proposal will affect land within an existing or proposed business or industrial zone*. The relevant provisions are that the planning proposal *(4)* (a) *must give effect to the objectives of this direction,* (b) *retain the areas and locations of existing business and industrial zones,* and *(d) not reduce the total potential floor space area for industrial uses in industrial zones.*

However under *(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction.*

As discussed above, the proposal is consistent with the Draft Sydenham to Bankstown Urban Renewal Corridor Strategy, supporting medium-high density residential development on the subject site, satisfying this direction.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety of housing types, make efficient use of infrastructure, and minimise the impact of residential development on the environmental and resource lands.

The Direction requires a planning proposal to encourage housing that will broaden the choice of building types and locations available in the housing market; make more efficient use of existing infrastructure and services; reduce the consumption of land on the urban fringe; and be of good design.

The planning proposal is assessed as being consistent with this direction as it provides increased densities near an existing centre with good access to public transport (transit oriented development) and would therefore reduce demand for land on the urban fringe.

Direction 3.4 Integrating Land Use and Transport

As highlighted above, the changes sought as part of this planning proposal seek to increase densities in a highly accessible location. Accordingly, the planning proposal supports the efficient and viable operation of public transport systems and is consistent with this direction.

Direction 3.5 Development Near Licensed Aerodromes

The objectives of this Direction are to ensure the safe and effective operation of aerodromes; ensure that aerodrome operations are not jeopardised by hazards or obstructions; and that residential development near aerodromes are safe for human occupation.

The planning proposal seeks to increase the FSR and HoB development standards applying to the site. The planning proposal is however considered to be consistent with the direction given:

- The site is located below the 20 ANEF contour on the ANEF 2033 Contours Map; and
- Sydney Airports Corporation Limited (SACL) and the Department of Transport and Regional Development will be consulted with should the planning proposal receive Gateway determination.

Direction 7.1 Implementation of A Plan for Growing Sydney

This Direction gives legal effect to A Plan for Growing Sydney. For the reasons outlined above, the planning proposal is considered to be consistent with both "A Plan for Growing Sydney" and the "draft Central District Plan".

8. RECOMMENDED PLANNING CONTROLS

While the development intention of the planning proposal as outlined by the concept design within the submitted Urban Design Report, dated 23 May 2017, is supported, some alterations to the proposed planning controls is recommended, to ensure they match the proposed envelopes and lead to the desired land use and built outcomes. It is recommended that the Hercules Street side of the site be zoned R4 High Density Residential rather than B5, as there is no intention by the developer or strategic merit in having commercial uses fronting Hercules Street. Also it is considered best to apply a RE2 Private Recreation zone to the church land rather than B5 Business Development, as well as applying 9.5 m HoB and 0.6:1 FSR development standards (which are the default planning controls that have been applied to churches under MLEP 2011), to limit the redevelopment potential of the church, to support its ongoing protection. It is also recommended that 3 metres be removed from most of the HoB development standard, as the selected HoB is 4-4.5 metres above the proposed envelope to 'generously' accommodate lift overruns, which is not considered necessary and could lead to future claims for undesirable additional storeys. Any minor encroachment above the HoB could reasonably be accommodated by applying 4.6 Exceptions to development standards under MLEP 2011. Also the higher HoB relating to the 8 storey envelope is recommended to be setback 7.5 m to match the proposed envelope.

Accordingly, it is recommended the planning proposal be altered, to be in accordance with the following planning control amendments to Marrickville Local Environmental Plan (MLEP) 2011:

1. Rezone the land which is currently zoned IN2 Light Industrial 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.

2. Including a clause in Schedule 1 Additional permitted uses as follows:

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.

3. Amending the height of building (HoB) map 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.

4. Amending the floor space ratio (FSR) map from 0.95:1 FSR to:

(a) 3.0:1 for Nos. 466-472 New Canterbury Road and rear (approximately 9 m) 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.

9. FINANCIAL IMPLICATIONS

The Planning Proposal does not result in any cost implications for Council. The proponent has provided a voluntary planning agreement offer as outlined in this report for public open space and affordable housing. This would be provided in addition to Section 94 contributions and other public domain works provided as part of the development.

Notwithstanding the offer made by the proponent to date, this offer would need to be considered by Council in accordance with its VPA Policy.

10. OTHER STAFF COMMENTS

In assessing this planning proposal internal referrals were received from various sections of Council, including Planning Services (AEP, Heritage and GreenWay Place Manager), Development Engineer, Traffic Management Planning, Environmental Services; Community Development; Waste; Infrastructure Planning and Property; Culture and Recreation; and Traffic.

11. PUBLIC CONSULTATION

Nil to date. Public consultation will occur in accordance with any Gateway determination.

12. CONCLUSION

The planning proposal is considered acceptable for submission to the Department of Planning and Environment for Gateway determination.

The proposal is considered to have strategic merit as it involves increasing residential densities in a highly accessible location and is consistent with the direction of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy. The proposed redevelopment has the potential to provide significant community benefit through public domain improvements, improved pedestrian linkages and affordable housing, associated with the terms of the final VPA to be negotiated with Council.

It is recommended that Council resolve to forward the planning proposal in the manner recommended in this report to the Department of Planning and Environment for Gateway determination.

ATTACHMENTS

1. Pages from Urban Design Report

URBAN DESIGN REPORT

466-480 NEW CANTERBURY ROAD DULWICH HILL

23rd May 2017

ANGUS DEVELOPMENTS

BKA architecture

EXISTING SITE CONDITION

The area of the site is 0.4743 hectares.

STREET FRONTAGES

The site has three substantial street frontages. The frontage onto New Canterbury Road is 78m long. The smallest frontage is along Kintore Street at 60m long while that toward Hercules Street is 75m. The frontage at New Canterbury Road comprises of a mix of retail shops and commercial business. The Kintore Street frontage is the side boundary of a private residence and the retail shops. Along Hercules Street is a private residence, a Greek orthodox church and warehouses.

GROUND PLANE AND TOPOGRAPHY

There is a significant slope across the site. The fall is approximately 4 meters from the north corner of the site to the southern corner of the site. At present the majority of the ground plane is covered with hard, impermeable surfaces that significantly reduce the potential for ground water infiltration.

NEIGHBOURING BUILDINGS

The site surrounded by two storey residential dwellings to the north east, a school to the south east and a mix of a two storey commercial premises and a 4 storey mixed use development to the north west.

PARKING

There is currently a moderate sealed parking area along the north west boundary of the site, which can accommodate approximately 14 cars. On the south eastern boundary a similar condition existing providing a sealed area for approximately 14 cars. Vehicles can currently enter the site from multiple points along New Canterbury Road and Hercules Street with minimal access from Kintore Street.

Aerial Photograph

* currently not forming part of the application, however, it is currently under negotiation for inclusion in the application.

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EXISTING SITE PHOTOS

1 & 2 - New Canterbury Road Industrial and Light Rail

View from west across Dulwich Grove Light Rail Station

View from north-west across New Canterbury Road

View from north-west across New Canterbury Road

Embankment adjacent to property boundary

Shop Signage

Dilapidation

EXISTING SITE PHOTOS

3 - New Canterbury Road Retail

View from the western side of New Canterbury Road towards the retail shops

Shop front at the corner of New Canterbury Road and Hercules Street

Sidewalk infront of retail

Retail facades to be retained

Retail shop front

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EXISTING SITE PHOTOS

4 - Church and Curtilage

View from east on Hercules Street to the Church of the Holy Unmercenaries

View from south-east across Hercules Street

EXISTING SITE PHOTOS

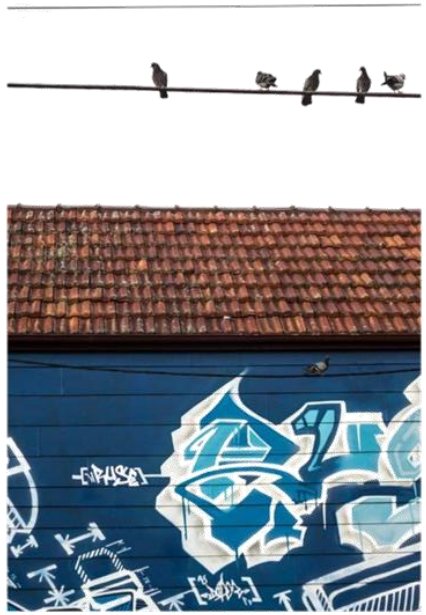
5 - Hercules Street Warehouses

View from south across Hercules Street

Services signage

Graffiti

Close view from South



Suburban Grain

View south across Hercules Street to Dulwich Hill Public School

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FINAL DESIGN CONCEPT

PERSPECTIVE VIEWS

PERSPECTIVE VIEW FROM NORTH ACROSS CANTERBURY ROAD - INDICATIVE ONLY

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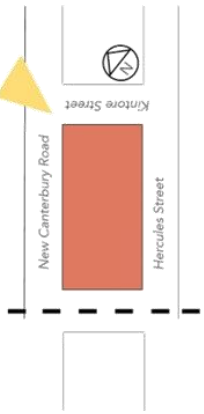
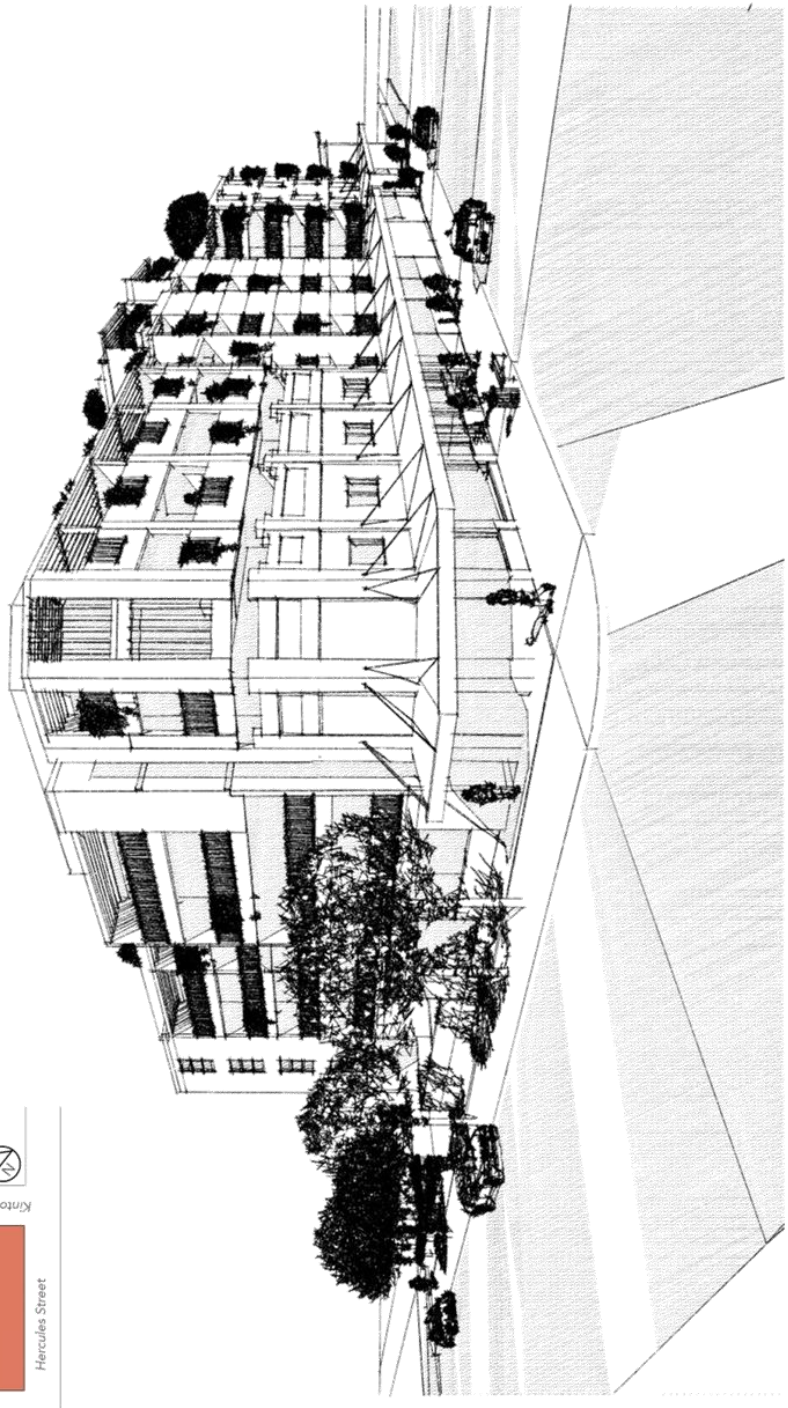
Attachment 1

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

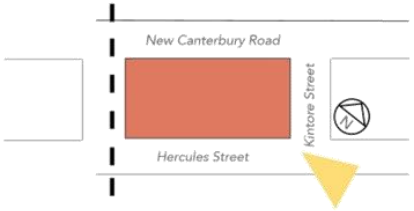


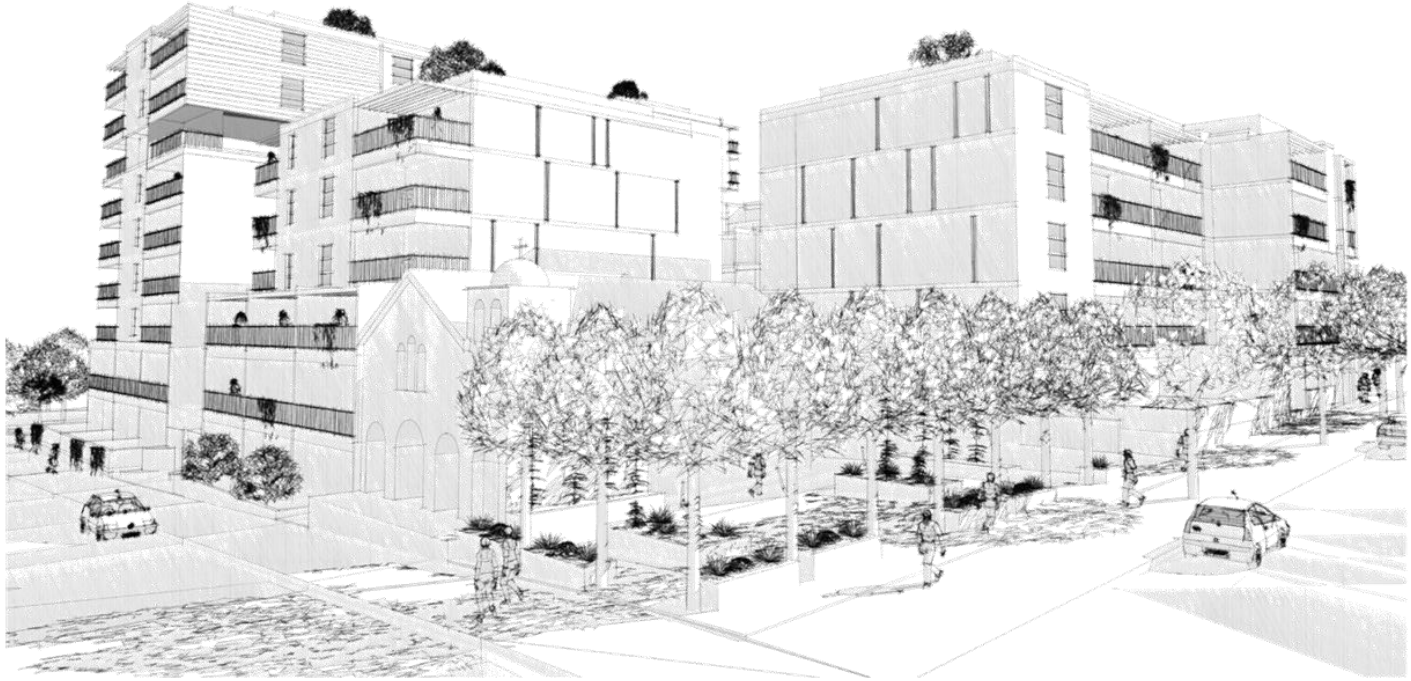


PERSPECTIVE VIEW FROM EAST ACROSS CANTERBURY ROAD - INDICATIVE ONLY

58

ANGUS DEVELOPMENTS





PERSPECTIVE VIEW FROM EAST ACROSS HERCULES STREET - INDICATIVE ONLY

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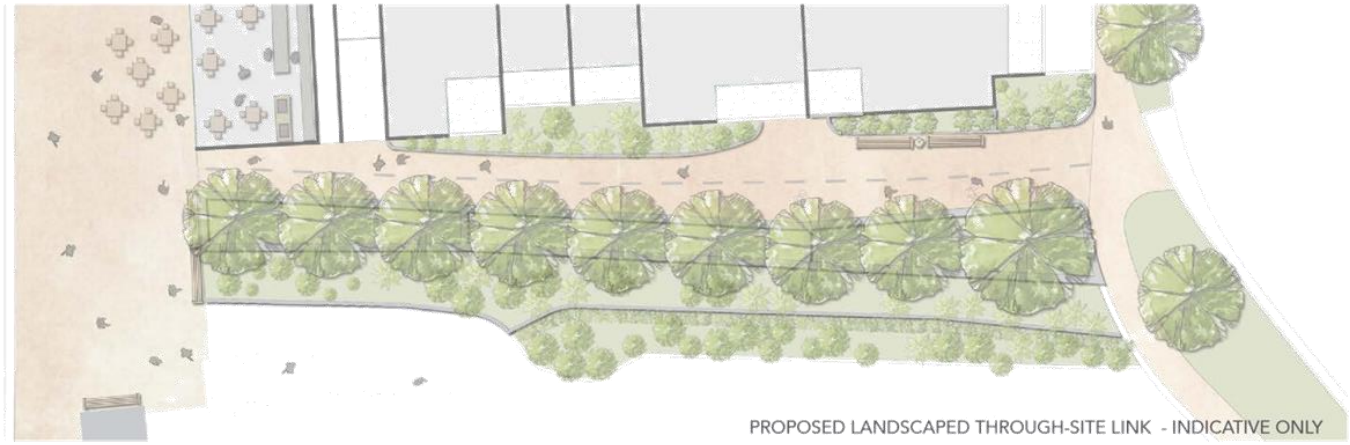
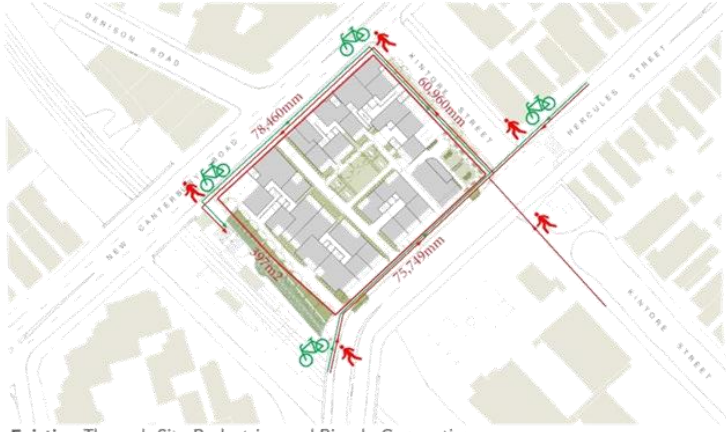
LIGHT RAIL PUBLIC DOMAIN

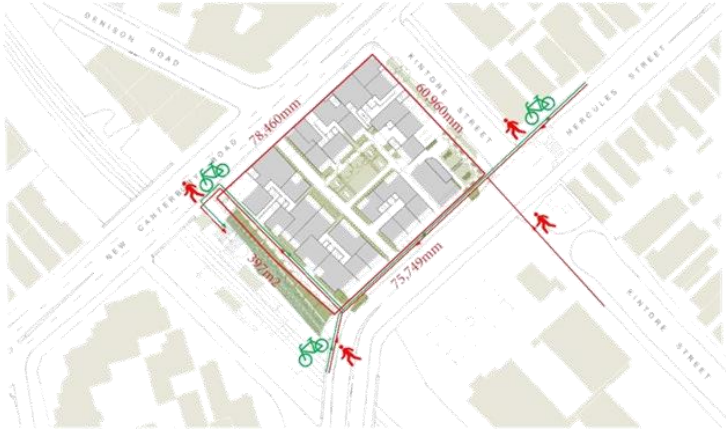
The through site link would facilitate access to the light rail from housing south of the site. This link would also provide access by bikes to adjust the existing thoroughfare. It is proposed to create a public space at the entry to the light rail. This public domain area would intrude into the site and join to the through site link.



PROPOSED LANDSCAPED THROUGH-SITE LINK - INDICATIVE ONLY



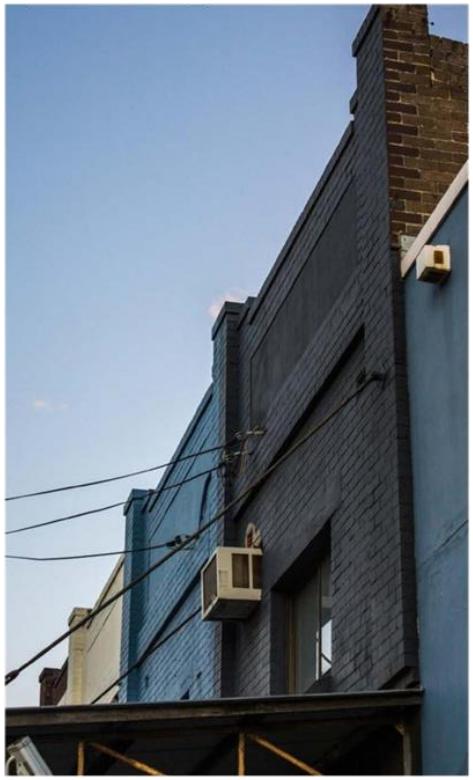
Existing Through-Site Pedestrian and Bicycle Connections

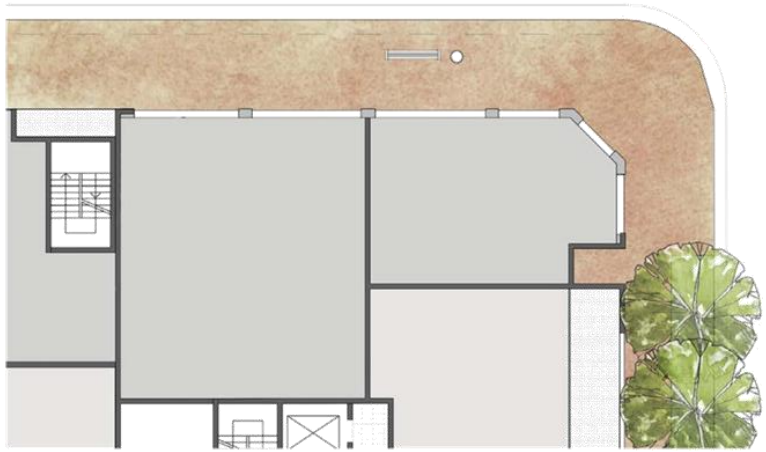


Proposed Through-Site Pedestrian and Bicycle Connections

RETAINED HERITAGE FACADE

The north-east corner of the site contains four shops - two floors each - typical of early Dulwich Hill shop facades and worthy of retention as has been explained in the heritage study. These have been generally retained along New Canterbury Road and Marrickville Road.





PROPOSED FACADE RETENTION - INDICATIVE ONLY

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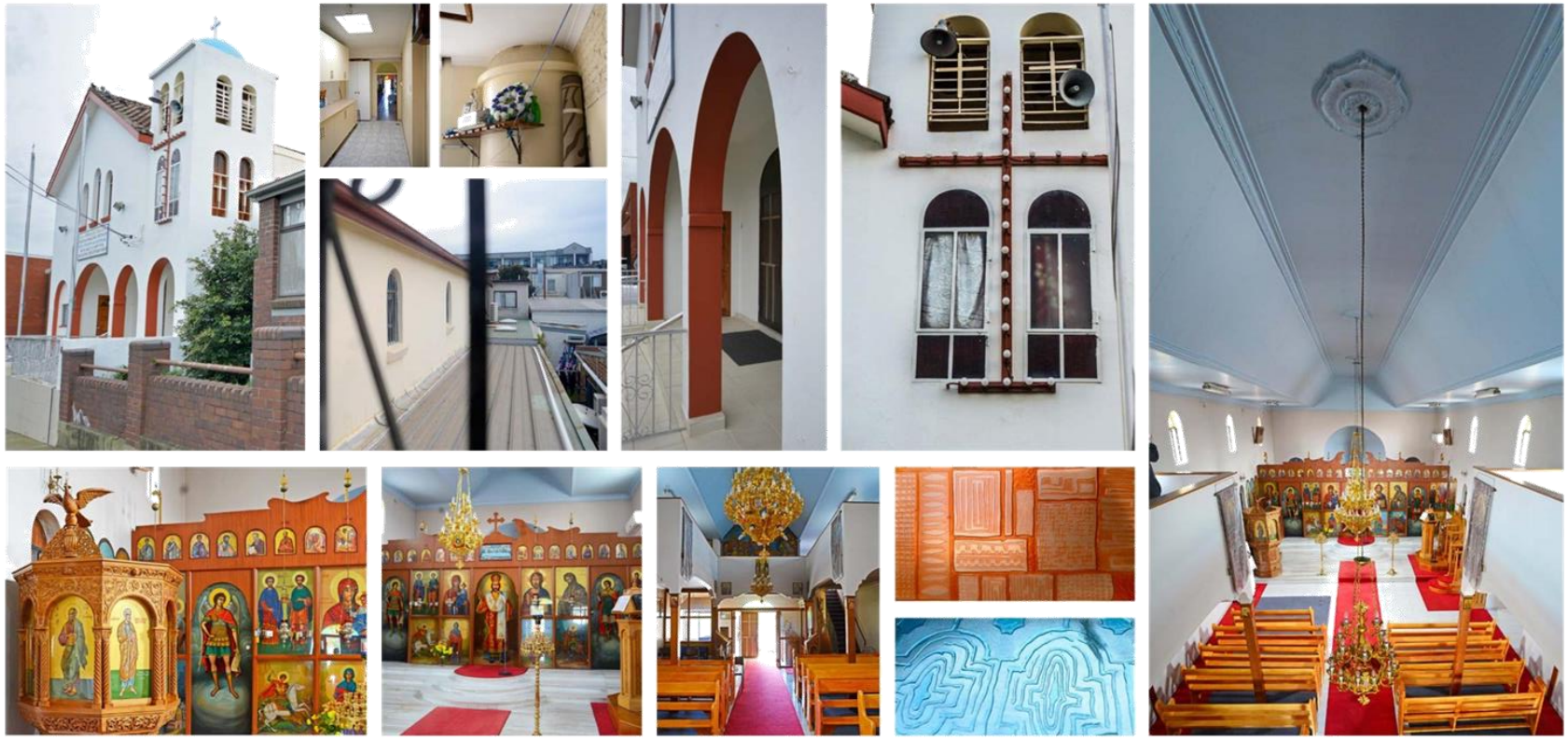
RETAINED CHURCH

Greek Orthodox Church of the Holy Unmercenaries

The site contains some buildings which may be worthy of retention for as outlined in the detailed heritage study.

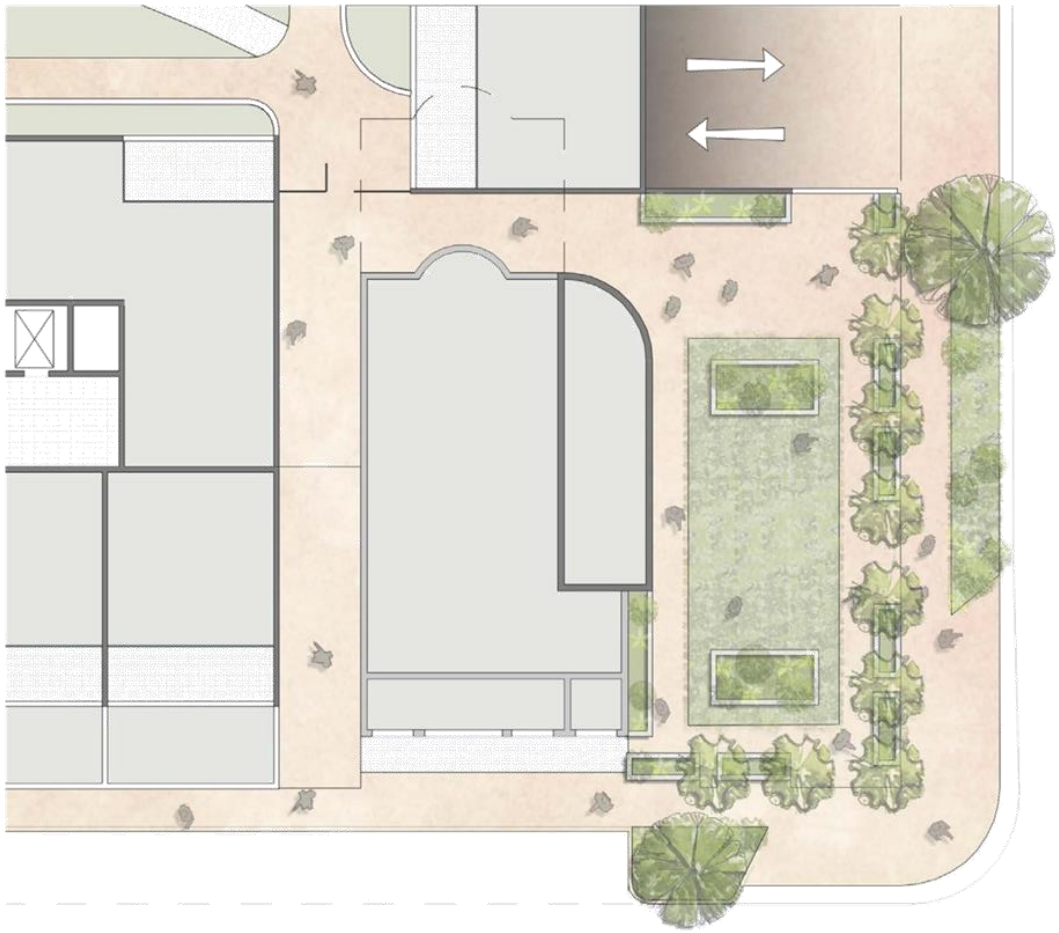
Church of the Holy Unmercenaries is a Greek Orthodox church which is considered to be of local social significance.



PUBLIC OPEN SPACE

The proposal would include a pocket park that would provide opportunities for the wider community to use the space. Additionally it would add to the green spaces that are already proposed as a part of this submission. This would be in stark contrast to what exists as currently no public communal space is provided for the benefit of the community.

Adjacent to the pocket part is the Greek Orthodox Church of the Holy Unmercenaries. The park would provide great benefit to the church as it could be used as a spill over area before and after services.



COMMUNAL OPEN SPACE PLAN - INDICATIVE ONLY

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PROOF OF CONCEPT PLANS

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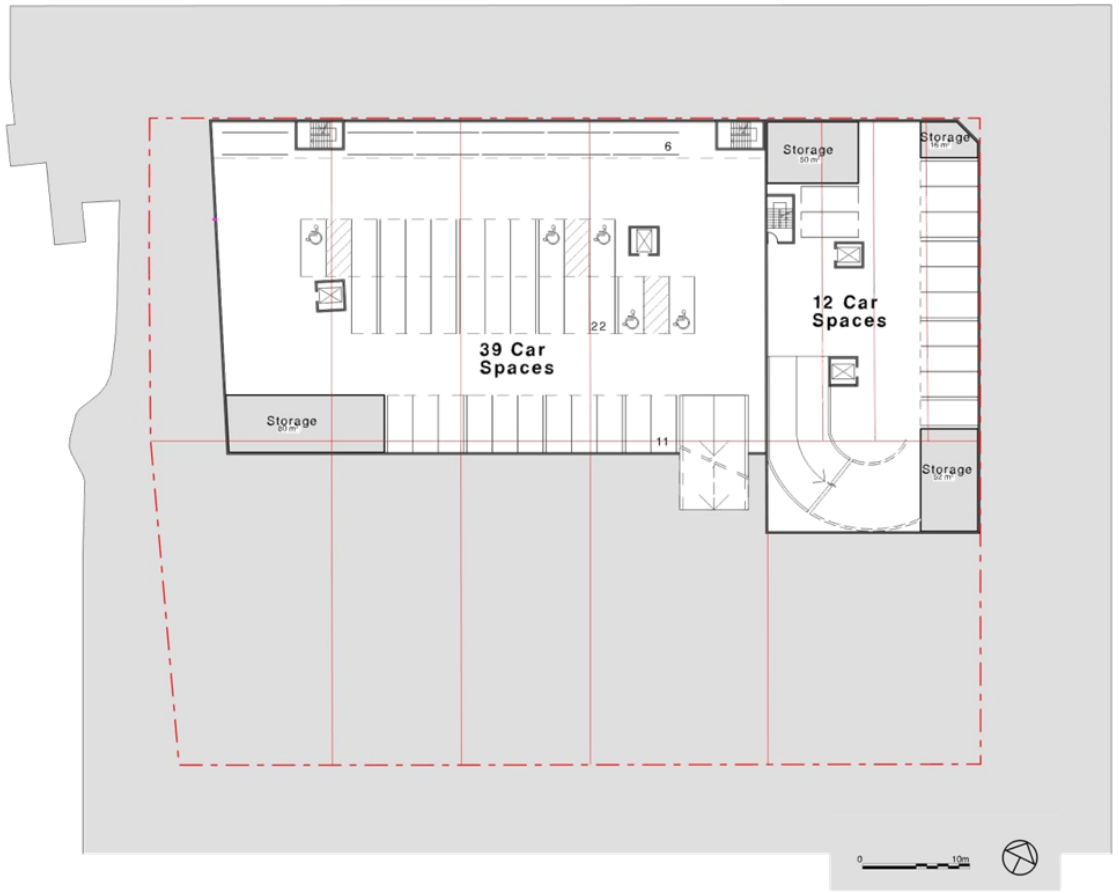
BASEMENT 3 FLOOR PLAN



Scale 1:400 @ A3
INDICATIVE ONLY

Item 12

Attachment 1

DULWICH GROVE PRECINCT | URBAN DESIGN STUDY

BASEMENT 2 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

0 10m

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77

BASEMENT 1 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

Item 12

Attachment 1

DULWICH GROVE PRECINCT | URBAN DESIGN STUDY

GROUND FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

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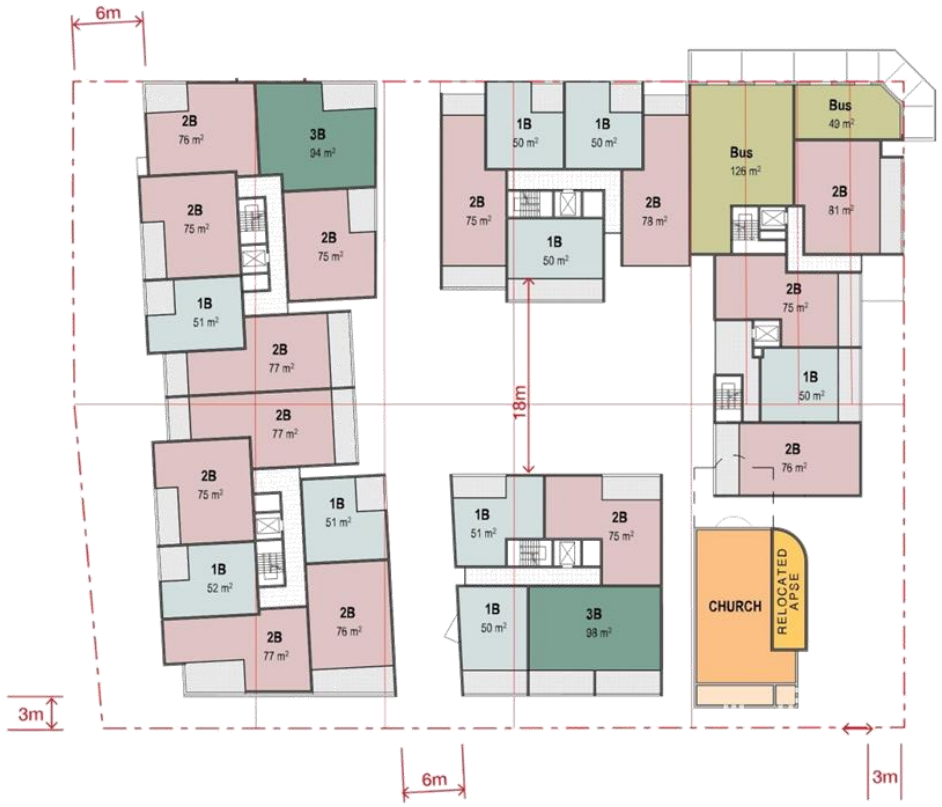
LEVEL 1 FLOOR PLAN



Scale 1:400 @ A3
INDICATIVE ONLY

LEVEL 2 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

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LEVEL 3 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

Item 12

Attachment 1

DULWICH GROVE PRECINCT | URBAN DESIGN STUDY

LEVEL 4 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

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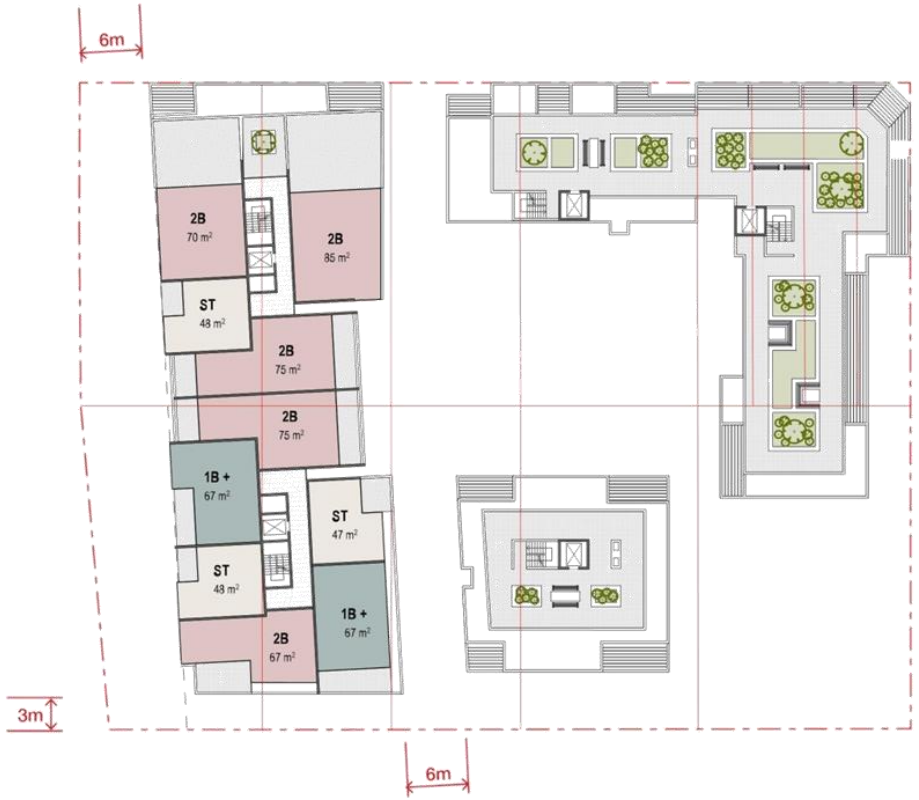
LEVEL 5/ ROOF FLOOR PLAN



Scale 1:400 @ A3
INDICATIVE ONLY

LEVEL 6/ LEVEL 7 FLOOR PLAN

Scale 1:400 @ A3
INDICATIVE ONLY

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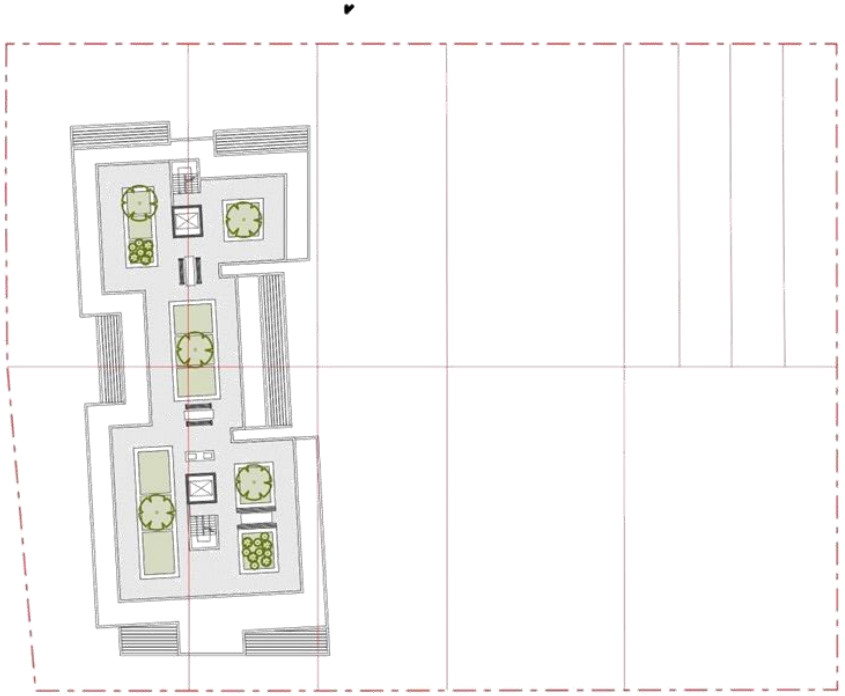
ROOF FLOOR PLAN



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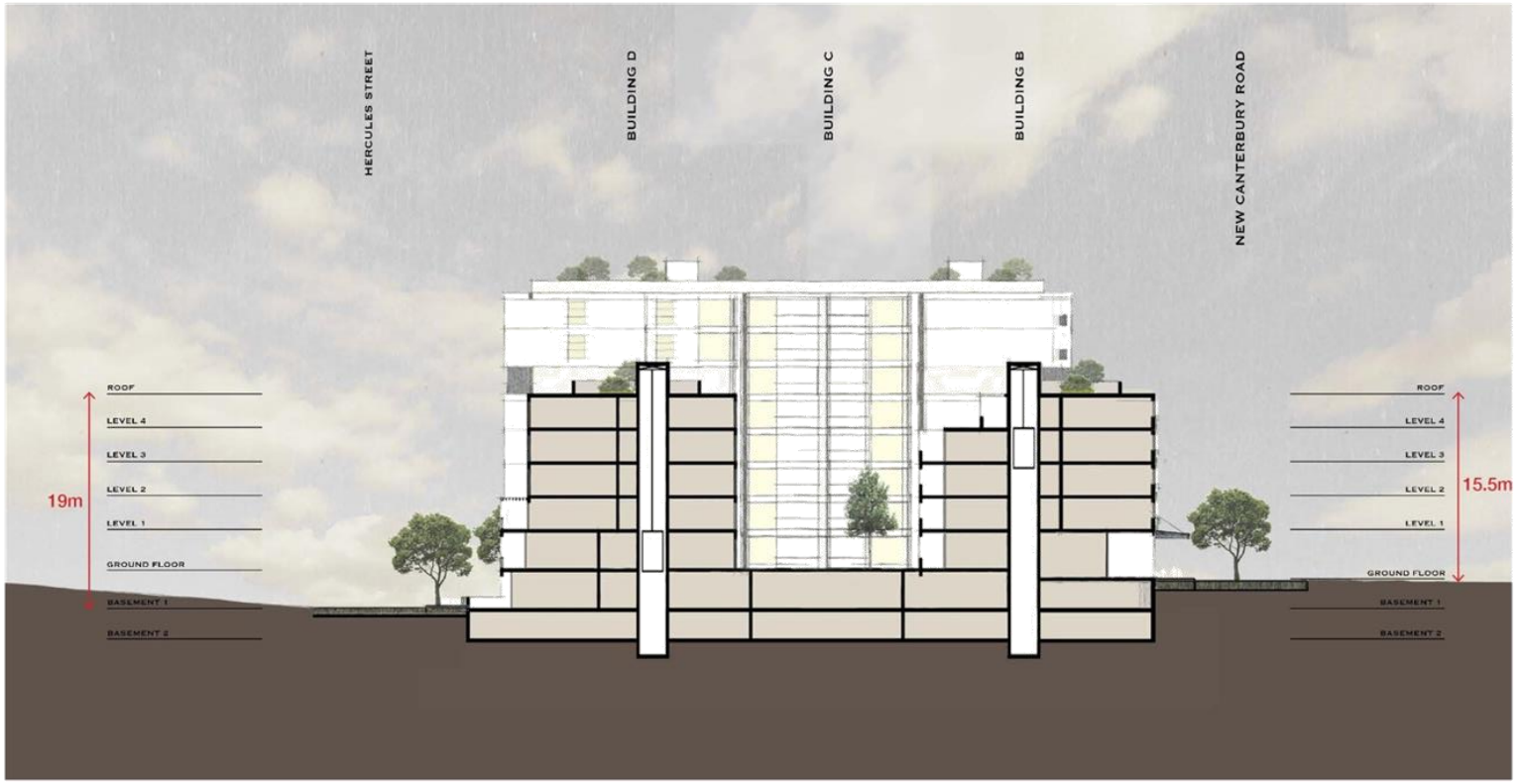
Scale 1:400 @ A3
INDICATIVE ONLY

SOUTH NORTH SECTION



SOUTH - NORTH SECTION - INDICATIVE ONLY

0 10m

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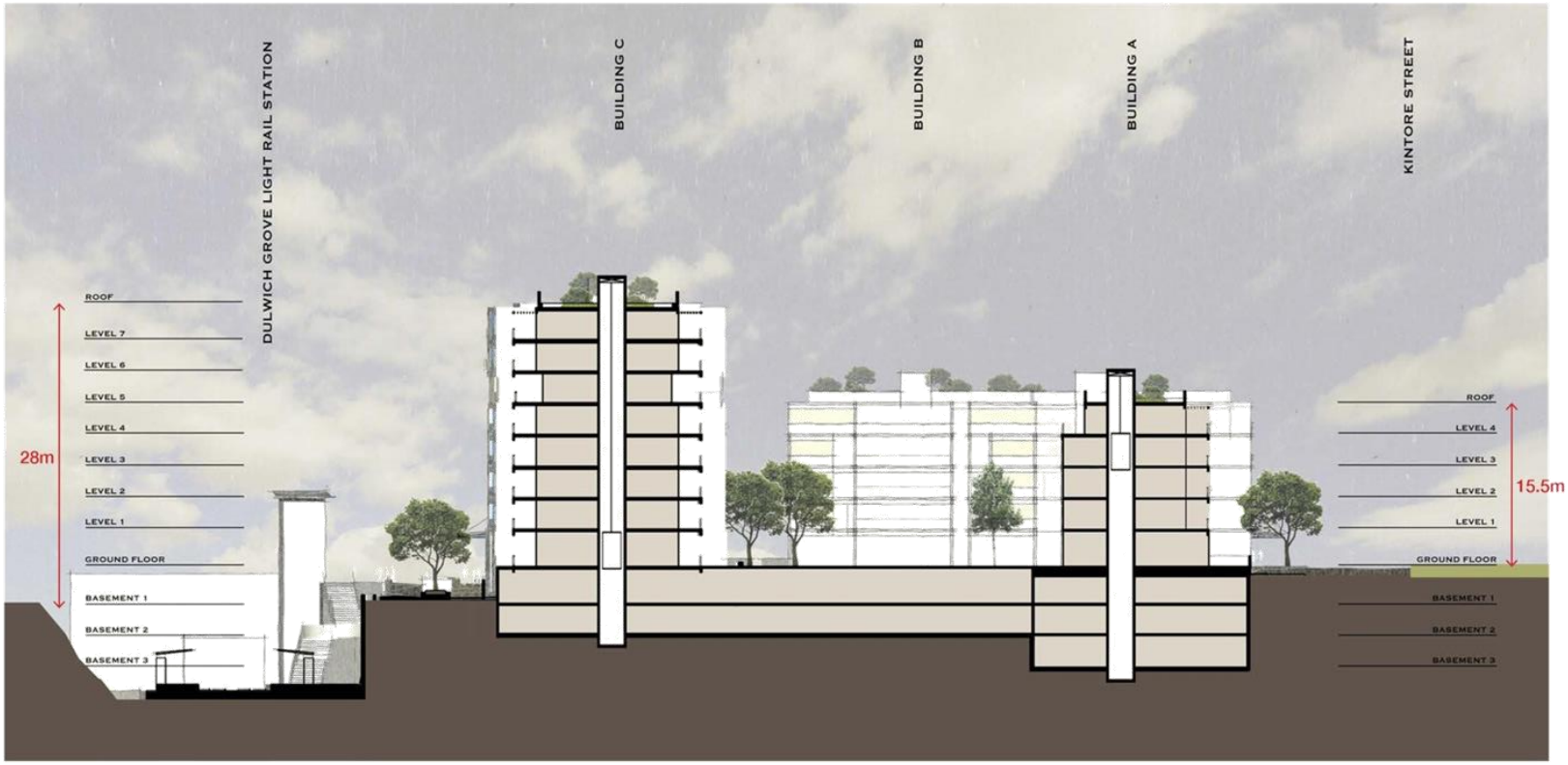
WEST EAST SECTION



WEST - EAST SECTION - DULWICH GROVE LIGHT RAIL STATION - INDICATIVE ONLY

0 10m

SHADOW DIAGRAMS

9am 21 June

10am 21 June

11am 21 June

12pm 21 June

1pm 21 June

2pm 21 June

3pm 21 June