

ELECTRONIC ATTACHMENT

for

BUSINESS PAPER

6.30PM, TUESDAY, 28 JULY, 2020

C0720(1) Item 3 Planning Proposal - 13-55 Edinburgh Road, Marrickville

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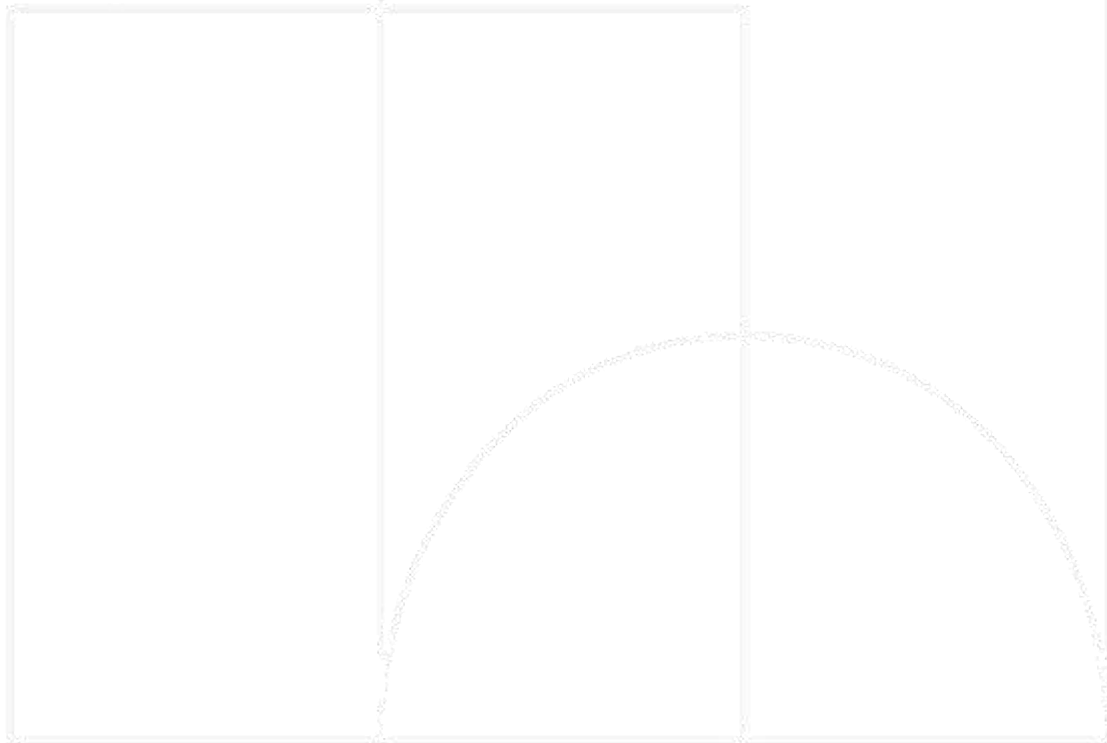
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PLANNING PROPOSAL

13-55 Edinburgh Road, Marrickville

June 2020



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Introduction

This Planning Proposal has been prepared by Inner West Council (Council) to outline the intent and justification for an amendment to *Marrickville Local Environmental Plan 2011* (MLEP 2011) as it applies to 13-55 Edinburgh Road, Marrickville (the 'site'). The amendment seeks to include additional permitted uses for the site.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning, Industry and Environment (DPIE) including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

Site and Context

13-55 Edinburgh Road, Marrickville, shown in **Figure 1**, is legally known as Lot 1 DP 612551 and Lot 91 DP 4991. The site has an area of 8881.3m² and is irregularly shaped with frontage to Smidmore Street, Murray Street and Edinburgh Road.



Figure 1: Site Location (Source: SIX Maps)

The site currently comprises industrial warehouse buildings and associated car parking. A water drainage reserve also runs through the site.

The immediate surroundings comprise a mix of industrial, residential, commercial and educational uses. An electrical substation is located to the west of the site, on the opposite side of Smidmore Street. Marrickville Metro Shopping Centre is located to the north of the site, also on the opposite side of Smidmore Street.

The site is located approximately 800m from St Peters railway station. Enmore Park and Camdenville Oval are both approximately 450m from the site, while Sydney Park is

located approximately 900m from the site.

The site is zoned IN1 General Industrial with a maximum FSR of 0.95:1 and no applicable height of building control. The Marrickville Metro Shopping Centre, located at 34 Victoria Road, is zoned B2 Local Centre. The site is identified as flood prone land



(Figure 3).

Figure 2: MLEP 2011 Zoning Map (site shown within red boundary)



Figure 3: MLEP 2011 Flood Planning Map (site shown within red boundary)

Background

On 19 March 2012, the Department of Planning, Industry and Environment (DPIE) issued a Major Project Approval (MPA) (MP09_0191) to permit the expansion of the existing Marrickville Metro Shopping Centre. The MPA split the development into three stages:

- **Stage 1A** comprises works to the main entry of the existing Marrickville Metro shopping centre at Victoria Road, traffic management works and geotechnical works on the Edinburgh Road site.
- **Stage 1B** comprises the new shopping centre building at 13-55 Edinburgh Road.
- **Stage 2** comprises the expansion of the existing shopping centre, including first floor additions to the existing building at 34 Victoria Road.

Stage 1A of the MPA was completed in 2017 which means the MPA has physically commenced and is active. Works to Stage 1B have since commenced and the development, once completed, will be connected to the existing Marrickville Metro Shopping Centre by a pedestrian bridge.

On 4 July 2018, Council received a request for Pre-Planning Proposal advice for the site. The Proponent sought advice on the rezoning of the site from IN1 General Industrial to B2 Local Centre and increasing the maximum FSR from 0.95:1 to 1:65:1 to align the planning framework with the approved MPA.

On 8 August 2018, Council provided formal advice to the Proponent stating that a rezoning was unlikely to be supported. Council officers were concerned that a rezoning to B2 Local Centre may facilitate a development on the site that significantly departs from the granted MPA, such as shop-top housing, thus constraining the potential of the adjacent industrial precinct. As an alternative, Council officers recommended that the Proponent consider additional permitted uses. A copy of Council's Pre-Planning Proposal advice is included in **Attachment 3**.

On 21 September 2018, DPIE and Greater Sydney Commission (GSC) advised that the 'retain and manage' policy for industrial lands would not be enforced for this site as the MPA was activated prior to the adoption of the Eastern City District Plan.

On 31 October 2018, Modification 6 (MP09_0191_Mod 6) to the MPA was determined by the Department. The modification comprised external and internal changes to the approved development and construction of a new pedestrian bridge providing a link to the existing main shopping centre. The modification revised a condition to clarify the intent that both retail premises and business premises are permissible in the approved development on the site. Nevertheless, these land uses are still prohibited under the IN1 General Industrial zoning.

On 31 October 2018, a planning proposal application was lodged with Council. The Planning Proposal sought amendment of the MLEP 2011 to include additional permitted uses.

The Planning Proposal intends to address an anomaly whereby the uses approved by the MPA, specifically retail premises and business premises, are not permitted on the site under MLEP 2011, and seeks to permit other compatible uses that are commonly offered in shopping centres.

Under the existing planning framework, works relating to the proposed additional uses cannot be undertaken as exempt or complying development, nor obtain development consent from Council. This complicates the approval pathway for minor and low impact works relating to the approved shopping centre such as tenancy fitouts and first/change of uses. One of the general requirements for complying development is that development must be permissible with consent under an environmental planning instrument applying to the land.

The Planning Proposal will enable works to be undertaken in accordance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), and allow development applications for child care facilities, medical centres and community facilities to be considered by Council. It will also ensure that the site can respond to any future amendments to the Codes SEPP or other state-wide planning policies that would affect the approval pathway for works typically associated with a shopping centre.

In accordance with the Local Planning Panel Ministerial Direction for planning proposals, Council's former General Manager determined that the Planning Proposal does not require advice from the Inner West Local Planning Panel. It was considered that the proposal would not have significant adverse impact on the environment or adjoining land. A copy of the General Manager's Memorandum can be found in **Attachment 4**.

PLANNING PROPOSAL

The Planning Proposal has been prepared by Council officers following assessment of the Proponent's requested amendments to MLEP 2011.

PART 1 – Objectives and Intended Outcomes

The objective of the Planning Proposal is to amend the *Marrickville Local Environmental Plan 2011* (MLEP 2011) to support the approved shopping centre redevelopment of 13-55 Edinburgh Road, Marrickville (the 'site') to:

- ensure consistency between the MLEP 2011 and the current Major Project Approval (MPA) for a shopping centre development on the site with regards to permissible land uses;
- ensure minor and low impact works associated with a shopping centre can be undertaken as exempt or complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*; and
- enable compatible land uses that are typically offered in a shopping centre to be considered in a development application to Council.

PART 2 – Explanation of Provisions

To achieve the desired objectives and outcomes, the Planning Proposal seeks to amend the MLEP 2011 by:

- Inserting 13-55 Edinburgh Road, Marrickville (Lot 1 DP612551 and Lot 91 DP4991) into Schedule 1 to:
 - permit retail premises, business premises, centre-based child care facilities, medical centres and community facilities; and
 - allow the additional permitted uses only in conjunction with the approved shopping centre extension under Major Project Approval MP09_0191.
- Amending the Key Sites Map (KYS_004) to include 13-55 Edinburgh Road, Marrickville.

Restricting the permissibility of the additional uses to only in conjunction with the approved shopping centre extension will ensure that if the intended development does not eventuate, only development consistent with the IN1 zoning would be possible.

The clause may be written as follows:

Schedule 1

23 – Use of certain land at 13-55 Edinburgh Road, Marrickville

- (1) *This clause applies to land at 13-55 Edinburgh Road, Marrickville, being Lot 1 in DP 612551 and Lot 91 in DP 4991.*
- (2) *Development for the purposes of the following uses of an approved development is permitted with development consent;*
 - *Retail premises;*
 - *Business premises;*
 - *Centre-based child care facilities;*
 - *Medical Centres; and*
 - *Community facilities*

These uses must be delivered as part of the redevelopment of the site as an extension to the existing shopping centre and not within the existing warehouse buildings on site.

In the event that the consolidated Inner West LEP is published in advance of the subject planning proposal being finalised, the amendment would be incorporated into the Inner West LEP rather than being pursued as an amendment to MLEP 2011. This would not alter the intended outcome.

PART 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report undertaken by Council. Council received a request on behalf of the owners of the site to amend the planning controls for 13-55 Edinburgh Road, Marrickville (the 'site').

The Planning Proposal supports the future use of Stage 1B of the MPA, granted in 2012, which permits the redevelopment of a new shopping centre building on the site. The proposed amendment would facilitate uses on the site consistent with the intended outcome of the MPA.

The IN1 General Industrial zoning of the site is not reflective of the approved retail development on the site as it prohibits retail premises and business premises, and restricts other uses that are typically offered in a shopping centre.

Since these uses are prohibited in the IN1 zone, a complying development certificate could not be issued under the Codes SEPP nor development consent granted under the MLEP 2011. One of the general requirements for complying development under the Codes SEPP is that development must be permissible with consent under an environmental planning instrument applying to the land (Clause 1.18 (1) (b)).

Similarly, under the existing planning framework, any other uses that might typically be offered in a shopping centre, such as community facilities, medical centres and child care centres, would need to obtain approval by way of a modification of the MPA as opposed to a development consent from Council.

The Planning Proposal seeks to simplify the approval process for minor works associated with the uses permitted under the MPA; and include other compatible uses, not considered at the time of the MPA.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council officers considered the following three alternative options at Pre-Planning Proposal stage:

1. Do nothing;
2. Retain the IN1 zoning and include additional permitted uses;
3. Rezone to B2 Local Centre

Option 1 would continue the prohibition of uses that have been approved on the site under the MPA, unduly complicating the approval process for minor works and changes of use within the shopping centre. It would also preclude compatible uses from locating within the development.

The Proponent initially requested Option 3 to rezone the site to B2 Local Centre in order to be consistent with the existing Marrickville Metro at 34 Victoria Road, on the opposite side of Smidmore Street. However, this approach was not supported by Council officers for the following reasons:

- It would provide opportunity to substantially depart from the MPA and permit an array of (potentially inappropriate) uses that are not possible under the current approval. This was of particular concern given that work on the site under the MPA had not yet commenced;
- Development outcomes under a B2 zoning may result in land use conflict with the adjacent industrial uses and constrain the ability of the precinct to intensify its industrial function in the future;
- A rezoning to B2 would reinforce an extension of the local centre and encroachment upon industrial lands, the strategic merit of which has not been demonstrated;
- While the expansion of the Marrickville Metro in accordance with the MPA would result in the loss of industrial land, this should not be reinforced by the rezoning of the land. In the event that the approved development does not eventuate, the land should be returned to the valuable industrial stock of the Eastern City District and Inner West LGA.

The retention of the IN1 zoning and addition of permissible uses (Option 2) was considered the most appropriate and efficient means of achieving the intended outcome. It will ensure consistency with the intended outcome of the MPA and facilitate other compatible uses that are typically found in a shopping centre. It will also prevent a development that departs from the intended outcomes of the MPA and safeguard the industrial zoned land in the event that development under the MPA is not achieved.

Section B – Relationship to strategic planning framework

- Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Greater Sydney Region Plan – Metropolis of Three Cities

The Greater Sydney Region Plan (GSRP) manages growth and change in the Greater Sydney Region. The GSRP integrates land use, transport and infrastructure planning.

Table 1 considers the consistency of the proposal with relevant objectives under the GSRP.

Table 1: Consideration of Objectives of Greater Sydney Region Plan

Objectives	Council's Response
Liveability	
Objective 6 Services and infrastructure meet communities' changing needs.	Consistent The Proposal seeks to permit centre-based childcare, medical centres and community facilities on the site which would service the current and future needs of the local community.
Objective 7 Communities are healthy, resilient and socially connected	Consistent The Proposal provides the opportunity to co-locate social infrastructure within an approved retail development that is close to public transport and can be easily accessed by the local community.
Objective 12 Great places that bring people together	Consistent The Proposal facilitates retail and business premises and integrates social infrastructure within an approved retail development on the site. In conjunction with the existing Marrickville Metro shopping centre, the Proposal provides further land use mix and amenity to the community.
Productivity	
Objective 14 A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Consistent The Proposal seeks to facilitate the co-location of different services and uses adjacent to Marrickville Metro shopping centre, which is identified as a 'Local Centre' under the Eastern City District Plan. The proposal enables the use of retail premises and business premises within an approved shopping centre development, and seeks to facilitate social infrastructure on a site that is well serviced by existing public transport and that is identified as a 'local centre'. The proposal is consistent with this objective and priority by enabling further mix uses in an established centre.

<p>Objective 22 Investment and business activity in centres</p>	<p>Consistent</p> <p>The Proposal is prepared to reflect the MPA for the extension of Marrickville Metro shopping centre on the site.</p> <p>The proposed additional permitted uses support the delivery of retail and business premises and social infrastructure within the approved retail development, further enhancing the viability of the existing local centre and accessibility of day-to-day goods and services.</p> <p>The Region Plan establishes a three-level hierarchy of centres – metropolitan, strategic and local – to manage investment and business activity in Greater Sydney. The site is identified as a 'Local Centre' that is important for access to day-to-day goods and services.</p> <p>The proposal simplifies the approval process for retail premises and business premises which will encourages retail and commercial growth within an existing Local Centre. The proposal is consistent with this objective and priority.</p>
<p>Objective 23 Industrial and urban services land is planned, retained and managed</p>	<p>Inconsistency is justified</p> <p>The GSRP identifies industrial land in the Inner West LGA to be retained and protected from competing pressures such as residential or mixed use development. This is to ensure that Greater Sydney can accommodate economic and employment services to support the city's productivity.</p> <p>The 'retain and manage' approach as detailed in the Plan is not applicable to this site as a Major Project Approval for a shopping centre was granted prior to the adoption of the District Plan.</p> <p>On 21 September 2018, DPIE and the Greater Sydney Commission (GSC) advised the Proponent that the retain and manage policy would not be enforced for this site.</p> <p>Refer to Table 2 and Table 5 for further discussion.</p>

Eastern City District Plan

The site is located within the Eastern City District which comprises the Bayside, Burwood, City of Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra LGAs.

The Eastern City District Plan (EDCP), released in March 2018, contains the priorities and actions for implementing the GSRP at a district level.

Table 2 provides an assessment of the proposal against the relevant priorities in the ECDP.

Table 2: Consideration of Priorities of Eastern City District Plan

Priority	Council's Response
Liveability	
Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	Consistent The Proposal seeks to permit centre-based childcare, medical centres and community facilities on the site which would serve the current and future needs of the local community.
Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	Consistent The Proposal provides the opportunity to co-locate social infrastructure within an approved retail development that is close to public transport and can be easily accessed by the local community.
Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage	Consistent The Proposal facilitates retail and business premises and social infrastructure within an approved retail development on the site. In conjunction with the existing Marrickville Metro shopping centre, the Proposal provides further land use mix and amenity to the community.

Productivity	
Planning Priority E12	Inconsistency is justified
Retaining and managing industrial and urban services land	<p>The site is zoned IN1 General Industrial. A MPA for a retail development on the site was granted in 2012, essentially changing the industrial nature of the site. The approval remains active.</p> <p>DPIE and Greater Sydney Commission (GSC) have advised that the 'retain and manage' approach is not enforceable for this site as the MPA was activated prior to the adoption of the ECDP.</p> <p>The objective of this Planning Proposal is to ensure the MLEP 2011 permits uses that align with the active MPA and provide flexibility to accommodate other uses that are appropriate within a shopping centre.</p> <p>Notwithstanding, it is proposed that the amendment will include a provision that ties the additional permitted uses to the redevelopment of the site in accordance with the MPA, prohibiting these uses in any other scenario. If the MPA does not proceed, only development consistent with the IN1 zoning could be permissible.</p>

Assessment Criteria

'A guide to preparing planning proposals' establishes Assessment Criteria to be considered in the justification of a Planning Proposal, which is considered below.

Table 3: Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing planning proposals'

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
<ul style="list-style-type: none"> Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant 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; 	As outlined above, the Planning Proposal is consistent with the GSRP and the ECDP.
<ul style="list-style-type: none"> Consistent with the relevant local council strategy that has been endorsed by the Department; or 	The Planning Proposal is broadly consistent with Council's LSPS and Community Strategic Plan – 'Our Inner West 2036'.
<ul style="list-style-type: none"> Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends what have not been recognised by existing planning controls. 	<p>The Planning Proposal responds to an existing MPA that will deliver a new shopping centre development on the site.</p> <p>The zoning of the site under MLEP 2011 prohibits uses that are consistent with the approved shopping centre development.</p> <p>Therefore, the Proposal seeks to amend the MLEP 2011 to allow a range of uses that are appropriate and complimentary to the approved development.</p>
(b) Does the proposal have site-specific merit, having regard to the following:	
<ul style="list-style-type: none"> The natural environment (including known significant values, resources or hazards), 	<p>The subject land is identified as flood prone. However, the proposal presents no further flood risk in relation to the proposed uses.</p> <p>Further discussion of flooding is provided in Section C.</p>

<ul style="list-style-type: none"> The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and 	<p>The site is currently subject to a MPA for a new retail development that was granted in 2012. Works for this approval has physically commenced.</p>
<ul style="list-style-type: none"> 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. 	<p>The subject site is located within an established urban area. The Planning Proposal does not include additional residential dwellings on the site. It is not anticipated that the proposal will create substantial additional demand for infrastructure and services.</p>

Q4. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

There are a number of local strategies and plans that are relevant to the Planning Proposal, which are considered below.

Inner West Local Strategic Planning Statement

Our Place Inner West – Local Strategic Planning Statement (LSPS), dated 20 March 2020, guides land use planning and development in the area to 2036 and provides the link between the Eastern City District Plan and priorities of Council's Community Strategic Plan.

The Planning Proposal is inconsistent with Planning Priority 9 of the LSPS which contains the action to *"Implement the Employment and Retail Lands Strategy"*. This will include the preparation of LEP provisions to preserve industrial and urban services land. Given the existing MPA was granted prior to the adoption of the Region and District Plans, the 'retain and manage' approach does not apply. Therefore, the inconsistency with Planning Priority 9 is justified. Further assessment of the proposal against the draft Employment and Retail Lands Strategy is provided in the section below.

Overall, the Planning Proposal is not inconsistent with the priorities of the LSPS.

Our Inner West 2036

Council's Community Strategic Plan (CSP) - 'Our Inner West 2036', endorsed in June 2018, identifies the community's vision for the future and sets out the long-term goals and strategies to get there and how to measure progress towards that vision. The Planning Proposal is consistent with the following outcomes of the CSP:

- 2.3 - *Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surroundings;*
- 3.3 - *The local economy is thriving;*
- 3.5 - *Urban hubs and main streets are distinct and enjoyable places to shop, eat,*

socialise and be entertained;

- 4.4 - People have access to the services and facilities they need at all stages of life.

The Planning Proposal facilitates uses that are consistent with the intended outcomes of the MPA for the site and provides flexibility to support evolving uses that are typically offered in a shopping centre. The additional uses would also enable social infrastructure and community facilities on the site which positively contribute to the local community. Notwithstanding, the Planning Proposal is considered inconsistent with the following outcome:

- 3.4 - Employment is diverse and accessible

Strategy 3.4.1 is to support local job creation by protecting industrial and employment lands. As discussed previously, the site is subject to an active MPA for a retail building that was granted in 2012. It has been confirmed by the GSC and DPIE that the 'retain and manage' policy is not enforceable for the site as the MPA was activated prior to the adoption of the Eastern City District Plan. Nevertheless, a site specific clause is proposed that links the additional permitted uses with the MPA ensuring that the land is returned to the LGA's industrial stock in the event that the retail development does not eventuate. Therefore, the proposal's inconsistency with this outcome is justified.

In consideration of the above, the Planning Proposal is generally consistent with *Our Inner West 2036*.

Inner West Draft Employment and Retail Land Strategy

IWC's Draft Inner West Employment and Retail Lands Strategy (EaRLS) and study provides an evidence based approach to managing employment lands and commercial centres in the LGA. The strategy was exhibited between 23 September 2019 and 27 October 2019.

The draft EaRLS study acknowledges the IN1 General Industrial zoning of the site is no longer appropriate and does not permit the wide range of uses that the site is being developed for as part of the MPA. A recommendation to rezone the site from IN1 General Industrial to B2 Local Centre is included to permit the widest range of retail and commercial uses while limiting residential uses.

As previously discussed, rezoning of the site is inappropriate as it may create the opportunity for a development outcome that departs from the MPA. However, rezoning of the site may be considered as part of the Inner West LEP program in the future, after completion of the approved development.

Overall, the proposal is not inconsistent with the strategies and actions of the draft EaRLS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 4 - Consideration of the Planning Proposal against relevant SEPPs

State Environmental Planning Policy	Comment
SEPP 55 – Remediation of Land	<p>Consistent</p> <p>Contamination of the site has been considered in accordance with SEPP 55 as part of the original MPA and the recent Modification (MP 09_0191 Mod 6).</p> <p>It has been found that the site is suitable for the approved development.</p> <p>The suitability of the site for childcare purposes would be considered as part of a development application.</p>
SEPP (Exempt and Complying Codes) 2008	<p>Consistent</p> <p>The Proposal enables the exempt and complying development provisions of this SEPP to apply to the approved development on the site.</p> <p>The Proposal does not contain any provisions that contradict this SEPP.</p>
SEPP (Infrastructure) 2007	<p>Consistent</p> <p>The Planning Proposal does not contain provisions that contradict or hinder the application of this SEPP.</p> <p>Should the Planning Proposal proceed, any future development must comply with the requirements of this SEPP.</p>
SEPP (Educational Establishments and Child Care Facilities) 2017	<p>Consistent</p> <p>The Planning Proposal does not propose provisions that will preclude consent authorities from considering any additional matters before the determination of a development application for child care facilities in Zone IN1 or IN2.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal has been assessed against each of the Section 9.1 directions. Consistency with relevant directions are discussed in the table below.

Table 5 - Consideration of the Planning Proposal against Section 9.1 Directions

Direction title	Comments
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Inconsistent</p> <p>The site is zoned industrial and is located within a significant industrial precinct. However, a MPA for a retail development on the site was granted in 2012, and is currently active, which has effectively turned the site over from industrial stock.</p> <p>On 5 October 2018, GSC issued Information Note, 'Industrial and urban services land (Retain and Manage) – transitional arrangements' (SP2018-1) and outlines how the retain and manage approach applies to planning proposals lodged before and after the adoption of the District Plan. It notes that for planning proposals lodged after the adoption of the District Plans in March 2018, the policy to retain and manage industrial and urban services land is to be applied.</p> <p>Notwithstanding, given the MPA precedes adoption of the District Plan, the retain and manage approach is not applicable to this Proposal. Both the GSC and DPIE have confirmed that the retain and manage policy of the EDCP would not be enforced for this site.</p> <p>A site-specific clause is proposed that links the permissibility of the additional uses with the MPA. This mechanism would not result in the permanent loss of the site as an industrial stock in the event that the MPA does not eventuate.</p> <p>Therefore, it is considered the proposal's inconsistency is minor and justifiable.</p>
1.2 Rural Zones	Not applicable

1.3 Mining, Petroleum production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	<p>Consistent</p> <p>A number of heritage items are located within the vicinity of the site. The Planning Proposal will not affect the significance of these items.</p>
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E3 and E3 zones and Environmental Overlays in Far North Coast LEPs	Not applicable
2.6 Remediation of Contaminated Land	<p>Consistent</p> <p>Contamination has been considered under the MPA and modifications. A Contamination Synthesis Report established that the site is suitable, from an environmental perspective, for the proposed shopping centre redevelopment subject to the satisfaction of conditions during construction.</p> <p>The suitability of the site for childcare purposes would be considered as part of a development application.</p>
3. Housing, Infrastructure and urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<p>Consistent</p> <p>The proposal facilitates uses within walking distance of public transportation including bus and railway.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>Consistent</p> <p>The site is located within the 20-25 ANEF Contour and is not introducing development for residential purposes.</p>

3.6 Shooting ranges	Not applicable
3.7 Reduction in non-hosted short-term rental accommodation period	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	<p>Consistent</p> <p>The site is located on land identified as having a probability of containing Class 2 Acid Sulfate Soil, however the proposal does not seek to facilitate any additional external works.</p>
4.2 Mine Subsidence and Unstable Land	Not applicable

4.3 Flood Prone Land	<p>Consistent</p> <p>The site is identified as flood prone land. Consideration of the flood risk of the development has been undertaken as part of the assessment of the MPA. A Flood Emergency Response Plan has been prepared to support Stage 1B of the MPA to manage risk to customers and staff of the shopping centre along with measures to protect and minimise damage to the property.</p> <p>The Planning Proposal would not amend the approved built form on the site and therefore would not impact the flood risks to the users of the shopping centre.</p> <p>At the request of Council's Engineers, the proponent has prepared a detailed flooding assessment report to investigate the feasibility of permitting medical centres on the site in respect of the flood risk.</p> <p>The submitted Flood Assessment and Emergency Response (FAER) Plan, considers it unlikely that patients attending a medical centre, such as a general practice, would require emergency treatment. However, it acknowledges that a patient may develop a medical emergency and require evacuation from the centre during a flood event. It identifies an off-site evacuation point that is available during extreme flood events. The evacuation point is located via a staircase off Victoria Road to which access can be provided from an approved pedestrian bridge between the existing shopping centre and the new retail development on the site.</p> <p>Council's Engineer raises no objections to the proponent's FAER Plan. Further consideration of flood risk will be undertaken in the assessment of development applications.</p>
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchment	Not applicable

5.3 Farmland of State and Regional Significance on NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.9 North West Rail Link Corridor Strategy	N/A
5.10 Implementation of Regional Plans	N/A
5.11 Development of Aboriginal Land Council land	N/A
6. Local Plan Making	
6.1 Approval and referral requirements	<p>Consistent</p> <p>The Planning Proposal does not include provisions requiring additional concurrences, consultation or referrals of future development applications.</p>
6.2 Reserving Land for Public Purposes	Not applicable

6.3 Site Specific Provisions	<p>Inconsistent</p> <p>The objective of this direction is to limit unnecessarily restrictive site-specific controls.</p> <p>The Planning Proposal is inconsistent with this direction as it introduces additional permitted uses on the site and imposes an additional requirement that ties the delivery of these uses to the existing development approval.</p> <p>The Planning Proposal seeks to facilitate compatible uses to support the future use of a retail development approved under the former Part 3A. The proposed uses are otherwise not permissible under the existing industrial zoning.</p> <p>A rezoning of the site to accommodate the additional uses was considered inappropriate as it could facilitate an outcome on the site contrary to the MPA. Despite the site not being subject to the retain and manage approach, as confirmed by GSC and DPIE, a site specific clause is proposed to ensure the site continues to operate as industrial land in the event that the MPA does not eventuate.</p> <p>For this particular proposal, an amendment to Schedule 1 of MLEP 2011 is considered the most appropriate way to achieve the objectives. The proposal would not impose additional development standards or requirements to IN1 zones and does not contain any drawings or specific details of a development.</p> <p>Therefore, the inconsistency is of minor nature and justified.</p>
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7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	<p>Consistent.</p> <p>This direction requires planning proposals to be consistent with A Plan for Growing Sydney. A Plan for Growing Sydney was superseded by the Greater Sydney Region Plan in March 2018.</p> <p>The proposal is consistent with the Greater Sydney Region Plan as outlined in the response to Q3.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is identified as flood prone land in MLEP 2011.

Previous assessment of the MPA has considered the flood risk of the development on the site. A Flood Emergency Response Plan has also been prepared to support Stage 1B of the MPA to manage risk to customers and staff of the shopping centre along with measures to protect and minimise damage to the property.

A Flood Assessment and Emergency Response (FAER) Plan, prepared by Hydrostorm Consulting, was submitted at the request of Council's Engineers. The FAER Plan assessed the flood risk associated with permitting medical centres as a permissible use on the site and made recommendations to manage risk.

The FAER Plan identifies an off-site evacuation point that is available during extreme flood events. The evacuation point is located via a staircase off Victoria Road to which access can be provided from an approved pedestrian bridge between the existing shopping centre and the new retail development on the site.

Council's Engineer raises no objections to the proponent's FAER Plan. Further consideration of flood risk will be undertaken in the assessment of development applications.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will result in social and economic benefits as it supports the future shopping centre development on the site which will positively contribute to the local community and economy. Permitting childcare facilities, medical centres and community facilities on the site would enable social infrastructure accessible by the local community.

The proposal is inconsistent with the 'retain and manage' approach of the Region Plan and District Plan. However, the inconsistency is justified as the MPA was granted prior to the adoption of the ECDP in 2018.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to relevant utilities. It is approximately 800m from St Peters railway station and is serviced by existing bus routes.

Notwithstanding, future development applications will require further investigation of the likely services that will be required for the site.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state and Commonwealth public authorities will be undertaken in accordance with a Gateway determination.

PART 4 – Mapping

The proposed mapping will be prepared to support the exhibition of the proposal following a Gateway decision.

PART 5 – Community Consultation

Stakeholder and community consultation will be undertaken in accordance with the legislative requirements, any conditions of a Gateway determination and Council's Community Engagement Framework.

PART 6 – Project Timeline

The table below outlines the anticipated timeline for completion of the Planning Proposal if approved for public exhibition at Gateway.

Milestone	Timeframe
Planning Proposal submitted to DPIE seeking Gateway determination	June 2020
DPIE assesses the Planning Proposal and issues Gateway Determination	July 2020
Public Exhibition	Aug-Sept 2020
Consideration of submissions and preparation of updates to the Planning Proposal	September 2020
Report to Council on post-exhibition outcomes and seek resolution to finalise the Planning Proposal	October 2020
Drafting of amendments with Parliamentary Counsel and finalisation of mapping	November 2020
LEP made (if delegated)	December 2020
Plan forwarded to DPIE for notification	January 2021

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**PLANNING PROPOSAL
MARRICKVILLE METRO
13-55 EDINBURGH ROAD,
MARRICKVILLE**

31 OCTOBER 2018
SA7153
FINAL
PREPARED FOR AMP CAPITAL

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Report Number	Final

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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of Marrickville Metro Pty Limited as trustee of the Marrickville Metro Trust (the Owner) and AMP Capital Investors (AMPC), to request an amendment to the *Marrickville Local Environmental Plan 2011* (MLEP 2011) for the Marrickville Metro Shopping Centre expansion site located at 13-55 Edinburgh Road, Marrickville (the Site).

The site is subject to a Major Project Approval (MP09_0191) (MPA) (attached at Appendix A), which granted consent to demolish the existing industrial building and construction of a new retail building and car parking at the Marrickville Metro Shopping Centre expansion site (the site). The MPA approval (and subsequent modifications) permits *retail premises* and *business premises* on the site, which are prohibited land uses under the site's current zoning (IN1 General Industrial) pursuant to *Marrickville Local Environmental Plan 2011* (MLEP 2011). The MPA for Marrickville Metro has been physically commenced and is an active consent. The Proponent is seeking to commence construction at the Site before the end of the 2018.

This Planning Proposal seeks to amend Schedule 1 *Additional Permitted Uses* of MLEP 2011 to ensure consistency between the land uses approved under the MPA and those permitted on site under MLEP 2011, to simplify the approval process for future minor works and ensure other compatible land uses that are typically located within modern shopping centres can occur on the site with development consent.

It should be noted that whilst the site falls within the boundary of the Sydenham to Bankstown Corridor, this Planning Proposal is not relying on the draft Sydenham to Bankstown Corridor Urban Renewal Strategy, nor does this Planning Proposal seek any density or height uplift.

1.2. PROPOSED LEP AMENDMENT

Whilst, the planning framework is not an impediment to the construction of the approved shopping centre, the site remains zoned 'IN1 General Industrial'. The IN1 zoning prohibits *retail premises* and *business premises* on the site under the MLEP 2011. The IN1 zoning also prohibits the introduction of other compatible land uses into the approved shopping centre, such as *Centre-Based Child Care Facilities*, *community facilities* or a *medical centre*. It will also prevent the use of complying development certificates for minor works/changes of use related to the development of retail and business use activities under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

The existing Marrickville Metro Shopping Centre located at 34 Victoria Road and is zoned 'B2 – Local Centre' under MLEP. In the B2 Zone, *retail premises*, *business premises*, *Centre-Based Child Care Facilities*, *community facilities* and *medical centres* are all permissible with development consent. Upon construction of the shopping centre extension at 13-55 Edinburgh Road, Marrickville, AMPC would like to ensure that both sites of the shopping centre benefit from the same zoning to ensure consistency of future operations for the centre owner. A consistent zoning across both sites, will also ensure that existing tenants in Marrickville Metro Shopping Centre would have the ability to be in either of the shopping centre sites. For examples, there is a medical centre in the existing Marrickville Metro sites, which would not be able to be re-located to the expansion site due to the current industrial zoning restrictions. The Planning Proposal will also ensure that the range of permissible land uses on the site reflects at the very least some of the typical land uses that are permissible in the zoning of other nearby comparable shopping centres including Market Place Leichhardt (within Inner West local government area (LGA)) and the Campsie Centre (Canterbury Bankstown LGA).

Whilst, the planning framework is not an impediment to the construction of the approved shopping centre, the intended outcome for the planning proposal is:

- to ensure consistency between the MLEP 2011 and the MPA;
- to simplify the approval process for future minor works, uses (first and change of) and tenancy fit outs, allowing these works to be undertaken as complying development under the Codes SEPP and any other future potential state-wide initiatives which will permit additional low impact works/facilities that are typically undertaken at a shopping centre to be approved under a fast-track complying development pathway; and

- to enable other compatible land uses that are typically offered in shopping centres on the site, which were not thought of at the time of the granting of the MPA in 2012, such as childcare, which would benefit the community.

At this stage, the Planning Proposal does not propose the removal of the current IN1 General Industrial zoning which applies to the site. Whilst AMPC's preferred option is to rezone the site from IN1- General Industrial to B2- Local Centre and increase the maximum Floor Space Ratio (FSR) to ensure consistency with the MPA, Inner West Council have advised that their preferred approach at this stage would be to permit additional permitted uses on the site that are consistent with the MPA and to allow for complimentary additional permitted uses, which would facilitate an evolution of the shopping centre in the future. Inner West Council have advised that until construction of the shopping centre on site is underway, Council are concerned that a rezoning to B2 would permit an array of uses that are not possible under the MPA, in particular shop top housing. Council want surety about the outcomes on the site (i.e. that a shopping centre is built in accordance with the MPA) prior to supporting a change in land use zone to B2 and increasing the maximum permitted FSR on the site to be consistent with the MPA.

AMPC therefore understands that the best way forward to achieve the intended outcome of the Planning Proposal in the most efficient timeframe is to amend Schedule 1 of MLEP 2011 to permit the following additional uses:

- Retail Premises (already permitted on the site under the MPA);
- Business Premises (already permitted on the site under the MPA);
- Medical Centres;
- Centre-Based Child Care Facilities; and
- Community Facilities.

Our discussions to date with Inner West Council and DPE on this approach have being positive.

The proposed amendments to MLEP 2011 within this Planning Proposal are therefore considered to be an interim step, prior to the eventual rezoning of the site from IN1 *General Industrial* to B2 *Local Centre* to align with the current zoning of the existing Marrickville Metro Shopping Centre. This will likely occur following the construction of the expanded shopping centre, possibly as part of Inner West Council's current LEP Review and Local Strategic Planning Statement (LSPS) process. Once construction of the shopping centre begins, AMPC will be making submissions to Inner West Council to request the rezoning of the site to B2 Local Centre and an increase in the FSR on site to be consistent with the existing Marrickville Metro Shopping Centre, as part of Council's own broader LEP review.

It is important to note that the recently published Eastern City District Plan identifies the current use on Site as 'Industrial and Urban Services Land', which is to be retained and managed under Action 51. The Greater Sydney Commission and the Department of Planning (DPE) have advised Urbis via an email dated 21 September 2018 and via phone conversations, that whilst the provisions of the District Plan still continue to apply in respect of the Industrial zoned land, the effect and activation of the MPA approval prior to the adoption of the District Plan means that the "retain and manage" policy in the District Plan is not to be enforced for this land and the Department may consider a planning proposal to rezone the land to permit retail premises and business purposes (as well as other compatible uses) on its merits.

1.3. DEVELOPMENT CONSENT HISTORY

The site and the existing Marrickville Metro Shopping Centre at 34 Victoria Road is subject to a Major Project Approval (MP09_0191), which was granted on 19 March 2012. The Concept Plan approval approved the expansion of the Marrickville Metro Shopping Centre on the subject site. The concept approval was approved at project detail, subject to conditions. No further environmental assessment requirements were imposed pursuant to the former Section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*. This approval includes a condition requiring a minimum of three years between the occupation of Stages 1 and 2.

Since this time the MPA has been modified five times (Modification 4 was withdrawn). The most recent modification (MP09_0191 MOD 6) was lodged in November 2017 and is due to be granted consent in November 2018.

Specifically, development approval has been granted under MP09_0191 (and the subsequent modifications) as follows:

- "demolition of existing warehouse buildings and associated structures on the Edinburgh Road site
- upon the surrender of development consents required under Condition B3 of this approval, use of the Victoria Road site for retail premises and business premises.
- refurbishment and construction of a first-floor addition to the existing retail building on the Victoria Road site and a construction new building with two main levels of retail with car parking above on the Edinburgh Road site comprising:
- a discount department store (5,000m²), supermarket (4,449m²), mini major (1,000m²) and retail premises and business premises (6,318m²)
- an additional 21,780m² GFA (16,767m² G FA) to provide a total of 50,705m² GFA (39,700m² GLFA)
- Authorise the use of 1,623 car parking spaces comprising 1,018 existing spaces and 605 additional car parking spaces.

As discussed above, the MPA approval (as modified) permits *retail premises* and *business premises* on the site, which are prohibited under the site's current zoning (IN1 General Industrial) pursuant to MLEP 2011.

The MPA (and subsequent modifications) have split the development into the following three stages:

- **Stage 1A** comprises works to the main entry of the existing Marrickville Metro shopping centre at Victoria Road, traffic management works and geotechnical works on the Edinburgh Road site.
- **Stage 1B** comprises the new shopping centre building on the 13-55 Edinburgh Road site.
- **Stage 2** comprises the expansion of the existing shopping centre, including first floor additions to the existing building at 34 Victoria Road.

Stage 1A of the development which focused on the Victoria Road entrance, the Civic Place, archival recording of Mill House and other works were completed in March 2017. The MPA has therefore been physically commenced. This means the consent is active and AMPC can construct a shopping centre on the site at any time.

A section 75W modification (MP09_0191 MOD 6) is with the Department of Planning and Environment. At the time of writing, a recommendation has been made to approve the application, with the Modification Instrument awaiting signature. This MOD followed extensive discussions with future operators, which led to a design response which includes an amended retail floor layout and façade for the proposed building on the extension site (at Edinburgh Road), redistribution of gross floor area and parking spaces across the two sites, extended hours of operation for a limited number of tenancies, an amended road alignment for Smidmore Street, public domain works, a new pedestrian bridge across Smidmore Street and introduction of signage and art zones for the proposed building on site. This will ultimately lead to the delivery of the scheme, which was initially granted consent in 2012.

The current modification application also has clarified that the intent of 'speciality retail' which was approved for the subject site under the original MPA, included both *retail premises* and *business premises*. The consent has been modified to reflect this, which will allow for the standard provision of *business premises* tenants such as hairdressers and travel agents, as well as *food and drink premises* (a type of retail premises) which would usually be found within a shopping centre. Noting that the MPA approves some retail only uses (4,449m² supermarket and 1,000m² mini major) and that separate DAs will be required for any fit-out and use of a pub, small bar or restaurant (which has the capacity for more than 50 seats, other than premises where the seating is provided within a common food court or food hall) and associated outdoor seating areas, as these uses (whilst permitted under the MPA) will require further environmental impacts assessment for individual tenants.

Further, the recent modification includes a new Minor Works Condition of consent, which will permit some minor works/change of use to be undertaken without the need for any further modification or approval. Whilst this will help simplify the approval process for minor works for future tenants, the Planning Proposal will facilitate the use of the Codes SEPP and more importantly any other future amendments to the Codes SEPP or other potential state-wide initiatives which will permit low impact works/facilities/uses that are typically undertaken at a shopping centre to be approved under a fast-track complying development pathway.

AMPC are currently tendering for the construction works on the project. Given this, and the recent approval for MP09_0191 MOD 6, the construction of the shopping centre is anticipated to commence on site at the end of 2018.

1.4. CONSULTATION FOR THE PLANNING PROPOSAL TO DATE

AMPC has undertaken pre-lodgement consultation with Inner West Council and DPE.

An initial meeting was held with Inner West Council on 28th February 2018 to discuss the potential to rezone the site. The feedback received at that point was that Council officers could see the logic in rezoning the site given it has a Project Approval and will be developed for retail. The process for progressing a Planning Proposal was also outlined in the meeting.

Following this, a Pre-Planning Proposal meeting request was submitted to Inner West Council on 4th July 2018 and a response received on 8th August 2018. The key issues raised in this letter were that the rezoning of the site would be contrary to the Strategic Planning Policy contained in the Eastern City District Plan which was published in March 2018. Furthermore, Council were concerned about rezoning the site (to B2 Local Centre) until a retail scheme is commenced at the site, as it would permit other uses such as shop-top housing which would not be considered appropriate.

It was suggested by Council that an alternative approach would be to amend Schedule 1 of the LEP as it affects the site, to permit a range of additional permitted uses including retail and business premises, centre-based child care facility, medical centre and community facilities.

This approach was then discussed with the NSW Department of Planning and Environment (DPE) on 27th August 2018, where officers advised that there would be merit in the approach suggested by Council.

DPE briefed the Greater Sydney Commission (GSC) on this proposal and a response was provided by DPE to Urbis with detail of this briefing on 21st September 2018. This identifies that GSC consider that although the provisions of the District Plan continue to apply in terms of loss of industrial land, the retain and manage policy in the Plan is not to be enforced for this land, and the Department may consider a planning proposal to rezone the land to permit retail and business purposes (and other uses).

All the meetings to date have been positive and the Planning Proposal request has been framed around these discussions and the response received from Inner West Council on the Pre-Planning Proposal letter dated 8th August 2018 (as attached at Appendix B).

2. LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

2.1. THE SITE

Marrickville Metro is a subregional shopping centre, located approximately 7km south west of the Sydney Central Business District and approximately 2.5km from Marrickville Railway Station, 1km from St Peters Railway Station and 1.5km north of Sydenham Railway Station. Several bus routes pass along Victoria Road and Smidmore street and connect to other local centres, services and railway stations.

It comprises two parcels of land being 34 Victoria Road (the existing Marrickville Metro shopping Centre site) and 13-55 Edinburgh Road (the shopping centre expansion site). The existing shopping centre consists of the major tenants of Kmart, Woolworths and Aldi and a range of speciality stores, with roof-top car parking. The shopping centre is the largest retail centre in the local area attracting some five million visitations per annum and approximately 28,925m² of GFA.

The current shopping centre is a substantially enclosed and internalised with pedestrian entries from Victoria Road to the north and Smidmore Street to the south. Pedestrian access is also provided from the rooftop car parking areas down into the centre.

The expansion to the shopping centre is approved on the 13-55 Edinburgh Road site, which is located on the opposite side of Smidmore Street to the south. The site (which is subject to the Planning Proposal) is presently occupied by a two-storey brick factory/warehouse building that is built to the street frontages. This site is legally described as Lot 1 in DP 612551 and Lot 91 in DP 4991. The site has an area of approximately 9,070sqm and is located south of the existing Marrickville Metro Shopping Centre (located at 34 Victoria Road), on the opposite side of Smidmore Street.

The site has a frontage to Smidmore Street, Murray Street and Edinburgh Road (Refer to Figure 1 Below), an industrial warehouse currently occupies the site.

Figure 1 – Marrickville Metro Shopping Centre Expansion site



Source: Urbis

2.2. SURROUNDING LAND USES

To the North of the Edinburgh Road site is the existing Marrickville Metro Shopping Centre, with residential properties beyond.

To the East of the site is an electrical substation on the opposite side of Smidmore Street, with residential properties on Bourne Street on the other side of the substation. On the southern side of Edinburgh Road to the east is an industrial estate and distribution centre.

To the South and West of the site are industrial and warehouse uses.

3. PLANNING PROPOSAL

3.1. OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 3.33 (1) and (2) of the Environmental Planning and Assessment Act 1979 with consideration of the relevant guidelines, namely "A guide to preparing planning proposals" issued by the Department of Planning and Environment (August 2016).

Accordingly, the proposal is discussed in the following six parts:

- Part 1: A statement of the objectives or intended outcomes of the proposed amendment;
- Part 2: An explanation of the provisions that are to be included in the proposed amendment;
- Part 3: The justification for those objectives, outcomes and the process for their implementation;
- Part 4: The supporting maps which identify the aspects of the Planning Proposal (This step is not required for this Planning Proposal);
- Part 5: Details of community consultation that is to be undertaken for the Planning Proposal; and
- Part 6: The prospective timeline.

Each of the above are addressed in the following sections of this Report.

3.2. PART 1 – OBJECTIVES AND INTENDED OUTCOME

This Planning Proposal aims to ensure consistency between the MLEP 2011 and the MPA at the Site, with construction programmed to start at the end of 2018. The proposal aims to amend MLEP 2011 to include *retail premises* and *business premises* as additional permitted uses on the site (to align with the MPA), as well as a range of other compatible uses such as medical centres, community facilities and child care centres. The Planning Proposal will facilitate these types of uses to be delivered on the Site as part of the expansion of the existing shopping centre.

The intended outcome of the Planning Proposal is:

- To ensure consistency between the MLEP 2011 and the MPA;
- To simplify the approval process for future minor works, uses (first and change of) and tenancy fit outs, allowing these works to be undertaken as complying development under the Codes SEPP and any other future potential state-wide initiatives which will permit low impact works/facilities that are typically undertaken at a shopping centre to be approved under a fast-track complying development pathway; and
- To enable other compatible land uses that are typically offered in shopping centres on the site, which were not thought of at the time of the granting of the MPA, such as childcare, which would benefit the community.

3.3. PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to MLEP 2011 as follows:

- An amendment to Schedule 1 *Additional Permitted uses* to allow for the following uses within the site:
 - Retail Premises (already permitted on the site under the MPA);
 - Business Premises (already permitted on the site under the MPA);
 - Centre-Based Child Care Facility;
 - Medical Centre; and

- Community Facilities.

It is proposed to introduce a site-specific enabling clause via Schedule 1 amendment for the site as follows:

Schedule 1

22 – Use of certain land at 13-55 Edinburgh Road, Marrickville

This clause applied to land at 13-55 Edinburgh Road, Marrickville, being Lot 1 in DP 612551 and Lot 91 in DP 4991.

Development for the purposes of the following uses of an approved development is permitted with development consent;

- *Retail premises;*
- *Business premises;*
- *Centre-based child care facilities;*
- *Medical Centres; and*
- *Community facilities*

These uses must be delivered as part of the redevelopment of the site as an extension to the existing shopping centre and not within the existing warehouse buildings on site.

3.3.1. Other Relevant Matters

This Planning Proposal responds to the recommendation made by Council and the Department of Planning and Environment (DPE) through pre-lodgement correspondence and meetings with the Proponent.

Inner West Council requested that the Proponent investigate the various options to obtain the intended outcome for the Planning proposal. The suggested options for the site involve the following points and are addressed in detail below:

- Do nothing; or
- Retain the IN1 General Industrial zoning and add retail premises, business premises, medical centre, child care facilities and community facilities as additional permitted uses under Schedule 1 of MLEP 2011; or
- Rezone to B2 Local Centre and increase the maximum FSR from 0.95:1 to 1.65:1 to reflect the MPA (whilst anticipating minor changes to FSR above the approved 1.6:1 may occur over time).

3.3.1.1. Do Nothing

The 'do nothing' scenario would mean that the site's zoning remains as IN1 General Industrial. This is clearly not consistent with the approved use of the site as a shopping centre.

Within shopping centres, the ability to use exempt and complying development is commonplace for activities such as shop fit-outs, minor works, etc. The recent modification includes a new Minor Works Condition of consent, which will permit some minor works/change of use to be undertaken without the need for any further modification or approval. The 'do nothing' scenario would prevent the ability to undertake minor works, tenancy fit outs and uses (first and change of) at the site in the future under the Codes SEPP and any other future amendments to the Codes SEPP, or other potential state-wide initiatives which will permit additional low impact works/facilities that are typically undertaken at a shopping centre to be approved under a fast-track complying development pathway.

The 'do nothing' scenario would not permit complimentary land uses that are typically offered at the present in shopping centres on the site but were not thought of at the time of the granting of the MPA.

Given this, the 'do nothing' scenario is not considered to be a suitable approach.

3.3.1.2. Additional Permitted Uses

This scenario would mean amending Schedule 1 of MLEP 2011, so that *retail premises* and *business premises* (as permitted under the MPA as modified) and other compatible land uses that typically occur

within a shopping centre of this size, such as childcare facilities, medical centres and community facilities would be permissible on the site with development consent. The site would retain its IN1 Zoning.

This scenario would not provide sufficient flexibility for the natural evolution of the shopping centre over time to accommodate new and emerging trends in retail and would also mean that the maximum FSR permitted for the site under MLEP 2011 will not reflect the FSR approved under the MPA (or allows for any minor changes to FSR over time).

Notwithstanding, this scenario would deliver the most efficient and time effective approach, which would partly satisfy the intended outcomes of the planning proposal and has Inner West Council's in-principle support. This scenario would mean that fit outs, minor alterations and change of use would be able to be undertaken under the Codes SEPP. This gives greater flexibility for the shopping centre than the Minor Works Condition under the MPA (which permits some minor works/change of use to be undertaken without the need for any further modification or approval) as the Codes SEPP could be amended over time to introduce additional low impact works/facilities that are typically undertaken for shopping centres to be approved under a fast-track complying development pathway. Further, other compatible land uses that are typically offered at the present in the existing shopping centre (such as a medical centre) and/or in other comparable shopping centres would be permitted with development consent on the site under this scenario.

3.3.1.3. Rezone to B2 Local Centre

AMPC's preferred option is to rezone the site from IN1- General Industrial to B2- Local Centre and increase the maximum Floor Space Ratio (FSR) from 0.95:1 to 1.65:1. This would ensure consistency with the MPA (MP09_0191) which was granted for the shopping centre extension (whilst anticipating minor changes to FSR above the approved 1.6:1 may occur over time).

The rezoning of the site to B2 Local Centre would ensure that the Marrickville Metro extension site reflects the zoning of the existing shopping centre, which ensures consistency of future operations for the centre owner. It would also ensure the zoning reflects the land use zoning of other nearby centres including Market Place Leichhardt (within Inner West LGA) and the Campsie Centre.

The B2 zoning will accurately reflect the existing Marrickville Metro's recognised status as a local centre in the centres hierarchy as defined with the recently published Eastern City District Plan. This is due to the centre's proximity to transport (bus and rail) networks, and the scale of the centre which provides essential access to day-to-day goods and services close to where people live. In addition, there is the centre's ability to contribute to the local night time activity through the approved vibrant eat-street along Smidmore Street, along with its ability to deliver a role as a community hub.

3.3.1.4. Summary

Whilst the Proponent's preferred option is to rezone the site from IN1 General Industrial to B2 Local Centre and increase the maximum Floor Space Ratio (FSR) from 0.95:1 to 1.65:1 to ensure consistency with the MPA, Inner West Council have advised that their preferred approach would be to seek additional permitted uses on the site that are consistent with the MPA, to allow for complimentary additional permitted uses, which would facilitate an evolution of the shopping centre in the future.

Council have advised that until construction of the shopping centre on site is underway, Council are concerned that a rezoning to B2 would permit an array of uses that are not possible under the MPA, in particular shop top housing. Council want surety about the outcomes on the site (i.e. that a shopping centre is built in accordance with the MPA) prior to supporting a change in land use zone to B2 and increasing the maximum permitted FSR on the site to be generally consistent with the MPA.

AMPC agree that the best way forward to achieve the intended outcome of the Planning Proposal in the most efficient timeframe is therefore to amend Schedule 1 of MLEP 2011 to allow the additional permitted uses. This will be of significant benefit to the leasing of the proposed development, which typically starts during the tendering and construction process and will help secure the successful delivery of the approved shopping centre project.

The additional permitted uses at the site will only be delivered as part of the redevelopment of the site as a shopping centre, and this will be a stipulation contained within Schedule 1 amendment. This means that these uses will not be independently brought forward within the existing warehouse building on site.

3.4. PART 3 – JUSTIFICATION AND THE PROCESS FOR THEIR IMPLEMENTATION

3.4.1. Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a specific strategic study or report. The need for the proposed LEP amendment has arisen given the specific circumstances relating to the MPA which permits the development of the Site for a retail and business premises uses as part of the expansion of the Marrickville Metro Shopping Centre on IN1-General Industrial zoned land.

The current industrial zoning of the site prohibits uses which are already permitted by the MPA or are uses that are typically offered within shopping centre. The Planning Proposal seeks to regularise this situation and ensure these uses are also permissible with consent on the site pursuant to MLEP 2011.

The Planning Proposal will also facilitate future minor works, uses (first and change of) and tenancy fit outs, to be undertaken as complying development under the Codes SEPP. This gives greater flexibility for the shopping centre than the recently approved Minor Works Condition of consent under the MPA as modified. This is because the Codes SEPP could be amended over time to introduce additional low impact works/facilities that are typically undertaken for commercial premises to be approved under a fast-track complying development pathway, which would not be facilitated under the current proposed condition.

The Planning Proposal also seeks to ensure other compatible land uses which are typically offered in shopping centres such as medical centres, centre-based child care facilities and community facilities would be permissible with consent on the site. This will serve to future-proof the evolution of the shopping centre and allow AMPC to provide these in-demand types of tenants/services to the community.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The Planning Proposal is the best means of achieving the objectives of the project. As discussed, AMPC have been in discussions with Inner West Council and the DPE regarding various options to obtain the intended outcome for the Planning Proposal, including:

- **Option 1:** Do nothing - this option would mean that the site's zoning remains as IN1 General Industrial. This is clearly not consistent with the approved use of the site as a shopping centre and would not permit complimentary land uses that are typically offered at the present in shopping centres on the site but were not thought of at the time of the granting of the MPA.
- **Option 2:** Rezone the site to B2 Local Centre and increase the maximum FSR from 0.95:1 to 1.65:1 to reflect the MPA.
- **Option 3:** Amend Schedule 1 of MLEP 2011, so that that *retail premises* and *business premises* (as permitted under the MPA as modified) and other compatible land uses that typically occur within a shopping centre of this size, such as childcare facilities, medical centres and community facilities would be permissible on the site with development consent. The site would retain its IN1 Zoning.

After discussions with Council and the DPE, Option 3 was identified as the preferred scenario at this stage for the intended outcome of the Planning Proposal at this point in time.

Marrickville LEP is also over five years old and the present controls do not reflect the approved use for the site and its future development/operation as a shopping centre.

3.4.2. Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and Exhibited Draft Strategies)?

DPE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination is its strategic and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

Greater Sydney Region Plan - A Metropolis of Three Cities

The Plan is the current Strategic Plan for Metropolitan Sydney. The plan integrates land use, transport and infrastructure planning between the three tiers of government and across State agencies. The vision is for residents within Greater Sydney to live within 30 minutes of their jobs, education and health facilities, and great places. The key priorities for Greater Sydney are included under the following;

- Infrastructure and Collaboration;
- Liveability;
- Productivity; and
- Sustainability.

The plan highlights the following priorities to enhance the function three-city metropolis:

- 30-Minute City: Increasing the range of jobs and services and other opportunities that people can get to within 30 minutes. This will provide equitable access to health, open space and community and cultural infrastructure, improve the ability to walk to local services and amenities and encourage residents to access local services and employment generating facilities.
- A City with Smart Jobs: Increasing the knowledge and skills capacity of the workforce will improve the resilience of the economy. A key focus of the plan is to increase health, knowledge and education jobs in both major and local centres in order to provide opportunities for people to work in a wider range of areas.

The site is located within the Eastern Harbour City as identified by the plan. The plan recognises the strategic importance of the Eastern City as a well-established, well-served and highly accessible district that boasts the largest office market in Greater Sydney. The plan estimates that the district will grow to accommodate an additional 900,000 people over the next 20 years within areas close to existing employment opportunities. Given this, it is clear that the additional permitted uses will provide additional facilities and services to cater for this growing population.

Further the proposal is consistent with the Greater Sydney Region plan as it supports productivity through the growth on jobs and retail floor space within the Eastern Harbour City.

Eastern City District Plan:

The site is situated within the area covered by the Eastern City District Plan, released in March 2018. This District Plan has been developed by the Greater Sydney Commission and outlines the priorities and actions for the District which includes the Inner West Council LGA.

The Key Objectives identified in the District Plan are addressed below in Table 1.

Table 1 – Vision for the Eastern Harbour City

Objectives	Comment
<p>Infrastructure and Collaboration: Include health and education precincts at Camperdown-Ultimo, Randwick and Kogarah with collaboration roles at St Leonards, Macquarie Park and Frenchs Forest.</p> <p>Further collaboration to address planning complexities and identify ways to support growth will be undertaken at the Australian Nuclear Science and Technology Organisation innovation precinct and the Bankstown Airport and Milperra industrial area.</p>	<p>The proposal does not undermine the potential to achieve this objective.</p>

Objectives	Comment
<p>Liveability: The population of the Eastern Harbour City is projected to grow from 2.4 million people in 2016 to 3.3 million people by 2036.</p> <p>The Eastern Harbour City is a mature mix of well-established communities, from traditional suburban neighbourhoods to Australia's most highly urban areas. Growth will bring urban renewal with increased infrastructure and services, open spaces and public places. Sympathetic infill development will focus on improved local connections.</p>	<p>The proposal does not affect the continued operation of the existing Marrickville Metro Shopping Centre or the approved expansion development.</p> <p>The proposal will strengthen the ability of the existing retail and business tenancies to complement these uses and provide a streamlined approval process for minor shop fit outs and change of use. The proposal will permit potential future uses at the site such as, centre-based child care facilities and medical centres, benefiting the growing population.</p>
<p>Productivity: Innovation and global competitiveness will be focussed in the Harbour CBD, the Eastern Economic Corridor and strategic centres. These will be supported by investments in transport and services, job growth and business activity.</p> <p>Retention and management of industrial and urban service land will enable the growth of nationally significant, and locally important businesses and services.</p>	<p>The proposal will permit additional uses within the expanded shopping centre, which will benefit the leasing potential of the new units, thereby helping to ensure the creation of new jobs at the centre. Permitting minor works to be undertaken as <i>Complying Developments (CDC)</i> under the Codes SEPP, provides a quicker approval process, minimising operation and construction delays. This will assist AMPC's development of the site.</p> <p>At this stage, it is not proposed to rezone the site and as such the proposal complies with the protect and manage policy for industrial and urban services land. At an appropriate point, following the construction of the centre and Council's review of industrial premises in the LGA, a rezoning proposal will be progressed by AMPC.</p>
<p>Sustainability: The Greater Sydney Green Grid will improve access to foreshores, waterways and the coast for recreation, tourism, cultural events and water-based transport.</p>	<p>The proposal does not undermine the potential to achieve this objective.</p>

Loss of Industrial land

The Eastern City District Plan identifies the subject site as 'Industrial and Urban Services Land', which is to be retained and managed.

Specifically, Action 51 of the District Plan is to:

"retain and manage industrial and urban serves lad, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zone land from conversion to residential development, including conversion to mixed use zone.

In updated local environmental plans, councils are to conduct a strategic review of industrial lands”.

The site appears to have been counted as industrial land in the District Plan, despite the approved expansion of the shopping centre. The MPA has effectively already turned the site for other land uses (*retail premises and business premises*) and a shopping centre can be constructed on the site at any time. Once the shopping centre is constructed it will never be returned as industrial land.

As discussed earlier in this report, the Greater Sydney Commission and the DPE have advised via an email to Urbis dated 21 September 2018 and via follow up phone conversations, that whilst the provisions of the District Plan still continue to apply in respect of the Industrial zoned land, the effect and activation of the MPA approval prior to the adoption of the District Plan means that the retain and manage policy in the Plan is not to be enforced for this land and the Department may consider a planning proposal to rezone the land to permit *retail premises and business purposes* (as well as other compatible uses) on its merits.

Local Centre

The existing Marrickville Metro has been identified in the District Plan as a Local Centre (Figure 13), which is a result of it being a focal point for the neighbourhood, containing a range of retail outlets and its connection with a range of local bus services. Planning Priority E6 in the District Plan identifies that certain local centres will need to grow to provide for the requirements of the local community. Furthermore, local centres have an important role to play in providing local employment and this proposal will maintain and enhance the employment generating potential of the site for the benefit of the locality.

The proposal is entirely consistent with the relevant priorities of the Eastern City District Plan as it seeks to protect and enhance retail floor space, activities and offerings in an existing local centre, which already has a major project approval to be expanded. It also consistent with Planning Priorities E4: Fostering healthy, creative, culturally rich and socially connect communities by seeking to permit a greater diversity of uses on that that will benefit the community.

It is therefore evident that the proposal is consistent with the relevant priorities in the Region and District Plan.

Q4. Is the Planning Proposal consistent with a council’s local strategy or another local strategic plan?

Marrickville Employment Lands Study (2008)

The Marrickville Employment Lands Study (2008) identified Marrickville Metro and land surrounding the shopping centre as potential revitalisation areas, resulting in the approved expansion of the existing shopping centre to 13-55 Edinburgh Road. The study identified the need for investment in Marrickville Metro to address the public domain deficiencies and have a larger role in servicing the local community’s needs. The proposal includes provisions to permit additional uses which will further benefit the community such as medical centre, community facilities and child care facilities within the approved expansion of the existing shopping centre.

Marrickville ‘Our Place, Our Vision’ Community Strategic Plan 2023

The Marrickville Strategic Plan identifies the need to encourage a mix of businesses in urban centres to meet the needs and expectation of the community. The Planning Proposal ensures a range of community uses (medical centre, child care centre, and community facilities) are permissible with consent along with (*retail and business premises*) in the approved expanded shopping centre.

Inner West Council Statement of Vision and Priorities (2017)

The Vision and Priorities Statement highlights the need to provide and support additional social hubs and meeting places. The Planning Proposal seeks to permit community other uses within the approved expansion of the shopping centre. Permitting such uses would ensure medical centres and child care centres can be provided in a convenient location for parents, carers and patients. It would also provide the opportunity for these essential community facilities to operate within a new well designed and located shopping centre complex, reducing the need to find an alternative location for such uses.

3.4.2.1. Strategic Merit

The strengthened strategic merit test criteria contained in 'A Guide to Preparing Planning Proposals' require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria set out in Table 2 below:

Table 2 – Strategic Merit Test

Assessment Criteria	Response
<p>Consistent with:</p> <ul style="list-style-type: none"> Regional Plan outside of Greater Sydney Relevant District Plan in Greater Sydney Corridor or Precinct Plan applying to the site Draft Regional, District or Corridor Plan released for public comment. <p>(or)</p> <p>Consistent with a relevant local council strategy that has been endorsed by the Department (or)</p> <p>Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends not recognised by existing planning controls.</p>	<p>The site is located within Greater Sydney.</p> <p>The site is included in the draft Sydenham to Bankstown Corridor. However, it is not proposed to be rezoned under the last draft that was released by the Department. This Draft Strategy has now been handed back to Inner West Council and the future outcomes of this Strategy are not known at this stage. There is no precinct plan relating to the site.</p> <p>The proposal is consistent with the aims of the Eastern City District Plan as demonstrated above.</p> <p>The proposal is consistent with the Marrickville Community Strategic Plan 2023.</p> <p>This proposal now responds to the opportunity presented by development of the MPA to deliver the extension to the existing shopping centre.</p> <p>The Proponent intends to commence the construction of the project in 2018 and this has led to the urgent requirement to ensure that a range of appropriate uses are permissible at the site under the MLEP 2011.</p>

3.4.2.2. Site-Specific Merit

In addition to meeting at least one of the strategic merit criteria, 'A Guide to Preparing Planning Proposals' requires that Planning Proposals demonstrate site-specific merit against the following criteria set out in Table 3 below.

Table 3 – Site Specific Merit

Assessment Criteria	Response
<p>Does the planning proposal have site specific merit with regard to:</p> <p>The natural environment (including any known significant environmental values, resources or hazards); and</p>	<p>The site is not environmentally sensitive land or land with significant biodiversity value.</p> <p>Furthermore, there are no environmental constraints or hazards of such significance that would preclude the redevelopment of the site for residential purposes.</p>

Assessment Criteria	Response
The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and	<p>The site is occupied by an existing industrial warehouse. However, the development of the site for the expansion of the Marrickville Shopping Centre was approved in 2012 (MP09_0191). This consent has been physically commenced at the shopping centre can be constructed at any time.</p> <p>The Proponent intends to develop the MPA following various modification applications and this Proposal will assist the development process.</p>
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 Proponent has undertaken discussions with services and utilities providers as part of the ongoing design development on the project numerous modifications to the MPA. As a result of this, it is clear that there will be sufficient infrastructure to meet the demands of the scheme.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the relevant State Environmental Planning Policies as summarised below.

Table 4 – State Environmental Planning Policies

SEPP	Consistency	Consistency of Planning Proposal
SEPP 1 – Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. The proposal will support the application of the SEPP to the site which will contribute to the transparency of the planning controls applicable to the site.
SEPP 6 – Number of Storeys in a Building	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 14 – Coastal Wetlands	Not Applicable	
SEPP 15 – Rural Land sharing Communities	Not Applicable	
SEPP 19 – Bushland in Urban Areas	Not Applicable	
SEPP 21 – Caravan Parks	Not Applicable	

SEPP	Consistency	Consistency of Planning Proposal
SEPP 22 – Shops and Commercial Premises	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. The proposal seeks to permit business and retail premises to align with the MPA.
SEPP 26 – Littoral Rainforests	Not Applicable	
SEPP 29 – Western Sydney Recreation Area	Not Applicable	
SEPP 30 – Intensive Agriculture	Not Applicable	
SEPP 33 – Hazardous and Offensive Development	Not Applicable	
SEPP 36 – Manufactured Home Estates	Not Applicable	
SEPP 39 – Spit Island Bird Habitat	Not Applicable	
SEPP 44 – Koala Habitat Protection	Not Applicable	
SEPP 47 – Moore Park Showground	Not Applicable	
SEPP 50 – Canal Estate Developments	Not Applicable	<p>Contamination and SEPP 55 have been considered as part of the original MPA and the most recent MOD. A Contamination Synthesis Report was prepared by Douglas and Partners to support the recent MOD. The report concludes that the Edinburgh Road site is suitable, from an environmental perspective, for the proposed shopping centre redevelopment subject to:</p> <ul style="list-style-type: none"> • Prior to the demolition of any existing buildings, the buildings area assessed for the presence of hazardous materials; • The preparation of an Acid Sulphate Soil Management Plan for the construction phase; • An unexpected finds protocol to form the part of the contractor's standard method statement and construction management plan; and
SEPP 55 – Remediation of Land	Yes	

SEPP	Consistency	Consistency of Planning Proposal
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable	• Prior to any soils to be removed from site, a waste classification assessment should be undertaken.
SEPP 60 – Exempt and Complying Development	Yes	One of the intended outcomes of the Planning Proposal is to ensure that fit outs, minor alterations and change of use would be able to be undertaken under the Codes SEPP.
SEPP 62 – Sustainable Aquaculture	Not Applicable	
SEPP 64 – Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 65 – Design Quality of Residential Apartment Development	Not Applicable	
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable	
SEPP 71 – Coastal Protection	Not Applicable	
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The proposal is to adopt the standard instrument provisions for exempt and complying development
SEPP (Housing for Seniors or people with a Disability) 2004	Not Applicable	
SEPP (Infrastructure) 2007	Yes	State Environmental Planning Policy (Infrastructure) 2007, sets out requirements for various public authority and infrastructure works throughout the state. In addition, it requires the referral of certain traffic generating development to the RMS during the DA assessment process.

SEPP	Consistency	Consistency of Planning Proposal
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	Any required referral will be triggered at DA stage and does not impact a land rezoning. Traffic generation, parking and access are addressed in Section 5.3.
SEPP (Kurnell Peninsula) 1989	Not Applicable	
SEPP (Major Development) 2005	Consistent	The Planning Proposal is consistent with the provisions of the Major Project Approval (MP09_0191) and relating Modifications.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	
SEPP (Penrith Lakes Scheme) 1989	Not Applicable	
SEPP (Port Botany and Port Kembla) 2013	Not Applicable	
SEPP (Rural Lands) 2008	Not Applicable	
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable	The Planning Proposal does not contain provisions that will conflict or obstruct the application of the SEPP.
SEPP (State and Regional Development) 2011	Consistent	
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable	
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	
SEPP (Temporary Structures) 2007	Not Applicable	
SEPP (Urban Renewal) 2010	Consistent	The Planning Proposal does not contain provisions that will conflict or obstruct the application of the SEPP.

SEPP	Consistency	Consistency of Planning Proposal
SEPP (Western Sydney Employment Area) 2009	Not Applicable	The proposal has considered the draft SEPP, namely the objectives to remove artificial barriers on competition between retail businesses and is considered consistent with the draft SEPP.
SEPP (Western Sydney Parklands) 2009	Not Applicable	
Draft SEPP (Competition) (2010)	Yes	

Q6. Is the Planning Proposal consistent with applicable ministerial directions (S9.1 Directions)?

The Section 9.1 Ministerial Directions (under Section 9.1 of the *Environmental Planning and Assessment Act, 1979*) provide local planning direction and are to be considered in a rezoning of land. The relevant Section 9.1 considerations are considered in Table 5 below.

Table 5 – Section 9.1 Directions for Planning Proposals

Clause	Direction	Consistency	Comment
1. Employment and Resources			
1.1	Business and Industrial Zones	Consistent	<ul style="list-style-type: none"> The proposed development will have a positive employment impact, providing for ongoing opportunities for new jobs. The proposal will not undermine the integrity and core purpose of the Marrickville Metro Shopping Centre.
1.2	Rural Zones	Not Applicable	This Direction is not applicable as it applies to Rural zoned land.
1.3	Mining Petroleum Production and Extractive Industries	Not Applicable	This Direction is not applicable as it applies to Mining Petroleum Production and Extractive Industries.
1.4	Oyster Aquaculture	Not Applicable	This Direction is not applicable as it applies to Oyster aquaculture
1.5	Rural Lands	Not Applicable	This Direction is not applicable as it applies to rural lands.
2. Environment and Heritage			
2.1	Environmental Protection Zones	Not Applicable	This Direction is not applicable as the Site is not covered by an environmental protection zone.
2.2	Coastal Protection	Not Applicable	This Direction is not applicable as the Site is not in a coastal protection zone.

Clause	Direction	Consistency	Comment
2.3	Heritage Conservation	Not Applicable.	MLEP 2011 contains heritage provisions. This Planning Proposal does not seek to amend these. Mill House' component of the subject site is listed as an item of local heritage significance in the Marrickville LEP, along with the adjacent brick paving on Victoria Road to the north and the St Pius Church and Presbytery to the east. The Planning Proposal will not affect the significance of these items.
2.4	Recreation Vehicle Areas	Not Applicable.	This Direction is not applicable as the Site is not intended to be used as a recreational vehicle area.
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Not Applicable	This Direction is not applicable as the Site.
3.2	Caravan Parks and Manufactured Home Estates		This Direction is not applicable as the Site is not currently a caravan park, nor is it intended to be used as a caravan park or manufactured home estate.
3.3	Home Occupations	Not Applicable	This Direction is not applicable as the Site is not intended to be used for housing purposes.
3.4	Integrating Land Use and Transport	Consistent	The site supports the principle of integrating land use and transport. The site exhibits good access to public and private transportation use. The site is well serviced by Sydney buses and is within comfortable walking distance of a railway station.
3.5	Development Near Licensed Aerodromes	Not Applicable	This Direction is not applicable as the Site is not near a licensed aerodrome.
3.6	Shooting Ranges	Not Applicable	This Direction is not applicable as the Site is not located near a shooting range.
4. Hazard and Risk			
4.1	Acid Sulphate Soils	Consistent	The site is located on Class 2 Acid Sulphate soils. The proposal does not propose any additional exterior works other than that approved under MP09_0191.

Clause	Direction	Consistency	Comment
4.2	Mine Subsidence and Unstable Land	Not Applicable	This Direction is not applicable as the Site is not located within a Mine Subsidence District or identified as unstable land.
4.3	Flood Prone Land	Not Applicable	The proposal is not intended to facilitate changes to the approved built form on the site. The approved development addresses flood constraints within the site.
4.4	Planning for Bushfire Protection	Not Applicable	This Direction is not applicable as the Site is not located on bushfire prone land.
5. Regional Planning			
5.1	Implementation of Regional Strategies	Not Applicable	This Direction is not applicable as the Site is not part of a regional strategy.
5.2	Sydney Drinking Water Catchments	Not Applicable	This Direction is not applicable as the Site is not located within a hydrological catchment in the identified LGAs.
5.3	Farmland of State and Regional Significance on NSW Far North Coast	Not Applicable	This Direction is not applicable as the Site is not located on the NSW far north coast.
5.4	Commercial and Retail Development along the Pacific Highway	Not Applicable	This Direction is not applicable as the Site is not located along the Pacific Highway.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	Revoked	
5.6	Sydney to Canberra Corridor	Revoked	
5.7	Central Coast	Revoked	
5.8	Second Sydney Airport: Badgerys's Creek	Not Applicable	This Direction is not applicable as the Site is not located within or adjacent to the proposed airport site.
5.9	North West Rail Link Corridor Strategy	Not Applicable	This Direction is not applicable as the Site is not located within the applicable LGAs.
6. Local Plan Making			
6.1	Approval and Referral Requirements	Consistent	The Planning Proposal is consistent with the objective of this clause as it sets a statutory planning framework for the Site that will facilitate appropriate development

Clause	Direction	Consistency	Comment
6.2	Reserving Land for Public Purpose.	Consistent	assessment procedures in accordance with the EP&A Act 1979. This is an administrative requirement for Council.
6.3	Site Specific Provisions	Consistent	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the MLEP.
7. Metropolitan Planning			
7.1	Implementation of the Greater Sydney Region Plan – A Metropolis of	Consistent	The planning proposal is consistent with the aims of the Metropolitan Plan as detailed previously within the Planning Proposal.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable	This Direction is not applicable as the Site is not located within the Greater Macarthur Land Release Investigation area.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	This Direction is not applicable as the Site is not located within the Parramatta Road Corridor.

3.4.3. Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal?

No. The site is located within an established urban area. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative ecological impacts is minimal.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The key environmental considerations associated with the project are as follows:

Traffic:

The proposal will not involve any changes to the approved quantum of floor space within the site. Existing parking, traffic and access arrangements have already been assessed as been satisfactory and will remain unchanged. Separate Traffic and Parking Reports will be undertaken as part of any future Development Application (DA) for the individual uses that will require a DA such as childcare and medical centres.

The original Traffic and Parking Assessment Report and Environmental Impact Statement can be accessed at the following link.

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3734

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

An Economic Assessment Report was undertaken and approved as part of the Major Project Approval (MP09_0191). The proposal does not include additional Gross Floor Area and will not cause any additional economic impacts than otherwise previously assessed prior to the grant of the MPA. If required, an updated

economic impact statement can be undertaken at the next DA stage to assess any likely changes to the economic impacts.

The proposal will also provide the ability for the shopping centre to include essential community services, such as a child care centre, medical centre and community facility within proximity to employment and retail options, increasing the level of convenience for the local community.

The original Economic Impact Assessment can be viewed at the following link.

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3734

3.4.4. Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is served by existing utility services. The proposal involves the continuation of existing uses within the site. Accordingly, it is not anticipated that unnecessary or additional demands will be placed on public infrastructure.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal is still in a preliminary stage. Appropriate consultation with relevant government agencies would be undertaken by Council following a gateway determination.

3.5. PART 4 – MAPPING

Given that this LEP amendment only seeks to introduce new additional permitted uses, it does not affect any of the LEP Maps. As such, there is no requirement to provide updated mapping as part of this Planning Proposal.

3.6. PART 5 – COMMUNITY CONSULTATION

The Planning Proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination.

It is anticipated that the proposal would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Inner West Council website.
- Written correspondence to adjoining and surrounding landowners.

The Planning Proposal will be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

3.7. PROJECT TIMELINE

The 'Guide to Preparing Planning Proposals' published in August 2016 indicates that the following details should be provided. As such, the timeline has been updated as part of this Addendum Report, with our estimated dates for each stage in *italics*:

- Anticipated commencement date (date of Gateway determination) – Q1 2019
- Anticipated timeframe for the completion of required technical information – Q1 2019
- Timeframe for government agency consultation (pre-and post-exhibition as required by Gateway determination) – Q2 2019
- Commencement and completion dates for public exhibition period – Q2 2019
- Dates for public hearing (if required) – Not proposed to be required
- Timeframe for consideration of submissions – Q3 2019
- Timeframe for the consideration of a proposal post exhibition – Q3 2019

- Date of submission to the Department to finalise the LEP –Q4 2019
- Anticipated date RPA will make the plan (if delegated) –Q4 2019
- Anticipated date RPA will forward to the Department for notification. – Q4 2019

The above information will be crystallised by the RPA following the issue of the Gateway determination and through the production of the formal Planning Proposal. However, it is considered that this would be a straightforward Planning Proposal and it is expected that the process can be finalised in approximately 12 months by Inner West Council (under delegation) and the consequential LEP amendments gazetted within this timeframe.

4. CONCLUSION

This Planning Proposal seeks to amend Schedule 1 *Additional Permitted Uses of Marrickville Local Environmental Plan 2011* (MLEP 2011) to align with the approved *retail premises* and *business premises* uses within the Major Project Approval (MP09_0191) as modified for the expansion of Marrickville Metro Shopping Centre at 13-55 Edinburgh Road, Marrickville. These uses are prohibited under the site's current IN1 General Industrial zoning pursuant of MLEP 2011.

The Planning Proposal also seeks to introduce additional complementary permitted uses within Schedule 1 of the MLEP such as medical centres, centre-based child care facilities and community facilities as additional permitted uses at the site. These uses which are typical to a shopping centre of this size and status, would be delivered as part of the redevelopment of the site to provide a new shopping centre extension and would not be accommodated within the existing warehouse building on site.

Importantly, the amendment would mean that minor works (change of use, shop fit outs, etc) will be able to be undertaken as complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, which is consistent with other shopping centres in Greater Sydney.

Whilst the site falls within the boundary of the Sydenham to Bankstown Corridor, it is important to note that this Planning Proposal is not relying on the draft Sydenham to Bankstown Corridor Urban Renewal Corridor Strategy nor does it propose any density uplift (height or FSR).

The Planning Proposal responds positively to various State and Local strategic plans and is considered the most favourable option for achieving the intended outcomes for the site by Inner West Council and the Department of Planning and Environment.

DISCLAIMER

This report is dated 31 October 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of AMP Capital (Instructing Party) for the purpose of Planning Proposal (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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APPENDIX A MAJOR PROJECT APPROVAL (MP09_0191)

**APPENDIX B PRE-PLANNING PROPOSAL RESPONSE
FROM COUNCIL**

Item 3

Attachment 2


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 COUNCIL OFFICER'S PLANNING PROPOSAL PUBLIC EXHIBITION REPORT	
Planning Proposal No.	PPAP/2020/004
Address	466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill.
Proposal	<p>To amend the Marrickville Local Environmental Plan (MLEP) 2011 to:</p> <ul style="list-style-type: none"> • Rezone the IN2 Light Industrial Land to a mix of B5 Business Development, R4 High Density Residential, RE1 Public Recreation and RE2 Private Recreation • Introduce maximum height controls ranging from 2 to 8 storeys • Increase the maximum Floor Space Ratio (FSR) over most of the site from 0.95:1 to 2.2:1, 3.0:1 and 3.3:1 • Permit residential flat building in the proposed B5 zone • Add a site specific clause for provision of State public infrastructure, a time limit for lodging a development application (DA) and an allowance for minor variations to controls for vehicular and pedestrian access, parking and site servicing

1.0 BACKGROUND

The proposal was lodged with Council in July 2016 in the context of the exhibited Draft Sydenham to Bankstown Urban Renewal Corridor (S2B) Strategy.

The original concept design was for a mixed use development of 156 apartments and 4 commercial/retail units with a central communal open space. The built form included:

- A part 8 storey, part 9 storey building in the western part of the site fronting onto Hercules Street with a 6m setback from the light rail/GreenWay corridor and a 5 storey frontage with an upper level setback of 7.5m to New Canterbury Road;
- Ground floor commercial and retail uses along New Canterbury Road with retention of the 2 storey shop facades at the Kintore Street corner;
- A part 5 storey, part 6 storey residential flat building in the central part of the site on Hercules Street;
- A pocket park on the corner of Hercules and Kintore Street;
- A 6m wide path connecting Hercules Street and New Canterbury Road next to the light rail corridor;
- A 3 level basement carpark with 29 spaces accessed from Kintore Street and New Canterbury Road and a 2 level basement carpark with 137 spaces accessed from Hercules Street; and
- Retention of the Greek Orthodox Church at 28 Hercules Street.

On 27th July 2017 the Council administrator resolved to defer consideration of the proposal until the S2B Strategy was adopted. This decision prompted the proponent to request a Rezoning Review. The Department of Planning, Industry and Environment (DPIE) issued a Gateway Determination in November 2018 that the proposal should be publicly exhibited.

Council accepted the Planning Proposal Authority role, but the formal plan-making function was not delegated to Council. The Minister for Planning and Public Spaces retained that role and will make the final decision on whether to amend the MLEP.

The Gateway Determination had a number of conditions to be fulfilled by the proponent prior to the exhibition. In response to these the proponent made the following changes to the original concept design:

- 135 apartment dwellings instead of 156
- Addition of a basement supermarket in the western part of the site;
- Office units only rather than office or retail units in the north-east corner of the site;
- An additional 7 basement car parking spaces.

The proposed LEP map changes are shown in **APPENDIX 1-3** of this report.

2.0 SITE CONTEXT

The 4,743 sqm site has 14 lots with New Canterbury Road to the north, Kintore Street to the east, Hercules Street to the south and the light railway corridor to the west. The proponent owns three of the lots. (See Figure 1)



Figure 1: Site Ownership

The New Canterbury Road frontage has a terrace of neighbourhood shops. Hercules Street has single/double fronted warehouse buildings, a Greek Orthodox Church and a dwelling house. The majority of the buildings on the site are two storeys except for the one storey dwelling house.

The opposite side of New Canterbury Road has car repair shops, small businesses, residential flat buildings and mixed use developments. The tallest development in the immediate area is 4 storeys.

Dulwich Hill Public School to the south has 1 to 2 storey buildings and further south is a mix of single dwellings and older apartment blocks. The site is divided into a primary site to the west and secondary site to the east (refer to **Figure 2**).



Figure 2: The proposed site (secondary site has dashed yellow boundary)

3.0 SUBMISSIONS

The Planning Proposal was publically exhibited for 28 days from 18 November 2019 to 12 December 2019. The exhibition material was made available on Council's Yoursay website.

545 notification letters were sent out to owners and occupiers in the surrounding area. Notification letters were also sent to Transport for NSW, Department of Education and Roads and Maritime Services as part of the Gateway requirement to consult with public authorities. A submission from Transport for NSW was received.

A total of 90 individual submissions were received; 65 submissions opposed the development, 15 supported it and 10 were conditional support.

Save Dully Action Group, Parents and Citizen Association of Dulwich Hill Public School, the Greek Orthodox Church and Transport for NSW also made submissions.

A summary of the individual and group submissions is provided in **ATTACHMENT 2**.

4.0 ASSESSMENT OF PLANNING PROPOSAL AGAINST GATEWAY DETERMINATION CONDITIONS

The planning proposal was updated by the proponent in response to Gateway conditions (See **Attachment 5** of Council report). The proposal however remains inconsistent with the following conditions:

- b) Address the Greater Sydney Region Plan and its priorities**
- c) Address the Eastern City District Plan**

The Greater Sydney Region Plan – 'A Metropolis of Three Cities' (the Region Plan) and the Eastern City District Plan (the District Plan) provide a clear direction about planning for industrial and urban services land. Planning Priority E12 "Retaining and managing industrial and urban services land" in the District Plan requires the safeguarding of all existing industrial and urban services land from competing pressures, especially residential and mixed use developments.

The District Plan states that, "this approach retains this land for economic activities required for Greater Sydney's operation, such as urban services. Specifically, these industrial lands are required for economic and employment purposes. Therefore the number of jobs that support the city and population should not be the primary objective rather a mix of economic outcomes"

On 5 October 2018, the Greater Sydney Commission (GSC) released an Information Note (SP2018-1) to assist planning authorities with their assessment of planning proposals submitted prior to the March 2018 adoption of the District Plan and that relate to areas covered by the 'retain and manage' approach.

This planning proposal was submitted to Council before the adoption of District Plans (March 2018) and had been referred by Eastern City District Planning Panel to proceed to Gateway Determination.

The GSC Information Note indicates that the proponents are required to satisfy the relevant conditions of a Gateway Determination before such proposals proceed to public exhibition.

Whilst this proposal was updated in an attempt to address the Gateway conditions prior to exhibition, it still continues to fail the Region and District Plan's strategic merit test in respect of the loss of industrial and urban services land.

The District Plan requires Eastern City District Councils to conduct a strategic review of industrial land. Inner West Council is currently finalising its Employment and Retail Lands Strategy (ERLS), but the exhibited draft already provides an evidence based approach to managing employment lands and commercial centres in the LGA.

The proposal is inconsistent with the draft ERLS Strategy and Actions as explained below:

Table 1: Assessment of proposal against Council's draft ERLS	
Strategy and Actions	Council Officer Comments
Strategy 1.1: Establish a clear retail centre hierarchy across the LGA	Inconsistent
Action 1.1.1: Adopt the recommended retail centre hierarchy as defined in Table 3	According to the proponent's Economic Impact Assessment (dated July 2019), the proposal includes approximately 573sqm of commercial space and 854sqm of retail supermarket space.
Action 1.1.3: Enhance the vibrancy of town and local centres by: <ul style="list-style-type: none"> Discouraging growth of out-of-centre 	The Economic Impact Assessment does not

retail and stand-alone shopping centres	address the potential impacts of new commercial and retail/supermarket space outside Dulwich Hill local centre.
Strategy 1.2: Build on the existing and evolving roles and functions of employment precincts to strengthen the local economy	<p>Inconsistent</p> <p>The planning proposal fails to build on the urban services role and function of existing employment on the site.</p> <p>There is approximately 4,000 sqm of urban services floorspace on the site and the proposal would replace this with approximately 1,400 sqm of retail and commercial floorspace. This would reduce the Inner West's industrial and urban services land supply.</p> <p>The draft ERLS requires employment space to be flexible to accommodate new sectors in the future.</p> <p>By enabling residential accommodation in a B5 Business Development zone the proposal would preclude future industrial/urban services adaptability and intensification.</p>
<p>Strategy 1.5: Support and encourage the establishment of new enterprises in the Inner West:</p> <p>Action 1.5.4: Support the growth of targeted industry sectors as outlined in the Eastern City District Plan, including: urban services, specialised food manufacturing, logistics and other uses associated with the airport and Port Botany, the cultural and arts sector, night-time economies in appropriate centres, council depot/s and the establishment of an organic recycling centre, biotechnology and innovation industries in Camperdown.</p>	<p>Inconsistent</p> <p>The draft ERLS is aligned with the District Plan to safeguard all existing industrial and urban services land from competing pressures, especially residential and mixed use. The retention of this industrial zoning will support economic activities required for Sydney's prosperity and accommodate evolving employment uses and urban services that benefit the local community.</p> <p>The proposal would reduce the Inner West's stock of industrial and urban services land.</p> <p>The introduction of residential accommodation in a B5 zone would push up land values and displace industrial activity which would encourage other attempts to rezone industrial land.</p>
<p>Strategy 3.1: Retain a diversity of industrial land, urban services land and employment generating uses</p> <p>Action 3.1.1: Adopt a clear position statement that there is to be no rezoning of industrial land.</p>	<p>Inconsistent</p> <p>Rezoning of this site would result in irreversible loss of industrial/urban services land and worsen the shortfall of industrial land in the LGA.</p> <p>The Inner West needs to not only protect the remaining employment lands but also seek</p>

	opportunities to reverse this shortfall.
Strategy 3.3: <i>Floorspace is flexible and adaptable</i>	<p>Inconsistent</p> <p>Business and industry needs are constantly changing.</p> <p>The proposal does not provide any flexible floorspace to accommodate a diversity of employment uses including industrial and urban services. Locating non-residential floor space in the basement further limits the range of potential uses.</p> <p>Neither the planning proposal nor the Economic Impact Assessment provide a viability assessment of whether industrial uses with residential uses above would be feasible in the proposed development.</p> <p>The proposal does not present any alternative option for replacement of light industrial and urban services floorspace.</p> <p>Protection of industrial land and local jobs was raised as an issue in the public submissions.</p>
<p>Strategy 5.1: <i>Provide certainty and clarity to businesses</i></p> <p>Action 5.1.1: <i>Consolidate the provisions associated with employment lands into one Local Environmental Plan including amending the zoning and permissibility framework for consistency and to preserve industrial land. Priority recommendations include:</i></p> <ul style="list-style-type: none"> <i>prohibit residential accommodation in IN1 General Industrial, IN2 Light Industrial, B5 Business Development, and B6 Enterprise Corridor zones</i> 	<p>Inconsistent</p> <p>The planning proposal would introduce residential accommodation in the proposed B5 Business Development zone and compromise its intention. It is inconsistent with the draft ERLS recommendations to prohibit residential uses in employment zones.</p>
<p>Strategy 5.2: <i>Manage land use conflicts between employment land and residential uses</i></p> <p>Action 5.2.1: <i>Uses that are sensitive to impacts generated from noise, odour, dust, vibration, heavy vehicle traffic and/or 24 hours operation should not be permissible in industrial zones.</i></p> <p>Action 5.2.2: <i>To limit future amenity impacts,</i></p>	<p>Inconsistent</p> <p>The proposal introduces residential uses in a B5 Business Development zone and includes R4 High Density Residential immediately adjacent to a B5 zone.</p> <p>'Light industries' are permitted in B5 zones under MLEP 2011. The proposed residential accommodation could be subject to adverse amenity impacts from potential light industrial</p>

<p><i>B5 Business Development, B6 Business Enterprise, B7 Business Park and IN2 Light Industrial zones should be retained within this set of zones to maintain a buffer for IN1 General Industrial zones.</i></p> <p>Action 5.2.3: Investigate incorporating an additional local provision that would require new development to demonstrate compatibility with nearby industrial uses (see agent of change principle - Action 1.4.6).</p>	<p>uses in the B5 zone which could lead to conflict and displacement of industrial activities.</p> <p>The proponent has not demonstrated any commitment to provide a minimum amount of floor space for light industrial uses. If the proposal should proceed however, then additional local provisions should be required that residential redevelopment must demonstrate compatibility with potential light industrial uses in the B5 zone.</p>
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Redevelopment of this site in line with this planning proposal would result in an irreversible loss of urban services land. The proposed B5 zoning does not mitigate this potential loss and would not enhance the supply of low-cost affordable urban services land.

There is no commitment to retain light industrial uses on the site. The proposal might create more jobs in retail compared to the number of existing or potential light industrial and urban services jobs on the site but as stated in the Region and District Plan the number of jobs is less relevant compared to maintaining the supply of industrial land. This is emphasised in the GSC policy paper 'A Metropolis that Works':

"the value of Urban Services is not held in how many jobs they directly provide, but in the operational role and function they play throughout the city".

f) Confirm the proposed RE1 and RE2 zoning of the site:

The original Planning Proposal included a RE1 Public Recreation zone for a pocket park in the south eastern corner of the site on the Church and individual house lots. Council's Public Domain Planning and Recreation Planning and Programs teams indicated that the proposed pocket park would not offer a significant recreation benefit or 'green relief' and recommended that it would be impractical for Council to take ownership of the proposed facility.

The proposed RE2 Private Recreation zone on the same two lots in the exhibited planning proposal was confirmed to accord with condition (F) of the Gateway Determination which states that the proposal is to be amended to "confirm the proposed RE1 and RE2 zoning of the site". This private open space would have the same lack of recreational and greening benefits as a public pocket park with the added disadvantage of not being accessible to the public.

The proponent has sold the 26 Hercules Street part of the proposed RE2 Private Recreation zoning and does not own the other half where the Church is located. This is likely in any case to preclude the delivery of this private open space and remove redevelopment potential for the new owner. Consequently Council Officers do not support an RE1 or an RE2 zoning.

The Concept Plan also shows that the rear sections of the church and dwelling house sites are required for an access ramp to the proposed basement car parking.

h) Include an acknowledgement that satisfactory arrangements will be required to address state infrastructure needs as the site is in the Sydenham to Bankstown Corridor

The draft Sydenham to Bankstown Corridor Urban Renewal Strategy (the 'draft S2B Strategy') has been abandoned by the NSW Government. Planning for the corridor has been handed back to Council to be undertaken in collaboration with the State Government.

The state or local infrastructure needs arising from the proposed development cannot be calculated in isolation of the rest of the area. Council is reviewing the draft S2B strategy through its Place Based Studies and infrastructure needs for the area need to be considered holistically.

Submissions have also been received from the residents raising concerns regarding the existing low levels of infrastructure available for the site and the surrounding area. If the proposal were to proceed to finalisation, the development would be likely to burden local and state infrastructure without making adequate contributions.

This Gateway requirement is therefore semi-redundant and the planning proposal is premature because the nature and level of infrastructure contributions required cannot be defined as yet.

j) Undertaken an economic impact analysis assessing the loss of industrial zoning and urban service uses on the site with regards to the local economy;

The proponent has undertaken an Economic Impact Assessment (EIA) in response to Condition (J) of the Gateway to "assess the loss of industrial zoning and urban services on the site in regards to the local economy". It has the following flaws and shortcomings:

The study's focus on macro-economic factors and housing supply is misleading as its analysis in respect of these aspects is generic and could apply to proposed development with similar characteristics anywhere in the LGA. For example all the construction and post-construction benefits claimed for the proposed development, such as multiplier effects, construction employment, retail expenditure by construction workers, remuneration, gross value added and whole-of-government revenue, employee retail spend, and resident retail spend would be generated irrespective of where this residential development took place.

The reference to low levels of LGA residents jobs in industrial precincts compared to higher numbers of LGA residents working in commercial and retail activities having higher rates than "industries typically located in industrial precincts" is misleading. Table 4 in the EIA makes clear that Arts and recreation services in the IWC area have more than double the number of local resident workers compared to retail workers. This is particularly relevant as arts and related services frequently occupy industrial property in the Inner West.

Council is supportive of new retail jobs in the right place in the Inner West, but this site is not in one of the centres recommended for growth in Council's draft Employment and Retail Lands Strategy.

The suggestion that a decline in manufacturing employment over the last 17 years supports the proposal, avoids the issues that the projected growth in population will require additional urban services land and that a larger population may encourage growth in modern, small scale manufacturing. The EIA treatment of these issues is inconsistent with the findings of Inner West's draft Employment and Retail Lands Study.

The EIA references the 2016 draft regional plan for Sydney regarding accelerating the supply of housing to increase affordability as support for the proposal. The final 2018 Greater Sydney Regional Plan does not sustain this approach and in any case Council's Local Housing Strategy demonstrates it can meet its housing targets without the loss of land zoned for industry. The 2017 'SGS Sydney Urban Services Land Study' for GSC shows that the Inner

West area is below the benchmark of providing 3sqm of industrial and urban services floorspace for each resident. This planning proposal would worsen that situation.

The EIA relies on an out of date Marrickville Council Employment Lands Study 2014 to argue that the loss of 4,485 sqm of industrial floorspace on the proposal site would not "significantly impact the ability of the former LGA to accommodate additional industrial / urban services or those displaced by the planning proposal". This is inaccurate as the Council's draft Employment and Retail Lands Study by HillPDA shows that the LGA is on track to have a substantial shortfall so the loss of 4,485 sqm would have a significant detrimental impact on the ability of the LGA to accommodate industrial / urban services.

Overall, the proponent's EIA is flawed and does not adequately assess the proposed loss of industrial and urban services land on the site. Therefore, the proposal is inconsistent with this condition.

k) Update the concept design for the proposal to demonstrate the likely built forms and masterplan layout for the site and reflect the proposed LEP amendments.

The proponent submitted an updated concept design plan with a 757sqm supermarket in the basement levels (this is slightly less than the 854sqm quoted in the EIA). Although the proposed use would be within the proposed maximum FSR basement retail floor space is not an acceptable outcome as it would not provide ground level activation adjacent to the light rail corridor and Greenway.

The updated concept design has not demonstrated the likely built form for the church and individual dwelling house secondary sites. These two corner sites at 26-28 Hercules Street are not owned by the proponent and would be isolated by the proposed development. In addition the concept plan uses parts of the church and house sites to support the new development which in effect transfers the development potential of these sites that are not party to the LEP amendment to land owned by third parties.

Elevations provided have not accurately shown the maximum building height plane relative to ground levels which vary across the site nor demonstrated that the number of storeys proposed can be contained within the proposed maximum building height. The elevations do not show critical floor and street levels.

Given the above, Council considers the updated concept design misrepresents the likely built form and masterplan layout for the site.

5.0 PLANNING PROPOSAL AUTHORITY'S ASSESSMENT

The planning proposal does not adequately address the Gateway Determination conditions. There are significant community concerns (see **ATTACHMENT 2**) which have been taken account of in the Council officer's assessment above and in the following section of this report.

In addition, the planning proposal fails several other strategic and site specific tests as outlined below:

5.1 Irrelevant strategic justification

The planning proposal continues to justify itself with reference to the abandoned Sydenham to Bankstown Urban Renewal Corridor Strategy (the 'draft S2B Strategy'), which recommended medium-high density housing (up to 8 storeys) for the site.

In July 2018 the NSW Government announced that the Sydenham to Bankstown Urban Renewal Corridor Strategy will not be gazetted. The Council and State government are now moving towards delivering strategic planning of the Corridor through Stage 2 of the Inner West Local Environment Plan. There was considerable community opposition to the draft S2B

Strategy because of potential overdevelopment impacts. Council's submission (November 2017) to the revised draft Strategy stated that the maximum building height for the site should be no higher than 5-6 storeys. This was partly to protect Dulwich Hill Public School from overshadowing and privacy impacts. General concerns were also raised about how the management and staging of S2B redevelopment in certain areas could be carried out in an orderly manner.

The strategic basis of the draft S2B Strategy is no longer relevant and should not be used to justify the Planning Proposal. The strategic justification of the Planning Proposal should be informed by current strategic planning frameworks such as the Sydney Region Plan and Eastern City District Plan and the proposal is found to be inconsistent with these.

5.2 Inconsistent with Council's Strategic Plans

As previously discussed, the proposal is inconsistent with the Region and District Plan. In addition, the planning proposal is inconsistent with Council's strategies and plans as follows:

- **Our Inner West 2036 – Community Strategic Plan**

The proposal is inconsistent with the following strategic directions of the Inner West Community Strategic Plan (CSP) – Our Inner West 2036:

3.2 - Inner West is the home of creative industries and services:

- *Position Inner West as a place of excellence for creative industries and services and support them to thrive*
- *Facilitate the availability of affordable spaces for creative industries and services*
- *Encourage the establishment of new enterprises in Inner West*

3.4 - Employment is diverse and accessible:

1. *Support local job creation by protecting industrial and employment lands.*

The proposed residential uses will limit the site's capacity to intensify and adapt to the changing needs of industrial use and urban services, arising from an increasing population. This proposal would displace the existing industrial and urban services uses on the site, while also reducing the supply of affordable spaces for these types of uses which often involve small creative businesses.

- **Our Place Inner West Local Strategic Planning Statement**

Council's Local Strategic Planning Statement (LSPS) guides land use planning and development in the area to 2036 and provides the link between the Eastern City District Plan and priorities of Council's Community Strategic Plan.

Planning Priority 9 of the LSPS objectives include "retain, protect and increase industrial lands" which is supported by the Council's draft Employment and Retail Lands Strategy (ERLS). The proposal's inconsistency with ERLS is discussed in the previous sections of this report.

The proposal is inconsistent with the LSPS and should not be supported.

- **Inner West Housing Strategy**

The Council's Housing Strategy demonstrates that it is not necessary to rezone this site to meet the Eastern City District Plan (EDCP) housing targets.

The proposal's claim that it would positively contribute to ECDP housing targets is therefore irrelevant.

- **Integrated Transport Strategy – 'Going Places'**

The Inner West Integrated Transport Strategy provides a high level framework for transport initiatives and land use planning to help Council create and promote active and sustainable transport.

Principle 1 of the Strategy recommends protection of employment lands so that local residents who work in or require industrial and urban services and products do not have to travel far to access these services.

Demand for industrial and urban services land will increase proportionately with population growth. The proposal would displace industrial and urban services thereby increasing the potential travel time to access the services. The planning proposal is therefore inconsistent with the Transport Strategy.

5.3 State Government Local Planning Directions

Council as the Planning Proposal Authority is required to ensure the details of the planning proposal are consistent with relevant Section 9.1 Directions prior to the making of the plan.

The proponent's updated Planning Proposal does not comply with the requirements of Direction 1.1 Business and Industrial Zones and fails to justify its inconsistency as being of minor significance.

The planning proposal (pp.48-49) claims consistency with the direction as follows:

"The proposal is consistent with the objectives of Direction 1.1 – Business and Industrial Zones as it will provide the potential for additional employment opportunities and will not reduce or remove business lands by retaining the opportunity for light industrial uses and will support the viability of strategic centres through the provision of business lands

The proposed change in land use for the subject site to B5 Business development will allow for the provision of more business land and more diverse business uses whilst retaining the opportunity for light industrial uses on the northern part of the site. The proposal demonstrates there will be no loss of employment generation but instead the potential for employment will be increased. The planning proposal will not impact the provision of industrial land throughout the LGA. The planning proposal has considered the amended planning controls against relevant state and local planning strategies and has determined it to be consistent with the relevant aims and objectives. In summary, the proposal is consistent with this Direction."

This assessment of Direction 1.1 is flawed as the proposal is not of minor significance because it:

- Does not give effect to the objectives of Direction 1.1 as it does not protect an existing industrial zone and proposes out-of-centre retail and commercial growth;
- Does not retain the area and location of an industrial zone;
- Reduces the available floor space for industrial uses, removes mainstream industrial zoned land and fails to provide suitable replacement floorspace for industrial and urban services;

- Is inconsistent with the Greater Sydney Region Plan, Eastern City District Plan, the Inner West LSPS and the Draft Inner West Employment and Retail Lands Strategy policies to retain and manage industrial land;
- Would displace existing industrial and urban services.

The claim that the proposal would create increased employment is simplistic and erroneously discounts the value that urban services land provides for the local community. This is emphasised in the GSC policy paper 'A Metropolis that Works' as follows:

"the value of Urban Services is not held in how many jobs they directly provide, but in the operational role and function they play throughout the city".

The planning proposal is inconsistent with Direction 1.1 and should not proceed.

5.4 Urban Design

The updated Urban Design Report continues to fail to comply with the Apartment Design Guide as follows:

- **Solar and daylight access** – Approximately 32 units would receive no direct sunlight between 9am and 3pm in midwinter. This represents 23% of the total apartments in the development, which exceeds the maximum of 15% allowed in the ADG. In addition, there are insufficient details to confirm that the required 70% of living rooms and private open spaces would receive direct midwinter sunlight.
- **Communal Open Space** – None of the proposed communal open space would have direct sunlight for a minimum 2 hours in midwinter (refer to **Figure 3**).
- **Deep Soil Zones** – There is insufficient detail provided to confirm that the required 15% of the site is dedicated to deep soil zones.
- **Natural Ventilation** – The proposal does not satisfy the criteria of having at least 60% of apartments naturally cross ventilated.

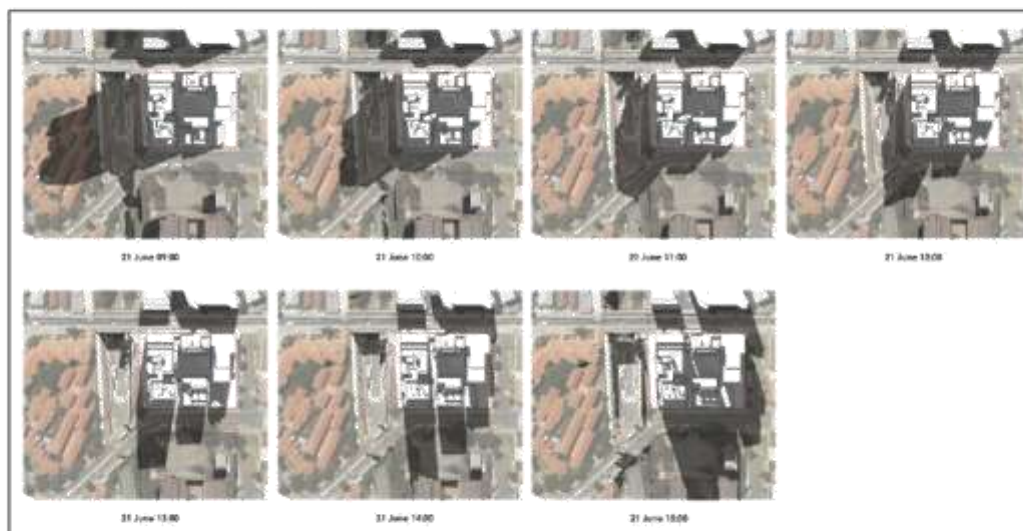


Figure 3: Shadow diagram of the Urban Design Report (September 2019)

5.5 Landownership issue

The proposed split zonings, height and FSR development standards overlap existing lot boundaries. The proponent does not own all the lots (refer **Figure 1**). This could cause significant FSR and building height calculation issues at the development application stage.

The Church and dwelling house at 26 Hercules Street are not party to the proposal and yet the concept design needs the rear portions of their lots for the development to take place. The proposal also transfers potential FSR uplift benefits from these two properties to other lots in the site, which is inequitable. Apart from the proponent, it is unclear if any of the other landowners in the overall site support the proposal. The church opposes the proposed loss of the rear portion of the site for redevelopment of adjacent sites. Consequently the proposal will not be able to deliver an orderly and holistic development.

5.6 Development Control Plan

The Gateway Determination did not require preparation of a site-specific DCP to the planning proposal prior to public exhibition and the proponent did not provide one. The urban design scheme is not supported by Council officers.

If the Minister is minded to proceed with this proposal it is recommended that the urban design scheme be amended and a site-specific DCP be prepared and adopted prior to the LEP being amended to reflect the design and land ownership issues outlined above.

6.0 CONCLUSION

The planning proposal is inconsistent with the Gateway conditions; Greater Sydney Region Plan and Eastern City District Plan, Council's local strategies and policies, and the Local Planning Direction 9.1 and 1.1 for Business and Industrial zones. It represents a poor urban design outcome and a building typology that is inconsistent with the Apartment Design Guide and incompatible with the local character, with negative amenity impacts, especially for the school and church.

Land ownership issues mean that the proposal is unlikely to be able to achieve the development suggested by the concept design. The IN2 Light Industrial zoned site accommodates a mix of non-residential uses adjacent to a light rail station and its owners could consider developing a proposal for intensifying its use for light industrial, creative and urban service activities in conjunction with the community and Council.

This proposal should not proceed.

Item 4



Appendix 2 – Proposed height of building LEP map



15

Appendix 3 – Proposed FSR LEP map



APPENDIX 4 – HISTORY OF PLANNING PROPOSAL

The history of the planning proposal started from 2015 and is primarily facilitated by the then draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

Key background details to consider are as listed below:

- **October 2015** – Exhibition of the draft Sydenham to Bankstown Urban Renewal Corridor Strategy.
- **21 October 2015** - The proponent lodged a Pre-Planning Proposal application. At the time, it was indicated by the proponent that 466-472 New Canterbury Road and 26-28 Hercules Road did not form a part of the application and was undergoing negotiation for inclusion.
- **10 December 2015** – Council issued the proponent a Pre-Planning Proposal advice letter. Key recommendations include the need for inclusion of the entire block alongside with responding to urban design recommendations by Council's Architectural Excellence Panel.
- **27 July 2016** - Council received the subject planning proposal. On 29 August 2016, an additional information letter was sent out to address and clarify certain information. Further amendments to the proposal were submitted in June 2017 in response to this letter. During the process, the proponent gained ownership of 26 Hercules Street (the site which the pocket park is proposed to be located).
- **June 2017** – Exhibition of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy.
- **11 July 2017** - The former Local Representation Advisory Committees recommended to defer the consideration of the planning proposal until a decision is made about the Sydenham to Bankstown Urban Renewal Corridor Strategy
- **25 July 2017** – Former administrator resolved to defer the consideration of the Planning Proposal until the final Sydenham to Bankstown Corridor Urban Renewal Corridor Strategy is made.
- **12 October 2017** – Sydney Eastern City Planning Panel (SECPP) recommended the Planning Proposal to proceed to gateway as part of a Rezoning Review.
- **24 October 2017** – Council resolved to request the NSW Government to abandon the Sydenham to Bankstown Strategy and support a submission in response to the strategy. The resolution requires the submission to indicate that the building height on the site should not be increased and that any planning proposal should seek to protect Dulwich Hill Public School from overshadowing and privacy impacts.
- **21 November 2017** – Council resolved to accept the role of the Planning Proposal Authority in response to an invitation from SECPP . The rationale behind this was to ensure Council retains greater influence of the outcomes of the planning proposal.
- **2 November 2018** – DPIE issued Gateway Determination for the planning proposal. However, plan-making function was not delegated to Council. Prior to community consultation, the planning proposal was required to address a number of conditions of the Gateway and to be forwarded to DPIE for review.

- **28 May 2019** – The proponent submitted an amended planning proposal in response to the conditions as directed by the Gateway Determination. Subsequent amendments to the planning proposal were requested by Council to ensure consistency with the conditions.
- **22 October 2019** – DPIE issued endorsement of the planning proposal for community consultation after review.
- **18 November 2019** – Council exhibited the planning proposal until 12 December 2019.

Planning Proposal

Draft amendment to Marrickville Local Environmental Plan 2011

466 – 480 New Canterbury Road and 26 to 38 Hercules Street, Dulwich Hill (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.)

This Planning Proposal has been prepared to explain the intent of and justification for an amendment to *Marrickville Local Environmental Plan 2011* (LEP 2011) as it applies to 466 – 480 New Canterbury Road and 26 to 38 Hercules Street, Dulwich Hill.

The Planning Proposal has been prepared following a request by the proponent to amend the zoning from IN2 Light Industrial to a mix of B5 Business Development; R4 High Density Residential; RE1 Public Recreation and RE2 Private Recreation, the floor space ratio from 0.95:1 to include a range being 3.3:1; 3:1; 2.2:1 and 0.6:1 and to permit a maximum height to include a range being 9.5m; 17m; 20m; 29m and 32m to facilitate a mixed use development on the site with a dedicated through-site link along the western edge of the site adjoining the light rail corridor.

Specifically, the Planning Proposal seeks to rezone the site to facilitate a mixed use development in proximity to the Dulwich Grove Light Rail Station and increase the maximum permitted floor space ratio (FSR) and height of buildings (HOB) for the site and facilitate the provision of housing on the site while providing a dedicated through-site link between Hercules Street and New Canterbury Road along the western edge of the site. An activated street frontage along New Canterbury Road is also required by the Planning Proposal which will provide for a mixed use development with an active street frontage in accordance with the current LEP 2011 controls.

The proposed amendments will enable redevelopment of the site to provide a diversity of housing types and sizes, a re-activation of the New Canterbury Road frontage through retail and office uses at ground level and an improved and more efficient urban form and streetscape appearance.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

BACKGROUND

Site Description

The Planning Proposal relates to 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill, legally described as 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. (refer **Figure 1** below). The site has an area of 4,743m² and comprises a rectangular site that adjoins the light rail corridor to the west and the entry to Dulwich Grove Light Rail Station to the north-west of the site.

The site comprises 15 contiguous allotments and accommodates a mix of uses, including light industrial units, warehousing, commercial and residential development and a place of public worship.

The site is legally described as follows:

- 466 New Canterbury Road - Lot 1 DP 542147;
- 468 New Canterbury Road - Lot 2 DP 542147;
- 470 New Canterbury Road - Lot 3 DP 542147;
- 472 New Canterbury Road - Lot 4 DP 542147;
- 474 New Canterbury Road - Lots 1 and 2 DP 540366;
- 476 New Canterbury Road - Lot 3 DP 236603;
- 478 New Canterbury Road - Lot 2 DP 236603;
- 480 New Canterbury Road - Lot 1 DP 236603;
- 26 Hercules Street - Lot 14 Section 4 DP 932;
- 28 Hercules Street - Lot 4 DP 540366;
- 34 Hercules Street - Lot 7 DP 236603;
- 36 Hercules Street- Lot 6 DP 236603; and
- 38 Hercules Street- Lot 5 DP 236603.

The site has three (3) street frontages, with the main frontage being to New Canterbury Road comprising approximately 78 metres along the northern boundary, and a frontage of 76 metres to Hercules Street along the southern boundary. The third frontage comprises approximately 61 metres along the eastern boundary to Kintore Street. The western frontage to the Light rail is stepped (13.565, 16.915m and 30.685m) 61.17m.

The site is located on the southern side of New Canterbury Road on the western edge of the Dulwich Hill town centre, between Kintore Street to the east and the light rail corridor to the west. The site immediately adjoins Dulwich Grove Light Rail Station and is approximately 700 metres from Dulwich Hill Station to the south, with Dulwich Hill Public School being located immediately to the south. The

Dulwich Hill town centre is approximately 125 metres to the east with extensive services and facilities located in close proximity to the site.



Figure 1 Site Location (Source: RPData 2019)

There are a variety of existing buildings on the site, variously used as light industries, warehousing and some limited shop top and residential uses and a church. This existing buildings comprise single and two storey brick building, on a nil front setback to New Canterbury Road and a 6 metre setback to Hercules Street. These buildings are characterised by several mid twentieth century low-scale service and industrial buildings covering a majority of the site, four c1920s terrace style shops on the north eastern corner of the site, a late 1970s Greek Orthodox Church (also known as 'Church of the Holy Unmercenaries') located at 28 Hercules Street and an early 1930s inter war period face brick bungalow on the corner of Hercules Street and Kintore Street. It is considered that the four c1920s terrace style shops pertain some historic and aesthetic value. Historically, they contribute to a key period of development along New Canterbury Road and aesthetically they demonstrate the principal

characteristics of the traditional suburban shopping area with their surviving parapeted roof forms, recessed shopfronts and generally intact first floor shop facades.

The site slopes from the highest point in the north-east corner along the New Canterbury Road frontage to the rear south-western corner adjoining the light rail corridor of around 4 metres. The building footprints cover most of the site, except for the south-eastern corner around the Church and dwelling.

The site is located within a mixed use area comprising both residential and commercial development. The site has low density residential areas to the south and east and main street commercial and mixed use development to the east and west along New Canterbury Road. Two bus stops are located at the front of the site to the west on New Canterbury Road which together with the light rail, and heavy rail provides a high level of connectivity.

The adjoining development to the south comprises primarily Dulwich Hill Public School surrounded by single and two storey dwellings. The adjoining development to the east comprises a two and three storey medium density dwellings addressing Hercules Street. Development to the west, on the opposite side of the light rail corridor, comprises medium density housing with some private open space and living room windows facing the subject site.

Development on the opposite side of New Canterbury Road comprises two to four storey mixed use and commercial buildings while development on the opposite side of Hercules Street also comprises two storey shoptop buildings.

Current Planning Controls

The site is zoned IN2 Light Industrial under LEP 2011 (**Figure 2**), while the adjoining properties to the north and east are zoned B4 Mixed Use, B1 Neighbourhood Centre, R4 High Density Residential and R1 General Residential. The objectives of the zone pursuant to Clause 2.3 of LEP 2011 are:

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.

- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.
- To provide business and office premises for the purposes of certain art, technology, production and design sectors.

Uses permitted with consent in the IN2 zone in item 3 of Clause 2.3 of LEP 2011 include light industries, dwelling houses, hospitals, neighbourhood shops, warehouse and distribution centres.

The maximum FSR for the site is 0.95:1 pursuant to Clause 4.4 of LEP 2011 as the site is located within "M", under FSR Map 01 (Figure 3).

The site is not subject to any maximum Height of Buildings control under Clause 4.3 of LEP 2011.

Pursuant to Clause 5.10 of LEP 2011, the site is not located within any *Heritage Conservation Area*. The site is also not in close proximity to any local heritage item (Figure 4).



Figure 2 Extract from the Zoning Map (LEP 2011) showing land affected by the Planning Proposal



Figure 3 Extract from the Floor Space Ratio Map (LEP 2011) showing land affected by the Planning Proposal

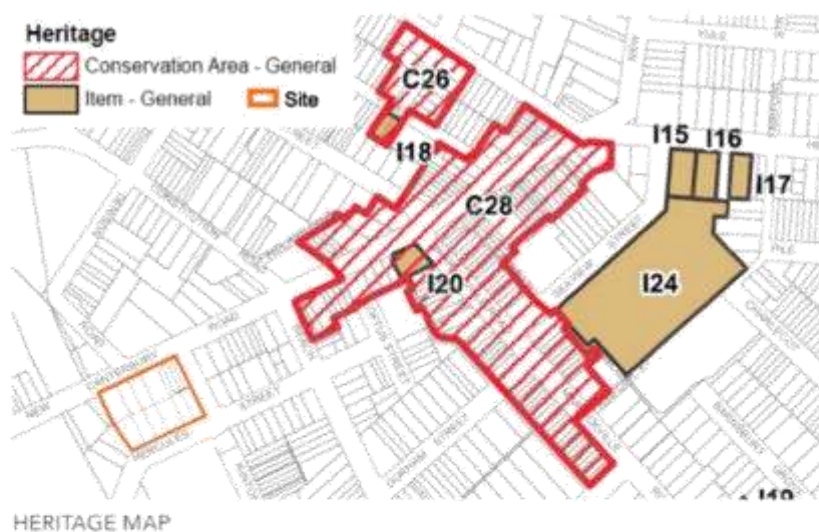


Figure 4 Extract from the Heritage Map (LEP 2011) showing land affected by the Planning Proposal

The site is not affected by aircraft noise (Clause 6.5 of LEP 2011), with the site being located outside the 20 ANEF contour.

The *Marrickville Development Control Plan 2011* (DCP 2011) effectively controls height with the provisions for the industrial development imposing a maximum building height consistent with other industrial buildings in the vicinity. Other controls relevant to the site under DCP 2011 would be considered at DA stage.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) and the associated *Apartment Design Guide* (ADG) is also relevant to the Planning Proposal.

Request to amend the planning controls

A Planning Proposal, prepared by Mersonn, on behalf of Angus Developments, was lodged with Council on 27 July 2016. The proposal sought to amend LEP 2011 as it applies to 466 – 480 New Canterbury Road and 26 to 38 Hercules Street, Dulwich Hill to facilitate redevelopment of the site for the purpose of mixed use commercial and residential development on the site that will:

- be able to accommodate approximately 135 apartment dwellings;
- provide for approximately 1000m² of gross floor area (GFA) of retail floor space including a local supermarket on the north-west corner of the subject site immediately adjacent to Dulwich Grove Light Rail Station;
- provide for approximately 400m² GFA of commercial floor space on the north-eastern portion of the subject site fronting New Canterbury Road;
- provide a public link between Hercules Street and New Canterbury Road adjacent to the light rail station; and
- retain the Greek Orthodox Church fronting Hercules Street.

The proposal intends to amend the Marrickville LEP 2011 by:

- rezoning the site from IN2 Light Industrial to part RE1 Public Recreation, part B5 Business Development, part R4 High Density Residential and part RE2 Private Recreation;
- increasing the FSR for the site from 0.95:1 to between 2.2:1 and 3.3:1 over most of the site and not place an FSR requirement on the proposed RE2-zoned part of the site;
- introducing a range of maximum building heights across the site from 9.5m (three storeys) to 32m (nine storeys);
- amending Schedule 1 Additional Permitted Uses to permit:

-
- residential flat buildings within the B5-zoned land on the basis that this development is not located at the ground floor of a development fronting New Canterbury Road;
 - introducing shops on part of the site adjacent to the light rail station (at 478- 480 New Canterbury Road); and
 - introducing a new local clause allowing flexibility in the height controls to be applied across the site up to 1m horizontally.

The proposal is not a result of a strategic study; however, in its current form it is the result of the recommendations made by the Sydney Eastern City Planning Panel. The proposal to amend the LEP and maps is the best means of achieving the intent of the proposal and will enable mixed-use development in a highly accessible location consistent with the direction of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

The planning proposal was first submitted to Council on 27 July 2016. At its meeting of 25 July 2017, Council considered a report recommending the development intent of the planning proposal be supported and a copy be forwarded to the Minister for Planning for a Gateway determination. The Council report also made several urban design recommendations and suggested amendments to the proposed controls. At the same meeting, the Council administrator determined to "defer consideration of the planning proposal until the finalisation of the Sydenham to Bankstown Urban Renewal Corridor Strategy is adopted".

On 1 August 2017, the proponent lodged a rezoning review application for the planning proposal with the Department because Council had failed to indicate its support for the planning proposal within 90 days. On 15 August 2017, the Department wrote to Council seeking comments. On 24 August, the Department received comments from Council requesting its resolution of 25 July 2017 be considered in the assessment of the rezoning review.

The rezoning review was put to the panel on 12 October 2017. The panel recommended the proposal should proceed to Gateway and be amended as follows:

- incorporate Council staff recommendations detailed in their report on the planning proposal to Council's meeting of 25 July 2017;
- ensure an active street frontage to New Canterbury Road;
- create opportunities for the retention of existing and new employment uses on the site;
- provide a through-site link that supports Council's Greenway Master Plan;
- include a flexibility provision enabling the variation of different zoning, height and FSR mapping controls across the site by up to 1 m horizontally; and
- ensure the flexibility provision enabling a 1 m variation should not apply to the open space.

On 22 November, Council wrote to the Department accepting the role of planning proposal authority as resolved at its meeting of 21 November.

The Gateway Determination was issued on 2 November 2018 under section 3.34(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to facilitate a mixed-use commercial and residential redevelopment should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) reflect the updated Environmental Planning and Assessment Act 1979;
 - (b) address the Greater Sydney Region Plan and its priorities;
 - (c) address the Eastern City District Plan;
 - (d) update the objectives and intended outcomes to clearly describe what is proposed for the site, consistent with *A guide to preparing planning proposals*;
 - (e) remove draft clauses from all sections of the planning proposal and replace with plain English explanations of the provisions consistent with *A guide to preparing planning proposals*;
 - (f) confirm the proposed RE1 and RE2 zoning of the site;
 - (g) include an intent to allow for minor variations to the prescriptive zoning, height and floor space ratio standards on the site by 1 m horizontally except the zonings for open space;
 - (h) include an acknowledgment that satisfactory arrangements will be required to address state infrastructure needs as the site is in the Sydenham to Bankstown Corridor;
 - (i) include an intention to require that a development application pertaining to the site for residential and/or mixed-use development will be lodged within three years of the LEP being made. If no development application is lodged within this time frame, the effect of the amendments to rezone the site will cease;
 - (j) undertake an economic impact analysis assessing the loss of industrial zoning and urban service uses on the site with regards to the local economy; and
 - (k) update the concept design for the proposal to demonstrate the likely built forms and masterplan layout for the site and reflect the proposed LEP amendments.
2. Prior to community consultation, the revised planning proposal is to be forwarded to the Department for review.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

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4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Transport for NSW - Sydney Light Rail;
 - Roads and Maritime Services; and
 - Department of Education.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be 24 months following the date of the Gateway determination.

The planning proposal has been amended in accordance with (1) above.

An economic impact analysis has been undertaken addressing the loss of industrial zoning and urban services on the site with regards to the local economy and is submitted with the planning proposal. The concept design has been updated to demonstrate the likely built forms and masterplan layout for the site and reflect the proposed LEP amendments.

It is considered that the planning proposal is ready for exhibition under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (c) the planning proposal must be made publicly available for a minimum of 28 days; and
- (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

It is considered that the planning proposal is ready for consultation with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW - Sydney Light Rail;
- Roads and Maritime Services; and
- Department of Education.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

PLANNING PROPOSAL

The proposal intends to amend the Marrickville LEP 2011 by:

- rezoning the site from IN2 Light Industrial to part RE1 Public Recreation, part B5 Business Development, part R4 High Density Residential and part RE2 Private Recreation (Figure 5);
- increasing the FSR for the site from 0.95:1 to between 2.2:1 and 3.3:1 over most of the site and not place an FSR requirement on the proposed RE2-zoned part of the site (Figure 6);
- introducing a range of maximum building heights across the site from 9.5m (three storeys) to 32m (nine storeys) (Figure 7);
- amending Schedule 1 Additional Permitted Uses to permit:
 - residential flat buildings within the B5-zoned land on the basis that this development is not located at the ground floor of a development fronting New Canterbury Road;
 - introducing shops on part of the site adjacent to the light rail station (at 478- 480 New Canterbury Road); and
- Amend Part 6 Additional Local Provisions to insert a site specific clause to allow minor variations to the prescriptive zoning, height and floor space ratio standards by 1m horizontally except the zonings for open space;
- Amend Part 6 Additional Local Provisions to insert a site specific provision to require satisfactory arrangements to be made for provision of State public infrastructure before development consent can be granted for development of the site for residential accommodation or mixed use development.
- Amend Part 6 Additional Local Provisions to insert a site specific provision to reverse the proposed amendments unless a Development Application for a residential and/or mixed-use development on the site is lodged within three years of the proposed amendments being made.
- Amend Part 6 Additional Local Provisions to insert a site specific provision to permit 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.

Part 3 of the Planning Proposal demonstrates that the amendments have strategic merit, and that the bulk of development that would be facilitated under the proposed amendment to the FSR and height is appropriate for the site. The Planning Proposal is considered consistent SEPP 65 and the ADG.

The proponent's Planning Proposal was accompanied by supporting documentation, including concept architectural plans and sketch as well as ADG compliance tables, an Urban Design Report, Traffic Impact Assessment, Heritage Impact Assessment, Economic Impact Analysis, survey plans, and a letter of offer to enter into a Voluntary Planning Agreement for the provision of public open space dedication and the affordable places.

Angus Developments have provided a VPA letter of Offer (Attachment 1). This VPA should be progressed in response to the letter of offer to ensure the land dedication and embellishment and affordable places are provided and managed by a community housing provider.

PART 1 – Objectives and Intended Outcomes

This section sets out the objectives or intended outcomes of the planning proposal and comprises a statement of what is planned to be achieved, not how it is to be achieved.

The objective of this Planning Proposal is to maintain the opportunity for light industrial uses while ensuring a broader mix of employment uses, such as business and office premises and facilitating the provision of limited retail uses and of housing on the site. A dedicated through-site link is provided between Hercules Street and New Canterbury Road along the western edge of the site to connect the Council Greenway project directly to Dulwich Grove light rail station promoting walking, cycling and public transport usage.

The intended effect of this planning proposal is to amend the *Marrickville* LEP 2011 to apply a more consistent zoning, height and FSR provisions to the land known as 466 – 480 New Canterbury Road and 26 to 38 Hercules Street, Dulwich Hill, being Lot 1 DP 542147; Lot 2 DP 542147; Lot 3 DP 542147; Lot 4 DP 542147; Lots 1 and 2 DP 540366; Lot 3 DP 236603; Lot 2 DP 236603; Lot 1 DP 236603; Lot 14 Section 4 DP 932; Lot 4 DP 540366; Lot 2 Lot 7 DP 236603; Lot 6 DP 236603; and Lot 5 DP 236603.

The intended outcome is to retain and improve the employment uses and increase the residential density on the subject site to provide opportunities for additional dwellings, in accordance with Council's opportunity sites and housing targets set by the NSW State Government.

By rezoning and increasing the maximum height and FSR, the development potential of the site and housing opportunities also increase. Increased densities around and near transport nodes, particularly Dulwich Grove Light Rail Station and near Dulwich Hill Railway Station, is consistent with good planning practice with regard to transport oriented development.

PART 2 – Explanation of Provisions

The intended outcomes will be achieved by amending the zoning, FSR provisions and maximum building heights that apply to the subject site. The Planning Proposal requests the following amendments to the Marrickville LEP:

- Amend the Land Zoning Map (Figure 5):
 - to apply RE1 Public Recreation to part Lot 1 and part Lot 5 DP 236603,
 - to apply B5 Business Development to part Lot 1 DP 236603, Lot 2 DP 236603; Lot 3 DP 236603; Lot 1 DP 540366; Lot 1 DP 542147; Lot 2 DP 542147; Lot 3 DP 542147; Lot 4 DP 542147; part Lot 14 Section 4 DP 932 and part Lot 4 DP 540366;
 - to apply R4 High Density Residential to part Lot 5 DP 236603; Lot 6 DP 236603; Lot 7 DP 236603 and Lot 2 DP 540366
 - to apply RE2 Private Recreation to part Lot 14 Section 4 DP 932 and part Lot 4 DP 540366;
- Amend the FSR Map (Figure 6):
 - to apply to 3.3:1 to Lot 1 and Lot 5 DP 236603; Lot 2 DP 236603; Lot 6 DP 236603; part Lot 3 DP 236603 and part Lot 7 DP 236603;
 - to apply to 3:1 to part Lot 14 Section 4 DP 932 and part Lot 4 DP 540366; Lot 1 DP 542147; Lot 2 DP 542147; Lot 3 DP 542147; Lot 4 DP 542147;
 - to apply to 2.2:1 to part Lot 3 DP 236603 and part Lot 7 DP 236603; Lots 1 and 2 DP 540366;
 - to apply to 0.6:1 to part Lot 4 DP 540366;
- Amend the Height Map (Figure 7):
 - to apply to 32m to part Lot 5 DP 236603 and Lot 6 DP 236603;
 - to apply to 29m to part Lot 1 and part Lot 2 DP 236603;
 - to apply to 20m to Lot 7 DP 236603 and Lots 2 DP 540366;
 - to apply to 17m to part Lot 1 and part Lot 2 DP 236603; Lot 3 DP 236603; Lot 1 DP 540366; part Lot 4 DP 540366; Lot 1 DP 542147; Lot 2 DP 542147; Lot 3 DP 542147; Lot 4 DP 542147 and part Lot 14 Section 4 DP 932;
 - to apply to 9.5m to part Lot 14 Section 4 DP 932 and part Lot 4 DP 540366;

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- amending Schedule 1 Additional Permitted Uses to permit:
 - residential flat buildings within the B5-zoned land on the basis that this development is not located at the ground floor of a development fronting New Canterbury Road;
 - introducing shops on part of the site adjacent to the light rail station (at 478- 480 New Canterbury Road); and
 - Amend Part 6 Additional Local Provisions to insert a site specific clause to allow minor variations to the prescriptive zoning, height and floor space ratio standards by 1m horizontally except the zonings for open space;
 - Amend Part 6 Additional Local Provisions to insert a site specific provision to require satisfactory arrangements to be made for provision of State public infrastructure before development consent can be granted for development of the site for residential accommodation or mixed use development.
 - Amend Part 6 Additional Local Provisions to insert a site specific provision to reverse the proposed amendments unless a Development Application for a residential and/or mixed-use development on the site is lodged within three years of the proposed amendments being made.
 - Amend Part 6 Additional Local Provisions to insert a site specific provision to permit 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.



Figure 5 Extract from the Zoning Map (LEP 2011) showing land affected by the Planning Proposal



Figure 6 Extract from the Floor Space Ratio Map (LEP 2011) showing land affected by the Planning Proposal



Figure 7 Extract from the Height of Buildings Map (LEP 2011) showing land affected by the Planning Proposal

PART 3 – Justification

This section assesses the planning proposal against the matters contained in the NSW DPIE Guide to Preparing Planning proposals, in its **clause 2.3 - Part 3 –Justification**, which requires a response to specific questions indicated below.

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The proposal is not a result of a strategic study or report.

However, the planning proposal is consistent with the revised draft Sydenham to Bankstown Strategy which recommended medium -high rise housing on the subject site of up to 8 storeys and providing the Greenway project connection to the west of the site.

The proposal to amend the LEP and maps is the best means of achieving the intent of the proposal and will enable mixed-use development in a highly accessible location consistent with the direction of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

The planning proposal was first submitted to Council on 27 July 2016. At its meeting of 25 July 2017, Council considered a report recommending the development intent of the planning proposal be supported and a copy be forwarded to the Minister for Planning for a Gateway determination. The Council report also made several urban design recommendations and suggested amendments to the proposed controls. At the same meeting, the Council administrator determined to "defer consideration of the planning proposal until the finalisation of the Sydenham to Bankstown Urban Renewal Corridor Strategy is adopted".

On 1 August 2017, the proponent lodged a rezoning review application for the planning proposal with the Department because Council had failed to indicate its support for the planning proposal within 90 days. On 15 August 2017, the Department wrote to Council seeking comments. On 24 August, the Department received comments from Council requesting its resolution of 25 July 2017 be considered in the assessment of the rezoning review.

The rezoning review was put to the panel on 12 October 2017. The panel recommended the proposal should proceed to Gateway and be amended as follows:

- incorporate Council staff recommendations detailed in their report on the planning proposal to Council's meeting of 25 July 2017;
- ensure an active street frontage to New Canterbury Road;
- create opportunities for the retention of existing and new employment uses on the site;
- provide a through-site link that supports Council's Greenway Master Plan;
- include a flexibility provision enabling the variation of different zoning, height and FSR mapping controls across the site by up to 1 m horizontally; and
- ensure the flexibility provision enabling a 1 m variation should not apply to the open space.

On 22 November 2017, Council wrote to the Department accepting the role of planning proposal authority as resolved at its meeting of 21 November 2017.

The Gateway Determination was issued on 2 November 2018. The DPIE did not delegate plan making powers to the Council.

An economic impact analysis has been undertaken addressing the loss of industrial zoning and urban services on the site with regards to the local economy and is submitted with the planning proposal. The concept design has been updated to demonstrate the likely built forms and masterplan layout for the site and reflect the proposed LEP amendments.

Development of this site offers a good opportunity to deliver additional dwellings and employment generating uses with access to services and public transport. Revision of the urban design scheme of the site currently proposed under this Planning Proposal has been provided.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, implementation of the objectives and intended outcomes requires amendments to the Land Use zonings and Development Standards of the Marrickville LEP 2011.

The Planning Proposal facilitates the site specific changes to planning controls that have been requested without compromising the integrity of the Marrickville LEP 2011.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan

The Greater Sydney Region Plan was released on 18 March 2018 and seeks to manage growth and change and guide infrastructure delivery across the region. It sets a strategy for Greater Sydney that district plans implement at a local level. The plan was developed with the Metropolitan Transport Plan, Future Transport 2056 and the State Infrastructure Strategy. These plans identify state infrastructure to support broad-scale land-use planning.

The planning proposal is consistent with the objectives and actions of the plan, particularly Objective 10: Greater housing supply, Objective 11: Housing is more diverse and affordable and Objective 12: Great places that bring people together.

The proposal is consistent with Objective 23: Industrial and urban services land is planned, protected and managed. This objective seeks to protect all industrial land from conversion to land uses that are not for the purposes of industrial and/or urban services. The proposal allows for retail and commercial uses including a local supermarket which provide services in close proximity to transport and improve employment generation levels on the site. The plan does recognise there will be a need '... to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can best be supported through permitted uses in local environmental plans.

The planning proposal seeks to rezone part of the site as B5 Business Development allowing light industries, which currently occupy the site, and business and office premises. The proposed inclusion of the B5 Business Development zoning for the site and the minimum floor space requirements will help maintain employment uses on the site.

To achieve these goals, the Plan sets out directions and actions as well as priorities for each subregion. The relevant directions with respect to this Planning Proposal are outlined below, which the Planning Proposal is considered to be consistent with.

Table 1 Consideration of Greater Sydney Region Plan: "A Metropolis of Three Cities"

Direction	Response
Part 3 – Infrastructure and collaboration	
Objective 1 – Infrastructure supports the three cities	The proposal supports north-south connections consistent with Strategy 1.2 through the linkage to the Greenway Corridor and integrating it to the existing light rail infrastructure.
Objective 4 – Infrastructure use is optimized	The proposals maximises the utility of the existing infrastructure assets to reduce the demand for new infrastructure through the provision of a linkage to the Greenway corridor, and linkage from New Canterbury Road to Hercules street along the light rail corridor, connecting infrastructure and transport modes and supporting it through co-located high-density mixed use development.
Part 4 – Liveability Housing the city	
Objective 6 – Services and infrastructure meets communities changing needs	The proposal creates public domain linkages between the existing education facilities and

	light rail transport infrastructure facilitating places and transport designed to be accessible by all people, dedicating land for public use to support optimizing available public land for social infrastructure.
Objective 7- Communities are healthy, resilient and socially connected	The proposal creates and dedicates a pedestrian and cycleway connection to the Greenway Corridor providing a walkable place at a human scale with active street life prioritizing opportunities for people to walk, cycle and use public transport consistent with Strategy 7.1.
Objective 10 - Greater Housing Supply	The proposal will provide more housing supply, in proximity to the existing centre to create more walkable neighbourhoods. The proposal will create land zoned for residential development served by adequate infrastructure and ready for development.
Objective 11- Housing is Diverse and Affordable	The proposal ensures a supply of housing in a location well supported by existing services and amenity with an emphasis on public transport access. The proposal includes the opportunity for a diversity of housing types, sizes and price points of universal design and adaptability to peoples changing needs. A separate Voluntary Planning Agreement is proposed, as part of the uplift in land value, for provision of affordable dwellings that caters to lower income households.
A city of great places	
Objective 12- Great places that bring people together	The proposal uses a place-based and collaborative approach and prioritises a people-friendly public realm and open spaces as a central organising design principle. The dual function of streets as places for people and movement are recognized and balanced, providing fine grain urban form, diverse land

	<p>use mix, high amenity and walkability within a 10-minute walk of the existing centre. The proposal recognises and celebrates the character of a place and its people consistent with Strategy 12.1.</p>
Part 5 – Productivity A well connected city	
Objective 14- Integrated land use and transport creates walkable and 30- minute cities	<p>The proposal is within close vicinity to the Dulwich Grove light rail station and Dulwich Hill train station.</p> <p>The site is a 5 minutes walk to the Dulwich Hill local centre and nearby local public primary and high schools. The proposal is within 20 minutes walking distance of local parks.</p> <p>The proposal will serve to attract housing around the existing centre to create walkable, cycle-friendly neighbourhood.</p> <p>The proposal serves to develop a more efficient public transport interchange to enable people to reach more destinations by transferring between walking, cycling and light rail services.</p> <p>The proposal serves to enhance walkability in and around the local centre with direct, safe and accessible routes to local destinations and is located within 10 minutes of the local centre.</p> <p>The proposal facilitates improvements to the street environment to encourage walking and cycling achieved through place-based planning.</p>
Jobs and Skills for the city	

Objective 23 Industrial and urban services land is planned, retained and managed.	The planning proposal seeks to rezone part of the site as B5 Business Development retaining the opportunity for light industries, (which currently occupy the site), with limited retail use while also encouraging business and office premises to allow for a broader range of services. The proposed inclusion of the B5 Business Development zoning for the site will maintain employment uses on the site while simultaneously minimizing competition with the existing retail uses and facilities within the Dulwich Hill local centre, complimenting and supporting the local centre rather than competing with it.
Part 6 Sustainability A city in its landscape	
Objective 30 Urban tree canopy cover is increased.	The proposal will deliver a significant improvement in the urban tree canopy, where the light industrial character of the subject site currently provides negligible landscaping and tree planting and the proposal significantly improves landscape character.
Objective 31 Public Open Space is accessible, protected and enhanced, and	The proposal will dedicate a pedestrian link as public open space which will highly accessible and enhanced with landscape improvements consistent with the desired character of Council's Greenway project.
Objective 32 .The Green Grid links paths, open spaces, bushland, and walking and cycling paths.	The proposal will deliver a pedestrian link between New Canterbury Road and Hercules Street that will enable improved access to the light rail station as part of Council's Greenway project.

Eastern City District Plan

The GSC released the Eastern City District Plan on 18 March 2018, which supports the implementation of the Greater Sydney Region Plan at a district level. The district plan contains planning priorities and actions to guide the growth of the Eastern City District while improving its social, economic and environmental assets. The proposal is consistent with the planning priorities. The planning proposal is therefore considered to be broadly consistent with the district plan.

Table 2 Consideration of Eastern City District Plan

Direction	Response
Part 2 – Directions for Infrastructure and collaboration	
Planning Priority E1: Planning for a city supported by infrastructure;	The proposal better aligns growth with the existing infrastructure by identifying place-based opportunities that take into account the capacity of existing infrastructure. This equitably enhances local opportunities for connection to services, aligning land use and maximising the use of existing infrastructure assets and providing Greenway linkages to influence behavior changes to attract walking and cycling and , to reduce the demand for new infrastructure consistent with this priority.
Objective 4 – Infrastructure use is optimized	The proposals maximises the utility of the existing infrastructure assets to reduce the demand for new infrastructure through the provision of a linkage to the Greenway corridor, and linkage from New Canterbury Road to Hercules street along the light rail corridor, connecting infrastructure and transport modes and supporting it through co-located high-density mixed use development consistent with this priority.
Part 3 – Directions for Liveability	

Planning Priority E3: Providing services and social infrastructure to meet peoples changing needs;	The proposal creates public domain linkages between the existing education facilities and light rail transport infrastructure facilitating places and transport designed to be accessible by all people, dedicating land for public use to support optimizing available public land for social infrastructure consistent with this priority.
Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities;	The proposal crates and dedicates a pedestrian and cycleway connection to the Greenway Corridor providing a walkable place at a human scale with active street life prioritizing opportunities for people to walk, cycle and use public transport consistent with this priority.
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage;	The proposal will provide more housing supply, in proximity to the existing centre to create more walkable neighbourhoods. The proposal will create land zoned for residential development served by adequate infrastructure and ready for development consistent with this priority.
Part 3 – Directions for Productivity	
A well connected city Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is within close vicinity to the Dulwich Grove light rail station and Dulwich Hill train station.</p> <p>The proposal will contribute to pleasant and safe environments for walking and cycling where people and businesses can choose to locate and invest. Direct, safe and accessible routes to local destinations and services are provided within a 10-minute walk of centres.</p> <p>The proposal will allow for a future redevelopment of the site providing a range of employment and services in conjunction with</p>

	housing supply, choice and affordability with access to public transport consistent with this priority.
Jobs and skills for the city Planning Priority E12: Retaining and managing industrial and urban services land	The planning proposal seeks to rezone part of the site as B5 Business Development, as recommended by the former Marrickville Council, and was intended to allow the site to retain light industries while ensuring a mix of employment uses. The proposal allows limited retail use while also encouraging business and office premises to allow for a broader range of services. The proposed inclusion of the B5 Business Development zoning for the site will maintain employment uses on the site while broadening the range of urban services consistent with this priority.
Part 4 – Directions for Sustainability	
A city in its landscape Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections.	<p>The existing site and its current light industrial uses have high proportions of hard surface areas and correspondingly low levels of tree canopy cover. The proposal will contribute additional public open space, tree canopy and green connections to the community ensuring the urban tree canopy cover is increased consistent with this priority.</p> <p>The proposed walkway dedication will make a significant contribution to the Greater Sydney Green Grid linking open spaces with walking and cycling paths.</p>
Planning Priority E18: Delivering high quality open space.	The proposal provides open space areas that establish physical links that support social networks and create a sense of community by delivering connected walking and cycling trails the character of a place and its people consistent with this priority.

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The Planning Proposal is consistent with Eastern City District Plan.

The revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy

A revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy (S2B Strategy) was placed on exhibition from June to September 2017.

The draft strategy proposed that 'medium-high rise housing' was potentially suitable to a maximum building height of eight storeys. The subject proposal is broadly consistent with the draft S2B Strategy as the maximum building height sought is only one storey greater and most of the site is proposed to have a maximum building height of approximately seven storeys or less.

The proposal considers the proposed mixture of building height controls instead of a consistent eight storeys to be appropriate because:

- this will ensure an active frontage along New Canterbury Road; and
- it will confine the tallest built forms on the site to adjoining the light rail line and station to minimise impacts to adjoining development.

The planning proposal is also inconsistent with the draft S2B Strategy as it provides for a mixed-use development rather than only residential as identified in the strategy. The proponent and Council consider this a more appropriate response to the site as it:

- retains employment on the site; and
- provides commercial and retail development that will serve the community and be convenient to those using the adjacent Dulwich Grove Light Rail Station.

The proposed B5 zone for most of the site is to ensure an active street frontage to New Canterbury Road and create opportunities for the retention of and new employment uses on the site.

Assessment Criteria

'A guide to preparing planning proposals' establishes Assessment Criteria to be considered in the justification of a Planning Proposal, which is considered below.

Table 3 Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing planning proposals'

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
<ul style="list-style-type: none"> Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant 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; 	<p>As outlined above, the Planning Proposal is consistent with the Eastern City District Plan as it will allow greater housing choice, provide affordable housing and increase employment close to public transport and will assist the area in meeting its housing targets under the Plan.</p> <p>The proposal is consistent with the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy providing a mixture of height controls instead of a consistent 8 storey height across the site and provides a mix use development retaining and increasing employment on the site.</p>
<ul style="list-style-type: none"> Consistent with the relevant local council strategy that has been endorsed by the Department; or 	<p>The proposal is consistent with the Marrickville Urban Strategy as it seeks to locate additional residential development close to an existing centre with good access to public transport and services.</p>
<ul style="list-style-type: none"> Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends what have not been recognised by existing planning controls. 	<p>The Planning Proposal responds to changing circumstances of the operation of the light rail adjoining site. The site is an isolated industrial-zoned landholding immediately adjacent to a new public transit station and primary school. As such the proposal offers a unique opportunity to deliver additional development that is more compatible with the sites surrounds.</p>
(b) Does the proposal have site-specific merit, having regard to the following:	

<ul style="list-style-type: none"> The natural environment (including known significant values, resources or hazards), 	<p>The Planning Proposal is located within existing urban land and does not have any significant environmental values or hazard constraints which have not been considered in this assessment. Further consideration of additional landscaping opportunities on the site will be undertaken at DA stage.</p>
<ul style="list-style-type: none"> The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and 	<p>The Planning Proposal has considered the potential impacts on the built environment and adjoining properties in its Urban Design Report and has been reviewed by Inner West Council Architectural Excellence Panel and amended in accordance with their recommendations. The Planning Proposal urban design report has been further revised to ensure it is consistent with the ADG and reduces potential adverse impacts on adjoining properties while providing additional housing and employment opportunities in the area.</p>
<ul style="list-style-type: none"> 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. 	<p>There are existing services to the site for the Planning Proposal, which will be augmented by the applicant, where required, at DA stage. It is not anticipated that the density increases will create substantial additional demand for infrastructure and services at the site.</p>

Accordingly, it is considered that the Planning Proposal has strategic merit as well as site-specific merit in accordance with this assessment criteria subject to the requested amendments to the urban design scheme for the site under the Planning Proposal.

Q4. Is the planning proposal consistent with the council's local strategy or other local strategy plan?

There a number of local strategies and plans (including those adopted by the former Marrickville Council) that are relevant to the Planning Proposal, which are considered below:

Marrickville Urban Strategy

The Marrickville Urban Strategy was adopted by Council in 2007. The strategy established a vision and coordinated direction 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 former Marrickville LGA over 10 years.

The Planning Proposal is consistent with the Marrickville Residential Strategy because it will:

- Continue creating and maintaining clean, green and attractive public places of which citizens feel proud;
- Develop a community which is more liveable, safer and accessible to all citizens;
- Promote a vibrant street-life that encourages the community to engage and welcomes visitors, where local businesses flourish, and local village shopping precincts are attractive and sustainable;
- Plan, promote and lobby for a sustainable and integrated transport system that improves the quality of life for the people of Marrickville;
- Maintain the vibrancy and liveability of Marrickville by having balanced and guided development, clean industry, and work to minimise the noise and other pollutants of our environment; and
- Preserve and strengthen strategic employment lands;
- Improve local public transport, walking and cycling connections to centres;
- Improve local parks and public domain in centres;
- Increase community facilities.

The proposal is consistent with the strategy as it seeks to locate additional residential development close to an existing centre, with good access to public transport and services.

Inner West Council's Affordable Housing Policy 2017

Inner West Council adopted its *Inner West Council Affordable Housing Policy 2017* on 28 March 2017.

The policy provides that Council can legally enter into voluntary planning agreements that include the dedication of land free of cost, the payment of a monetary contribution, or provision of any other material public benefit, or any combination of these, to be used for or applied towards a public purpose. Such planning agreements can be made, for example, with respect to the capture of a reasonable share of additional land value that has resulted from a proposal to rezone or otherwise

vary planning controls that would normally apply to a site or within a precinct under planning proposals.

The proponent has worked with Inner West Council to determine the uplift to the land value arising from the planning proposal for which an offer has been made by the Applicant.

It is considered that the Planning Proposal is consistent with the Affordable Housing Policy 2017 with respect to the capture of a reasonable share of additional land value that has resulted from a proposal to rezone and the VPA will be publicly exhibited.

Our Inner West: Community Strategic Plan for Inner West Community 2018

Inner West Council adopted its Our Inner West: Community Strategic Plan for Inner West Community 2018 in June 2018.

The Planning Proposal is consistent with the Inner West: Community Strategic Plan because it will:

- Contribute towards creating an ecologically sustainable Inner West;
- Develop a unique, liveable, networked neighbourhood;
- Support creative communities and a strong economy;
- Support caring, happy, healthy communities;

The proposal is consistent with the strategy as it seeks to locate additional employment and residential development close to an existing centre, with good access to public transport and services and provide additional green space and greenway network connections.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 4 Assessment of the Planning Proposal against the relevant SEPPs

State Environmental Planning Policy (SEPP)	Comment
SEPP 55 – Remediation of Land	The Planning Proposal does not contradict or hinder the application of this SEPP. The Planning Proposal does not include land that has been historically used for any purpose in Table 1 to the Contaminated Land guidelines. The potential for land contamination is considered unlikely and can be further assessed at DA stage. The Planning Proposal is generally consistent with this SEPP
SEPP 64 - Advertising and Signage	The Planning Proposal does not contradict or hinder the application of this SEPP. The Planning Proposal does not include any details regarding advertising and signage, however, this is likely to be incorporated into a future DA for the site, at which time this SEPP will be considered in detail. The Planning Proposal will not contain provisions that will contradict or would hinder application of this SEPP.
SEPP 65 - Design Quality of Residential Apartment Development	The Planning Proposal does not contradict or hinder the application of this SEPP. The Urban Design Report provided with the Planning Proposal investigated the implications of the design quality principles in the SEPP and also included an indicative compliance against the provisions of the ADG, which has been considered.
	<p>The ADG controls relate to amenity issues such as open space, solar access and ventilation, privacy and streetscape. There is general compliances of the Planning Proposal with these controls, but it is noted that some aspects of the Planning Proposal will develop through the detailed design of the development application and will ensure that any future proposal on the site is consistent with the provisions of the ADG.</p> <p>Furthermore, the future DA will need to demonstrate consistency with this SEPP.</p>

SEPP 70 - Affordable Housing (Revised Schemes)	The Planning Proposal does not contradict or hinder the application of this SEPP. The future development can provide an appropriate mix and number of dwellings which could contribute to affordable housing in the locality.
SEPP (Affordable Rental Housing) 2009	The Planning Proposal does not contradict or hinder the application of this SEPP.
BASIX SEPP	The Planning Proposal does not contradict or hinder the application of this SEPP. A future development application for any BASIX Affected development must comply with its provisions.
SEPP (Exempt and Complying Development) 2008	The Planning Proposal does not contain any proposed new uses or other provisions which would be contrary to the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	<p>The site is located adjacent to the light rail corridor.</p> <p>The development is setback from the rail corridor by the proposed 6m cycle and pedestrian way Greenway link dedication. However, excavation for future basement parking will be within 25m of the rail corridor and future development will require notice to Transport for NSW and consideration of any response received.</p> <p>The Planning Proposal does not contradict or hinder the application of this SEPP. Concurrence from the RMS may also be required; however, this is dependent on the staging of the future development.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal has been assessed against each of the Section 9.1 directions. Consistency with relevant directions are discussed in the table below.

Table 5 Assessment of the Planning Proposal against the relevant s9.1 Directions

Direction title	Requirement	Comments	Consistent
1. Employment And Resources			
1.1 Business and Industrial Zones	(4) A planning proposal must: (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.	See detail commentary below.	yes
1.2 Rural Zones	N/A	Not applicable	N/A
1.3 Mining, Petroleum production and Extractive Industries	N/A	Not applicable	N/A

1.4 Oyster Aquaculture	N/A	Not applicable	N/A
1.5 Rural Lands	N/A	Not applicable	N/A
2. Environment and Heritage			
2.1 Environment Protection Zones	N/A	Not applicable	N/A
2.2 Coastal Protection	N/A	Not applicable	N/A
2.3 Heritage Conservation	<p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of</p>	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is located in a heritage conservation zone and in close proximity to a local heritage item.</p> <p>The Planning Proposal is accompanied by a Heritage Impact Statement which concludes that the Planning Proposal will not adversely impact on the significance of the locality.</p> <p>The future DA will be accompanied with a further HIS.</p> <p>The Planning Proposal is generally consistent with this direction.</p>	Yes

	an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.		
2.4 Recreation Vehicle Areas	N/A	Not applicable	N/A
2.5 Application of E3 and E3 zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable	N/A
3. Housing, Infrastructure and urban Development			
3.1 Residential Zones	<p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p>	<p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.</p> <p>The Planning Proposal encourages a variety of housing types with an affordable housing component. The Planning Proposal also utilises existing</p>	Yes

	<p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>not contain provisions which will reduce the permissible residential density of land.</p>	<p>infrastructure by maximising the permitted density on the site by making more efficient use of existing resources. The Planning Proposal will generally minimise adverse impacts on adjoining development.</p>	
3.2 Caravan Parks and Manufactured Home Estates	N/A	Not applicable	N/A
3.3 Home Occupations	N/A	Not applicable	N/A
3.4 Integrating Land Use and Transport	<p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>The Right Place for Business and Services –</p>	See detail commentary below.	Yes

	Planning Policy (DUAP 2001).		
3.5 Development Near Licensed Aerodromes	<p>(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p> <p>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</p> <p>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to</p>	<p>The objectives of this direction are to ensure the effective and safe operation of aerodromes, to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>The is outside of the 20ANEF contour.</p>	Yes

	<p>allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(5) A planning proposal must not rezone land:</p> <p>(a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or</p> <p>(b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or</p> <p>(c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.</p> <p>(6) A planning proposal that rezones land:</p> <p>(a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or</p> <p>(b) for hotels, motels, offices or public buildings</p>		
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	where the ANEF is between 25 and 30, or (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.		
3.6 Shooting ranges	N/A	Not applicable	N/A
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</p> <p>(a) the Acid Sulfate Soils Model LEP in the Acid</p>	<p>The site is identified as being Class 5 acid sulfate soils. The future DA will be subject to the provisions of Clause 6.1 of the LEP 2013.</p> <p>The Planning Proposal does not contradict or hinder application of the acid sulphate soils provisions in LEP 2011.</p>	Yes

	<p>Sulfate Soils Planning Guidelines adopted by the Director-General, or such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(7) Where provisions referred to under</p>		
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	paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).		
4.2 Mine subsidence and unstable land.	N/A	Not applicable	N/A
4.3 Flood Prone Land	The land is not flood affected.	Not applicable	N/A
4.4 Planning for Bushfire Protection	The land is not bushfire affected.	Not applicable	N/A
1. Regional Planning			
5.1 Implementation of Regional Strategies.	N/A	Not applicable	N/A
5.2 Sydney Drinking Water catchment	N/A	Not applicable	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	Not applicable	N/A

5.4 Commercial and Retail development along the Pacific Highway North Coast	N/A	Not applicable	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	Not applicable	N/A
5.9 North West Rail Link Corridor Strategy	N/A	Not applicable	N/A
2 Local Plan Making			
6.1 Approval and Referral Requirements	(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a	The Planning Proposal does not involve any concurrence, consultation or referral provisions.	Yes

6.2 Reserving Land for Public Purposes	<p>(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p> <p>(5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone</p>	The Planning Proposal does not involve any changes to land for public purposes.	Yes
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	<p>appropriate to its intended future use</p> <p>or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),</p> <p>and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions,</p> <p>or</p> <p>(b) take such other action as advised</p> <p>by the Director-General of the Department of Planning (or an officer</p>		
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	<p>of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</p> <p>(7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>		
6.3 Site specific provisions	<p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p>	<p>The Planning Proposal involves an amendment to LEP 2011, to rezone the site to existing zones.</p>	Yes

	<p>(a) allow that land use to be carried out in the zone the land is situated on,</p> <p>or</p> <p>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> <p>Consistency</p> <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning</p>		
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	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 of minor significance.		
3 Metropolitan Planning			
7.1 Implementation of Greater Sydney Region Plan	(4) Planning proposals shall be consistent with: (a) the NSW Government's Greater Sydney Region Plan	The Planning Proposal will achieve the vision and desired outcomes of the Plan by increasing the supply of housing and affordable housing in close proximity to the CBD and public and active transport infrastructure while maintaining the amenity of the local area.	Yes

Consideration of Specific Ministerial Directions

B 1.0 - Direction 1.1 – Business and Industrial Zones

This direction applies to all planning proposals that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial protection zone boundary). The objectives of this direction are stated, inter alia:

- (a) Encourage employment growth in suitable locations,
- (b) Protect employment land in business and industrial zones, and
- (c) Support the viability of identified strategic centres.

The proposal is consistent with the objectives of Direction 1.1 – Business and Industrial Zones as it will provide the potential for additional employment opportunities and will not reduce or remove business lands by retaining the opportunity for light industrial uses and will support the viability of strategic centres through the provision of

business lands.

In this particular instance, the relevant planning authority must be consistent with the direction, and therefore, a planning proposal must:

- (a) *Retain the areas and locations of existing business and industrial zones,*
- (b) *Not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (c) *Not reduce the total potential floor space area for industrial uses in industrial zones, and*

The proposed change in land use for the subject site to B5 Business development will allow for the provision of more business land and more diverse business uses whilst retaining the opportunity for light industrial uses on the northern part of the site. The proposal demonstrates there will be no loss of employment generation but instead the potential for employment will be increased. The planning proposal will not impact the provision of industrial land throughout the LGA. The planning proposal has considered the amended planning controls against relevant state and local planning strategies and has determined it to be consistent with the relevant aims and objectives. In summary, the proposal is consistent with this Direction.

B2.0 - Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated, inter alia:

- (a) *Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *Increasing the choice of available transport and reducing dependence on cars, and*
- (c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *Supporting the efficient and viable operation of public transport services, and*
- (e) *Providing for the efficient movement of freight.*

The proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport. Dulwich Grove Light Rail Station, opened in 2014, is adjacent to the subject site. Dulwich Hill Rail Station is located within walking distance of the site whilst bus services are easily accessible along New Canterbury Road. The site's accessibility to a variety of public transport options satisfies the objectives of the direction as it reduces the dependence on cars. In addition, the provision of business lands will improve access to jobs and services through the maximisation of public transport use. The proposal is consistent with this direction.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal??

There is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the subject site. The subject site currently has almost 100% site coverage

resulting from its past light industrial uses and no significant trees or vegetation are located on the site.

The street trees which exist on the Kintore Street frontage have been reviewed and it is considered that the redevelopment can progress with the retention of these trees.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Heritage

A detailed architectural and heritage assessment has been undertaken by Urbis in 2016 of the existing improvement on the site and identifies buildings and fabric of merit. The study also identifies the uses and tenancies within the buildings on the site. Generally, the buildings are an accretion of structures of varying age and utility which have been combined and extended over time. The study comments:

The subject site is presently characterised by several mid twentieth century low-scale service and industrial buildings covering a majority of the site, four c1920s terrace style shops on the north eastern corner of the site, a late 1970s Greek Orthodox Church (also known as 'Church of the Holy Unmercenaries') located at 28 Hercules Street and an early 1930s inter war period face brick bungalow on the corner of Hercules Street and Kintore Street.

The subject site is not a heritage listed item on Schedule 5 of the Marrickville Local Environment Plan (LEP) 2011, nor is it located within a Heritage Conservation Area (HCA) or in the vicinity of heritage listed items on the LEP. However, Marrickville Council requires a heritage assessment in order to assess the overall character and significance of the site and mainly that of the four 1920s terrace style shops and the late 1970s Greek Orthodox Church.

Based on this assessment, it is considered that the four c1920s terrace style shops pertain some historic and aesthetic value. Historically, they contribute to a key period of development along New Canterbury Road and aesthetically they demonstrate the principal characteristics of the traditional suburban shopping area with their surviving parapeted roof forms, recessed shopfronts and generally intact first floor shop facades. However, the subject terraces do not meet the criterion for local heritage listing and they do not form a part of the Dulwich Hill Commercial Precinct Heritage Conservation Area, identified as being located further east of the subject site near the intersection of New Canterbury Road and Marrickville Road.

Based on this assessment, it is also considered that the late 1970s Greek Church pertains some historic, aesthetic and social value. Historically and aesthetically, it is somewhat representative of the late twentieth

century 'Immigrant's Nostalgic Style'; however, it is not considered to be a good example of the typology. Socially, it may have some significance to the local Greek Orthodox community. However, it does not meet the criterion for local heritage listing.

The study concludes that while the site in itself does not meet the criterion for local heritage significance; the history of use, contribution to the local character and the community contribute towards a recommendation that the terrace style buildings and Church site be retained and integrated into the redevelopment of the site as a sustainable outcome that retains a tangible link to the former uses.

Urban Design and Built Form

The Proponent's Planning Proposal seeks to amend the FSR of up to 3.3:1 and introduce a maximum height control of up to 32m. The capacity of the site to accommodate this proposed additional floor space and height, while achieving compliance with the ADG, has been adequately demonstrated in the revised Urban Design Study.

An analysis of the Planning Proposal against the provisions of the SEPP 65 and the ADG indicates that the proposed development concept can be accommodated on the site without significant adverse impacts on the amenity of adjoining properties. In particular, it is demonstrated that potential overshadowing to the adjacent school properties to the south have been resolved through the proposed massing of the building. Similarly, the potential privacy impacts for adjacent school properties to the south of the site have been resolved through the orientation of the dwellings along this interface.

The concept plans submitted with the Proponent's Planning Proposal illustrates a building form with varying heights and setbacks, with a maximum height of five (5) storeys to a maximum RL 59.4 (refer **Figure 5** below). The urban design report states that this form is considered appropriate for the site in terms of building alignment, proportion and setbacks. The scale of the intended development and reflected in a maximum height of buildings control being specified for the site considers the potential amenity impacts on adjoining properties as well as ensures an appropriate built form outcome when viewed from the street and other areas of the public domain.



Figure 5 Montage view – New Canterbury Road

Traffic and Parking

A Traffic Report has been prepared by Transport and Traffic Planning Associates Pty Ltd dated March 2017 which analysed the Planning Proposal in terms of the likely car parking provision, vehicular access to the site and the potential impact on the surrounding road network.

Observations of the intersections in the vicinity of the site during the morning and afternoon peak periods have indicated that there are no undue delays or significant capacity issues. Pedestrian crossing movements in the area are facilitated by the crossing facilities provided at the traffic signals and the marked foot crossings.

The turning movements into and out of Kintore Street at New Canterbury Road are facilitated by the regular gaps in the New Canterbury Road traffic flows induced by the operation of the traffic signals to the east and west.

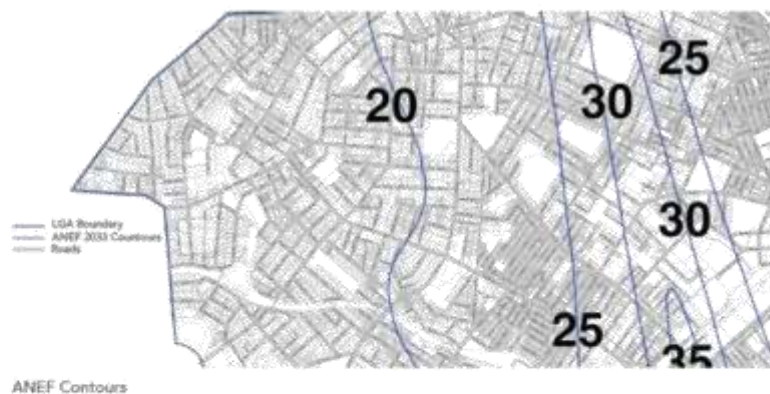
It is noted that the kerbside space in Kintore Street and the southern side of Hercules Street in the vicinity of the site is generally "parked out" (see Figure 2) and this is indicative of the current shortfall of parking for the various uses on the site (i.e. 17 spaces).

It is also noted that the only formal on-street "set-down/pick-up" provision for the school is located in Kintore Street at the school entrance and the kerbspace on the northern side of Hercules Street is not available for parking due to the continuous driveway access for the on-street parking spaces.

The proposed development scheme represents a mixed residential/retail use which is consistent with the planning objectives of the Council. This report concluded that the proposal would provide sufficient car parking and vehicle access, with traffic generated being accommodated within the existing road network.

Acoustic Environment

A consideration of the Acoustic Environment has been undertaken with attention to aircraft noise. The subject site is located below the ANEF 20 contours) with a predicted external noise level from aircraft fly over's does not represent an area with an excessive noise level and is similar to other sites which have been developed for residential use within the Sydney area. All internal noise levels within the development will be less than the required criteria within the Australian Standards and will result in an acceptable acoustic amenity for future tenants. It is noted that many buildings within the Sydney region have included suitable acoustic treatments to ensure internal noise levels comply with the relevant council and Australian Standards and additional treatments to the external balconies or gardens of residential buildings with exposure to environmental noise sources, greater than that of the proposed development.



Overland Flow

An Overland Flow Flood Study has been carried out by Cardno dated 2016 given the occurrence of Council/State Rail stormwater assets on the site.

This low point is located within the New Canterbury Road reserve which has a longitudinal grade of approximately 1% in a west-south-west direction. The surface levels at the top of the kerb at the boundary of the subject site are

approximately 0.2 metres higher than the low point on the road. Assuming flow can be conveyed down two lanes of the road (half of the New Canterbury Road width) the total flowpath width is approximately 7 metres wide. Using Mannings equation it was estimated that the peak 100 year ARI flows (1.2 m³/s) can be wholly contained within the road reserve in the event that the drainage system is fully blocked. It is therefore estimated that the site is not affected by overland flow flooding from New Canterbury Road.

The low point in Hercules Street is located at the south-west corner of the subject site. Flows that pond within the road reserve at this location are assumed to preferentially discharge south into the Dulwich Hill Public School which has a minimum ground level of 27.0 m AHD compared to the minimum site levels at the south-west corner of 27.2m AHD. It is therefore estimated that the site is not affected due to ponding on Hercules Street.

In summary, the report concludes that the site is not affected by the overland flow flooding in the local street network.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will result in positive social and economic effects as housing with an affordable component is proposed as well as increased activation of the street frontage and increased employment opportunities which will assist in stimulating the local economy. The Planning Proposal is likely to result in a housing yield of approximately 135 units, comprising a mix of one, two and three bedroom units, providing additional housing opportunities in a well serviced location.

The Planning Proposal will have a positive economic effect by stimulating redevelopment and encouraging future retail and commercial floor space and residential development to improve the economy of the surrounding area. The site is currently poorly used and in a dilapidated state, with the Planning Proposal allowing the redevelopment of the site in a consolidated and efficient manner.

The proposed activation of the site along New Canterbury Road, in contrast to the current poor level of activation along this frontage, will improve the functionality of the site with the town centre and significantly improve the presentation to the streetscape. The provision of the through site link and the activation of the western elevation will create a new public frontage to the site. This activation will also improve casual surveillance opportunities afforded from the site, particularly along the western cycleway, which will improve safety in the general area.

The proposed development of the site will support the current and future social character of the locality, as well as revitalising the local economy. The proximity of the site to public transport, services and infrastructure makes the site an ideal location for a mixed use development. Accordingly, it is

considered that the Planning Proposal will have a positive effect on the local economy and community.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an area well serviced by necessary services and infrastructure including public transport, telecommunications, electricity, water and sewer. The additional demand created under the Planning Proposal will be minimal, thereby ensuring the efficient use of, but not overburdening, existing services and infrastructure.

Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of existing utilities to service the site. The increased demand on stormwater created by the future development of the site will be assessed as part of a future development application.

Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant state and Commonwealth public authorities will be undertaken in accordance with a Gateway determination.

PART 4 – Mapping

The Planning Proposal seeks to amend the *Zoning, Floor Space Ratio and Height of Buildings Maps* of the *Marrickville Local Environmental Plan* and are included at Figures 5 - 7 showing the relevant changes for the site.

PART 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination, the Department of Planning's 'A guide to preparing local environmental plans' and Council's Community Engagement Framework.

It is expected that the Planning Proposal will be exhibited for a period of not less than 28 days and that this will include notification of the public exhibition:

-
- on the Inner West Council website;
 - in relevant local newspapers; and
 - in writing to the owners and occupiers of adjoining and nearby properties.

The exhibition material will be made available on the Inner West Council website, in the Leichhardt Customer Service Centre at 7-15 Wetherill Street, Leichhardt and on the Department of Planning and Environment's website.

PART 6 – Project Timeline

Milestone	Timeframe
Date of Gateway determination)	November 2018
Public exhibition and public authority consultation	October 2019
Timeframe for consideration of submissions	November 2019
Timeframe for consideration of proposal post exhibition	December 2019
Drafting of instrument and finalization of mapping	January 2019
Date of submission to the Department to finalise the LEP	February 2019
Anticipated date RPA will make the plan	March 2019
Anticipated date RPA will forward to the Department for notification	March 2019

Attachment 1

VPA Letter of Offer



revisions by:
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ANGUS DEVELOPMENTS

BKA architecture

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EXECUTIVE SUMMARY

This Urban Design Study has been prepared by BKA Architecture on behalf of Angus Developments for a proposed new development at 466-480 New Canterbury Road, Dulwich Hill, here-forth referred to as Dulwich Grove Precinct.

The site is enclosed by New Canterbury Road, Hercules Street, Kintore Street and Dulwich Grove Light Rail Station. The site is enclosed by New Canterbury Road, Hercules Street, Kintore Street and Dulwich Grove Light Rail Station. The site is currently divided into a primary site and a secondary site with the predominantly larger primary site being the subject of this application. The smaller secondary site currently does not form part of this application, however, the smaller secondary site is currently under negotiation for inclusion in the application.

At present the site is occupied by several, low-scale, service and industrial buildings, four 1940's shops, a Greek Orthodox Church, The Church of the Holy Unmercenaries and a face brick 1940's bungalow.

The development site has significantly benefited by the recent establishment of the adjacent Dulwich Grove light rail station which has facilitated the provision of greater residential density in its vicinity in accordance with Statutory Local Planning Policy.

This report includes a site analysis, review of the existing amenity and transport, environmental and other factors which determine the fast link for a future residential use of the site.



1940's bungalow and Greek Orthodox Church the corner of Hercules and Kintore Streets.



Four shops on the corner of New Canterbury Road and Kintore Street.



METROPOLITAN CONTEXT

The site is located in Sydney's 'inner West' region, approximately 8 kilometres south west of Sydney CBD. Being located in Dulwich Hill the site falls which falls under the authority of Marrickville Council local government area.

According to Planning NSW, "The predominant household type is lone persons, however the fastest growing household is couples without children, which has a consistent proportion with Greater Sydney." Historically Dulwich Hill is a very culturally diverse and recently has seen a growth in the number of artists, academics and writers in the region.



Aerial View of Sydney - Port Jackson to the North - Sydney Airport and Botany Bay to the South



Marrickville Local Government Area - Dulwich Hill in Red



Dulwich Grove Precinct - Proposed Development Site and Light Rail Stop

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

PUBLIC TRANSPORT AND PARKING PLAN





TRAINS & LIGHT RAIL

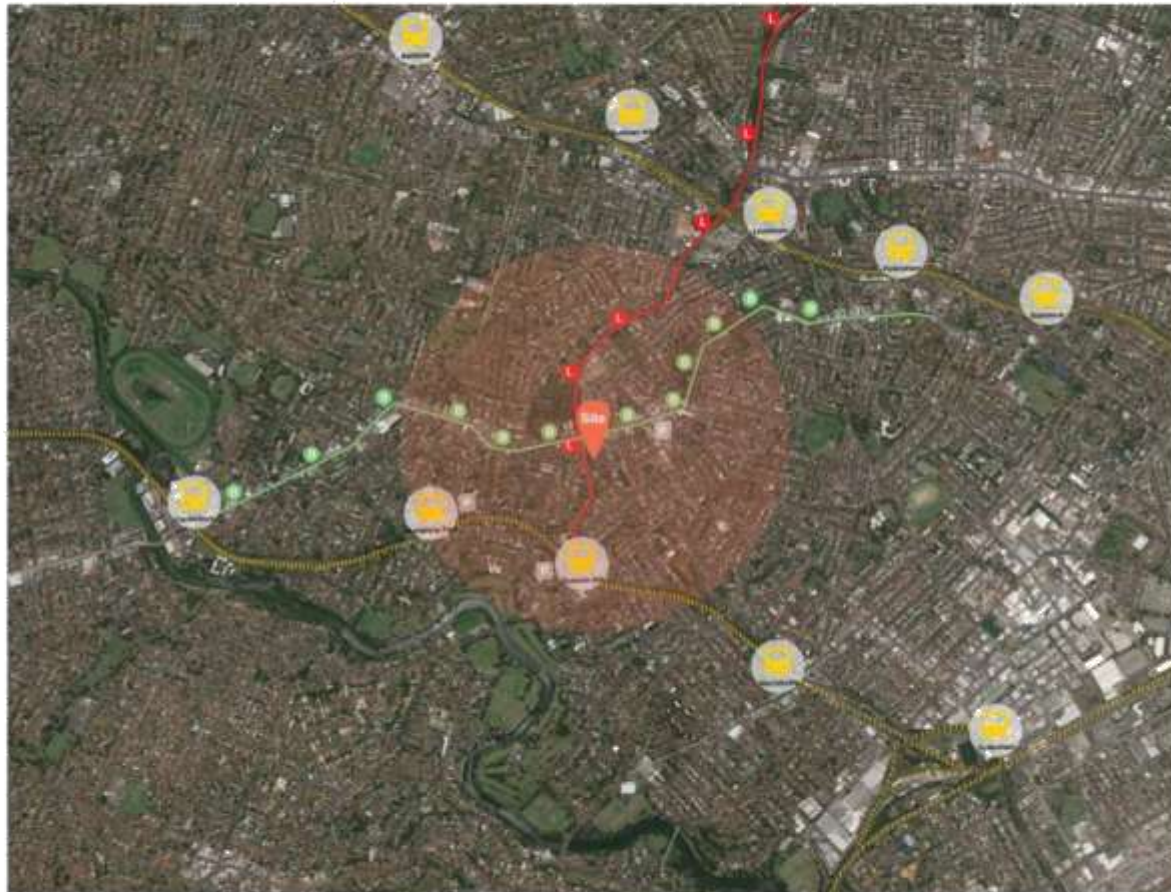
The site is situated adjacent to the Dulwich Grove Light Rail station and is located approximately 500m from Dulwich Hill Train Station. Dulwich Hill station is serviced by the T3 Bankstown Line which provides services from Liverpool to the City while the light rail provides services from Dulwich Hill to Central.

BUSES

Major bus routes in close proximity to the site run along New Canterbury Road. The closest bus stop is approximately 30m from the site. From this stop services running east extend to Bondi Junction, the CBD and Balmain while services running west extend to Burwood, Campsie and Canterbury.

KEY

-  Site
-  Train
-  Lightrail
-  Bus



OPEN SPACE PLAN

There is a substantial amount of public open space within walking distance of the site. The closest significant parks are the Laxton Reserve and Arlington Reserve, which are both 100m north west of the site. The parks provide a range of recreational facilities, sports fields, spaces for gatherings and children's playground.

Approximately 1km away from the site lies the Cooks river and its associated recreational facilities. These facilities include walking and cycling tracks, sporting fields, large green open space, tennis courts, a golf course and places for gatherings.

Currently, the site itself is completely devoid of any vegetated areas and public open space.

KEY



Site



Public Open Space



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

CENTRE'S PRECINCTS PLAN

There are various established neighbourhoods and precincts surrounding the site. The site is proposed, as a local neighbourhood centre to compliment the larger villages and town centres in the region.

KING STREET, NEWTOWN

King Street, Newtown is a substantial retail precinct, extending south from City Road, at its northern end, to the Princes Highway in St Peters. Newtown is renowned for its high population of artists and students, making it a lively and eclectic urban centre.

ENMORE ROAD, ENMORE

Enmore Road takes off from the centre of Newtown, continuing through to Marrickville. Enmore Road is a thriving retail and cultural precinct. The strip tends to be a home for smaller, independent businesses that have moved away from the bubbling intensity of King Street.

ST PETERS TRIANGLE, ST PETERS

St Peters triangle is a new mixed use precinct to the north east of the subject site. The precinct is bounded by the Princes Highway, Campbell Street and the railway line.

MARRICKVILLE ROAD, MARRICKVILLE

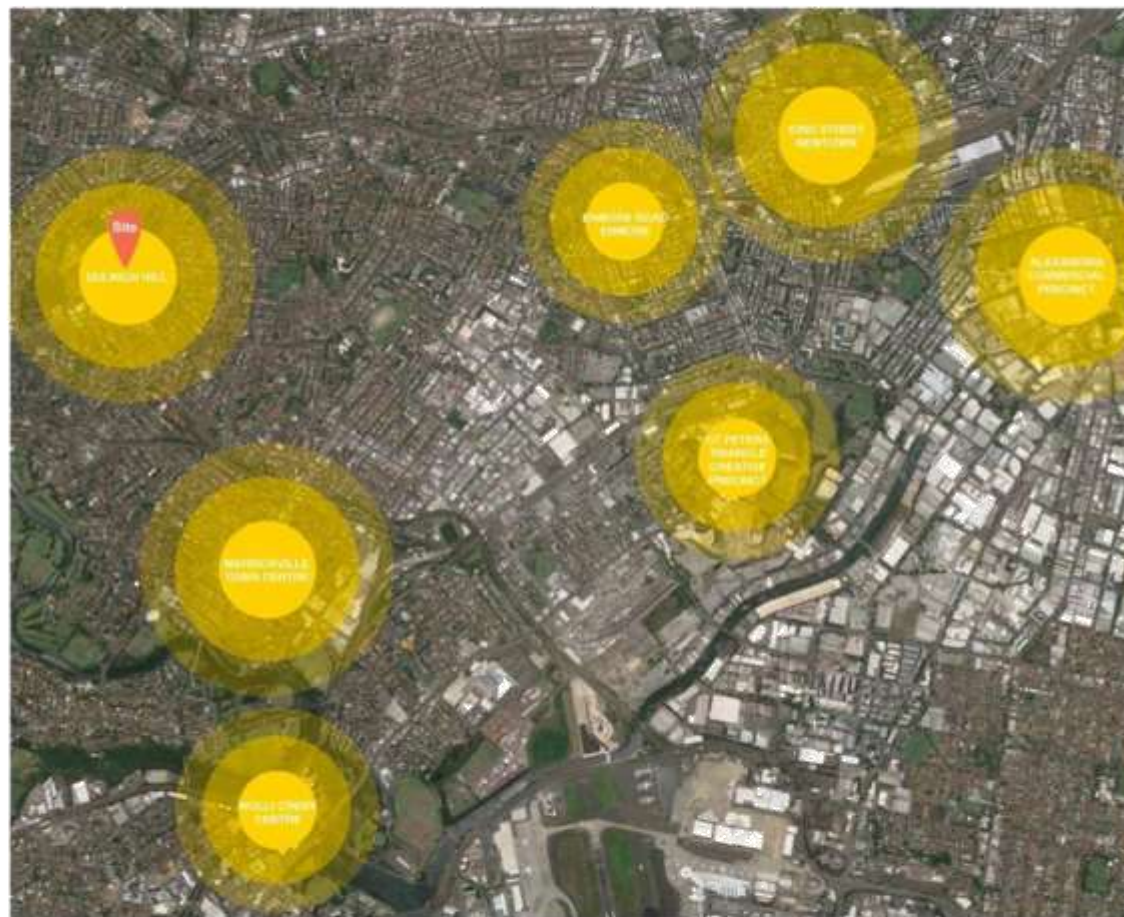
Marrickville Road is a more relaxed neighbourhood centre within the region. With an increasingly diverse mix of international food, cosmopolitan cafes and independent retailers.

WOLLI CREEK CENTRE

Wolli Creek is currently undergoing a vast transformation from an industrial precinct into a high density mixed use environment.

WARDELL ROAD, DULWICH HILL

Dulwich Hill has seen heightened interest since the inception of the new light rail extension which provides 2 new stations to the area. As a result certain areas within proximity of public transport provide opportunities for gentrification.



KEY



Site



Precincts

ROAD NETWORK PLAN

NEW CANTERBURY ROAD

New Canterbury Road is a major artery in the inner west which connects to Canterbury Road providing direct access from Condeil park through to Petersham. Major bus routes run along new Canterbury road providing services to the west and east. The primary commercial and retail areas are centered along New Canterbury Road and Marrickville road.

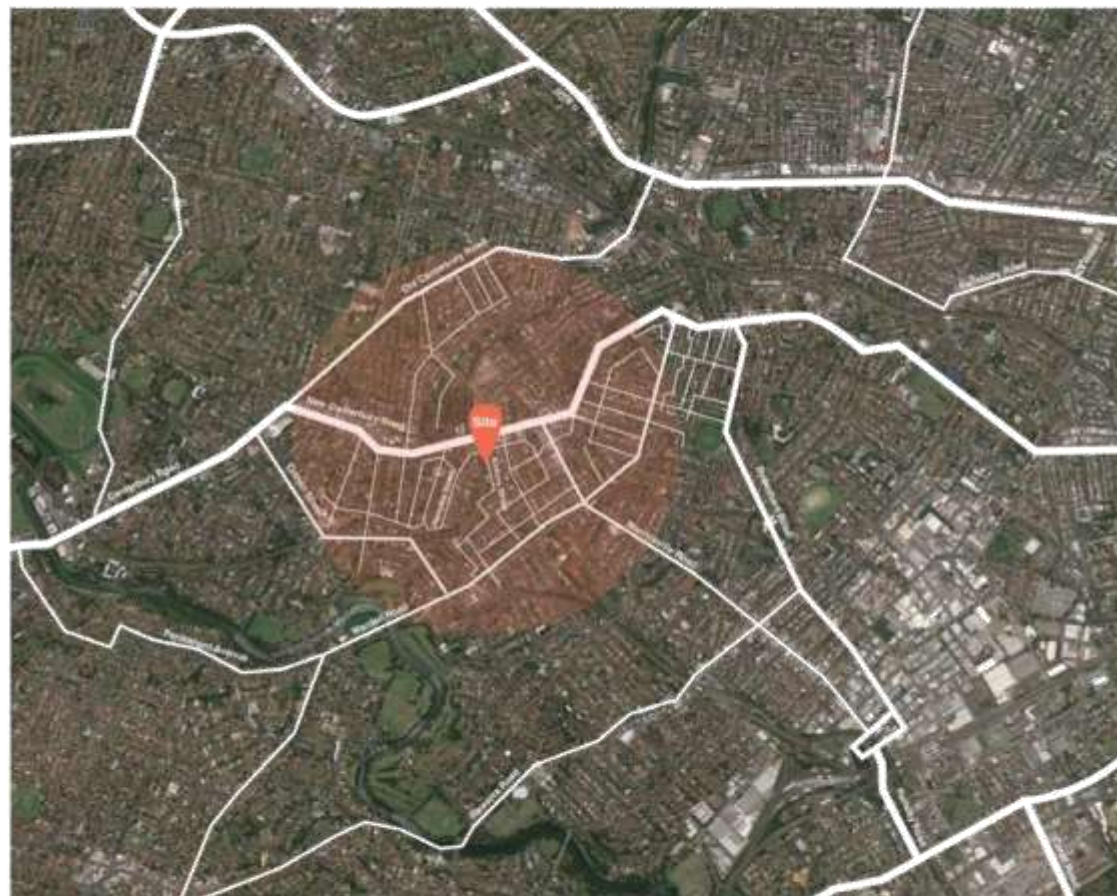
WARDELL STREET

Wardell Road provides a north-south connection through the precinct between Earlwood in the south and Petersham in the north. Dulwich Hill has a relatively compact business zoned centre focussed around Wardell Road on both the northern and southern side of the railway line. The low vehicular speed and relatively narrow carriageway of Wardell Road generally provides a comfortable and attractive public domain for pedestrians.

MARRICKVILLE ROAD

Not only a major destination for business and commercial entities, Marrickville Road provides a link to Victoria Road and hence the Marrickville Metro which provides much of the areas shopping opportunities.

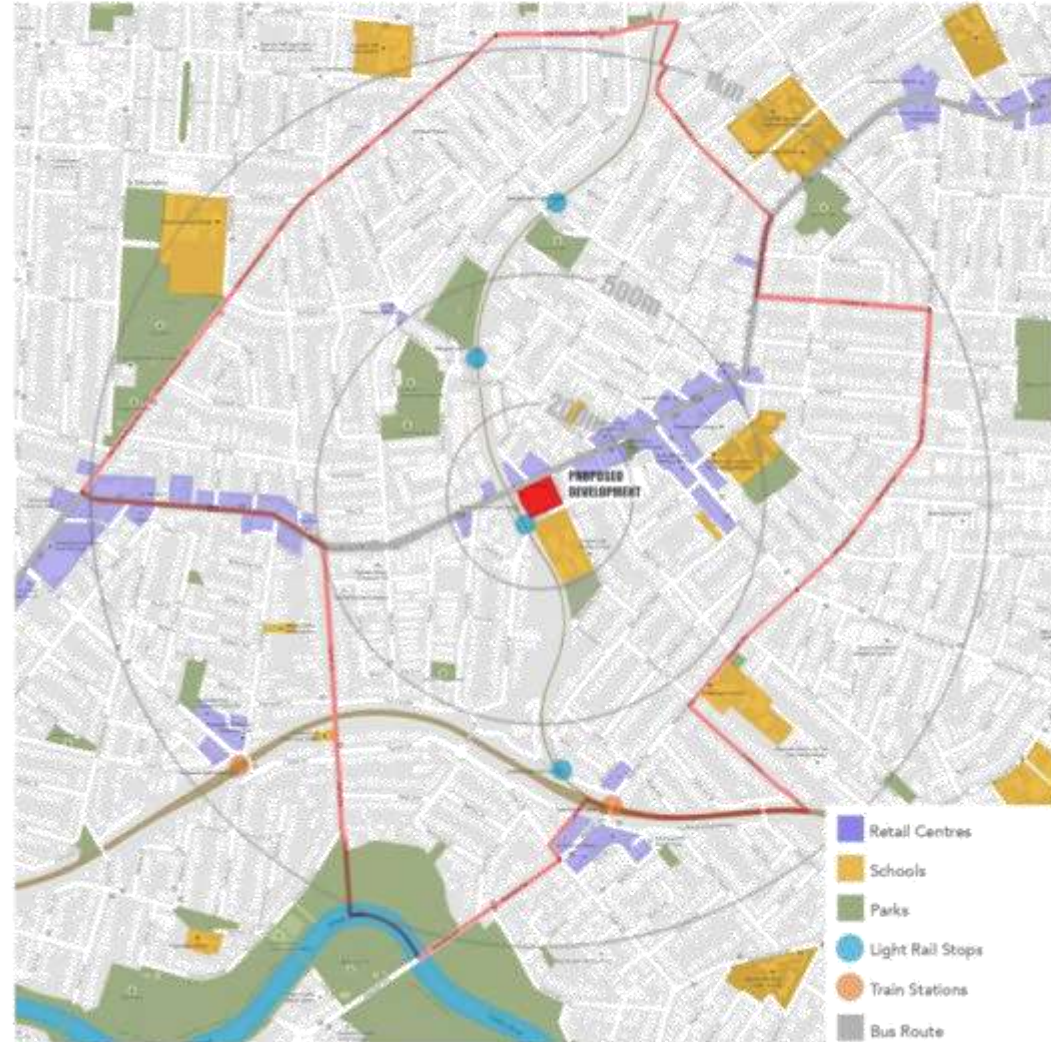
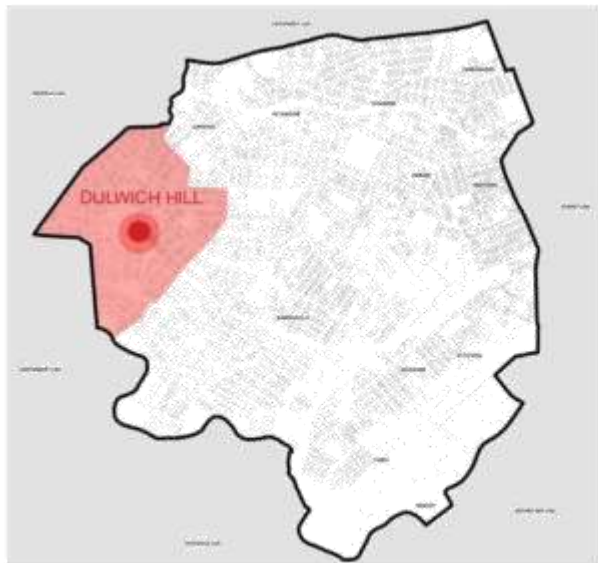
KEY



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

PUBLIC AMENITY IN DULWICH HILL

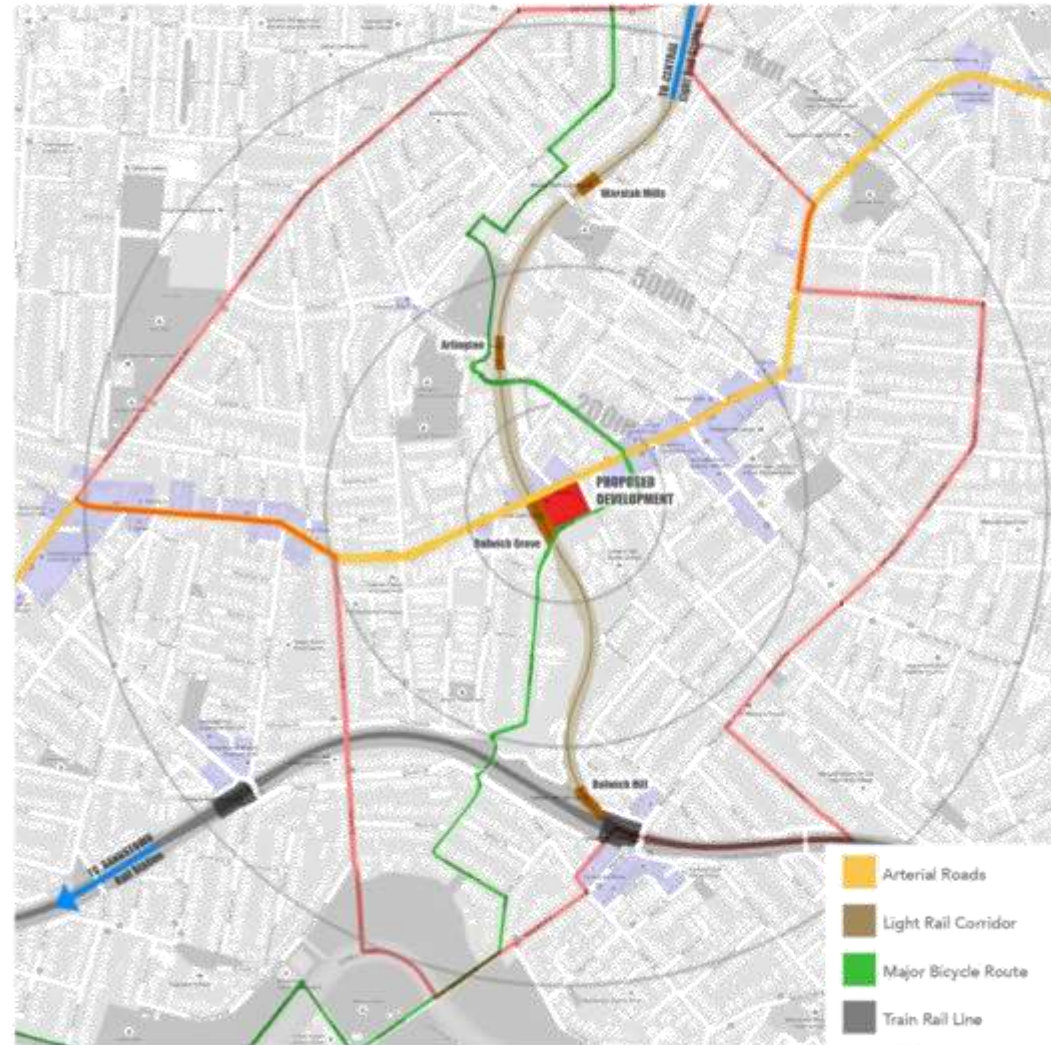
The site is located in the suburb of Dulwich Hill which focus part of the municipality of Marrickville, located on the fringe of the Sydney City.



DULWICH HILL AMENITY PLAN



PUBLIC TRANSPORT IN DULWICH HILL



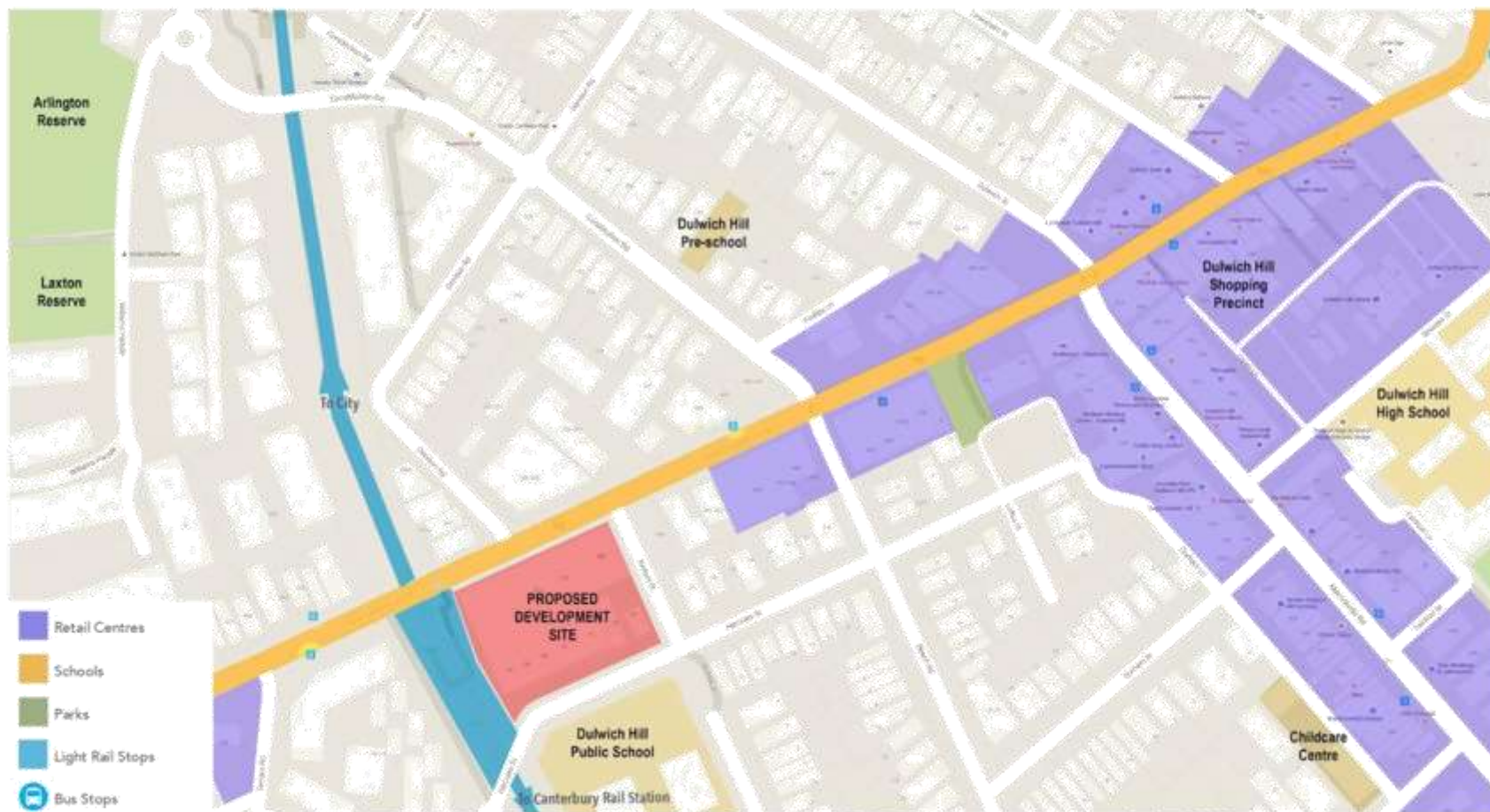
DULWICH HILL TRANSPORT PLAN

LOCAL AMENITY

The site is well served by public transport with an adjacent bus stop to the City, Canterbury Rail Station and other destinations.

The Dulwich Hill Shopping Centre is a five minute walk.

The newly located light rail stop is adjacent and connects to Dulwich Hill Rail Station in one direction and the city in the other.



LOCAL AMENITY PLAN

LOCAL TRANSPORT



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

DEVELOPMENT PRECEDENTS IN DULWICH HILL LOCALITY

In recent times there have been several new developments either nearby on New Canterbury Road or at the light rail stops. These developments have been referenced in regard to their floor space ratio and height.

A ARLINGTON GROVE 60-64 CONSTITUTION ROAD & 6-26 GROVE STREET DULWICH HILL

Land Use Zone: R1
LEP Height: 29m
Actual Height: 4-9 Storeys
LEP FSR: 1.7:1
Actual FSR: 2:1
No of Units: 249



B 429-449 NEW CANTERBURY ROAD DULWICH HILL

Land Use Zone: B2
LEP Height: 17m
Actual Height: 21-25m
LEP FSR: 2.20:1
Actual FSR: 2.87:1
No of Units: 70



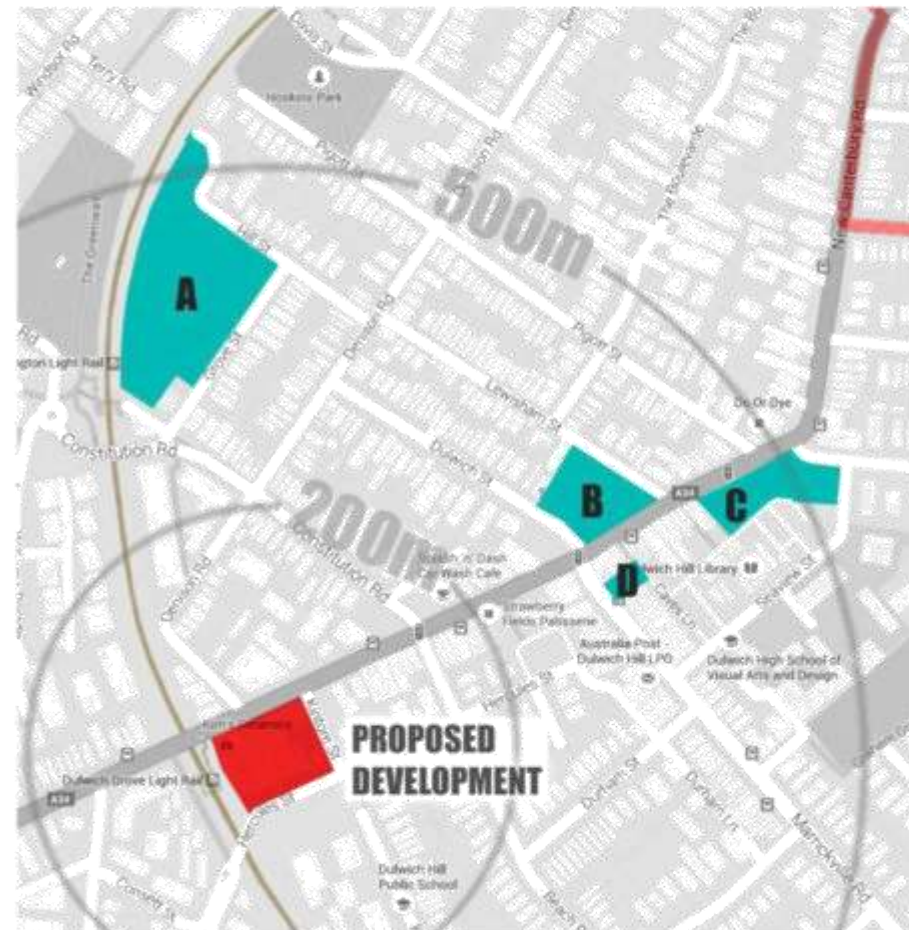
C THE COOPERAGE 368-372 NEW CANTERBURY ROAD DULWICH HILL

Land Use Zone: B2
LEP Height: 20m
Actual Height: 6 Storeys
LEP FSR: 2.20:1
Actual FSR: 2.60:1
No of Units: 68



D 503-507 MARRICKVILLE ROAD DULWICH HILL

Land Use Zone: B2
LEP Height: 17m
Actual Height: 4 Storeys
LEP FSR: 2.2:1
Actual FSR: -
No of Units: 32



DEVELOPMENT PRECEDENTS ALONG LIGHT RAIL

1 ALPHA 120A/B OLD CANTERBURY ROAD LEWISHAM

Land Use Zone: B5
LEP Height: 20m
Actual Height: 5-6 Storeys
LEP FSR: 3:1
Actual FSR: 2.58:1
No of Units: 42



2 LUXE 118 -120 OLD CANTERBURY ROAD LEWISHAM

Land Use Zone: B5
LEP Height: 20m
Actual Height: 5 Storeys
LEP FSR: 2.1:1
Actual FSR: 2.67:1
No of Units: 28



3 17-21 MCGILL STREET LEWISHAM

Land Use Zone: B4, B5
LEP Height: 20m
Actual Height: 6 Storeys
LEP FSR: 2.1:1
Actual FSR: 2.58:1
No of Units: 39



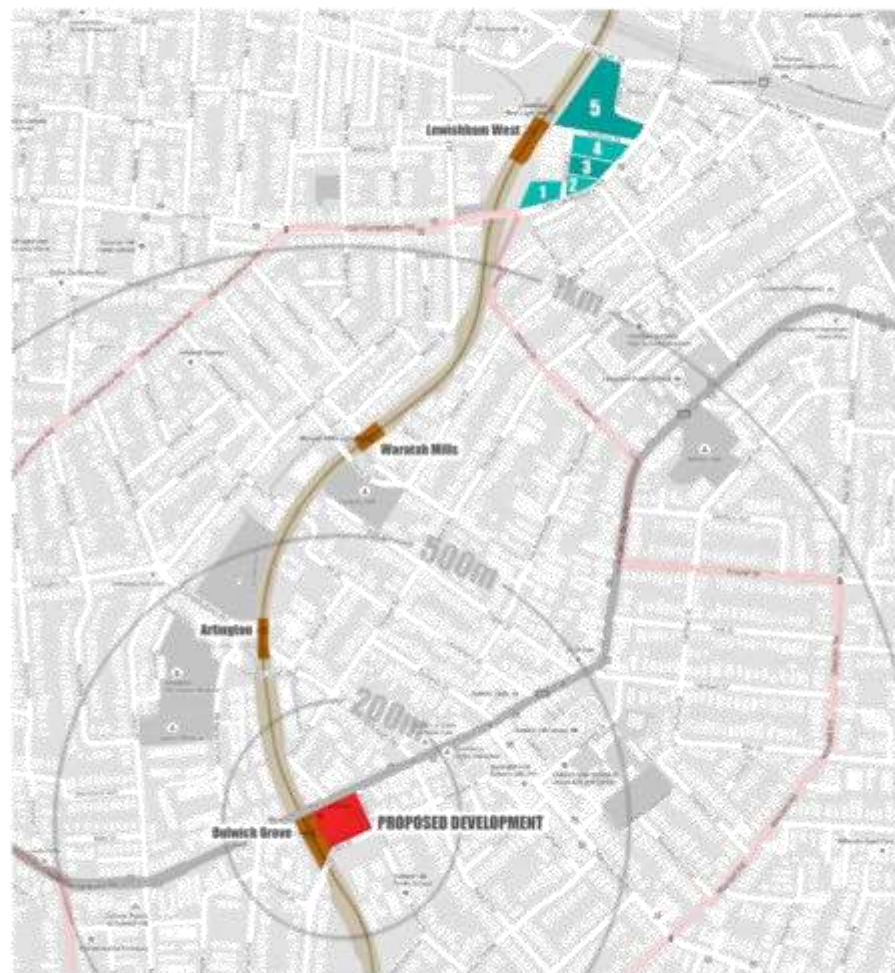
4 102-106 OLD CANTERBURY RD 1-7 MCGILL STREET LEWISHAM

Land Use Zone: B4
LEP Height: 17 - 20m
Actual Height: 4-5 Storeys
LEP FSR: 2.1:1
Actual FSR: 2.65:1
No of Units: 54



5 MERITON 78 -90 OLD CANTERBURY RD LEWISHAM

Land Use Zone: B1, B5, B4, B2
LEP Height: 32m
Actual Height: 4-10 Storeys
LEP FSR: 1.7:1
Actual FSR: 2.65:1
No of Units: 314



EXTENT OF LAND FOR RE-ZONING

The subject site is currently zoned as IN2 'Light Industrial'. Currently the site is made up of 14 different lots, all of which are subject to this proposal.



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.

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



Retail facades to be retained



Retail shop front



Sidewalk in front of retail

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

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

SITE ANALYSIS

Site Constraints

EXISTING SITE

The existing site is comprised of many parts and careful consideration should be given to what is to be demolished and what is to be retained.

TRAFFIC ALONG NEW CANTERBURY ROAD STREET

New Canterbury Road has a high volume of traffic movements. This creates noise pollution problems for the site.

NOISE SOURCES

The two main sources of noise are the adjacent light rail and New Canterbury Road. The light rail is a minor noise source while New Canterbury Road is a major noise source.

SUN DIAGRAM

The sun diagram shows that the main area of shading will be towards Hercules Street.

AIRCRAFT NOISE

The site will receive little to no aircraft noise from aircraft flying in to Sydney airport.

WIND DIAGRAM

The site is subject to varying winds from a variety of angles.

NO PUBLIC OPEN SPACE

High quality open space is non-existent.

INDUSTRIAL SITE SURROUNDED BY LOW DENSITY RESIDENTIAL

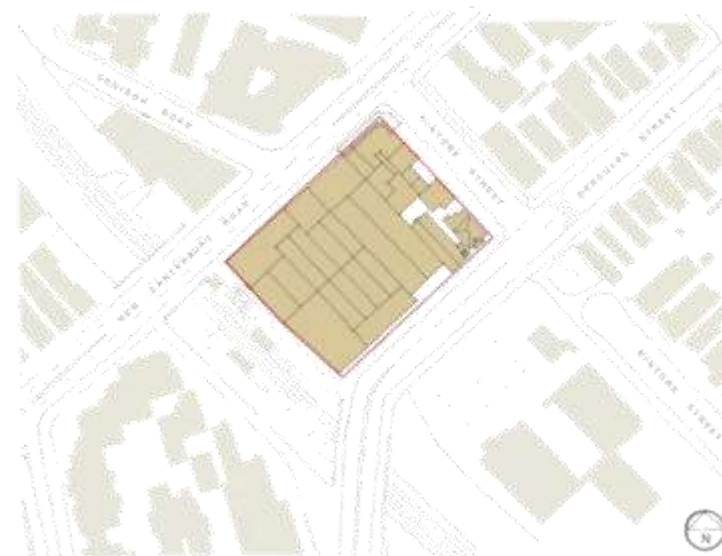
The site is surrounded by small scale residential dwellings, commercial premises and a school. The interface between these uses is currently harsh and unconsidered.

NO LANDSCAPE

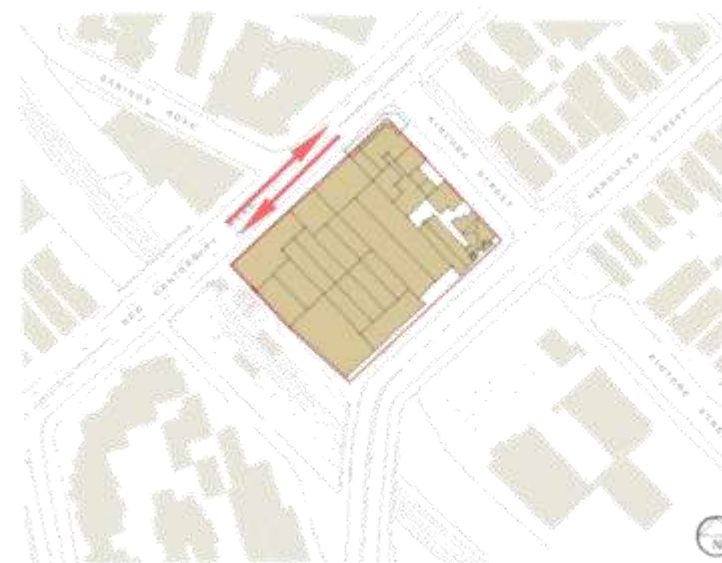
The site is currently barren, completely devoid of any greenery.

SIGNIFICANT SLOPE

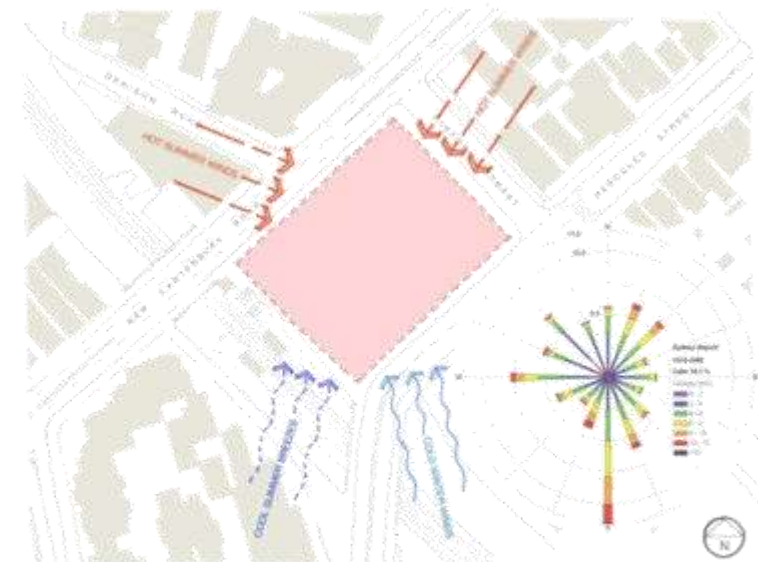
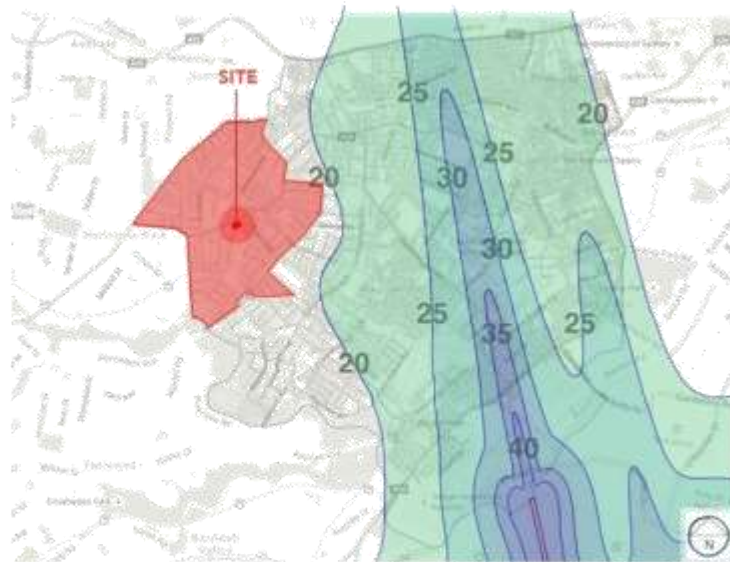
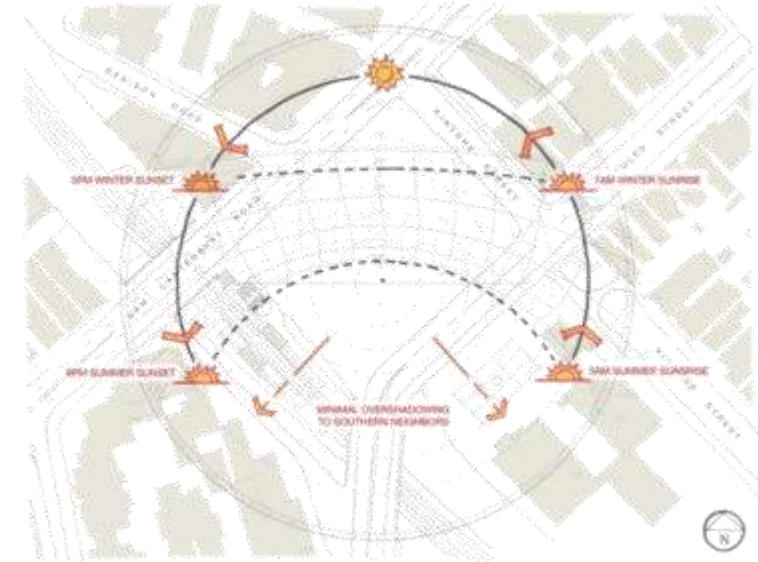
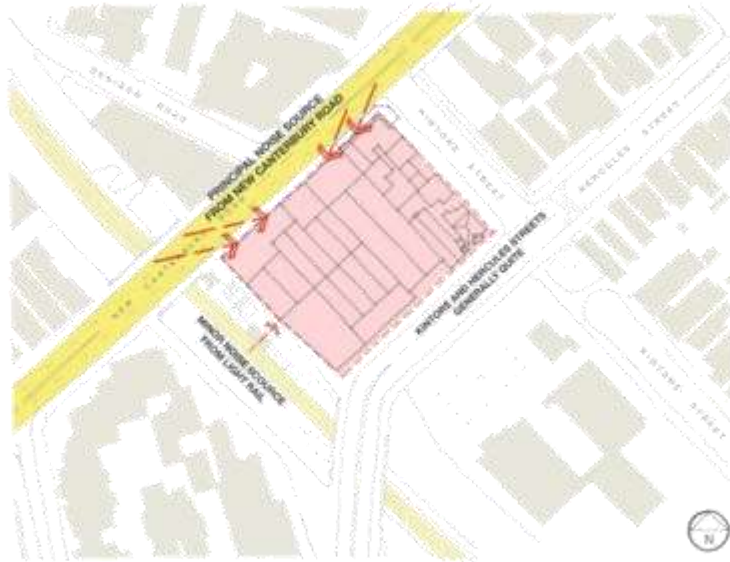
There is approximately 4 meters of fall between the northern corner and the southern corner of the site. As a result the site may not be easily accessible for persons with disabilities.



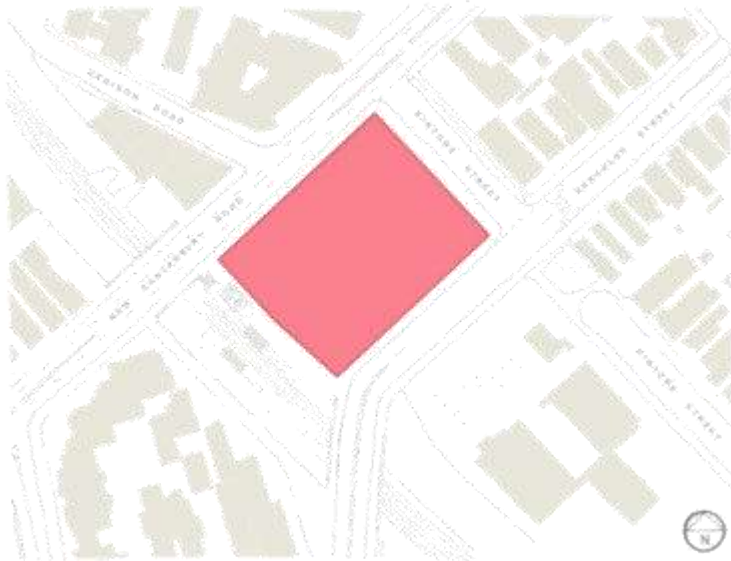
EXISTING SITE



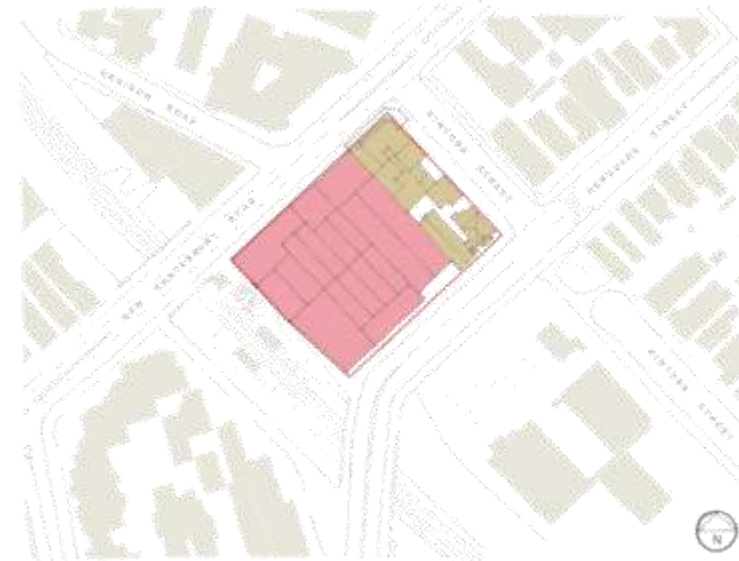
TRAFFIC



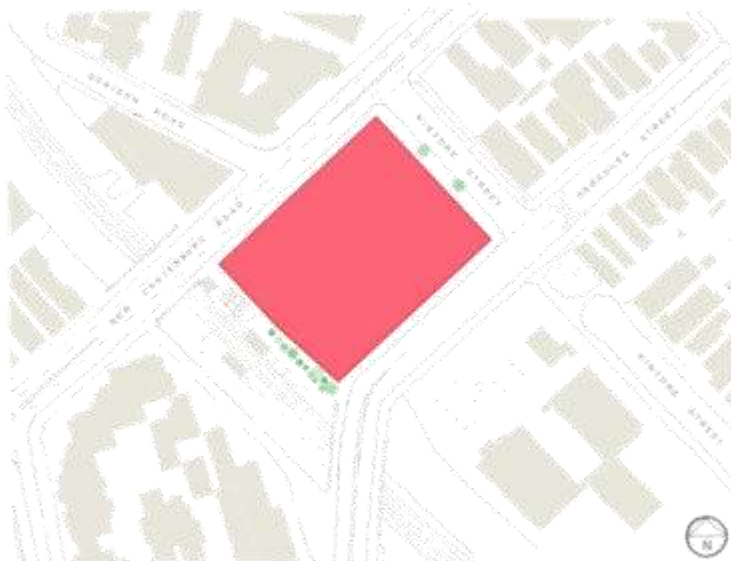
466 - 480 NEW CANTERBURY ROAD DULWICH HILL



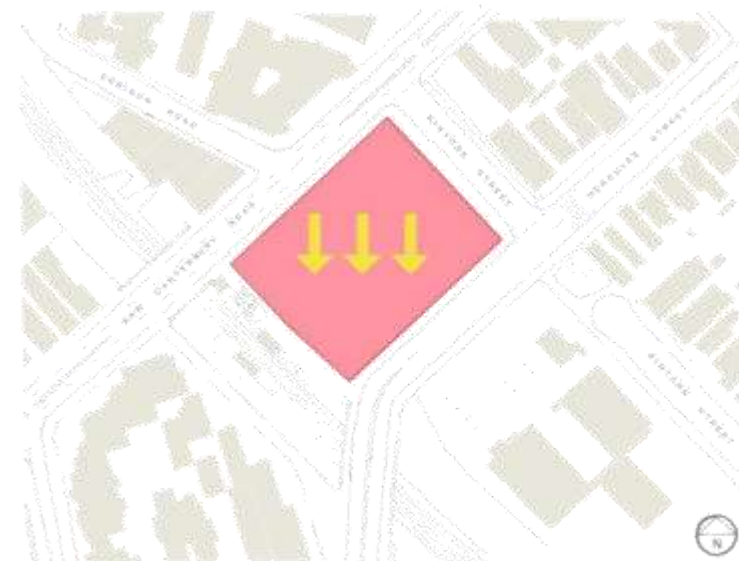
NO PUBLIC OPEN SPACE



INDUSTRIAL SITE SURROUNDED BY LOW DENSITY RESIDENTIAL AND SCHOOL



NO LANDSCAPE



SIGNIFICANT SLOPE ACROSS SITE



SITE ANALYSIS

Site Opportunities

ARCHITECTURAL INTEREST

Adaptive reuse of heritage façade at the corner of New Canterbury Road and Kintore Street. MODernising the area replacing outdated industrial buildings.

LIVE/ WORK

Suitable for small businesses. Low impact and sustainable.

DEMOLITION

Opportunities to increase the quality of the built environment of the site can be achieved by demolishing outdated structures while retaining those of value to the community.

COMMUNITY

Strong sense of place and a visual anchor for the adjacent light rail stop. A meeting place for those within the community.

LANDSCAPE

Increased public open space and landscaping to soften the area.

VIEWS

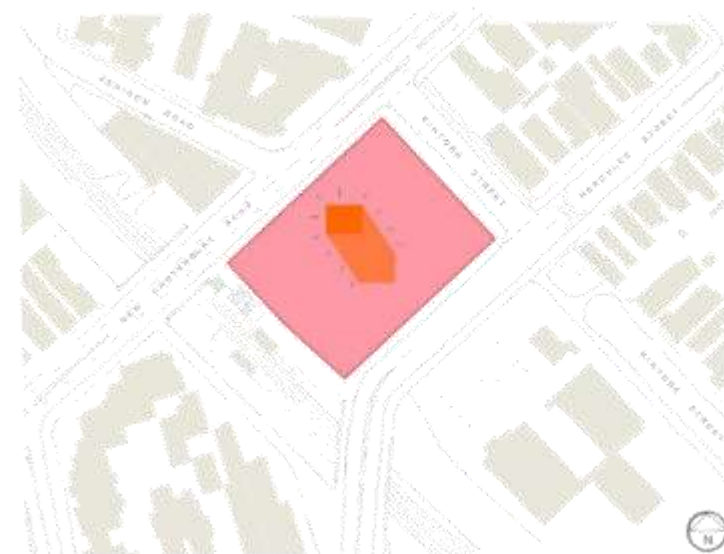
Views of the surrounding area from all corners of the site.

COMMERCIAL OPPORTUNITIES

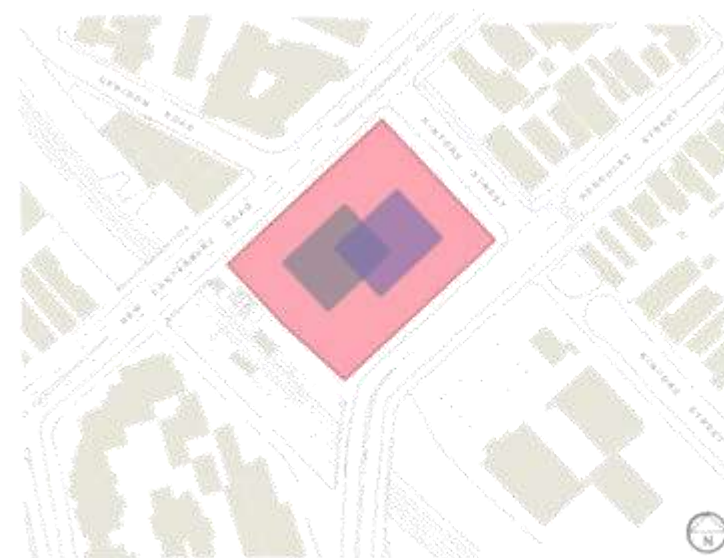
Opportunities for new retail and business outlets to help gentrify the area.

THROUGH SITE LINK

A through site link would provide a shortcut for cyclists and pedestrians looking to access the light rail from the southern end of Hercules street.



ARCHITECTURAL INTEREST

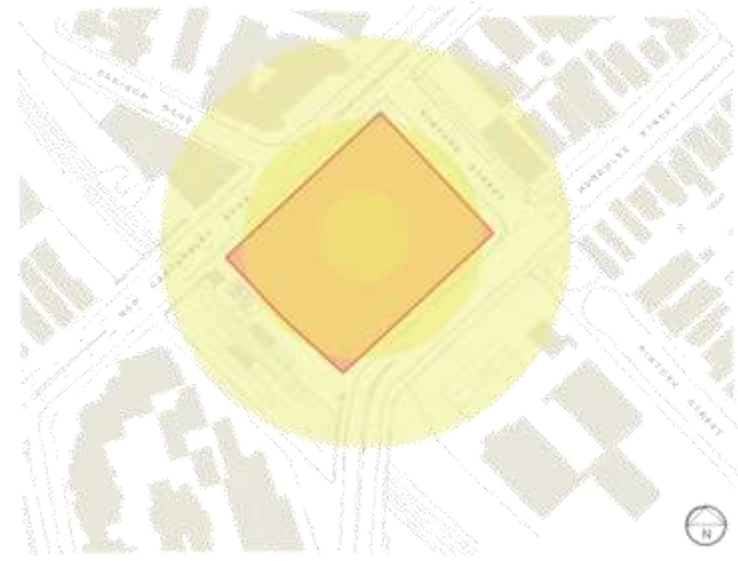


LIVE WORK

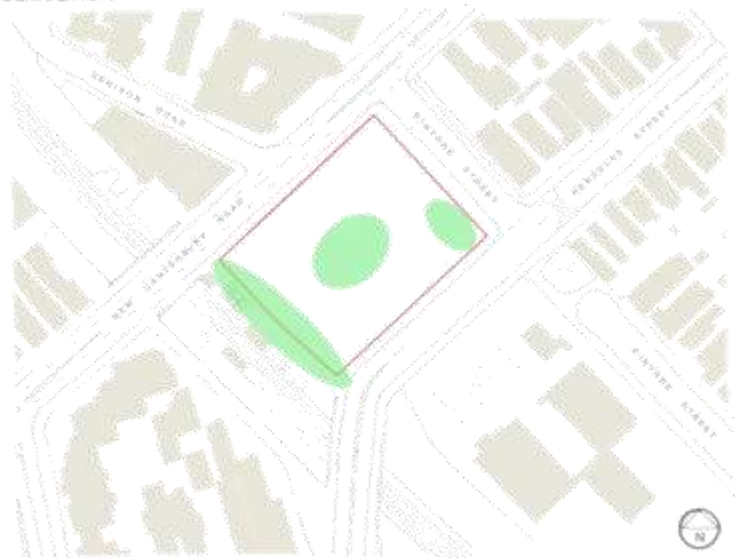
466 - 480 NEW CANTERBURY ROAD DULWICH HILL



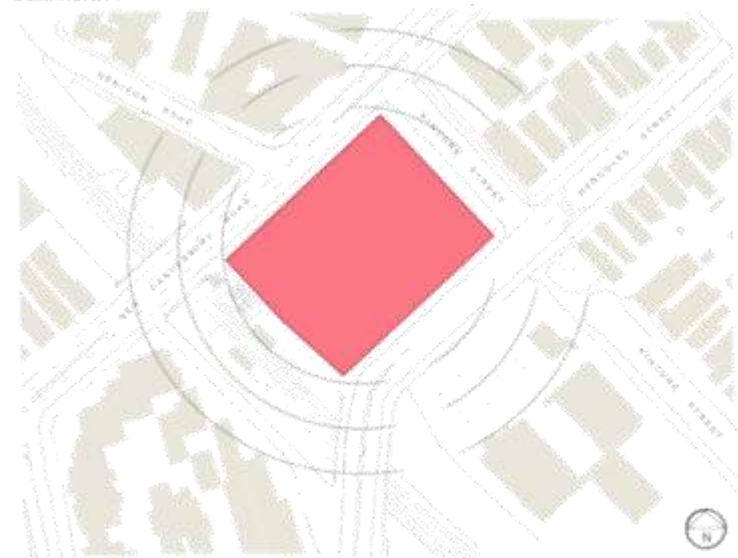
DEMOLITION



COMMUNITY

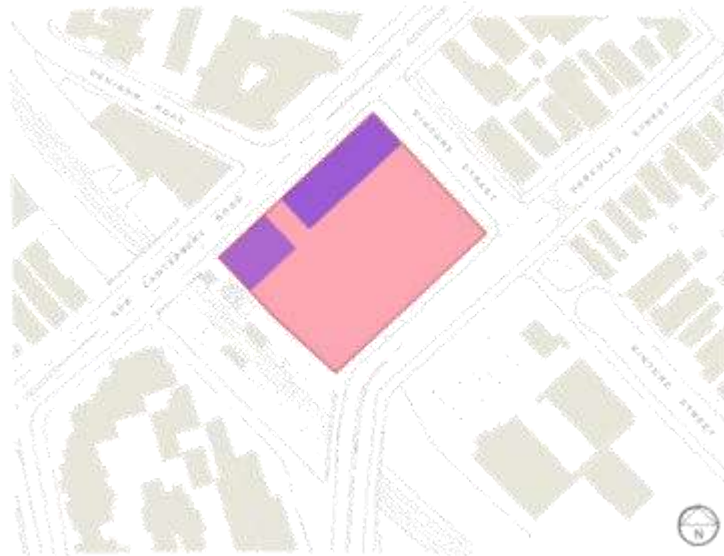


LANDSCAPE



VIEWS





COMMERCIAL OPPORTUNITIES



THROUGH SITE LINK



PLANNING OVERVIEW

The following section of the report outlines the planning policies relevant to this proposal. The policies assessed within the study range in scale from broad brush statewide strategies to the more immediate local planning context. The plans addressed within this section of the report are as follows:

1. The Greater Sydney Region Plan 2018
2. Eastern City District Plan
3. Sydenham to Bankstown Urban Renewal Corridor Strategy
4. Marrickville Urban Strategy
5. Dulwich Hill Urban Strategy

By comparing the proposal to a comprehensive planning framework, the proposal intends to ensure an integrated urban design approach, which addresses the long term operation of the site in relation to all relevant levels of the planning hierarchy.

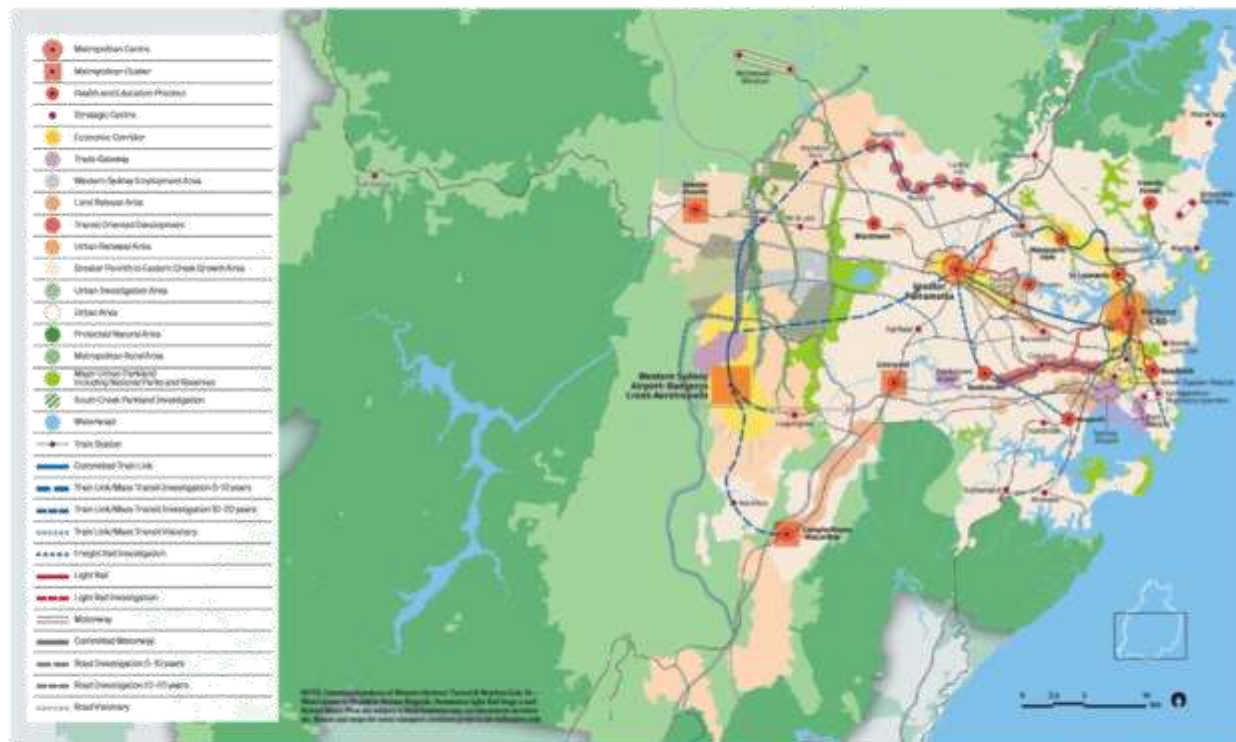


THE GREATER SYDNEY REGIONAL PLAN 2018 A METROPOLIS OF THREE CITIES

"The Greater Sydney Region Plan, A Metropolis of Three Cities is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance. To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City

The vision brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. As the population of Greater Sydney is projected to grow to 8 million over the next 40 years, and with almost half of that population residing west of Parramatta, rebalancing economic and social opportunities will leverage that growth and deliver the benefits more equally and equitably across Greater Sydney. Residents will have quick and easy access to jobs and essential services. Housing supply and choice will increase to meet the growing and changing needs of the community. The environment and precious resources will be protected. Importantly, infrastructure will be sequenced to support growth and delivered concurrently with new homes and jobs."

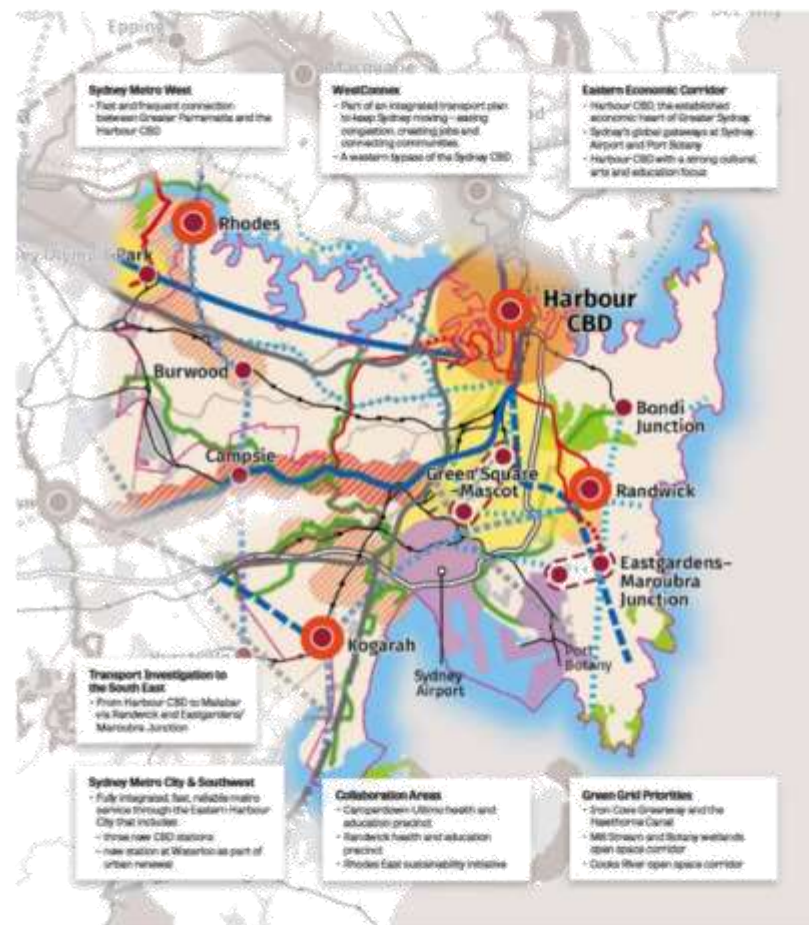


EASTERN CITY DISTRICT PLAN 2018

The vision for Greater Sydney as a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City and a 30 minute city – will see the Eastern City District become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region. The vision will improve the District's lifestyle and environmental assets.

This will be achieved by:

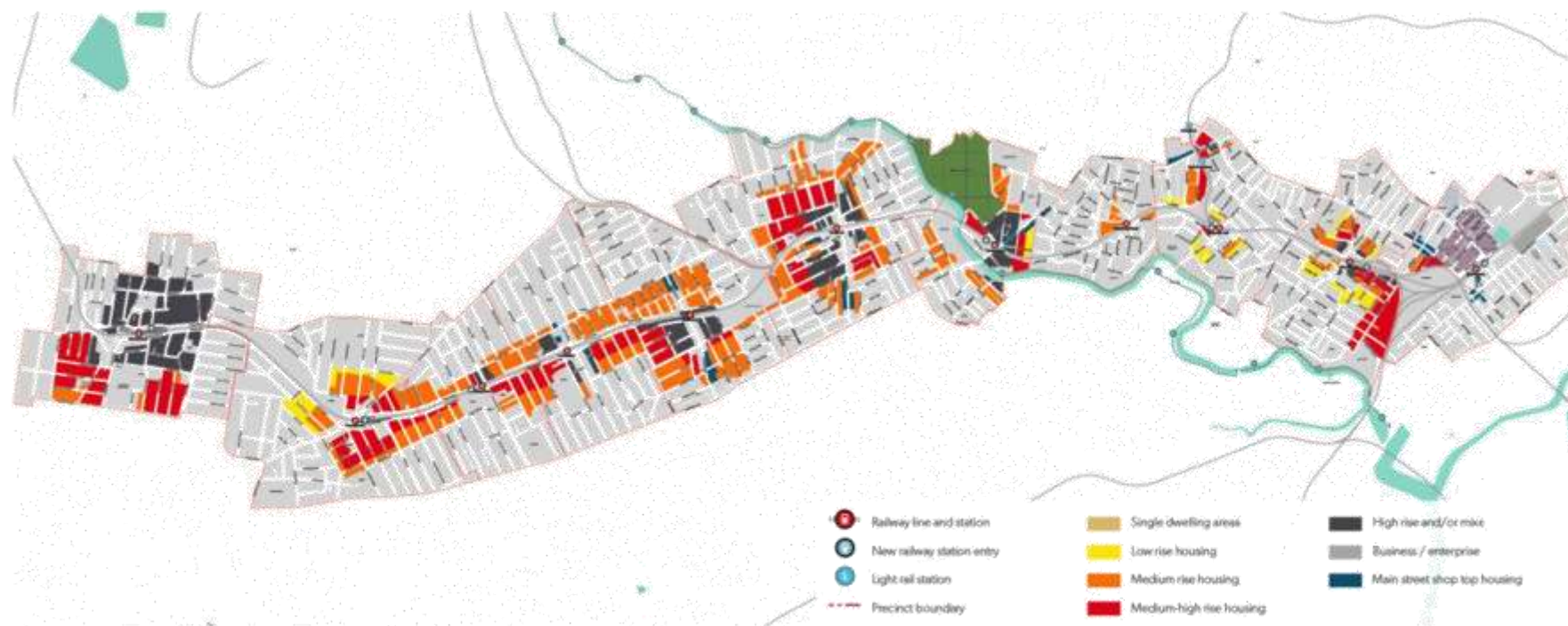
- Strengthening the international competitiveness of the Harbour CBD, supported by the Innovation Corridor, health and education precincts and the District's strategic centres
- Boosting innovation and creative industries alongside knowledge-intensive jobs growth
- Stimulating the night-time economy within a responsive regulatory environment
- Protecting international trade and freight routes
- Retaining industrial and urban services land
- Nurturing quality lifestyles through well-designed housing in neighbourhoods close to transport and other infrastructure
- Sustaining communities through vibrant public places, walking and cycling, and cultural, artistic and tourism assets
- Aligning growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions
- Being innovative in providing recreational and open space areas, and increasing urban tree canopy
- Transitioning to a low-carbon, high-efficiency District through precinct-scale initiatives
- Building effective responses to climate change and natural and urban hazards.



SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR STRATEGY

The strategy provides a comprehensive evidence base to support future growth in the Sydenham to Bankstown Urban Renewal Corridor by identifying opportunities for additional homes and jobs close to existing public transport, employment areas and town centres. The strategy includes detailed land use and infrastructure analysis for each of the station precincts along the Bankstown Rail Line and includes Dulwich Hill.

According to the plan, by 2031 there will be an additional 1.3 million people across Sydney metropolitan area, with a requirement for "545,00 new homes and 625,00 new jobs." The strategy outlines the future vision and character for each area, the number of new homes and jobs that could be delivered, and the improvements to community facilities, public spaces, the transport network and other infrastructure needed to support growth.



MARRICKVILLE URBAN STRATEGY

The Marrickville Urban Strategy provides a consolidated planning framework for the Marrickville LGA. The intention of the strategy is to translate the principles of the Sydney Metropolitan Plan within a local planning context. The following are key points within the plan:

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 uses sites; and
6. Increase density in infill areas

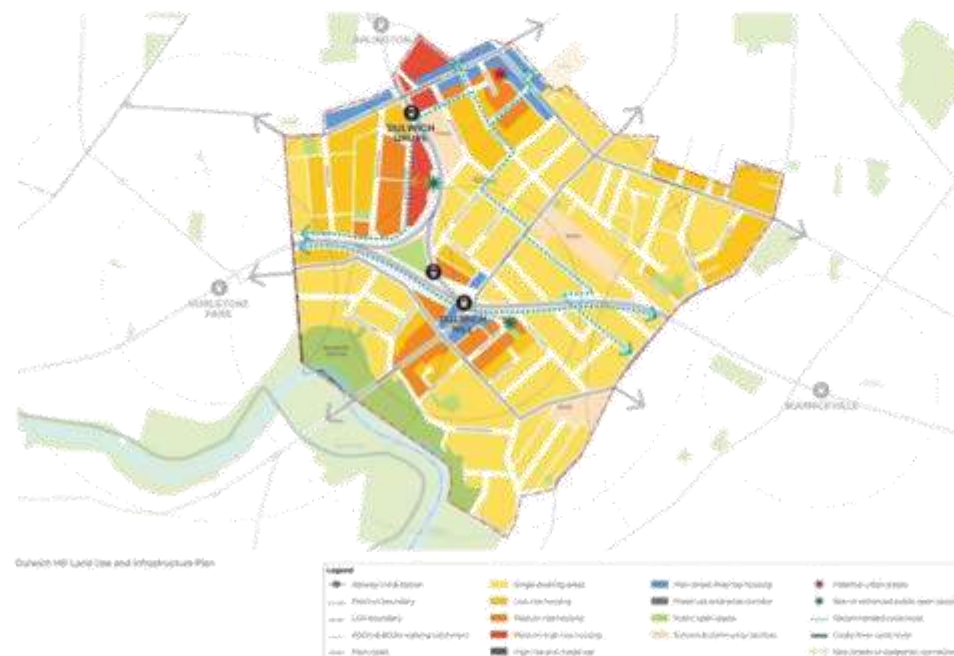


466 - 480 NEW CANTERBURY ROAD DULWICH HILL

DULWICH HILL URBAN STRATEGY

In the Dulwich Hill Precinct land use and infrastructure analysis, a vision is outlined for the precinct. The following points coinciding are key regarding the site:

- Allow taller residential buildings up to 8 storeys between Hercules Street and the light rail and adjacent to Dulwich Grove light rail stop.
- Facilitate a new east-west regional cycle link along the rail corridor that will improve pedestrian and cycle between the town centres and railway stations.
- Utilise railway easements, car parks, verges and vacant lands to create a network of small parks and open spaces along the rail corridor with improved access between the town centres and railway stations.
- Investigate the following public open space opportunities:
 - >New open space adjacent to the light rail corridor with access from Hercules Street.
 - >Provide for more housing opportunities immediately around Dulwich Hill Station, the light rail, and along and behind Canterbury Road, to allow more people to live close to good public transport and amenity.
 - >Encourage local services, retail and convenience shops on Wardell Road in close proximity to Dulwich Hill Station and along Canterbury Road and the Dulwich Hill village shops.

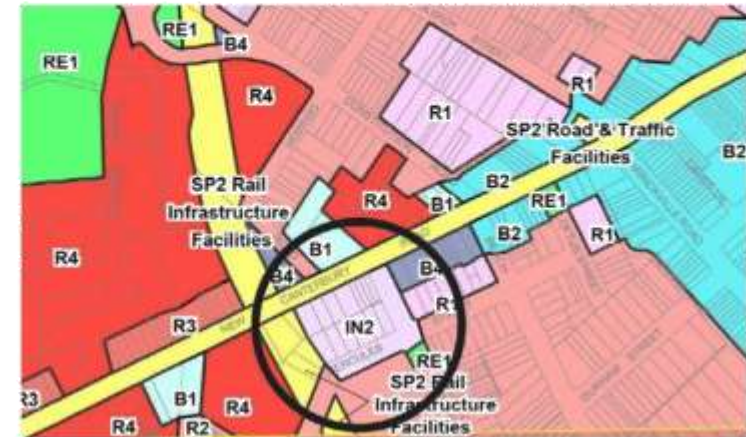


COUNCIL CONTROL MAPS

The site at present is zoned light industrial (IN2). The present zoning is nominated due to the existing buildings and areas now located on the site and do not reflect the surrounding and current factors which influence the zoning.

The sites surrounding the transport modes and Light Rail corridor are predominantly R4. It is considered that this would be an appropriate zone to be applied to the majority of the site.

Zone	
Neighbourhood Centre	B1
Local Centre	B2
Mixed Use	B4
Business Development	B5
Enterprise Corridor	B6
Business Park	B7
General Industrial	IN1
Light Industrial	IN2
General Residential	R1
Low Density Residential	R2
Medium Density Residential	R3
High Density Residential	R4
Public Recreation	RE1
Private Recreation	RE2
Special Activities	SP1
Infrastructure	SP2
Natural Waterways	W1
Recreational Waterways	W2



EXISTING ZONING - Light Industrial



BIODIVERSITY MAP

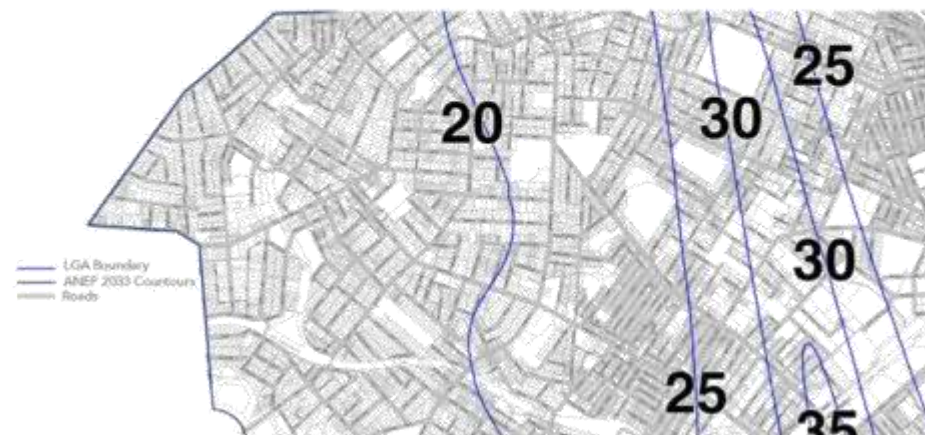


HERITAGE MAP

466 - 480 NEW CANTERBURY ROAD DULWICH HILL



MAXIMUM HEIGHT MAP



ANEF Contours



MAXIMUM FSR MAP



PRELIMINARY STUDIES



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

STUDY 1 (DCP OPTION)

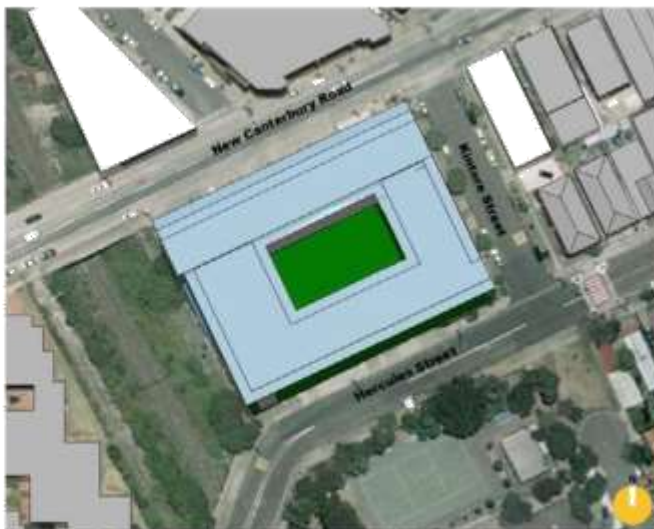
- 22m envelope
- 20m Height DCP Form

3 metres setback at the fourth level on New Canterbury Road.

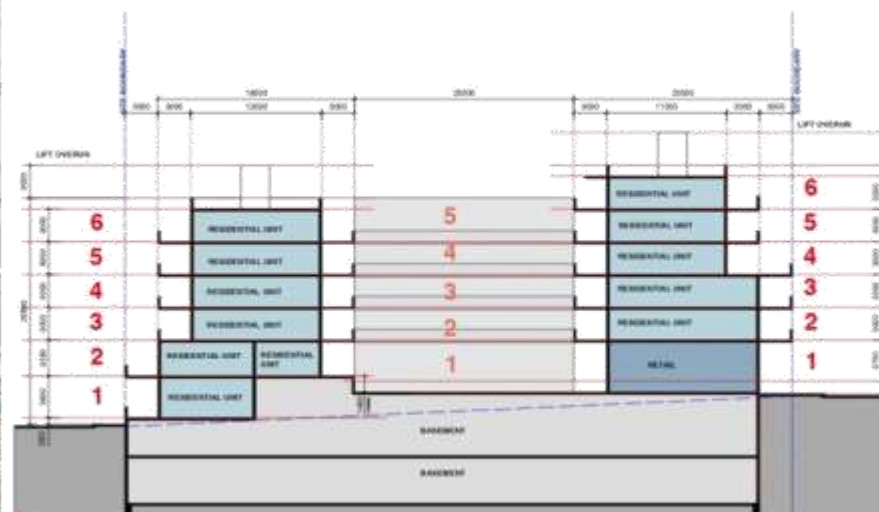
3 metres setback to ground floor on Hercules Street.

6 storeys to New Canterbury Road and 5 storeys to the rest of the precinct.

- Proposed development
- Existing Building
- Future Development based on LCP & DCP



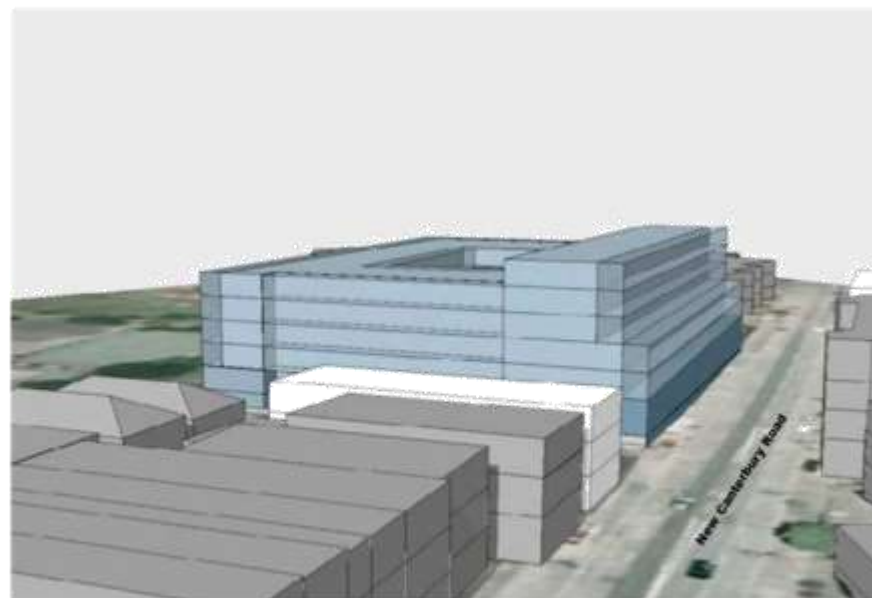
Plan View



North - South Cross Section looking towards the west



Perspective 1

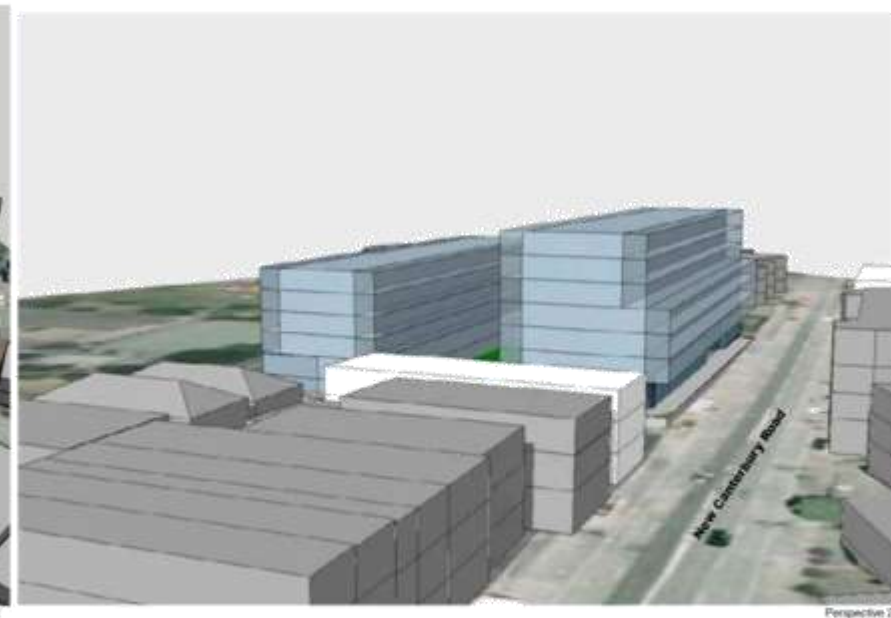
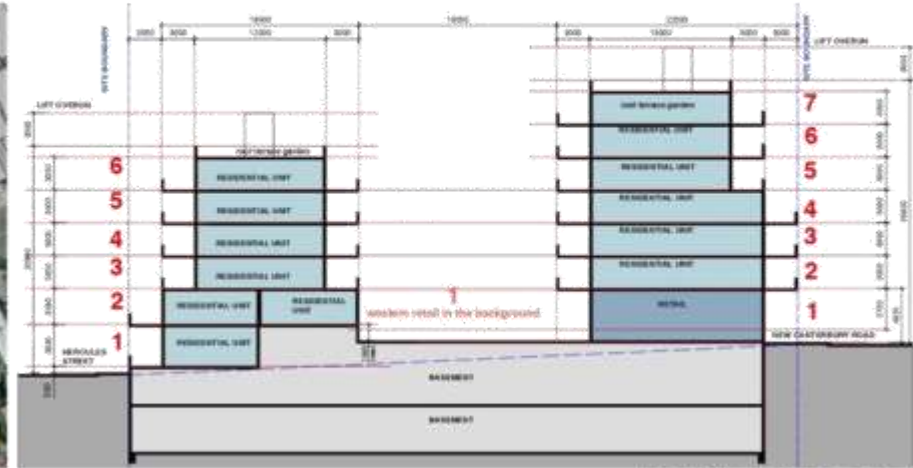


Perspective 2

STUDY 2

- 20m + one storey - open up site to WEST to New Canterbury Road
- 3 metres setback at the fifth level on New Canterbury Road.
- 3 metres setback to ground floor on Hercules Street
- 7 storeys to New Canterbury Road and 6 storeys high on Hercules Street

 Proposed development
 Existing Building
 Future Development based on LEP & DCP



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

STUDY 3

- 33m Adjacent Light Rail Stop
- 20m New Canterbury Road
- 17m Hercules Street

3 metres setback at the fifth level on New Canterbury Road.

3 metres setback to ground floor on Hercules Street

Western concentration to two strips of development, 10 storeys on New Canterbury Road and 9 storeys on Hercules Street

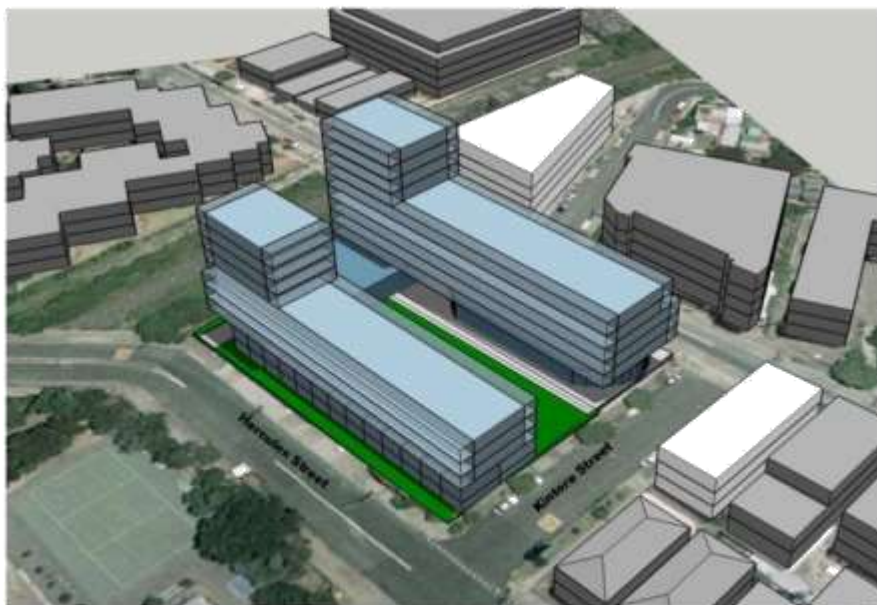
- Proposed development
- Existing building
- Future Development based on LIP & DCP



Plan View



North - South Cross Section looking towards the west



Perspective 1



Perspective 2



DULWICH GROVE PRECINCT | URBAN DESIGN STUDY

STUDY 4

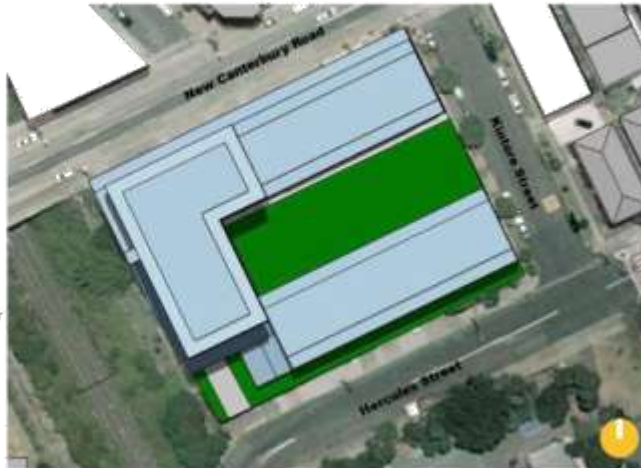
- 33m Adjacent Light Rail Stop
- 20m New Canterbury Road
- 17m Hercules Street

3 metres setback at the fifth level on New Canterbury Road.

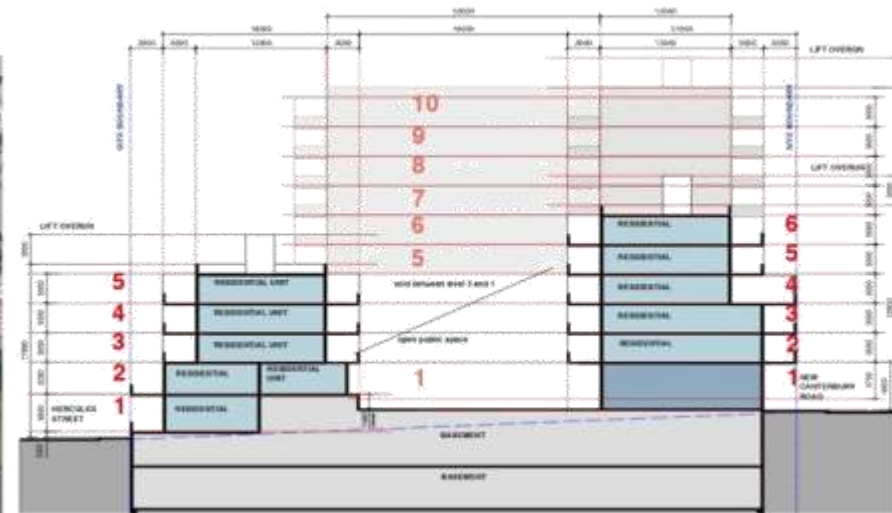
3 metres setback to ground floor on Hercules Street

L shape concentration at the western end with void below tower between retail floor and fifth floor

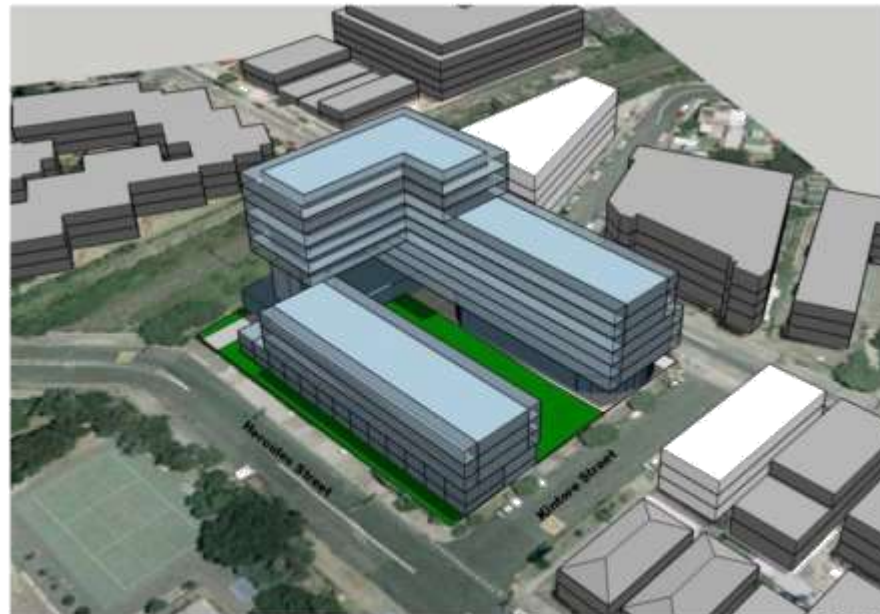
- Proposed development
- Existing building
- Future Development based on LEP & OCP



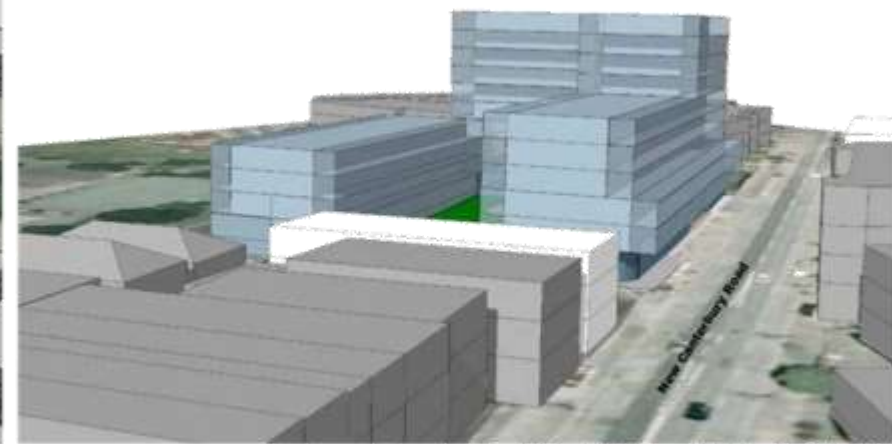
Plan View



North - South Cross Section looking towards the west



Perspective 1



Perspective 2

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

STUDY 5

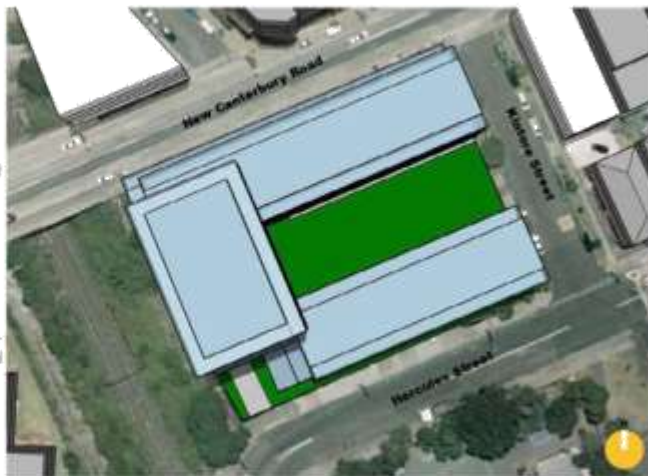
- 33m Adjacent Light Rail Stop
- 20m New Canterbury Road
- 17m Hercules Street

3 metres setback at the fourth level on New Canterbury Road.

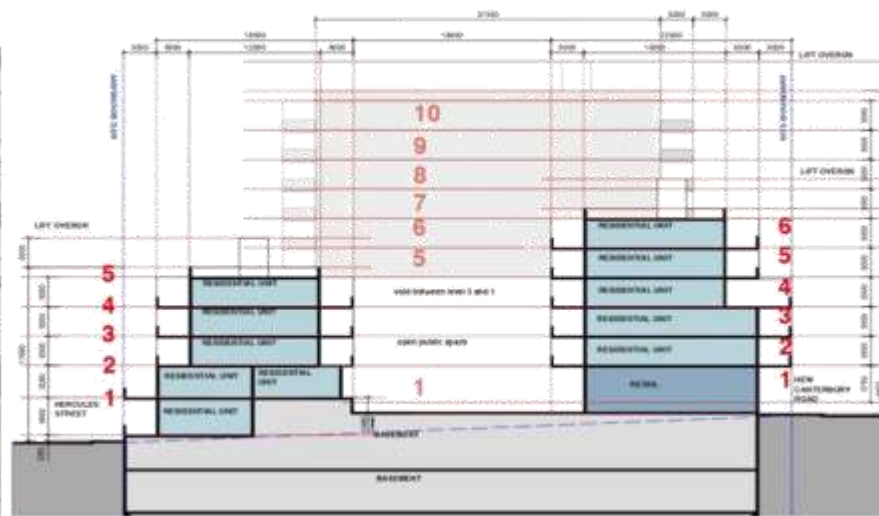
3 metres setback to ground floor on Hercules Street

Concentration at the western end with void below tower between retail floor and fifth floor with 9 metres set back from Canterbury Road

- Proposed development
- Existing building
- Future Development based on LEP & DCP



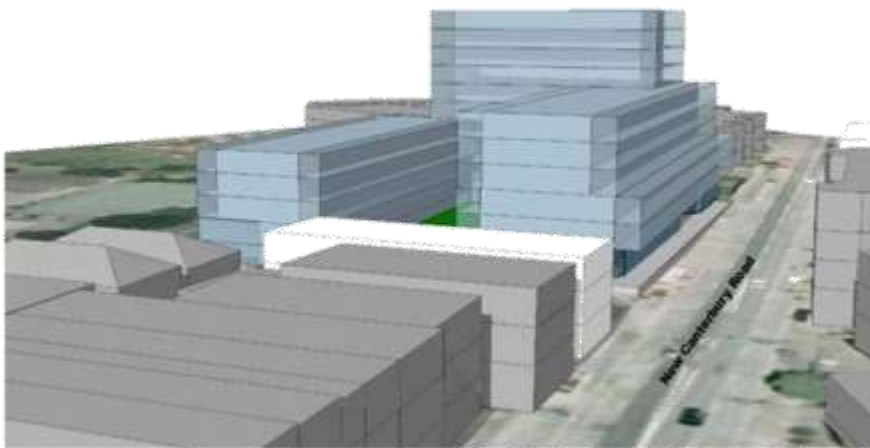
Plan View



North-South Cross Section looking towards the west



Perspective 1



Perspective 2

DULWICH GROVE PRECINCT | URBAN DESIGN STUDY

STUDY 6

- 33m Adjacent Light Rail Stop
- 20m New Canterbury Road
- 17m Hercules Street

3 metres setback at the fifth level on New Canterbury Road.

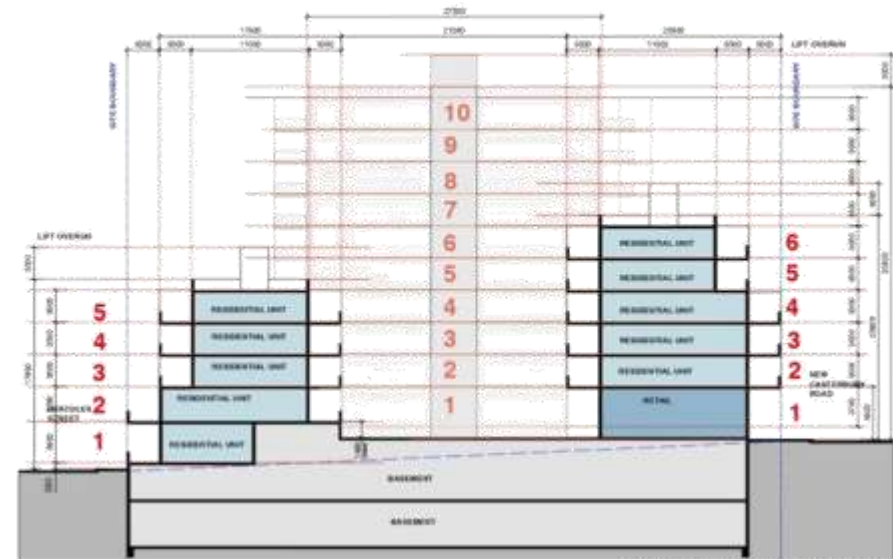
3 metres setback to ground floor on Hercules Street

Concentration of density adjacent Light Rail Station Centre of public space.

- Proposed development
- Existing Building
- Future Development based on LEP & DCP



Plan View



North - South Cross Section looking towards the west



Perspective 1



Perspective 2



AEP RESPONSE & COUNCIL RESPONSE

On the 20th of October 2015 Angus Developments and BKA Architecture met with the Architectural Excellence Panel (AEP) on site to discuss the proposal in context. Subsequently Marrickville council and the AEP provided written advice which was received on the 10th of December 2015. This can be viewed in full by referring to Appendix A.



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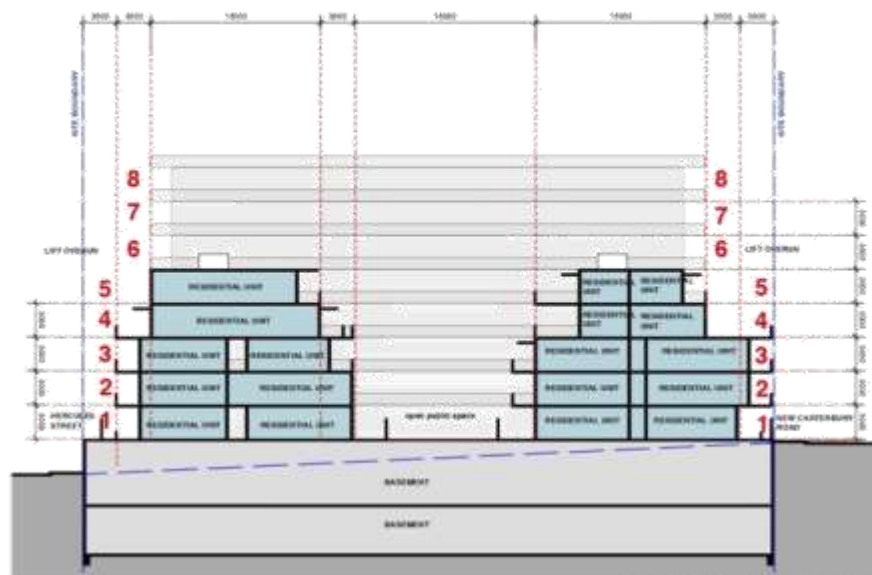
STUDY 7 (Submitted to the AEP- 20th Oct. 2015)

- 27/30m HOB Adjacent Light Rail Stop (inc lift overrun)
- 18m HOB New Canterbury Road (inc lift overrun)
- 18m HOB Hercules Street (inc lift overrun)
- Through site link.
- Heritage facades to New Canterbury Road

Proposed development
Existing Building
Future Development based on LEP & DCP



Plan View



North - South Cross Section looking towards the west



Perspective 1

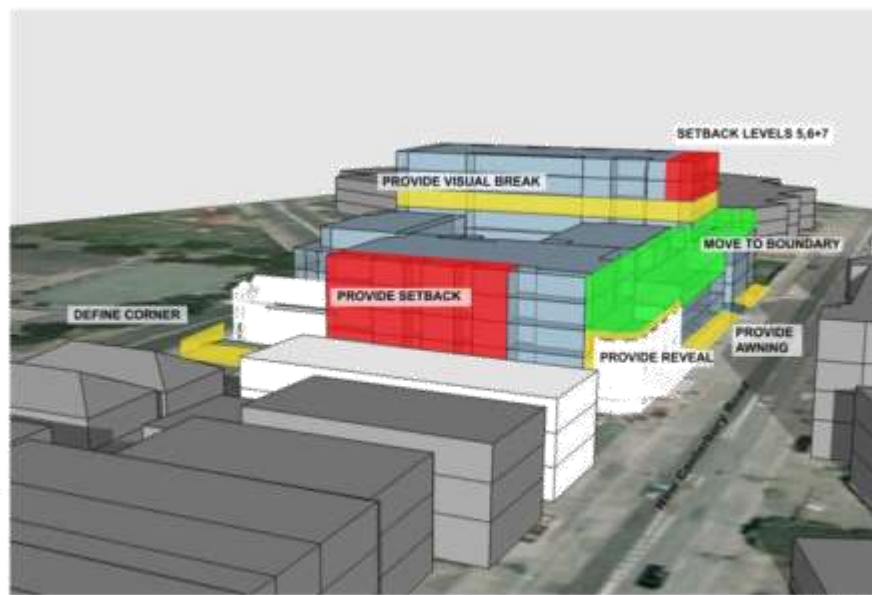
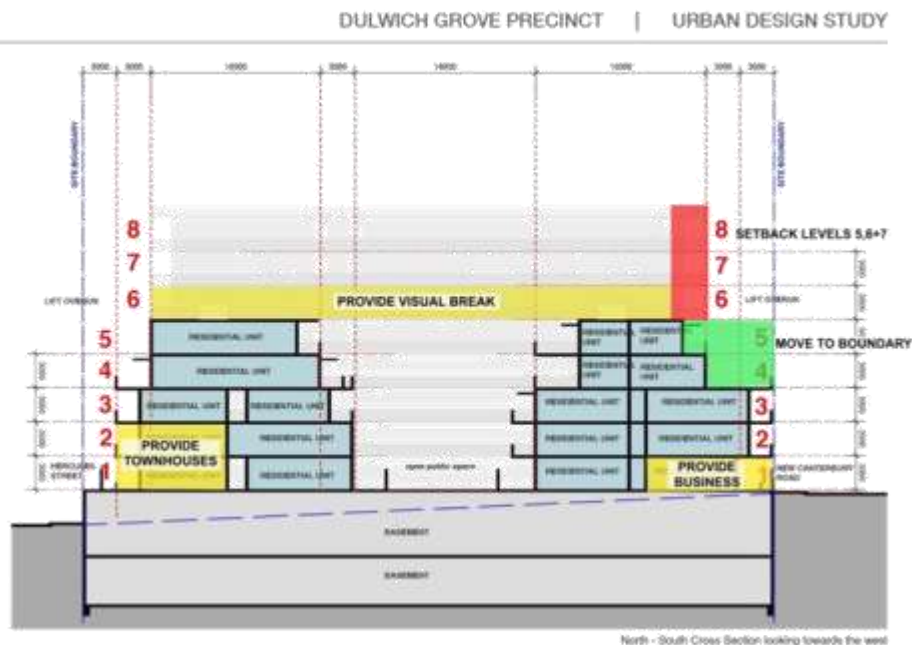


Perspective 2



ANGUS DEVELOPMENTS

STUDY 7
(AEP Recommendations)



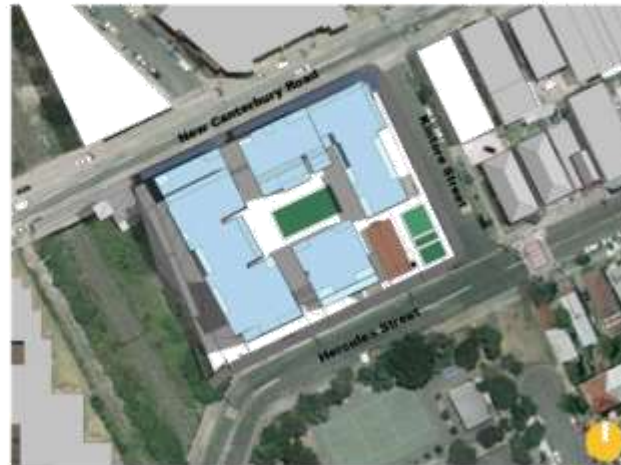
Perspective 2



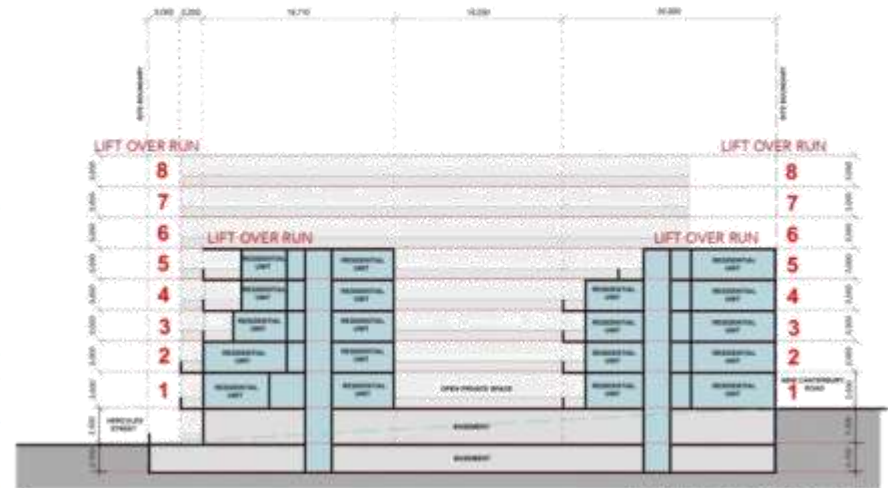
STUDY 8 (PREFERRED CONCEPT)

- 32m HOB Adjacent Light Rail Stop (inc lift over run)
- 20m HOB New Canterbury Road (inc lift over run)
- 23m HOB Hercules Street (inc lift over run)
- Through site link
- Heritage facades to New Canterbury Road
- Retain Church - curtilage + park

Proposed development
Existing Building
Future Development based on USP & DCP



Plan View



North - South Cross Section looking towards the west



Perspective 1



Perspective 2

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

PERSPECTIVE VIEWS



PERSPECTIVE VIEW FROM NORTH ACROSS CANTERBURY ROAD - INDICATIVE ONLY



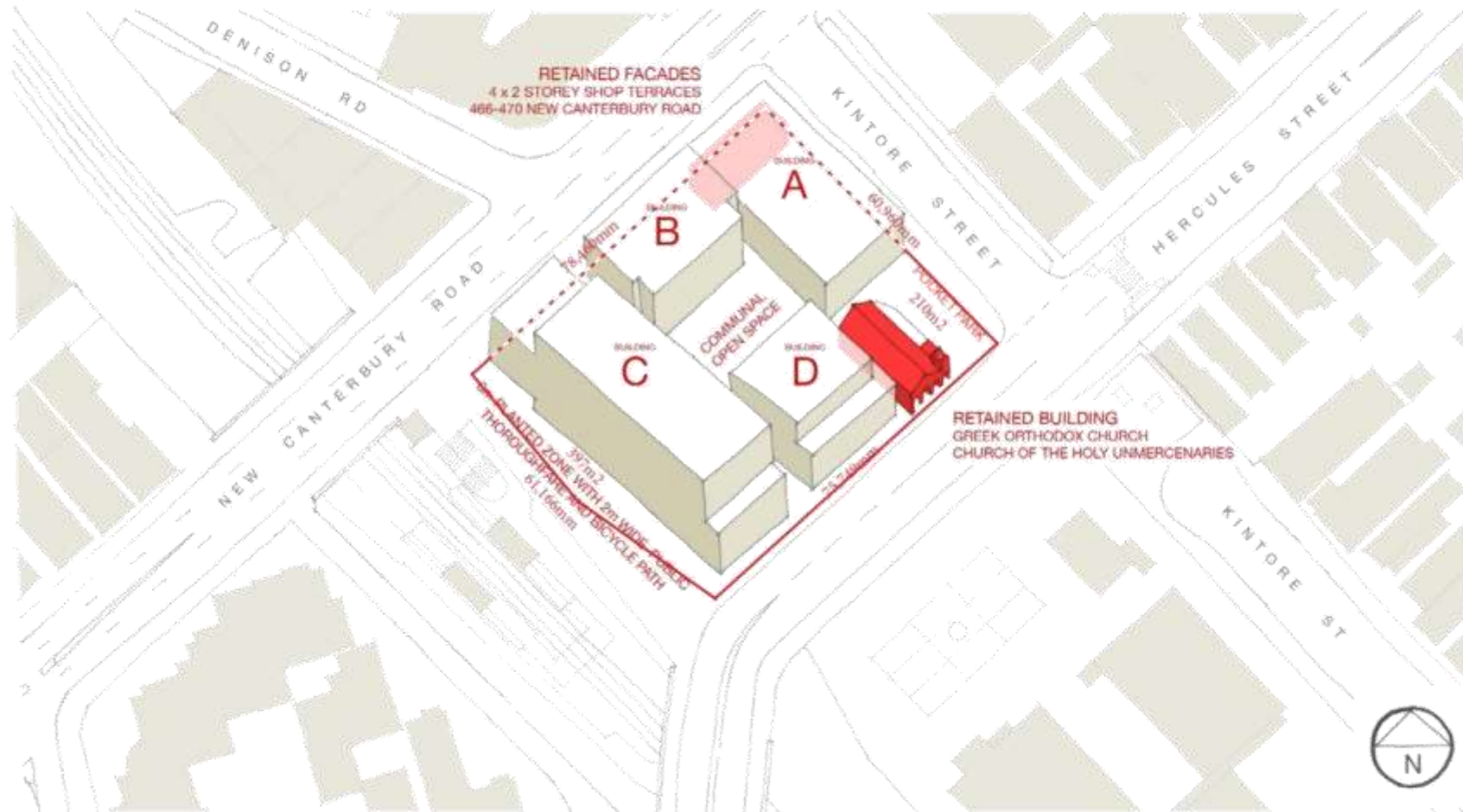
PERSPECTIVE VIEW FROM EAST ACROSS CANTERBURY ROAD - INDICATIVE ONLY

466 - 480 NEW CANTERBURY ROAD DULWICH HILL



PERSPECTIVE VIEW FROM EAST ACROSS HERCULES STREET - INDICATIVE ONLY

PROPOSED PUBLIC BENEFITS ACCRUING FROM PROPOSAL





AEP & COUNCIL COMMENTS AND RESPONSE

Angus Developments and BKA Architecture received additional feedback from Inner West Council (29th August 2016) and the Architectural Excellence Panel (AEP) (12th October 2016) which can be viewed in full in Appendix B.

- "The proposed vertical articulation at Ground Level and Levels 1 and 2 between the Side Elevation of the existing shop and the new Building A, at the corner of New Canterbury Road and Kintore Street, should be replicated at Levels 3, 4 and roof plan. Thus, the balcony to the corner units (1bed apartments) at Levels 3 and 4 should be rearranged to maintain the slab edge condition/articulation proposed on the levels below."
- "Clearly demarcated horizontal articulation at Level 5 of Building C (East, South and West Elevations) should be provided. This means that the external walls to the units at Levels 5 should be set back from the main building alignment to create horizontal articulation and architectural interest and provide relief to the mass of the building." - A further setback of 850mm (approx) has been made following this feedback



- "The flanks of Buildings A and D will frame and define the backdrop to the church and need to be highly resolved, articulated and detailed to not diminish the presence of the heritage building. Likewise, material change/articulation should be provided to Building C at Levels 6 and 7." - Flanks of building A & D have been articulated (preliminarily) and material change has occurred at level 5 & 6 of building D following this feedback
- "The internal courtyards/balconies where Buildings A and B turn the corner create dwelling proximity and separation issues that are difficult to resolve and should be reconsidered." - Balconies have been removed following this feedback









466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NEISON MARCOTT ARCHITECTS PTY LTD
15 WOODWARD ROAD SUITE 101/102 WILLOWBROOK NSW 2157
FOUNDED 1980/81 QUALITY ASSURED SINCE 1995

PROPOSED CHANGE OF ZONE OF SITE

The subject site is currently zoned as IN2 'Light Industrial'. The proposal seeks to have the subject rezoned as a mix of two classifications.

1. B5 'Business Development' for the majority of the site, with an Additional Use Clause (below).
2. RE1 'Public Recreation' for the through site link.
3. RE2 'Private Recreation' for the pocket park.

Appropriately, the Height of the building and FSR controls are also proposed to change to accommodate a development more suited to council's vision for the site. At the Council's request the proposed Height and FSR controls are specific to the proposal as amended by the AEP.

Additional Use Clause -

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 DP 236603; 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 with 45m of the New Canterbury Road entry on 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

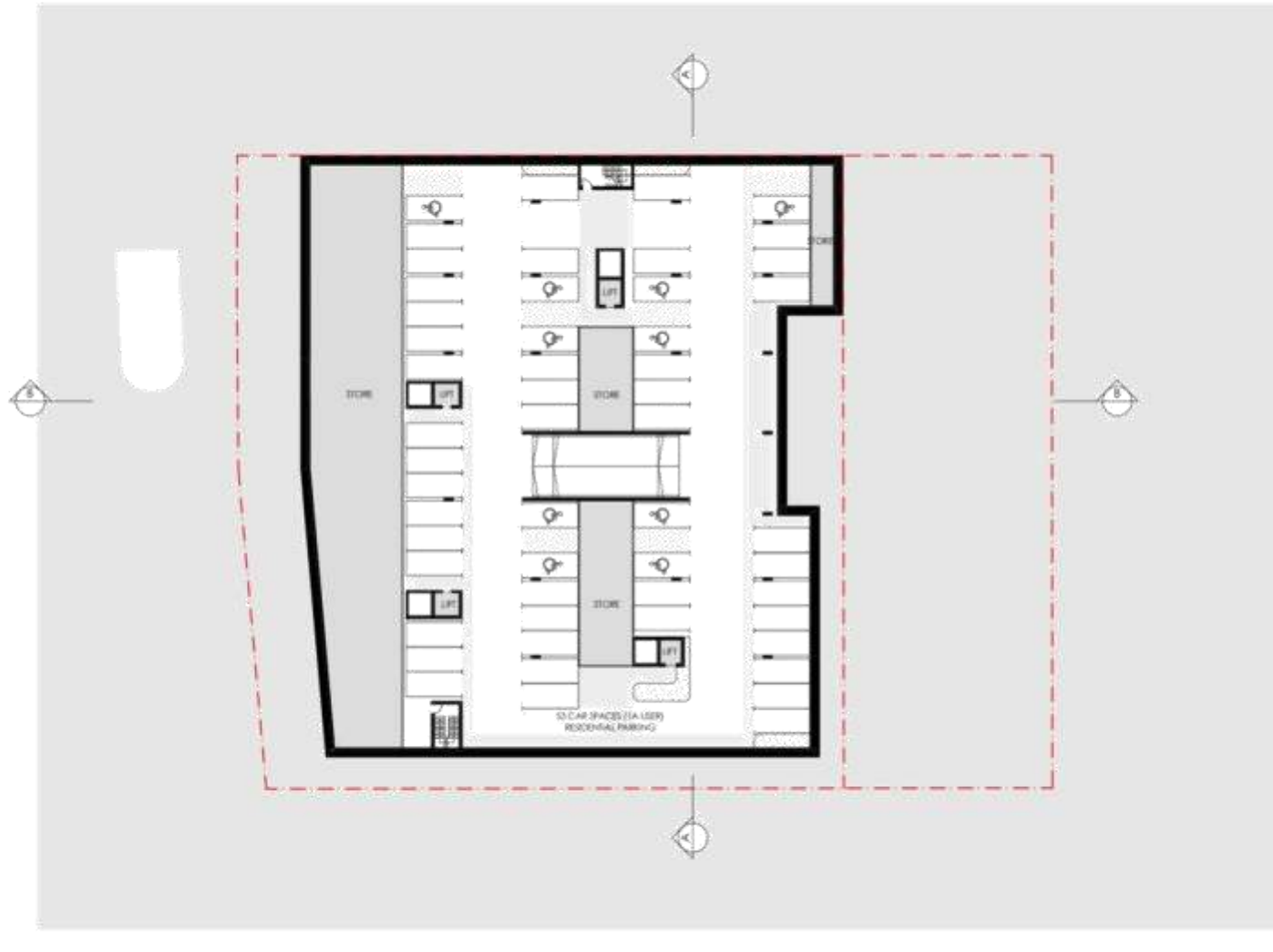


MAXIMUM HEIGHT MAP

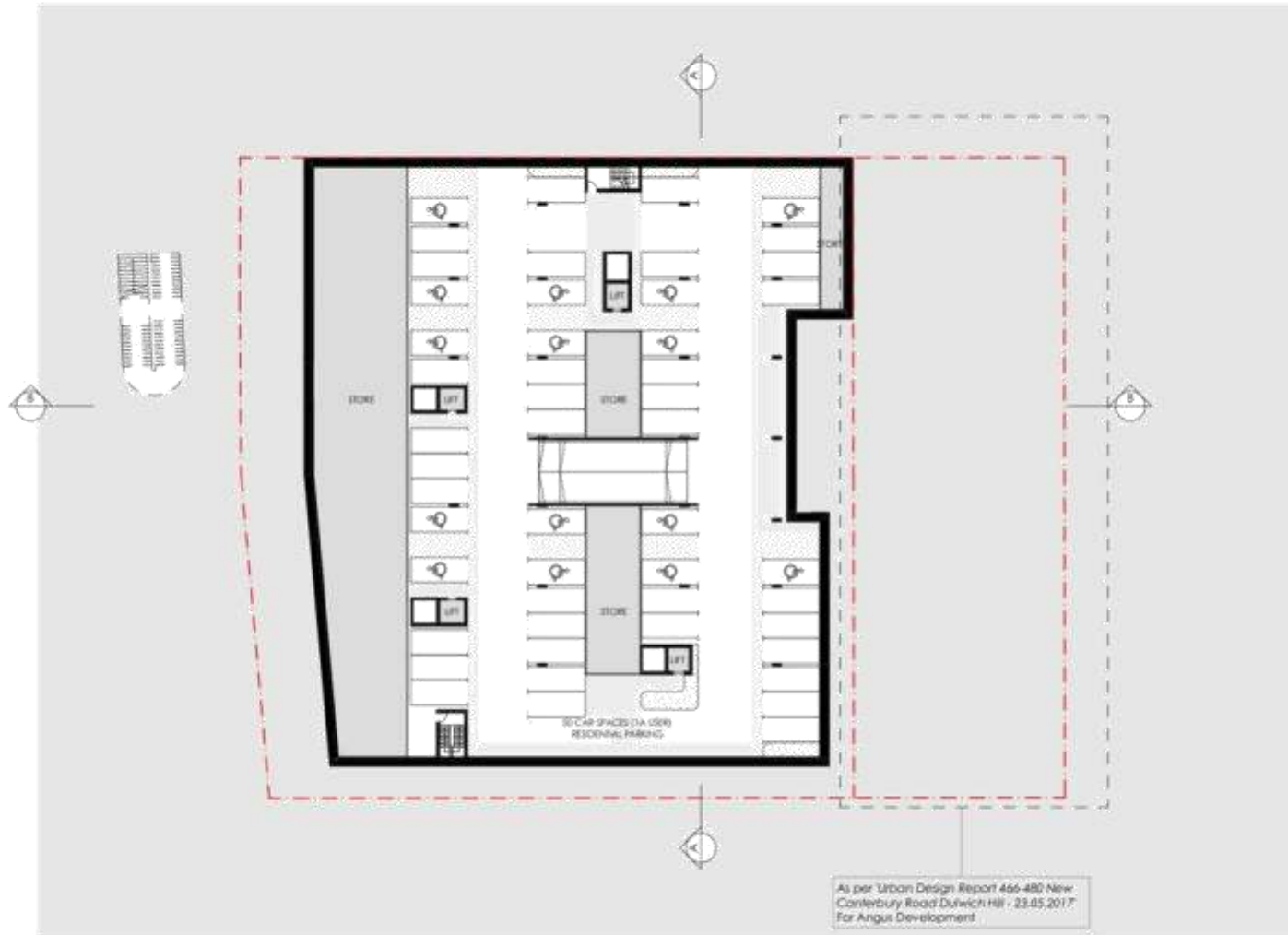


MAXIMUM FSR MAP



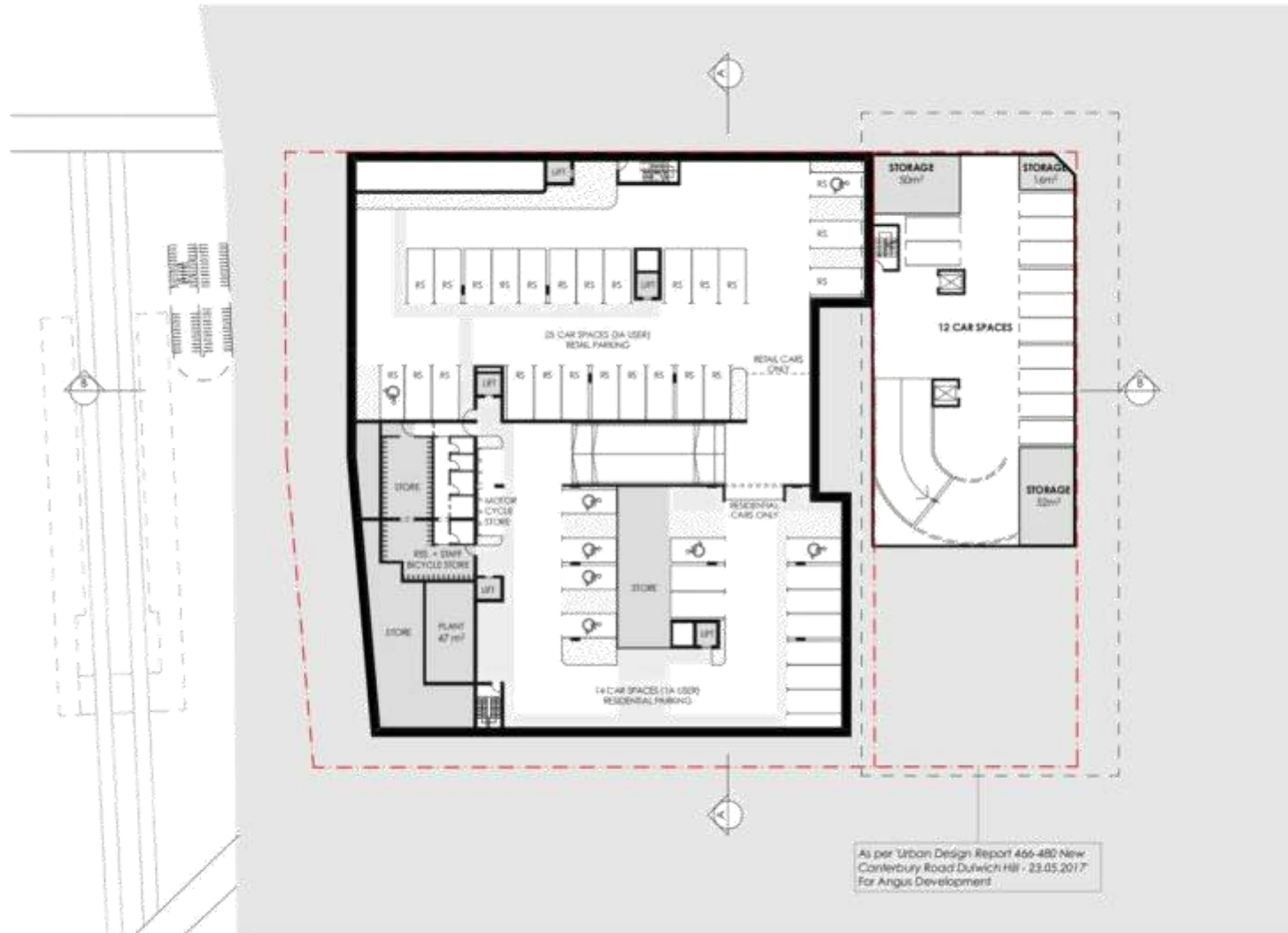


Basement 3
1:400



Basement 2
1:400





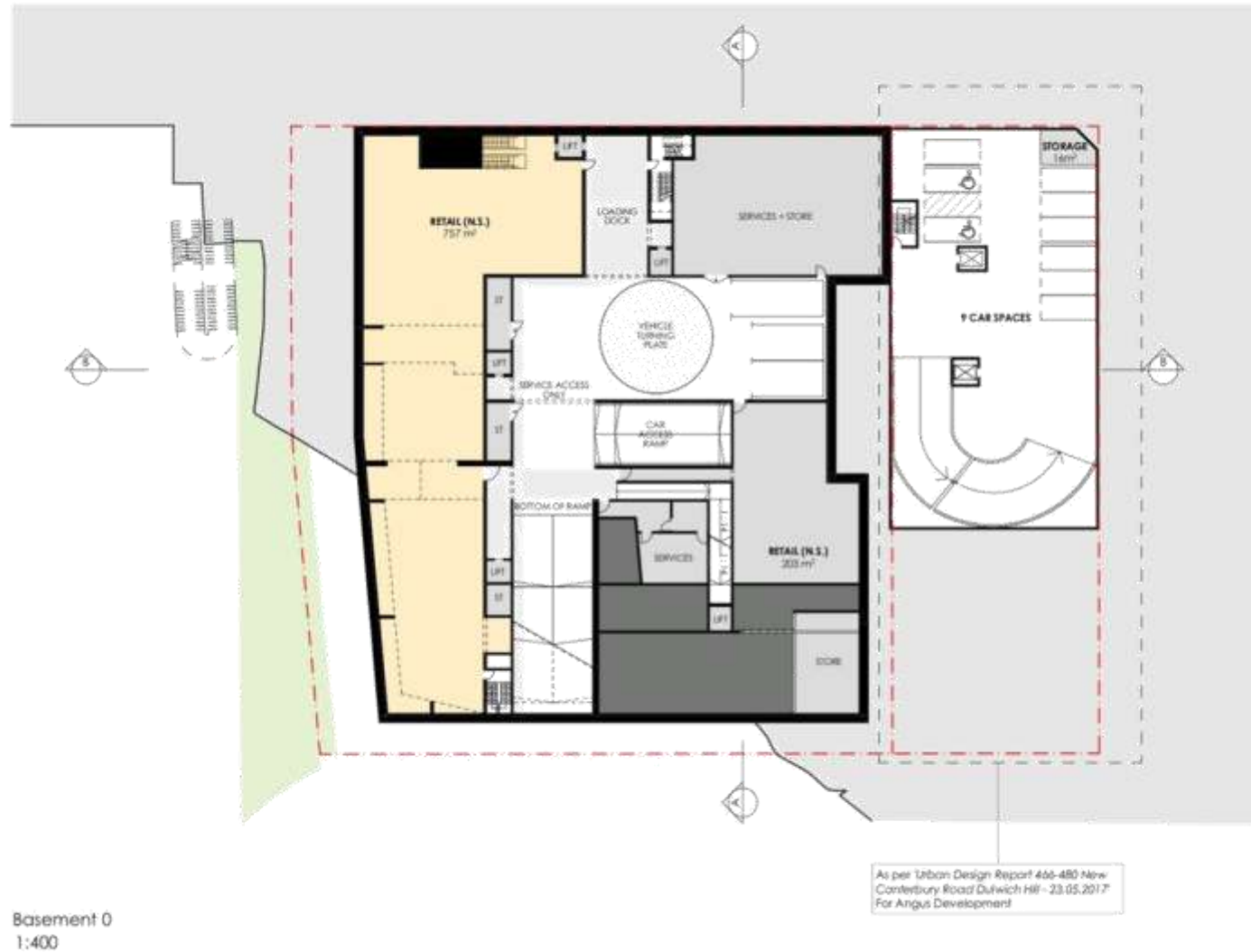
As per Urban Design Report 466-480 New
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For Angus Development

Basement 1
1:400



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MARCUTT ARCHITECTS PTY LTD
13 WOODWARD PLACE MELB VIC 3001
FOUNDED 1980 TEL: 03 9594 1000 FAX: 03 9594 1001



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MANCETT ARCHITECTS PTY LTD
15 VICTORIA PARK BLVD, LEVEL 200, APT 200
PO BOX 10000, SYDNEY NSW 1585



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MANCETT ARCHITECTS PTY LTD
13 YOUNG ST, PO BOX 361, LIFT 2001, APT 501
AUCKLAND 10101 TEL: 09 308 8888 FAX: 09 308 8889













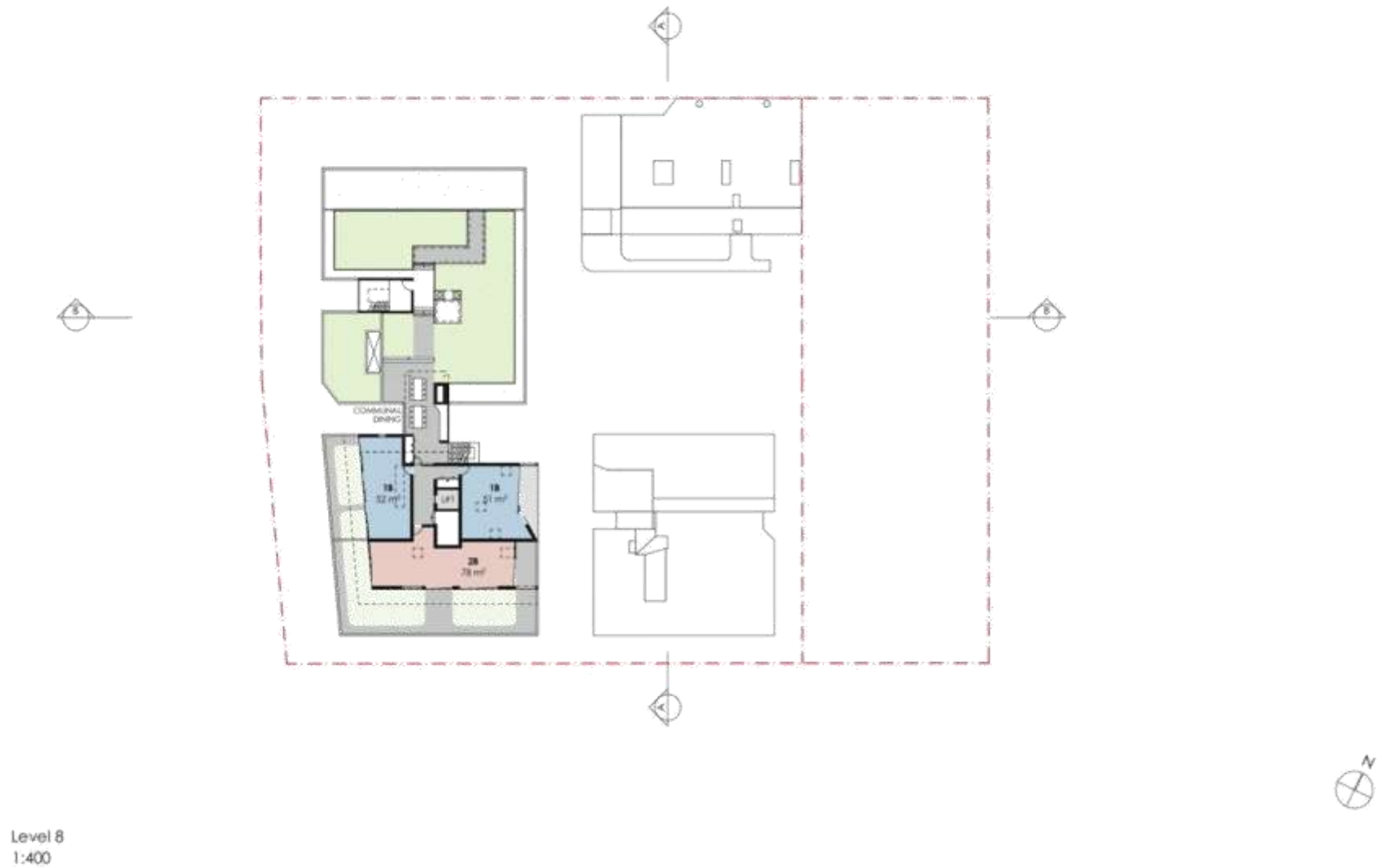


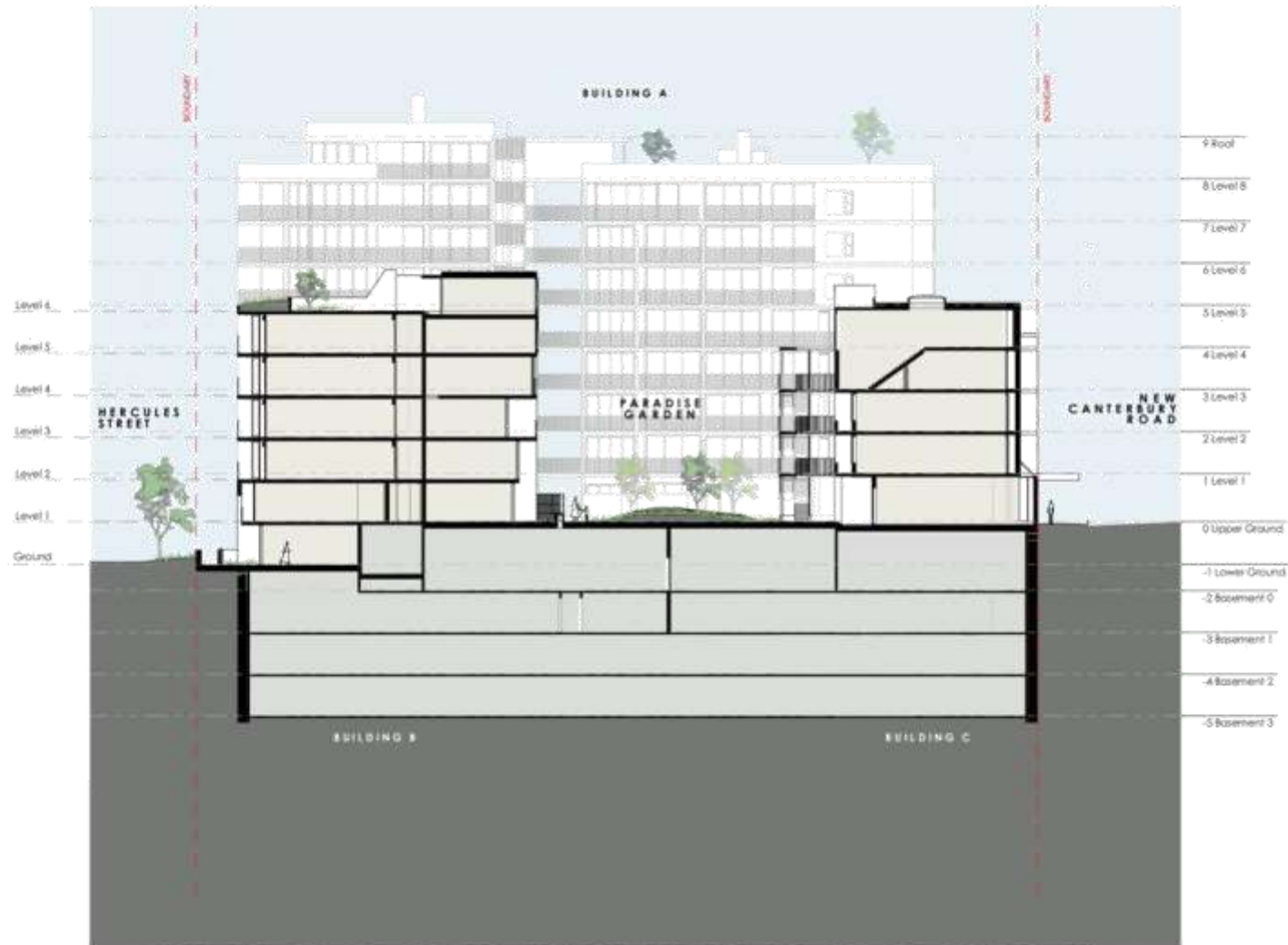
Level 6
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ANGUS DEVELOPMENTS

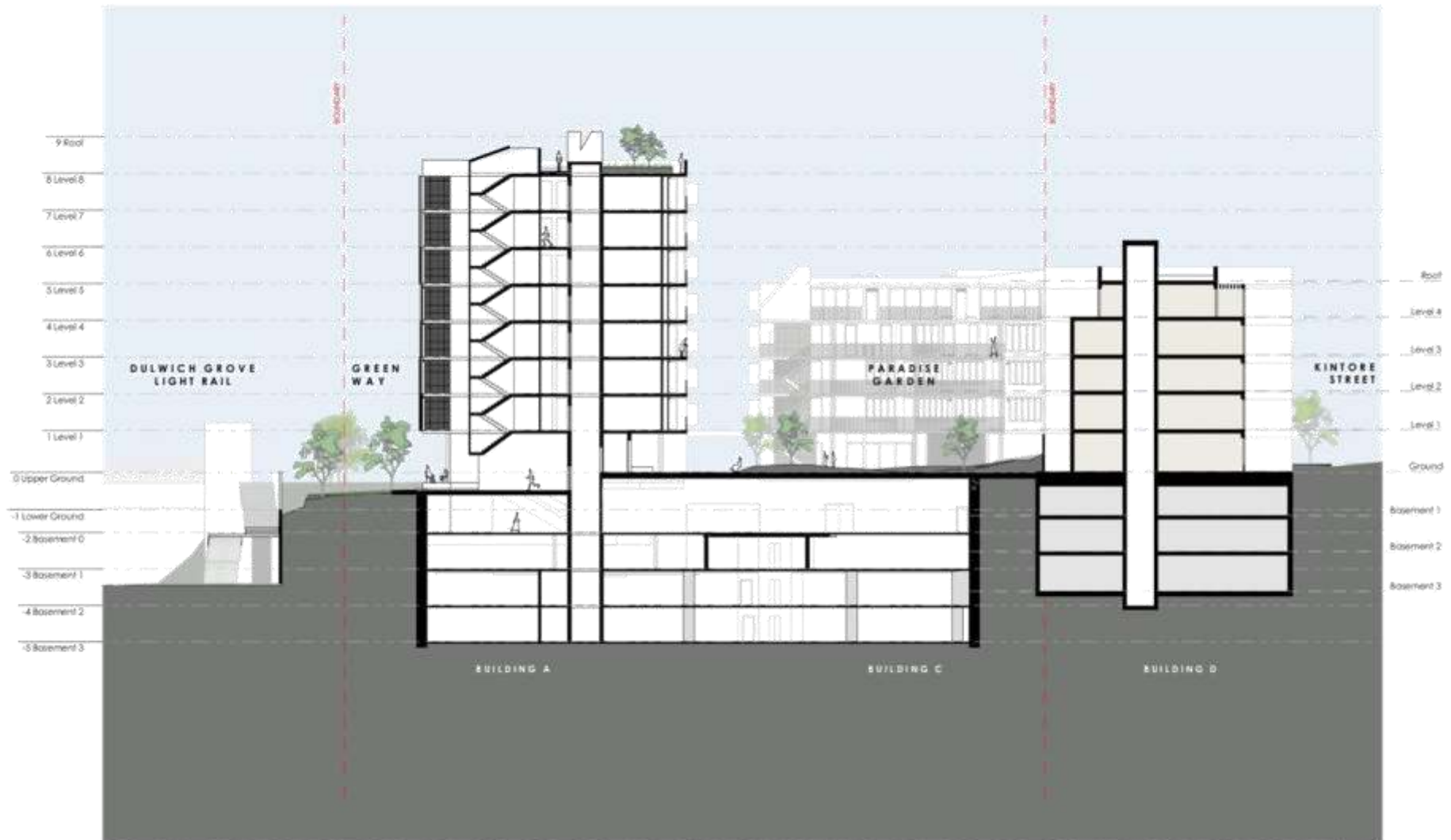






466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MARCUTT ARCHITECTS PTY LTD
15 WOODWARD PLACE SYDNEY NSW 1500
FOUNDED 1980 - 2018



SECTION B
1:300



ANGUS DEVELOPMENTS



2 Bedroom Apartment - Building A.



3 Bedroom Apartment - Building A



2 Bedroom Apartment (adaptable) - Building A

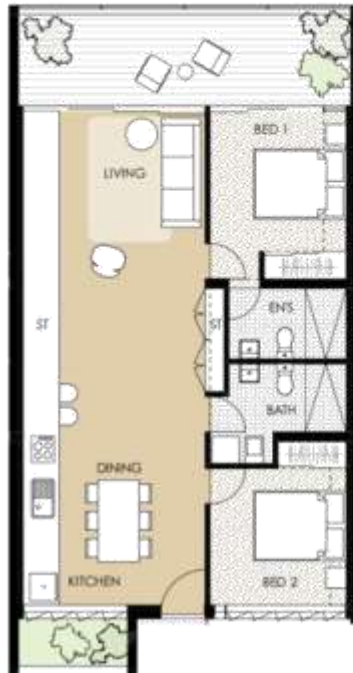
1:100 R A3 INDICATIVE ONLY



INDICATIVE IMAGE



INDICATIVE IMAGE



2 Bedroom Apartment - Building C



2 Bedroom Apartment - Building A



2 Bedroom Apartment - Building A



INDICATIVE IMAGE



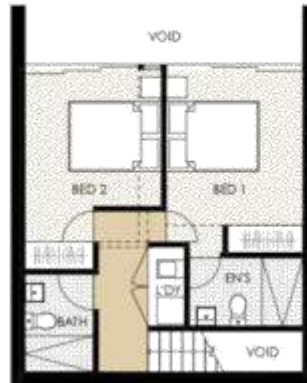
INDICATIVE IMAGE



INDICATIVE IMAGE

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MARCUTT ARCHITECTS PTY LTD
15 YOUNG ST, SYDNEY NSW 1585
FOUNDED 1980 - 15 YOUNG ST, SYDNEY NSW 1585



UPPER FLOOR



1 Bedroom Apartment (adaptable) - Building A



2 Bedroom Apartment - Building C



LOWER FLOOR

2 Bedroom Terrace - Building B

1:100 @ A3 INDICATIVE ONLY



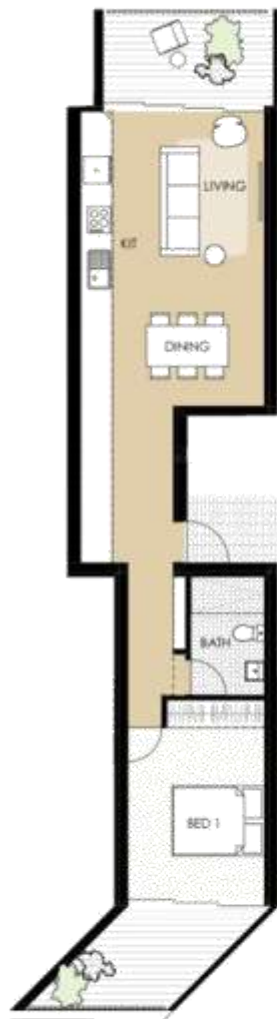
1 Bedroom Apartment (adaptable) - Building A



INDICATIVE IMAGE

466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MARCUTT ARCHITECTS PTY LTD
13 WOODWARD STREET MELB VIC 3001
FOUNDED MEMBER - RIBA - RIBA 1945



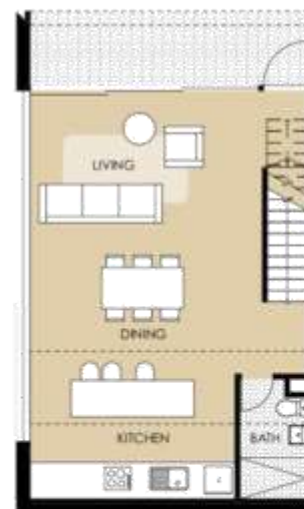
1 Bedroom Terrace - Building A



2 Bedroom Terrace (adaptable) - Building A



UPPER FLOOR



LOWER FLOOR

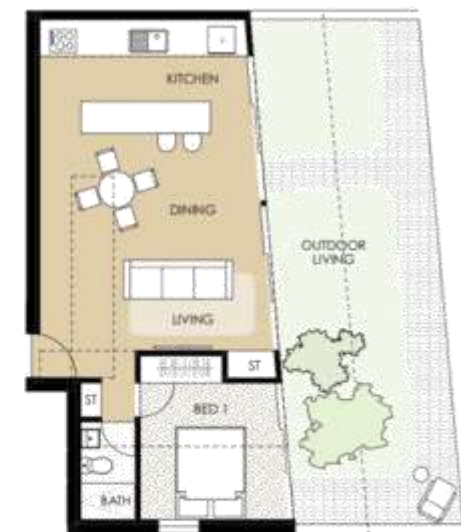
3 Bedroom Terrace - Building B



3 Bedroom Apartment - Building A

1:100 @ A3 INDICATIVE ONLY





2 Bedroom Apartment - Building B

2 Bedroom Apartment - Building B

1 Bedroom Apartment - Building A

TYPICAL UNIT FLOOR PLANS

As per Urban Design Report 466-480 New
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For Angus Development

STUDIO
UNIT*



1 BEDROOM
UNIT*



2 BEDROOM
UNIT*



*INDICATIVE ONLY



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MARCUTT ARCHITECTS PTY LTD
13 WOODWARD PLACE TORRILL ST. LEPP FRANK RPT 180
FOUNDED MEMBER - QUAL-RECORD 18 APR

As per Urban Design Report 466-480 New
Canterbury Road Dulwich Hill - 23.05.2017
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3 BEDROOM
MAISON-
ETTE*



*INDICATIVE ONLY



ANGUS DEVELOPMENTS

SHADOW DIAGRAMS



21 June 09:00



21 June 10:00



21 June 11:00



21 June 12:00



21 June 13:00



21 June 14:00



21 June 15:00

SHADOW DIAGRAMS

School Specific



21 June 9:15 SCHOOL STARTS
22 December 9:15 SCHOOL STARTS



21 June 11:30 LUNCH STARTS
22 December 11:30 LUNCH STARTS



21 June 13:45 RECESS STARTS
22 December 13:45 RECESS STARTS



21 June 15:15 SCHOOL ENDS
22 December 15:15 SCHOOL ENDS



21 June 12:25 LUNCH ENDS
22 December 12:25 LUNCH ENDS



21 June 14:05 RECESS ENDS
22 December 14:05 RECESS ENDS

AREA SCHEDULE

RESIDENTIAL DEVELOPMENT 446- 482 NEW CANTERBURY ROAD

UNIT NUMBERS (ALL SITES)

UNIT TYPE	Studio	1 bed	2 bed	3 bed	Total Units	Residential / Comm. m ²	Block A	Block B	Block C	Block D	Church
Level 6	0	3	1	0	4	0	206.2	0	0	0	206.2
Level 7	0	3	4	2	9	0	714.9	0	0	0	714.9
Level 8	0	5	4	2	11	0	717.9	0	0	0	717.9
Level 9	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 10	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 11	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 12	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 13	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 14	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 15	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 16	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 17	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 18	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 19	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 20	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 21	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 22	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 23	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 24	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 25	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 26	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 27	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 28	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 29	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 30	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 31	0	3	4	2	9	0	717.9	0	0	0	717.9
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Level 33	0	3	4	2	9	0	717.9	0	0	0	717.9
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Level 35	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 36	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 37	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 38	0	3	4	2	9	0	717.9	0	0	0	717.9
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Level 44	0	3	4	2	9	0	717.9	0	0	0	717.9
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Level 91	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 92	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 93	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 94	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 95	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 96	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 97	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 98	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 99	0	3	4	2	9	0	717.9	0	0	0	717.9
Level 100	0	3	4	2	9	0	717.9	0	0	0	717.9

ALEX 1% 27% 41% 9% 13% 1427.7 m²

CARPARKING NUMBERS (SITES 1+2)

	Required	Provided
Regular Carparking Spaces	75	75
Permit Carparking Spaces	24	25
Visitor Carparking Spaces (overhead)	4	8
Visitor Carparking Spaces	9	9
Accommodating Parking Spaces	25	21
Total Cars	138	148
Motorcycle Parking Spaces	7	7
Total Motorcycles	7	7
Residential Bicycle Storage Spaces	25	25
Permit Bicycle Storage	4	4
Visitor Bicycle Storage	11	11
Total Bicycles	40	40
Service Vehicles	3	3
Total Service	3	3
Commercial Vehicles	1	1
Total Trucks	1	1
Compass Parking	2	2
Total Cycles	2	2

(SITE 3)

	Required	Provided
Regular Carparking Spaces	17	17
Permit Carparking Spaces	4	4
Accommodating Visitor Carparking Spaces	1	1
Visitor Carparking Spaces	1	1
Accommodating Parking Spaces	5	5
Total Cars	28	28
Motorcycle Parking Spaces	1	1
Total Motorcycles	1	1
Residential Bicycle Storage Spaces	15	15
Permit Bicycle Storage	3	3
Visitor Bicycle Storage	2	2
Total Bicycles	18	18
Service Vehicles	0	0
Total Service	0	0
Commercial Vehicles	0	0
Total Trucks	0	0

VENTILATED APARTMENT NUMBERS (SITES 1, 2 and 3)

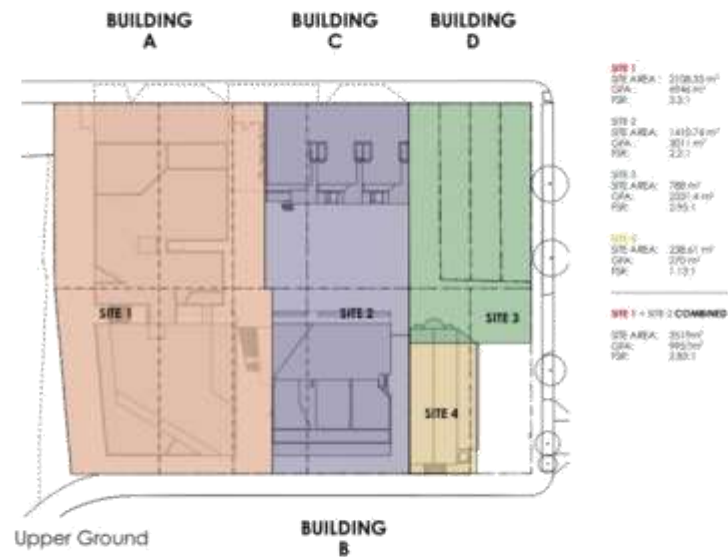
APARTMENTS	%
VENTILATED	99
NON-VENTILATED	1
Total	100

OVERALL SITE AREA 4743.00 m²
OVERALL FSR 3.44

APARTMENT NUMBERS

Building A	79
Building B	90
Building C	72
Building D	35

SITE FSR BREAKDOWN



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MANCUTT ARCHITECTS PTY LTD
15 WOODWARD STREET MELB VIC 3001
FOUNDED 1980
REGISTERED ARCHITECTS



Basement 0



Lower Ground



Upper Ground



Level 1



Level 2



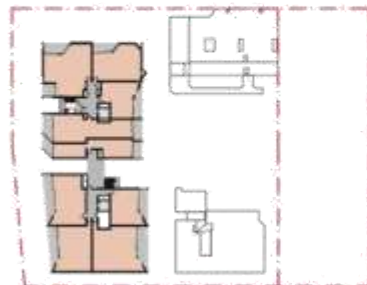
Level 3



Level 4



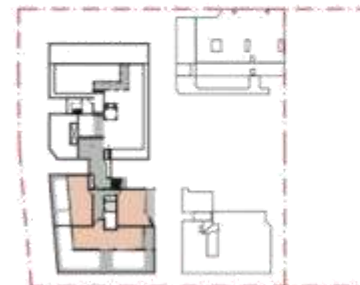
Level 5



Level 6



Level 7



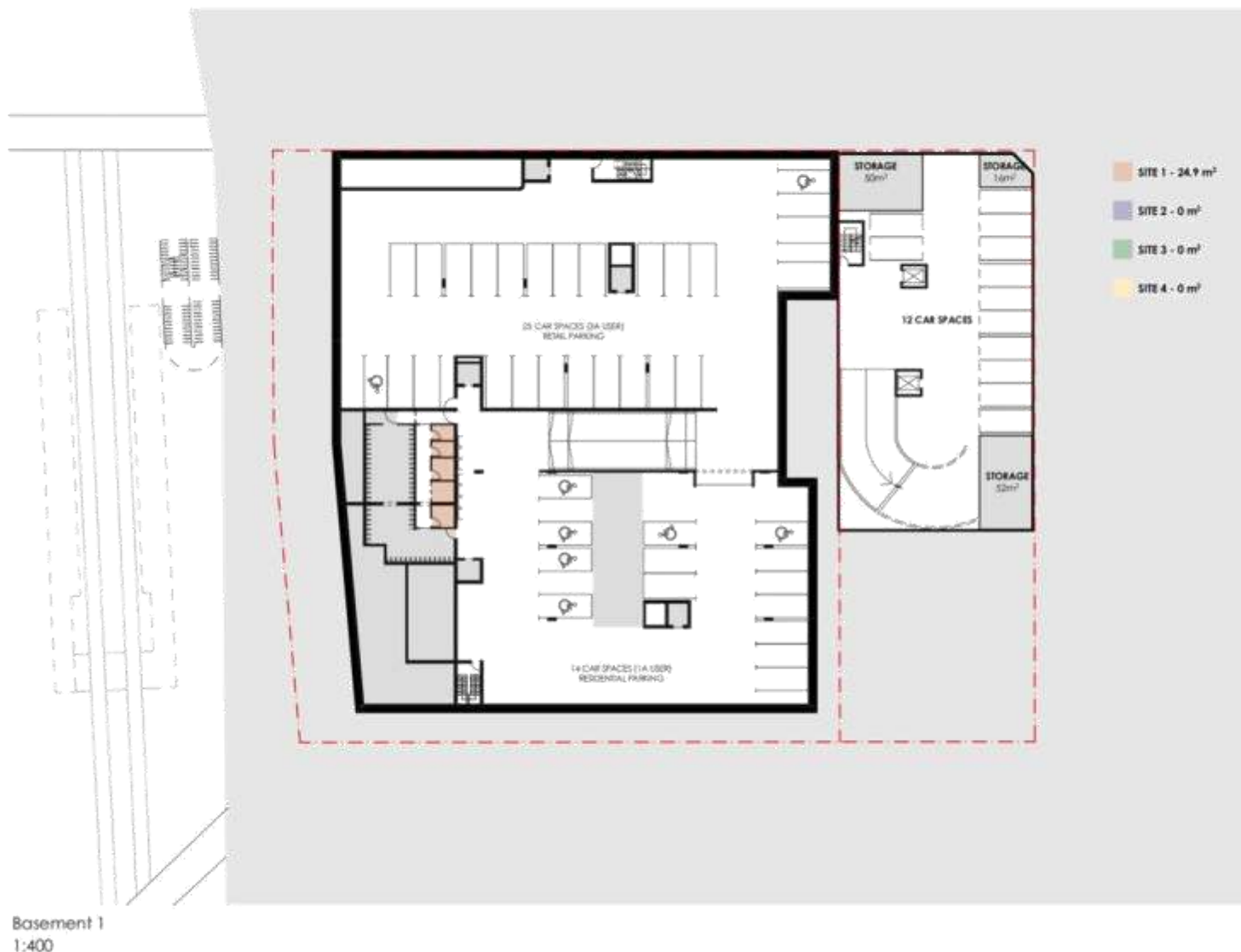
Level 8



GFA SUMMARY



ANGUS DEVELOPMENTS



GFA PLANS





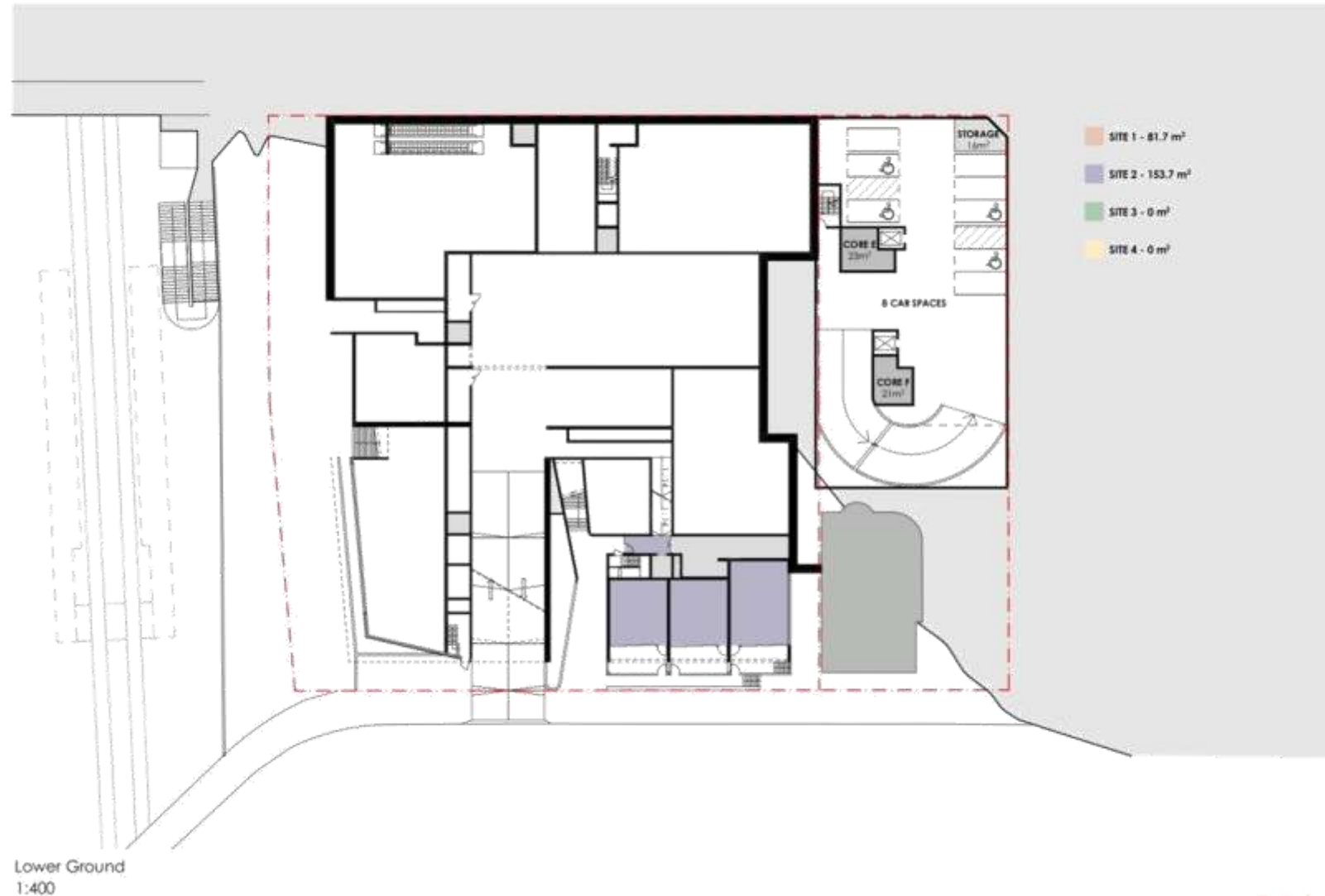
Basement 0
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GFA PLANS



ANGUS DEVELOPMENTS



466 - 480 NEW CANTERBURY ROAD DULWICH HILL

NELSON MURCUTT ARCHITECTS PTY LTD
13 WOODSIDE DRIVE PO BOX 301 LEEF 2001 APT 101
FOOTLOCK MOORED - 0843 836 000 FAX 0843 836 001



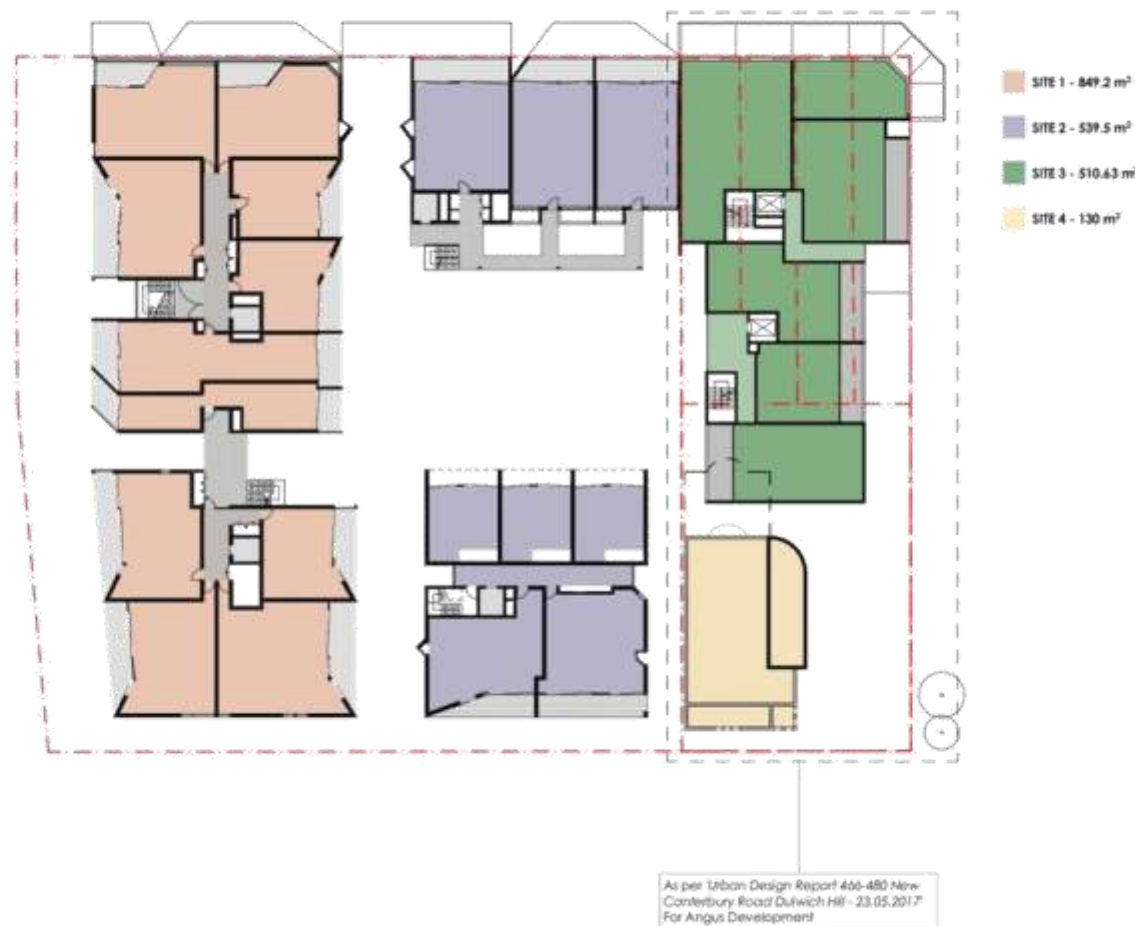
Upper Ground
1:400

As per Urban Design Report 466-480 New
Canterbury Road Dulwich Hill - 23.05.2017
For Angus Development

GFA PLANS



ANGUS DEVELOPMENTS





Level 2
1:400



GFA PLANS



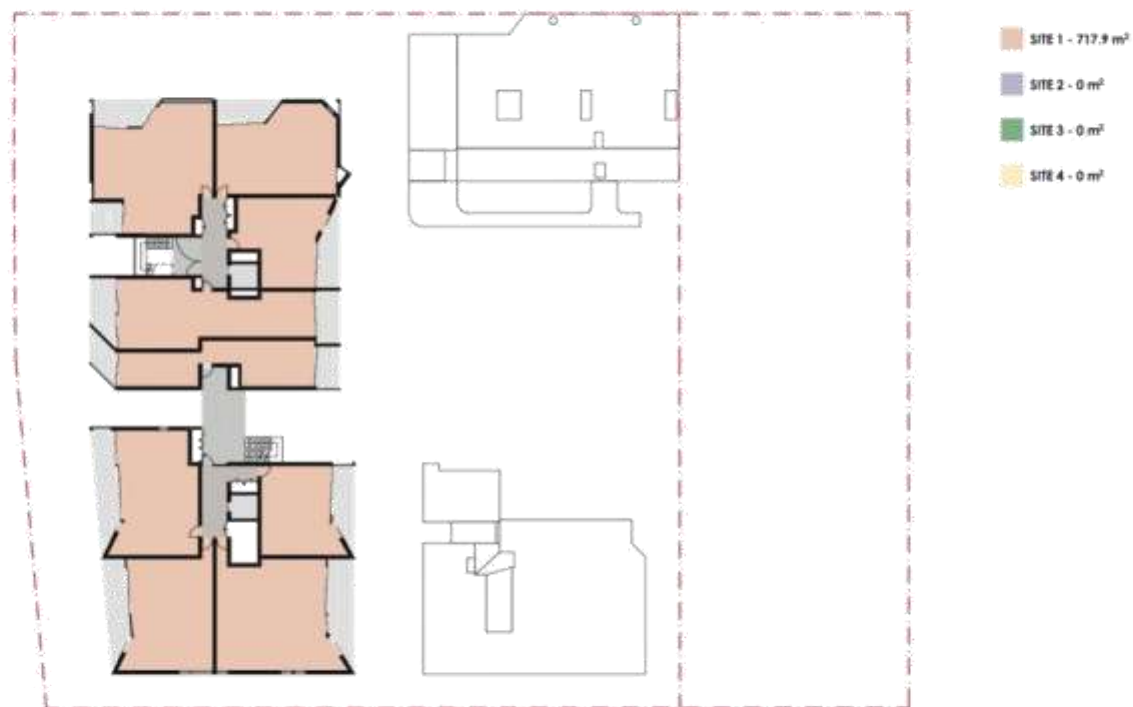




GFA PLANS



ANGUS DEVELOPMENTS



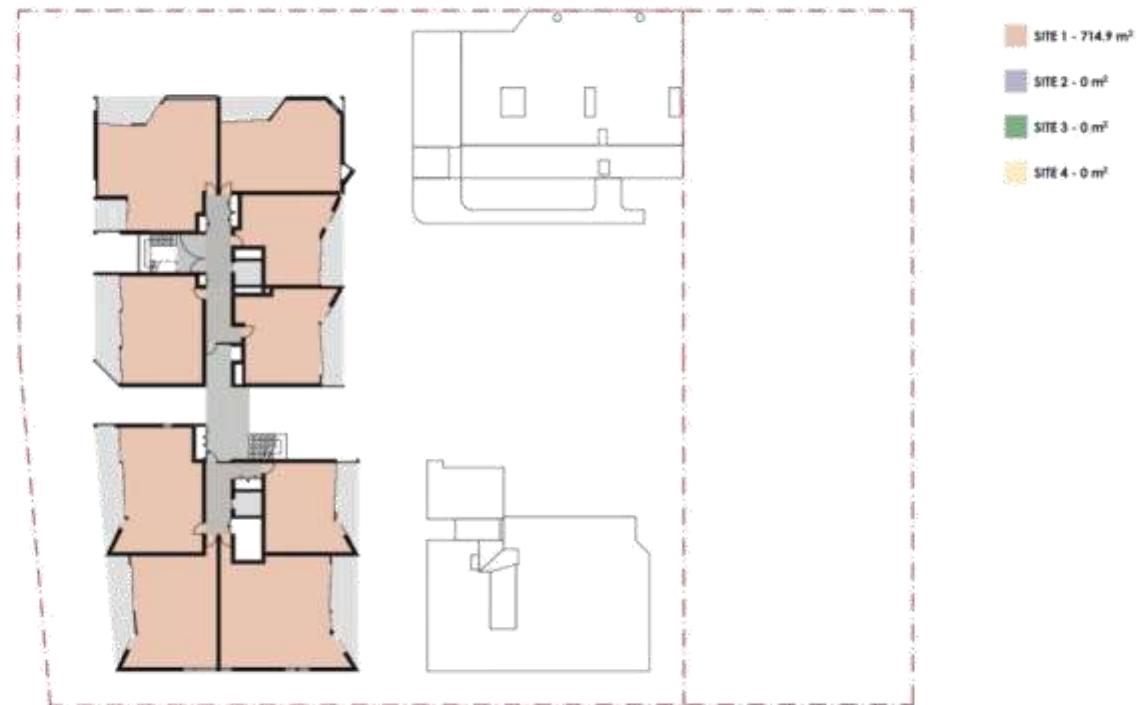
Level 6
1:400



GFA PLANS



ANGUS DEVELOPMENTS



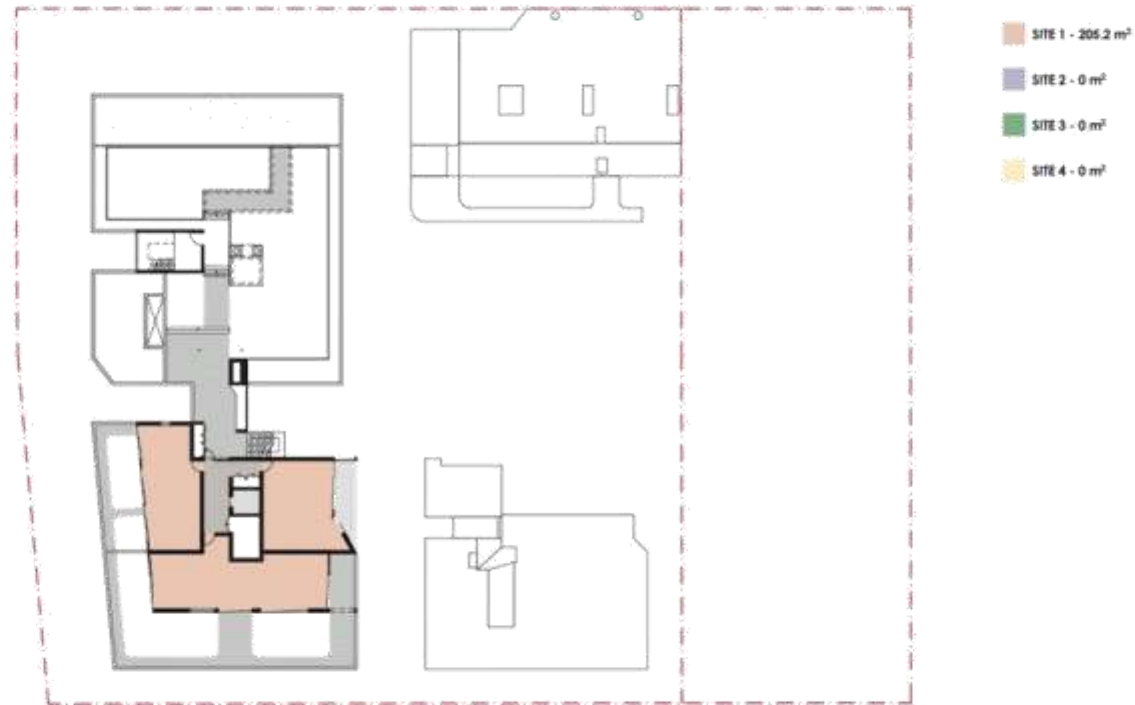
Level 7
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GFA PLANS



ANGUS DEVELOPMENTS



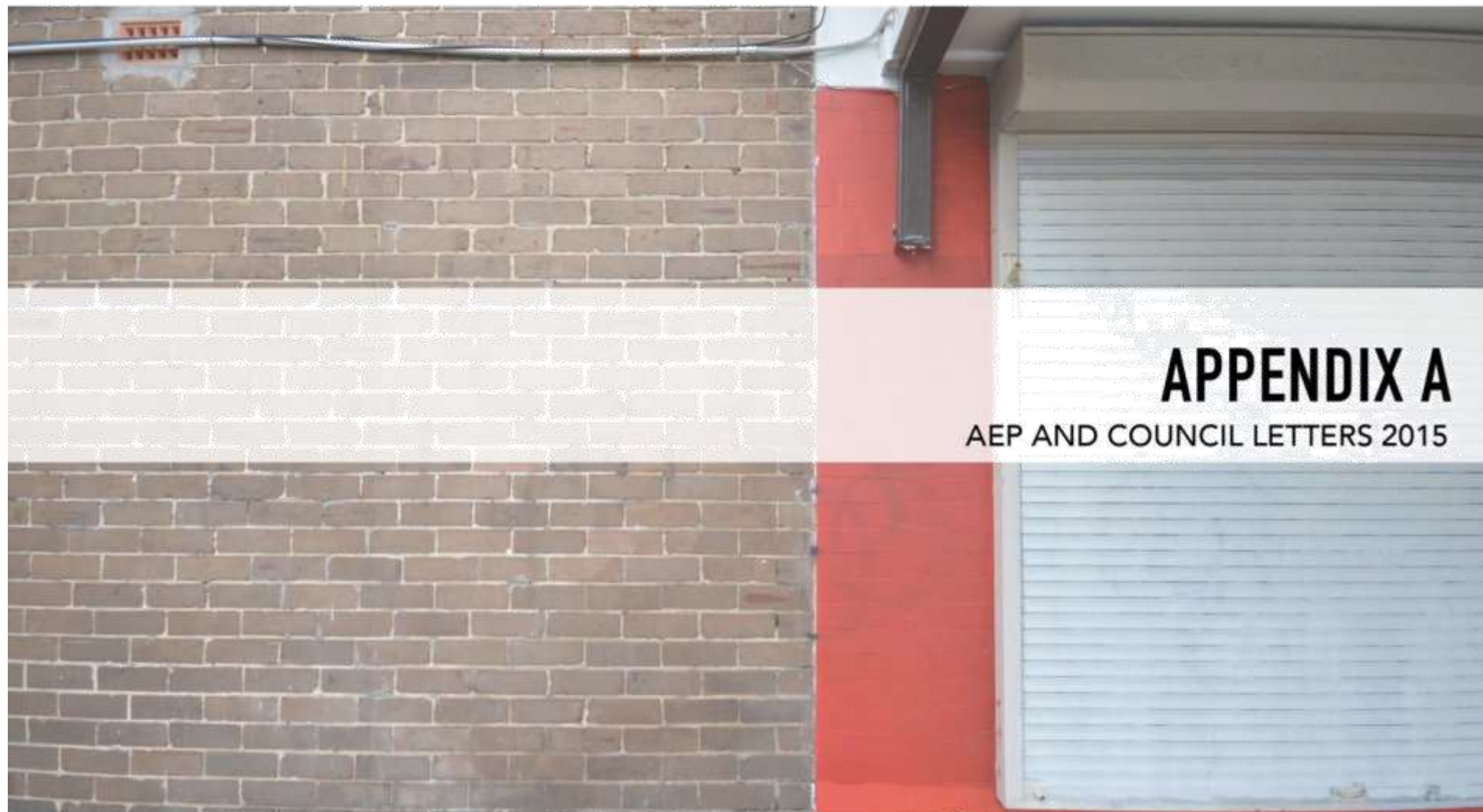
Level 8
1:400



GFA PLANS



ANGUS DEVELOPMENTS





PDA201500109

10 December 2015

Adam Flohm
Angus Developments
PO Box 950
WOOLLAHRA NSW 1350

Dear Mr Flohm

466-480 NEW CANTERBURY ROAD & 26-38 HERCULES STREET, DULWICH HILL

I refer to your application dated 21 October 2015 for formal pre planning proposal advice in relation to the above mentioned land. This advice relates to land use zoning and other amendments to Marrickville Local Environmental Plan 2011 which are being sought to facilitate a mixed use development on the above site.

Enclosed is Council's advice, including an evaluation from Council's Architectural Excellence Panel (AEP). The attached information supplements the preliminary advice emailed to you on 20 May 2015.

Included with the attached advice is a fee quotation should you intend to proceed with a planning proposal for the land.

I trust this is of assistance and should you have any enquiries, please contact Peter Failes, Urban Design Planner, on 9335 2264.

Yours sincerely

Marcus Rowan
Manager, Planning Services

Encl.

ABN 52 659 768 327

Administrative Centre | 2-14 Fisher Street, PO Box 14, Petersham NSW 2049 | DX 3910 - Annandale NSW

Phone 02 9335 2222
Fax 02 9335 2029
TTY 02 9335 2025 (hearing impaired)
Email council@marrickville.nsw.gov.au
Website www.marrickville.nsw.gov.au

ENGLISH

IMPORTANT

This letter contains important information. If you do not understand it, please ask a relative or friend to translate it or come to Council and discuss the letter with Council's staff using the Telephone Interpreter Service.

GREEK

ΣΗΜΑΝΤΙΚΟ

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Αν δεν τις καταλαβαίνετε, παρακαλείστε να ζητήσετε από ένα συγγενή ή φίλο να σας τις μεταφράσει ή να έλθετε στα γραφεία της Δημαρχίας και να συζητήσετε την επιστολή με προσωπικό της Δημαρχίας χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

PORTUGUESE

IMPORTANTE

Este carta contém informação importante. Se não o compreender peça a uma pessoa de família ou a um/a amigo/a para o traduzir ou venha até à Câmara Municipal (Council) para discutir o assunto através do Serviço de Interpretes pelo Telefone (Telephone Interpreter Service).

ARABIC

هذه الرسالة تحتوي على معلومات هامة. فإذا لم تفهموها يرجى أن تطلبوا من أحد أقربانكم أو أصدقائكم شرحها لكم، أو تفضلوا إلى البلدية واجلبوا الرسالة معكم لكي تناقشوها مع أحد موظفي البلدية من خلال الاستعانة بخدمة الترجمة الهاتفية.

VIETNAMESE

THÔNG TIN QUAN TRỌNG

Nội dung thư này gồm có các thông tin quan trọng. Nếu đọc không hiểu, xin quý vị nhờ thân nhân hay bạn bè dịch giúp hoặc đem đến Hội đồng Thành phố để thảo luận với nhân viên qua trung gian Dịch vụ Thông dịch qua Điện thoại.

MANDARIN

重要资料

本信写有重要资料。如果不明白，请亲友为您翻译，或到市政府来，通过电话传译服务，与市政府工作人员讨论此信。

PRE PLANNING PROPOSAL ADVICE

466-480 NEW CANTERBURY ROAD & 26-38 HERCULES STREET, DULWICH HILL

DECEMBER 2015

Extent of the Planning Proposal

While the urban design study investigates the whole street block, the pre planning proposal application indicates that the planning proposal would only relate to the properties that the proponent has secured (474-480 New Canterbury Road 34-38 Hercules Street). In this regard, it is noted that a developer led planning proposal does not need to be restricted to only land that is secured because the proposal ultimately becomes Council's once it is submitted to the Department of Planning and Environment. Accordingly, the planning proposal area should apply to all land where there is contextual logic and strategic merit. It is considered there is merit for inclusion of the entire block (which this advice considers) and any subsequent planning proposal should relate to this area.

Procedural

The planning proposal is to be prepared in accordance with "A guide to preparing planning proposals". The guide and other information about the Gateway process can be found at <http://d.planning.nsw.gov.au/en-au/planningyourlocalarea/gatewayprocess.aspx>

Policy Framework

An assessment of the planning proposal against the relevant planning policies will be required. Key strategies / policies are:

Rezoning of Industrial Land

The planning proposal will need to include an assessment against the Industrial Lands Strategic Assessment Checklist as required by Action 1.9.2 in A Plan for Growing Sydney, and Ministerial (Section 117) Direction 1.1 Business and Industrial Zones to justify the rezoning of this IN2 Light Industrial site to a zone that would accommodate predominantly residential use. The updated Marrickville Employment Lands Study (MELS) 2014, identifies this site in a land-use audit (page 40) as currently including local light industry and light manufacturing. A specific recommendation about appropriate planning controls is not made. However, Action 4.3 provides as follows and could be applicable to the subject land:

Consider 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.

A copy of the MELS is available at:

<http://www.marrickville.nsw.gov.au/en/development/planning-controls/planning-proposal-for-the-victoria-road-precinct/>

Accordingly, the planning proposal will need to justify that the site is suited to residential use, in regards to its access to services such as light rail, buses, shops and schools. A key issue

will be the quantum of employment space that should remain (discussed further under Zoning).

Draft Sydenham to Bankstown Urban Renewal Corridor Strategy

The Department of Planning and Environment is currently exhibiting the draft Sydenham to Bankstown Urban Renewal Corridor Strategy (Strategy), which proposes regional strategic direction for the corridor, including for Dulwich Hill. Under the draft Strategy, the subject site is identified for medium-high rise housing, which under the Future Precinct Character page of the Strategy this development density is describes as:

- *Residential apartment buildings, sometimes with cafés or small shops at ground level, typically 8 storeys.*
- *Located in selected core locations generally within 400m of some railway stations.*

The scale of the proposal is consistent with the draft Strategy. As discussed in detail in the AEP report (attached), it is considered the 4-5 storey scale on the majority of the site and an 8 storey scale adjacent to the light rail station is appropriate, but not a uniform 8 storey scale. The scale of development and any other relevant strategic directions from the draft Strategy should be taken into consideration, or be consistent with those from the final Strategy depending on the timing of the planning proposal (as per the draft Strategy which states 'A local planning direction will be implemented when the Strategy is finalised to ensure future planning is consistent with the Strategy').

Note that Council has considered a report on the draft Strategy and made a submission (attached).

Context and Site Analysis

The planning proposal needs to be guided by detailed context and site analysis. This analysis should include objectives related to parameters discussed in this advice and the AEP report, such as land use (for site and immediate surrounds), built scale (Height of Building (HOB) and Floor Space Ratio (FSR)), subdivision patterns, pedestrian desire lines, open space (public/private, soft/hard, passive/active, destination/through), solar access, overlooking, waste, and driveways. The analysis should inform the overall built form proposed and demonstrate how these proposed development can meet the objectives.

Marrickville Local Environmental Plan (MLEP) 2011 changes

Zoning

Appropriate land use zonings for the site would facilitate and ensure a substantial area of business use along the ground floor frontage to New Canterbury Road, but limited retail except opposite the light rail stop, with residential above. Providing a business use built to the front boundary of New Canterbury Road would facilitate some activation at ground-level and avoid amenity issues associated with ground-level residential use on a heavily-trafficked road. A continuous retail frontage is not likely to be supported due to the need to contain the Dulwich Hill shopping strip. If you were to mount a case for continuous retail this would need to be supported by an economic study which measures the likely impacts on the existing retail strip and any precedent this zoning would set for other properties. Therefore, the proposed R4 High Density Residential zone may not be appropriate for the entire site. Instead, what is desired could be achieved by the use of a B5 Business Development zone, which accommodates a range of businesses that would not impact on the retail strip. This includes: business premises, child care centres, health services facilities, hotel or motel

accommodation, light industries, office premises, and a few retail uses - food and drink premises (which includes a restaurant or café; take away food and drink premises; a pub; and a small bar). However, some of these land uses would not be achievable unless adequate vehicle access and loading was provided. Accordingly, the B5 zone would be appropriate for Nos.466-480 New Canterbury Road with a Schedule 1 provision to allow residential accommodation as part of a mixed use development. For 480 New Canterbury Road the Schedule 1 provision should also allow shops to include a larger range of retail land uses, appropriate at the transport hub.

For the remainder of the site an R4 High Density Residential zone would be appropriate, as there would be no traffic noise affecting the amenity of residential development at ground-level. Alternatively, an R1 General Residential zone could be used, if multi dwelling housing (prohibited under the R4 zone) is provided as suggested by the AEP.

Given that the basement will most likely traverse the B5 and R4 zone, an additional Schedule 1 provision would be required to allow vehicular access and parking to be permissible across both zones to avoid permissibility problems (i.e. commercial vehicles requiring to cross or park in the R4 zone).

Regarding the remaining church land (part of 34 Hercules Street) the zoning should be RE2 Private Recreation, which has been applied for all churches under MLEP 2011 to support the ongoing protection of these community servicing land uses.

The open spaces and link adjacent to the light rail line, proposed for dedication to Council, would be zoned RE1 Public Recreation. The form and ownership of the land is a matter that should be discussed as part of a Voluntary Planning Agreement (VPA) for the site, which is addressed below.

Floor Space Ratio and Height of Buildings

The overall density proposed (5 storey on the majority of the site an 8 storey 'landmark' element adjacent to the light rail corridor), and retention of the lower scale church building is general supported, subject to recommended changes to the massing as outlined in the AEP report.

In order to ensure that the massing of future development applications matches the desired variation of massing across the site, the FSR and HOB needs to be segmented in the planning proposal to reflect the different massing components. This would also provide certainty if separate developments were to occur for different parts of the block. Accordingly, separate FSR / HOB should be calculated for Nos. 466-472 New Canterbury Road and the part of 26-28 Hercules Street being developed; the front part of 474 and 476 New Canterbury Road; 478-480 New Canterbury Road; the rear part of 474 New Canterbury Road and 34 Hercules Street; 36-38 Hercules Street; and the remaining church land.

A lower height and FSR should be provided for the rear part of 474 New Canterbury Road and 34 Hercules Street if multi dwelling housing is intended to be provided as recommended by the AEP to provide variety, which would also reduce shadowing of the school playground in winter.

Regarding the remaining church land (part of 34 Hercules Street) the FSR and HOB should be set to support the ongoing protection of this use - elsewhere in the LEP this has been a nominal 0.6:1 FSR and 9.5m HOB.

For the proposed open space the FSR and HOB is to be blank.

To scale concept architectural plans, (showing key dimensions and heights) and a detailed breakdown of the GFA and resulting FSR of the different components of the site are required to be submitted with the planning proposal to enable Council to confirm that the proposed FSR and HOB will correlate with the desired massing for the site. To assist this process the planning proposal should show in hatching what will be included as GFA on a set of floor plans.

Marrickville Development Control Plan (MDCP) 2011 requirements

The planning proposal needs to address key aspects of MDCP 2011 that relate to the context and site analysis, overall massing and design approach.

Given the significant site area and unique aspects of the proposed development the planning proposal will need to include a master plan covering the whole street block. The final agreed master plan should include suitable control diagrams and text in an appropriate format that can be directly inserted into the precinct specific controls section of MDCP 2011 Precinct 18 – Dulwich Hill Station North, with images submitted at high resolution to enable easy readability.

Part 2.1 – Urban Design of MDCP 2011 sets 12 urban design principles that are fundamental to creating successful development and places and Part 3.5 – Subdivisions and Major Developments Affecting Movement Networks and Public Domain sets specific objectives and controls for such major developments. Your submission should address how the precinct master plan is consistent with these principles, objectives and controls.

Heritage

Although the site is not within a Heritage Conservation area, nor are there any heritage items on the site, a heritage assessment should be undertaken. A key consideration is the how the design resolution of future development would affect and be integrated with the Greek Orthodox Church on Hercules Street. The proposed retention of period shop facades at the corner of New Canterbury Road and Kintore Street is supported to maintain a continuity of the heritage character of the streetscape. As discussed in the AEP report, another key issue is how the future development can successfully integrate new building forms with the retained fabric. In this regard, a variation from the generic DCP controls (which requires 6m setback of upper levels of development above retained building components) is supported. For this site it is recommended to mass the form above and to the front boundary, as detailed in the AEP report. These two issues should be incorporated in the master plan for the site to give specific design guidance for future development.

Flooding and Drainage

The site is adjacent to Council/State Rail stormwater pipes that drain the two low points in the area. One of the low points is located adjacent to 480 New Canterbury Road and the other at the rear adjacent to 38 Hercules Street. An assessment of the capacity of stormwater system at these low points needs to be undertaken. The assessment must investigate if there is any significant ponding and overland flows (during 1 in 100year storm event) at these locations which may result in flooding and impact the development.

Please contact Joe Bertacco, Council's Development Engineer, on 9335 2225 for further information regarding flood planning levels.

Transport and Traffic

In the preparation of the planning proposal the following Marrickville Council documents should be referred to:

- Marrickville Integrated Transport Strategy 2007.
- Marrickville Bicycle Strategy 2007 (Bicycle Strategy)

It is also noted that Council is currently preparing a parking study and a local area traffic management study of Dulwich Hill. Council is also preparing a Public Domain Code. Drafts of these studies will be exhibited shortly and should be referred in the planning proposal, subject to timing.

The proposed provision of through-site pedestrian and bicycle connections are supported, subject to the determination of suitable connections to Hercules Street and the Dulwich Hill Public School directly opposite the site. The link next to the light rail while a duplication of the existing link on the western side of the light rail will generally improve permeability and the provision of trees along the edge gives a shaded alternative. As the pathway is partly on Transport for NSW (TfNSW) land it is suggested that the proponent undertake preliminary discussions with TfNSW to identify if this is feasible and any issues or matters that need to be addressed prior to submission of a planning proposal. The proposed through-site-link provides a slightly shorter and more pleasant link (avoiding New Canterbury Road) when coming from the north-east ie Dulwich Hill shops and is supported if it is appropriately designed to provide for public access and managed to not result in conflicts with residential use.

Notwithstanding the utility of these links, Council's Transport Planner has identified that there would be greater benefits in contributing towards the implementation of the already identified transport infrastructure initiatives around the site – the regionally significant GreenWay corridor and cycle route along Hercules Street. The Missing Links Report prepared by the GreenWay Missing Links Working Group - October 2015 identifies missing link D Arlington between New Canterbury Road and Constitution Road. The Bicycle Strategy identifies cycle route RD04 running along Hercules Street past the site. A contribution from the development towards these is an option that should be considered as part of any VPA negotiation process.

It is noted that the proposal indicates that there is a major bicycle route along Kintore Street, New Canterbury Road and Denison Road (p15), whereas Council's Bicycle Strategy shows proposed cycleways along the GreenWay/light rail corridor (Route RR01), along Hercules Street (Route RR08) and along Beach Road and Constitution Road (Route LR18), not along Kintore Street or Denison Road. While the provision of the pedestrian signal crossing at the light rail stop on New Canterbury Road may have led to some movement along Denison Road, when the GreenWay link is created this will be less relevant. Also the Hercules Street / Beach Road would remain as a separate route. Therefore, there wouldn't be a cycle route changed or a new one created along Denison Road as suggested in the urban design report.

Considering the scale of the development (approximately 170 units) it would be appropriate to provide two car share spaces as part of the development. The implications of this, including the number of car parking space provided and resultant basement volume, should be taken into consideration in the planning proposal. In this regard, you should initiate discussions with a car share provider and confirm this is part of the planning proposal.

Other issues that need to be addressed in relation to traffic/transport would include:

- A traffic report needs to be submitted with the planning proposal;

- Splay Corners should be provided at the intersection of New Canterbury Road & Kintore Street (to match the current building splay) and at the intersection Hercules Street & Kintore Street (3mx3m splay);
- Both driveways should be located so as to provide maximum sight distance to vehicles and pedestrians in accordance with Figures 3.2 and 3.3 of AS2890.1:2004.

Please contact Simon Lowe, Council's Transport Planner, on 9335 2245 for further information regarding transport matters and Joe Bertacco, Council's Development Engineer, on 9335 2225 for further information regarding traffic matters.

Open Space and Public Domain

The provision of an urban space in the north-western corner of the site is supported to provide valuable space and public domain improvements in connection with the light rail stop and local retail space, especially if it was all integrated with the light rail stop forecourt; the proposed north-south public walkway; the covered retail outdoor space (requiring public easement); and Council footpath on New Canterbury Road, are cohesively designed as one urban public square. The space needs to be carefully designed to create an attractive, functional space, with a human scale; maximised deep soil; providing additional large canopy trees for summer shading but allowing winter sun; and providing good amenity (such as seating, planter landscaping, bins, bubblers and bicycle parking).

The proposed open space on the corner of Kintore Street and Hercules Street is small and not ideally configured with it being next to the driveway entry and blank walls on the retained church and apartment building. However, as the local area is deficient in open space, Council supports the space being part of the proposal. Council's Culture and Recreation Services section has provided the following comments in relation to this open space:

- The open space is to be for passive recreation;
- The open space is to allow for large canopy tree planting/s to provide extensive shade and green relief within the urban environment and help reduce the scale of the new buildings;
- The design should ensure the open space is simple with planting, seating, turf decomposed granite, and an access pathway into the site to increase activation;
- Ensure the open space continues to have deep soil for tree plantings;
- Use the blank walls for green walls;
- Maximise the greening by combining with verge extensions for enhanced street trees and landscaping on Kintore Street and Hercules Street and better physical and visual green linkage with the pocket park in the Kintore Street road closure.

For the internal courtyard to function for communal and semi-public open space it needs to be redesigned for adequate amenity and privacy, with adequate width; sunlight; deep soil for substantial shade and privacy trees; seating; and lighting. If public access is to be allowed this needs to be reflected in an easement, however this may need to be restricted to day time use to limit conflict with residents.

The inclusion of public art (that could include robust elements for inform play) and green walls / roofs and as part of the development and open spaces is also encouraged.

Verge upgrade of the surrounding streets would be required, including street trees, especially on Hercules Street which currently has continuous hard paving and driveway crossings. On Hercules Street provision of street trees is constrained by the aerial power

lines. Given the importance of Hercules Street as a pedestrian and cycling connecting street linking over the light rail corridor and connecting between extensive future develop to the south-west and the Dulwich Hill centre, options should be explored to enable provision of substantial shade canopy street trees. This could be options such as undergrounding of power, aerial bundled cables, building/basement setbacks and provision of trees within the site property.

Given the slope along and across the site, care needs to be taken with the basement/ground floor arrangement to ensure an attractive street interface can be achieved and supports provision of street trees and landscaping. On New Canterbury Road the floor level needs to be stepped down to ensure an active business frontage relates to the ground plane. On Hercules Street a large blank podium form along the Hercules (as indicated in the concept plan) needs to be avoided. Given the full level change there is opportunity to sleeve the basement podium with single aspect units addressing Hercules Street and adequate setback to provide larger ground level courtyards and deep soil zone and canopy space for substantial shade canopy street trees and to provide for other landscaping. For development fronting Kintore Street the interface between the footpath and ground level residential units needs to achieve privacy, street surveillance and resident amenity. This could be accomplished by providing a slightly elevated ground floor level (maximum 1m), the development being setback and providing larger ground level courtyards and front landscaping.

Affordable Housing

Given the potential yield from the development, Council would be seeking provision of a quantum of affordable / key worker housing. It is recommended that the planning proposal address this issue having regard to other comparable rezonings.

Developer Contributions

As the development proposed with the planning proposal would create demands on local infrastructure beyond that planned for in Marrickville Section 94 Plan, it is anticipated that a VPA could be used to address potential local infrastructure identified for the area, including: publically-accessible open space; links along the western boundary (adjacent to the light rail corridor) and through the middle of the site; the GreenWay missing link (Route RR01); the cycleway route along Hercules Street (Route RR08); provision of affordable housing (in the form of dwellings or a financial contribution); a community facility such as a meeting venue; public domain improvements surrounding the site; and public art. Any VPA proposed will be progressed concurrently with the planning proposal process and would be managed by Council's General Counsel. It is recommended that you contact Council's General Counsel (Joe Strati on 9335 2021) to discuss the content and extent of any VPA.

Planning Proposal Fee

Under Council's Fees and Charges for 2015/2016 the fee for major rezonings is by quotation. Based on our understanding of the tasks involved in assessment and progression of a planning proposal for the land, we propose a two stage fee as follows:

Stage 1 (Progress to Council determination and/or Gateway determination - \$8330)

Stage 2 (Progress past Gateway determination - \$24,990)

Note: Additional costs and expenses incurred by Council during the assessment process are to be paid at cost.

MARRICKVILLE COUNCIL ARCHITECTURAL EXCELLENCE PANEL - REPORT

Site Address:	466-480 New Canterbury Road, Dulwich Hill
Proposal:	Pre-Planning Proposal for Dulwich Grove Precinct
File Reference:	PDA201500109
Planning Officer:	Peter Failes
AEP Members in attendance:	Matt Pullinger (Principal, Hassell) Peter Ireland (Principal, AJ+C Architects) Renata Ferreira (Urban Design Advisor, Marrickville Council – Chair);
Site Inspection Date:	20 October 2015
Report Date:	2 November 2015
TRIM:	124604.15

SITE CONTEXT

The proposed Dulwich Grove Precinct comprises 14 lots located in Dulwich Hill, bounded by New Canterbury Road to the north, Kintore Street to the east, Hercules Street and the Dulwich Hill Public School to the south and the recently built Dulwich Grove light rail station to the west. The sites are occupied by several two-storey light industrial buildings fronting onto New Canterbury Road and Hercules Street; four two-storey shops built in the 1940s located at the corner of New Canterbury Road and Kintore Street; and the Greek Orthodox Church of the Holy Unmercenaries and one 1940s face-brick bungalow located at the corner of Kintore and Hercules Streets. The Dulwich Hill Commercial Precinct is located within a 5min walk to the east of the site. The MLEP 2011 zoning for the sites is IN2 Light Industrial, with a maximum FSR of 0.95:1, and no height restriction.

PROPOSAL DESCRIPTION

The pre-planning proposal by Angus Developments is for a mixed-use development referred to as Dulwich Grove Precinct. The proposal comprises the following:

- Amalgamation of lots 474 to 480 New Canterbury Road and 34 to 38 Hercules Street referred to as 'the primary site', which is the subject of this pre-planning application. Potential amalgamation of lots 466 to 472 New Canterbury Road (the 1940s shops) and 26 to 28 Hercules Street (the Church and face-brick bungalow) referred to as 'the secondary site', whose future ownership is under negotiations by Angus Developments for potential inclusion in the Planning Proposal;
- Demolition of the two-storey industrial buildings, as well as the 1940s face-brick bungalow and the outbuildings associated with the Greek Orthodox Church;
- Preservation/restoration of the front facades of the four 1940s shops and the primary building of the Church;

- Construction of three 4 to 5-storey buildings fronting onto New Canterbury Road and Hercules Street and one 5 part-8 storey building adjoining the Dulwich Grove light rail station;
- Proposed mixed-use buildings fronting onto new Canterbury Road with retail and residential uses on the Ground Level and residential uses above, and residential flat buildings fronting onto Hercules and Kintore Streets;
- Construction of a new north-south public walkway and cycleway abutting the light rail corridor and a pocket park at the corner of Kintore and Hercules Streets, both to be dedicated to Council; and
- Implementation of one north-south and one east-west semi-public through-site links and a centrally located communal open space (land ownership/management to be discussed with Council).

DISCUSSION

The panellists discussed the pre-planning proposal with Angus Developments, BKA Architecture and Mersonn Town Planners and provide the following comments in relation to study 7 (the proponent's preferred concept):

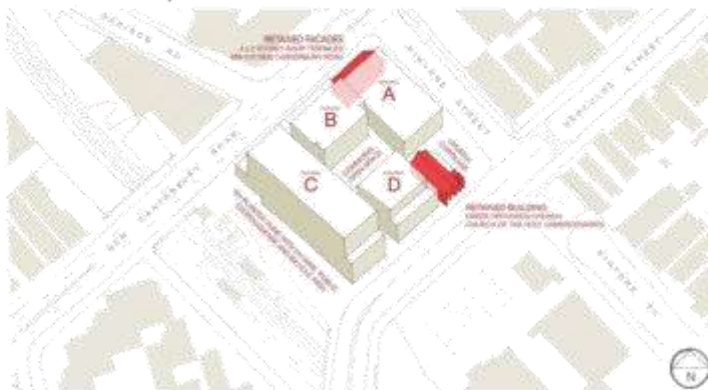
1. Considerable thought has been put into the strategic pre-planning urban design package, demonstrating good understanding of the site and its context and providing a well-considered approach to connectivity, the public domain, heritage preservation and density;
2. The retention of the Church and the façades of the 1940s shops will help to preserve some of the social/historic fabric of the site and is supported;
3. Ground floor retail/commercial uses built to the boundary along New Canterbury Road are supported, but the proposed Ground Floor residential units that are set back 3.0m from the front boundary are not supported. Rather, the Panel encourages the continuation of commercial or retail uses at the street level and to the site boundary;
4. The 4 to 5-storey scale along New Canterbury Road, Kintore Street and Hercules Street (Buildings A, B and D), as well as the 8-storey scale adjoining the light rail station (Building C) are generally supported, but refinements in setbacks, both at Ground Level and above ground levels, are required to improve the quality of the built form and the streetscape, as well as solar amenity to the central communal open space;
5. Likewise, a more deliberate separation between the new building associated with the retained shopfront facades and the new building facing Kintore Street (Building A) is required to achieve more prominent built form at the corner, whilst creating a sympathetic and well-integrated addition to the retained heritage facades. The proposed blank wall set back 6.0m from the heritage walls (as illustrated on page 44 of BKA's report) is not supported and needs to be reconsidered;
6. The proposed demolition of the bungalow and the provision of a pocket park at the corner of Hercules and Kintore Street will reveal and celebrate the Greek Orthodox Church and provide an additional green/open space that could be associated with the services of the Church. There is a risk, however, that this could result in a weak corner defined by the side elevation of the Church, which was never designed to be seen, and the proposed car park basement ramp;
7. Although the idea of through-site links and Ground Level communal open space is supported, there is some ambiguity in relation to the public/semi-public/private nature of these links/spaces that needs further clarification;

8. None of the residential lobbies achieve natural light and ventilation. This is contrary to the Design Guidance under the Apartment Design Guide (ADG) and should be reconsidered;
9. There is a slight discrepancy between the proposed height in metres (15m) and height in storeys (5 storeys) on page 38 of BKA's report, Study 7 (preferred concept), that needs clarification. A 5-storey building would require a 17m height control limit;
10. The option to provide some diversity in built form typology, such as the provision of a small number of townhouses facing Hercules Street, opposite to the school, was discussed and encouraged. Angus Developments confirmed their intent to provide some variety in the built form, stating BKA Architecture is currently investigating a few design alternatives;
11. The preliminary vertical and horizontal articulation of the building facing Kintore Street is supported in principle, but the articulation of the buildings facing the light rail corridor, Hercules Street and New Canterbury Road needs further refinement;
12. The package does not clearly illustrate how the proposed FSR has been calculated. It appears the proposal achieves a net FSR of 2.73:1. The applicant confirmed that the Planning Proposal will determine different height and FSR controls as per the built forms proposed in the urban design study.

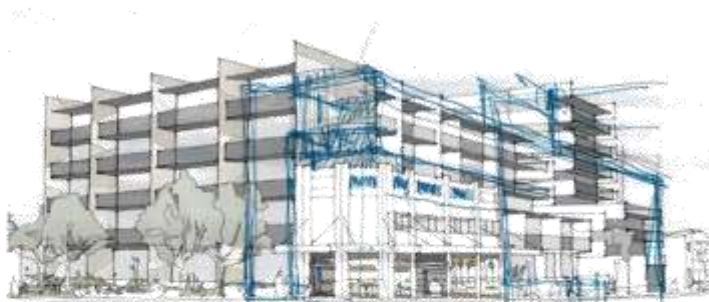
RECOMMENDATIONS

The panellists discussed a few alternatives with Angus Developments and BKA Architecture, who welcomed the recommendations, as listed below:

1. The Ground Level residential units fronting onto New Canterbury Road (Building B) should be replaced by commercial/business uses and located on the site boundary.
2. The street frontage wall along New Canterbury Road (Buildings A, B and C) should be 5-storey in height, and be built to the front boundary, rather than the proposed 3-storey podium with a 6m front setback at Levels 4 and 5. The same street wall height should apply to the proposed new addition to the retained shopfronts (Building A), however, a setback on level 3 should be considered, whilst bringing Levels 4 and 5 to the front boundary alignment of the retained shops. A 4 part-5 storey building (having the lower component to the south-east) or a 4-storey street frontage wall could be considered on Building B in order to improve solar access to the central communal open space. The 2-storey alignment of the retained shopfronts could be expressed on Building B through architectural elements/façade treatment rather than the proposed setback. A 5-storey street wall height along New Canterbury Road would provide greater prominence to the corners and a better scale in relation to the width of the road, whilst maintaining a human scale to the streetscape. The introduction of prominent vertical architectural features that emulate the rhythm of the retained shopfronts is required to help to scale the 5-storey form within the context of the site.

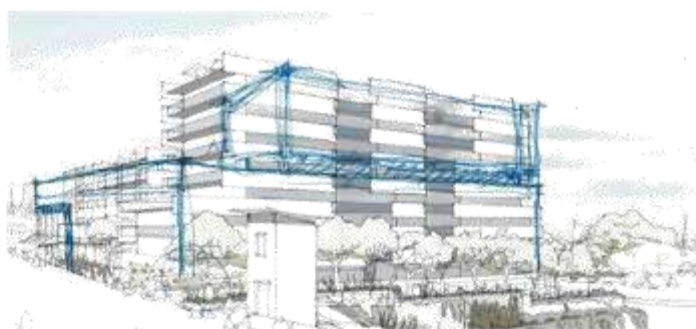


Building envelope proposed by BKA Architecture



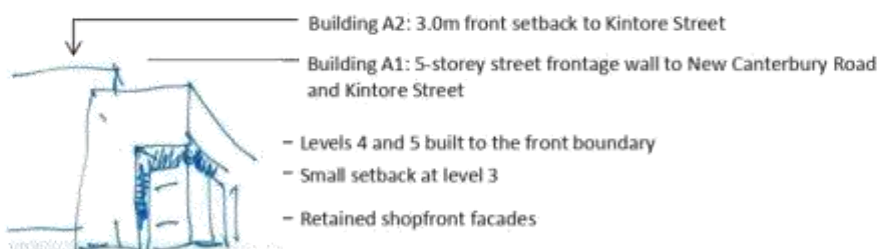
Alternative solution to be considered: 5-storey street frontage wall to New Canterbury Road
(Sketch by Peter Ireland)

3. Whilst the 8-storey scale for Building C (adjoining the light rail corridor) is supported, the higher component that presents to New Canterbury Road should be set back further than the 6m proposed, and arguably closer towards Hercules Street. This will help to reinforce the 5-storey podium height along New Canterbury Road and will improve solar amenity to the central communal open space. The 5-storey podium height could be expressed on the south-west (light rail elevation) and south-east (Hercules Street elevation) facades of Building C via architectural elements/façade treatment. The façade articulation along the light rail corridor should be broken down into stronger vertical elements.



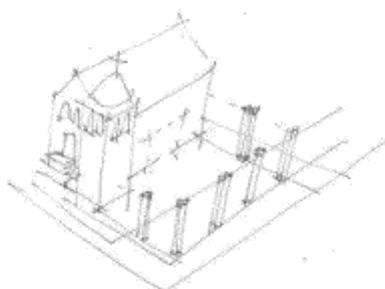
Alternative solution to be considered: 8-storey component to be set back further away from New Canterbury Road. 5-storey podium expressed through architectural elements/façade treatment
(Sketch by Peter Ireland)

4. Building A should be separated into two distinct built forms: [1] a 5-storey building associated with the retained shopfront facades to be kept/built to the street boundary alignment of New Canterbury Road and Kintore Street; and [2] a 5-storey building fronting onto Kintore Street, set back 3.0m from the front boundary (with courtyards/balconies encroaching onto the front setback).



Alternative solution to be considered: Building A to be separated into two distinct built forms
(Sketch by Peter Ireland)

5. The proposed overhang to the coffee shop facing the light rail corridor is supported, but requires a higher floor-to-ceiling height to improve its scale and prominence at the corner.
6. A different built form typology could be investigated for Building D, facing Hercules Street and the school, such as 3-storey townhouses to provide some variety in housing types.
7. Continuous awning should be provided to the buildings along New Canterbury Road to provide shelter for pedestrians walking to the light rail station.
8. The applicant explained that the north-south pedestrian/cycleway abutting the light rail corridor will be publicly accessible, delivered by the Developer and dedicated to and maintained by Marrickville Council/RailCorp. On the other hand, the applicant stated that the ownership and management of the other through-site links and central communal open space are subject to negotiations with Council. Therefore, further thought needs to be given to the ways in which the through-site links and Ground Level communal open spaces will be managed, whether they will be public or semi-public, and, if they are semi-public, where the gates and security lines will be located. If gates are proposed, it is recommended that the spaces are opened during the day and closed off at night for security purpose. Additional communal open space could be provided as rooftop gardens, particularly on Building C, maximising solar access and district views and creating opportunities for green roofs. The breakdown of the amount of public and semi-public open spaces and deep soil planting to be delivered, including drawings illustrating the proposed public domain improvements, should be provided at the Planning Proposal stage.
9. The site at the corner of Kintore and Hercules Street is a valuable space. Thus, the treatment/appearance of the Church's side wall, the hard and soft landscaping of the proposed pocket park, the relocation of the carpark basement ramp and the definition of the edges of the open space require further consideration to celebrate the corner. An alternative that may be considered is to provide some definition to the street edge along the lines of the sketch below.

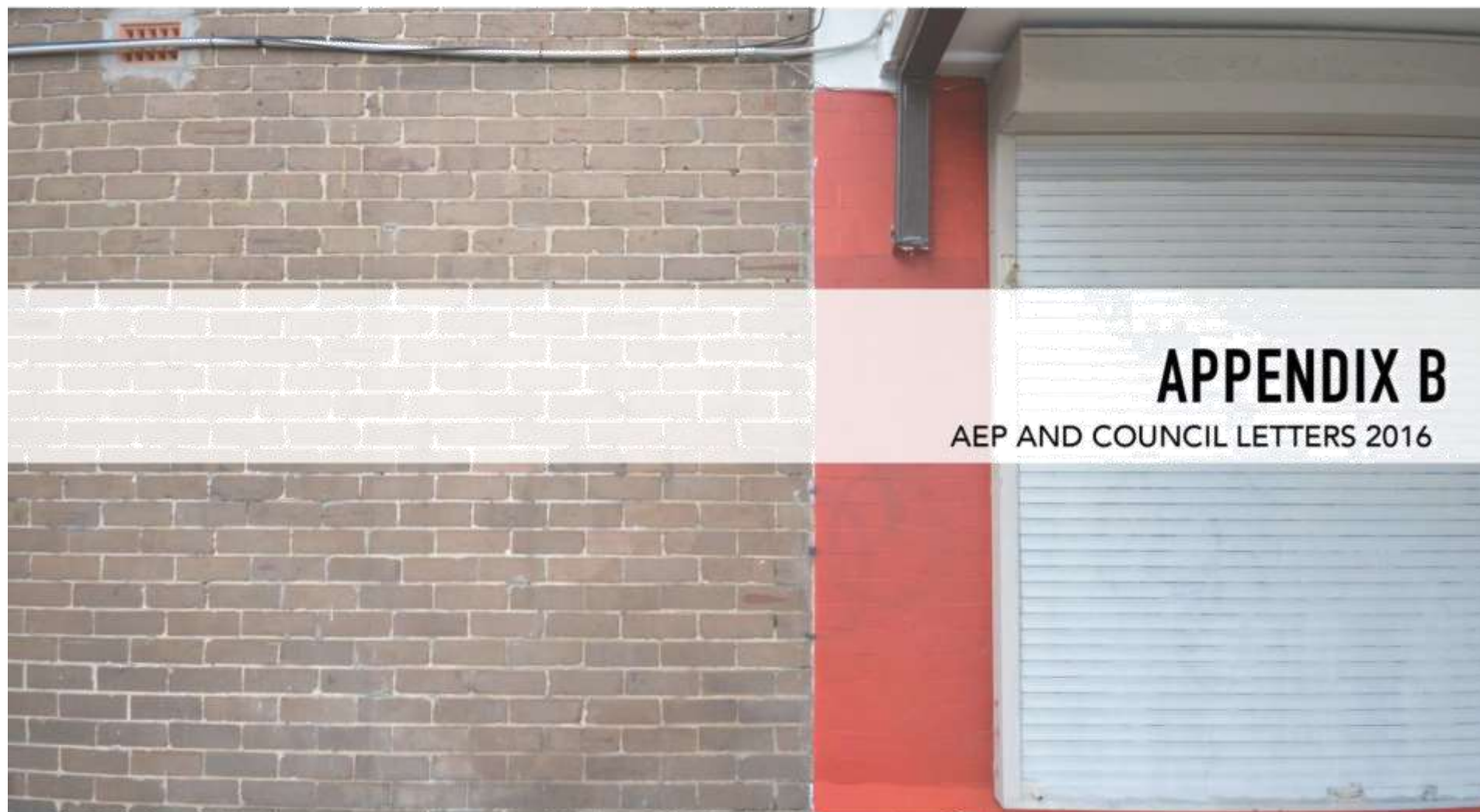


Alternative solution to be considered: Definition of the street edge at the corner of Kintore and Hercules Streets (Sketch by Peter Ireland)

10. All the proposed residential/mixed-use buildings should conform to the objectives and Design Criteria of the ADG, including the provision of naturally lit and ventilated lobbies. A statement of consistency with the objectives and Design Criteria of the ADG should be provided at Planning Proposal stage.
11. It is important that clarity around ownership arrangements of the lots 466 to 472 New Canterbury Road (the 1940s shops) and 26 to 28 Hercules Street (the Church and face-brick bungalow) and the inclusion of these lots in the Dulwich Grove Precinct occur in order to realise some of the public benefits proposed by Angus Developments.
12. The Planning Proposal should provide detailed calculations for GFA on the site and drawings illustrating how the proposal achieves the indicated FSR. It should also provide a plan with the breakdown of the proposed height and FSR across the site.

SUMMARY

Considerable thought has been put into the strategic Pre-Planning urban design package and, overall, the panellists are supportive of the Pre-Planning Proposal. This report provided a few recommendations for design refinements to be considered by the applicant in terms of street frontage wall, setbacks, land uses and building typology. Clarification in relation to the breakdown and management of the proposed public domain benefits, proposed FSR and height controls, and site amalgamations will also be required at Planning Proposal stage.



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DA201600376

29 August 2016

Adam Flohm
Angus Developments P/L
PO Box 950
Woollahra NSW 2025

Dear Mr Flohm,

**PLANNING PROPOSAL APPLICATION NUMBER DA201600376
474-480 NEW CANTERBURY RD & 34-38 HERCULES ST, DULWICH HILL**

Your planning proposal application has been received by Council and has been forwarded to Council's Planning Services to the officer referred to below for assessment.

The planning proposal will be assessed and reported to Council at a future meeting date. The application may be referred to Council's Architectural Excellence Panel (AEP) and specialist advice may be sought on various matters including, but not limited to, planning, urban design, heritage, engineering, traffic and transport, and infrastructure.

From a preliminary assessment of the application the following additional information is required to be submitted to enable a complete assessment:

1. Clarification on the identity of the land to which the planning proposal applies. While the Pre-Planning Proposal Advice letter, dated 10 December 2015, recommended the planning proposal should relate to the entire block bounded by New Canterbury Road, Kintore Street, Hercules Street and the Light Rail / GreenWay corridor, the application form appears to only relate to 474-480 New Canterbury Rd and 34-38 Hercules St, Dulwich Hill (note under Council's land database this area does not include No. 40). However, contrary to this the planning report on page 6 does identify the whole block as the site the subject of the planning proposal.
2. Show large scale planning proposal maps overlaid on top of to-scale cadastre and concept plan, showing dimensions if not aligning with cadastre lines, to enable appreciation how they correlate with conceptual building massing and land use (Land Zoning, Height of Building and Floor Space Ratio each on a separate page).
3. Provide justification for planning proposal maps, which differs from the advice given in the Pre-Planning Proposal Advice letter. The planning proposal report does not outline the proposed differences nor give reasons for the proposed differences in the planning proposal maps. In the regards to the zoning for the church it is noted that a place of public worship is actually prohibited in the RE1 zone.
4. Detailed site contamination investigation report covering the full block bounded by New Canterbury Road, Kintore Street, Hercules Street and the Light Rail / GreenWay corridor. This will enable Council to undertake a planning proposal for the full block.

Customer Service Centres

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

5. The Urban Design Report to address how the planning proposal and concept design is consistent with the urban design principles, objectives and controls of Part 2.1 – Urban Design of MDCP 2011 and Part 3.5 – Subdivisions and Major Developments Affecting Movement Networks and Public Domain.
6. Demonstrate on Concept Plans how on-site collection of recycling waste bins can occur either directly from on-site recycling/waste storage rooms or from on-site temporary bin/container holding areas, in accordance with Section 2.21 Site Facilities and Waste Management of Development Control Plan 2011. It is noted that under Section 2.21 Appendix 4 collection must be directly via wide external doors with direct line of sight of bins; for 240L or less bins be via maximum 1:14 grade and maximum 10m wheeling distance; and for greater than 240L bins be via maximum 1:50 grade and maximum 5m wheeling distance. The provision of the required on-site waste room/temporary storage area adjacent to footpath would be likely to require removal of GFA changing the FSR for the site.
7. Demonstrate on Concept Plans how retail and business spaces can have access to waste, loading and sanitary facilities, which may also affect GFA/FSR.
8. Further breakdown of GFA into Site 1, 2 and 3 showing total GFA in each divided by each site area to demonstrate accurate FSR for each site.
9. Provide GFA plans on accurate to-scale sheets with 1 floor per page to enable easy checking of GFA/FSR.
10. Confirm any preliminary discussions undertaken with TfNSW in regards to upgrading of railway land providing landscaping in association with the proposed through-site-link and an integrated urban square connected with the light rail stop forecourt.

Pursuant to Clause 6.6 Airspace operations of Marrickville LEP 2011, it is also advised that it appears that the planning proposal would allow a building height that would penetrate the Prescribed Airspace for Sydney Airport Obstacle Limitation Surface. This is a trigger requiring referral to the relevant Commonwealth body responsible for development approvals for development that penetrates the Limitations or Operations Surface for the Kingsford Smith Airport. Accordingly, it is recommended that you commence liaison with the relevant Commonwealth body, regarding this matter. Details regarding this can be found on the following Sydney Airport web page:

<http://www.sydneyairport.com.au/corporate/community-environment-and-planning/planning/airspace-protection.aspx>

Yours faithfully



Jamie Erken
Acting Manager Planning Services, Marrickville

Enquiries: **Peter Failes**, 9335 2264, peter.failes@marrickville.nsw.gov.au

INNER WEST COUNCIL ARCHITECTURAL EXCELLENCE PANEL (FORMER MARRICKVILLE LGA) - REPORT

Site Address:	466-480 New Canterbury Road & 26 to 28 Hercules Street, Dulwich Hill
Proposal:	Planning Proposal for Dulwich Grove Precinct
File Reference:	DA201600376
Planning Officer:	Peter Fails
AEP Members in attendance:	Matt Pullinger (Principal, Hassell) Peter Ireland (Principal, AJ+C Architects) Renata Ferreira (Urban Design Advisor, Inner West Council – Chair);
Site Inspection Date:	N/A
Report Date:	12 October 2016
TRIM:	116331.16

SITE CONTEXT & PROPOSAL DESCRIPTION

Please refer to AEP report dated 2nd November 2015 for Pre-Planning Proposal.

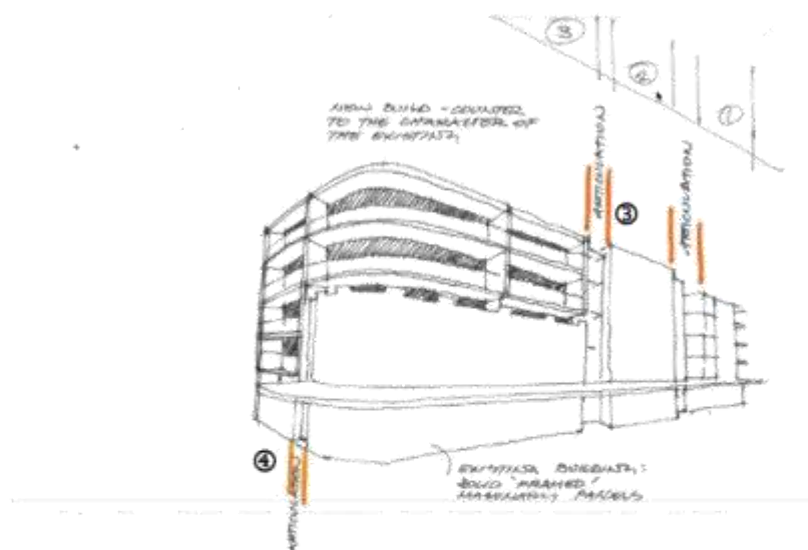
DISCUSSION

The Planning Proposal has incorporated all of AEP's recommendations at Pre-Planning Proposal. The proposal is generally supported provided that the following additional comments are considered (please also refer to sketches below):

1. The Panel understands that the properties at 466 to 472 New Canterbury Road (the 1940s shops) and 26 to 28 Hercules Street (the Church and face-brick bungalow) – described by the proponent as secondary site - are not within the ownership of Angus Developments (the proponent). Although the Planning Proposal takes a holistic and strategic view, identifying a range of public benefits beyond the subject site, the proposal could be regarded a spot rezoning unless Council expands the proposed rezoning to the properties on the secondary site. This raises the questions as to whether the proponent has engaged the adjoining owners during the Planning Proposal stage and if these owners support the scheme including the stated delivery of public benefits. The Panel will not view favourably the option for spot rezoning, if several of the stated public benefits (such as improvements to the church, dedication and implementation of the pocket park at the corner of Kintore and Hercules Streets and restoration of the heritage facades) are associated with the secondary site, and if ownership matters are not resolved prior to the Planning Proposal approval. If the rezoning were to proceed in isolation, these public benefits are unlikely to be realised by the proponent. Worse, the burden of the same public benefits may make the adjacent sites unviable for future redevelopment. Therefore, it is important that the proponent's ownership of the lots 466 to 472 New Canterbury and 26 to 28 Hercules Street and the inclusion of these lots in the Dulwich Grove Precinct occur. Staging is

also an important consideration and an indicative staging plan should be provided. The delivery of public benefits should, in principle, occur earlier rather than later. The precise timing of the delivery of public benefits could be negotiated at DA stage.

2. The internal courtyards/balconies where Buildings A and B turn the corner create dwelling proximity and separation issues that are difficult to resolve and should be reconsidered.
3. Clearly demarcated vertical articulation between Buildings A and B (New Canterbury Road Elevation) should be provided at all levels. This means that the proposed front setback to the balconies of the 2bed units at Level 1 of Building B should be replicated at Levels 2, 3, 4 and roof plan.
4. The proposed vertical articulation at Ground Level and Levels 1 and 2 between the Side Elevation of the existing shop and the new Building A, at the corner of New Canterbury Road and Kintore Street, should be replicated at Levels 3, 4 and roof plan. Thus, the balcony to the corner units (1bed apartments) at Levels 3 and 4 should be rearranged to maintain the slab edge condition/articulation proposed on the levels below.
5. Clearly demarcated horizontal articulation at Level 5 of Building C (East, South and West Elevations) should be provided. This means that the external walls to the units at Levels 5 should be set back from the main building alignment to create horizontal articulation and architectural interest and provide relief to the mass of the building.
6. The flanks of Buildings A and D will frame and define the backdrop to the church and need to be highly resolved, articulated and detailed to not diminish the presence of the heritage building. Likewise, material change/articulation should be provided to Building C at Levels 6 and 7.
7. Improvements to the existing facades to be retained should be negotiated at DA stage.



LEVEL 3 FLOOR PLAN



LEVEL 5/ ROOF FLOOR PLAN



SUMMARY

The Planning Proposal is generally supported conditional on resolving the ownership/ public benefits issues and addressing the recommendations provided above.



**FORMER LEICHHARDT
LOCAL GOVERNMENT AREA
SECTION 7.12**
Development Contributions Plan 2020

Aboriginal and Torres Strait Islander Statement

Inner West Council acknowledges the Gadigal and Wangal peoples of the Eora Nation, who are the traditional custodians of the lands in which the Inner West local government area (LGA) is situated.

We celebrate the survival of Aboriginal and Torres Strait Islander cultures, heritage, beliefs and their relationship with the land and water. We acknowledge the continuing importance of this relationship to Aboriginal and Torres Strait Islander peoples living today, despite the devastating impacts of European invasion. We express our sorrow for past injustices and support the rights of Aboriginal and Torres Strait Islander peoples, to self-determination.

Inner West Council understands our responsibilities and role in working with the Aboriginal community to promote cultural heritage and history, address areas of disadvantage, and to protect and preserve the environment, as well as sites of significance to Aboriginal peoples. In doing so, we acknowledge that Aboriginal cultures continue to strengthen and enrich our community.

Today, diverse groups of Aboriginal and Torres Strait Islander peoples live and work across the Inner West Council area. We admire the resilience displayed in their significant achievements and in making immense contributions to both Council and the broader community.

Inner West Council is committed to embedding the values and perspectives of the Aboriginal and Torres Strait Islander communities, to ensure we learn from the mistakes of our past and forge a positive future of long-lasting value, built on mutual respect, equality and opportunity.

Administration and review record of this development contributions plan:

Date of approval of this development contributions plan:	Adopted – Inner West Council Meeting of:
Date in force of this contributions plan:	
Exhibition period:	4 May 2020 and 31 May 2020
Group responsible for the development of this contributions plan:	Development and Recreation
Groups responsible (shared responsibility) for the administration and implementation of this contributions plan:	Development and Recreation, Engineering, Finance, Community Services, Parks and Recreation
Related plans and documents:	Voluntary Planning Agreement Policy
References & legislation:	See body of document
Document identifier:	

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Part A Executive Summary

The Inner West Council predominantly obtains funds towards the provision of public infrastructure through two key sections of the Environmental Planning and Assessment Act - 'the Act' (and its associated *Regulations*):

- *section 7.11* (area specific/tailored contribution amounts - formerly known as section 94); and
- *section 7.12* (fixed flat rate percentage levy amounts set by the NSW State Government via the *Regulations* – formerly known as section 94A.)

Section 7.11 and 7.12 funds are used to service any expected future population and employment increase in the Local Government Area (LGA).

Following the amalgamation of the former Ashfield, Leichhardt and Marrickville Local Government Areas into a single Council area in 2016, the new Inner West Council inherited a development contributions framework comprising of seven different plans. The former Leichhardt area is the only part of the Inner West that currently does not have a section 7.12 plan, in place, because its plans predated the widespread use of this section of the Act. This is a harmonisation project which ensures that, section 7.12 levies can be applied uniformly and equitably across the Inner West LGA whilst Council staff prepare a single Inner West Contributions Plan.

Section 7.12 levies are based on flat percentage rates set by the NSW Government in its planning legislation. Given this, the levies are not required to establish, the connection (nexus) between the development paying the levy and the object of the expenditure of the levy which typically requires costly detailed research.

This draft *section 7.12* plan provides for the delivery of public amenities and services for the expected population increase, within the former Leichhardt area, to an approximate value of \$63 million, over the next 20 years. The draft plan will also seek to recoup over \$2.7million that Inner West Council has recently outlaid on public amenities and services, within the former Leichhardt Council area, to address the needs of that expected population increase.

As explained within the body of this document, developments within the former Leichhardt Council area will either pay for section 7.11 or section 7.12 contributions (not both), or none at all, depending on the circumstances.

Part B Summary schedules and abbreviations/definitions

The following summary schedules are included in this plan:

- Works schedule; and
- Summary of levies.

Summary works schedule for public amenities and services to be provided under this contributions plan

The works schedule and public amenities and services location maps identify the public amenities and services for which section 7.12 levies will be required (See **Appendices B and C**).

Section 7.12 levies paid to Council will be applied towards meeting the cost of the provision of new or the augmentation of existing, public amenities or services. Under the terms of this section of *the Act* the imposition of the levy (which is calculated as a flat percentage) does not require any connection (nexus) to be established between the development which pays the levy and the object of the expenditure of the levy.

Schedule 1 below provides a summary of public amenities or services that will be provided by Inner West Council over the next 20 Years and the estimated cost of provision and the timing of their delivery. A more detailed list of the works schedule is provided in **Appendix B**.

Schedule 1: Works schedule for public amenities or services for which levies will be sought under this plan

Community Infrastructure- Former Leichhardt LGA only	Estimated Costs \$
Completed Works	2,789,000
Children and Family Services	2,299,000
Community Services/Public Art	10,450,667
Library Services	227,000
Property and Assets	3,593,000
Recreation and Aquatics	8,900,000
Trees, Parks and Sportsfields	15,012,000
Motor Vehicle Traffic Facilities	1,055,600
Cycleways	10,881,000
Town Centre Upgrades/Commercial Strip Improvements	8,144,000
Total value of proposed works under this development contributions plan	63,351,267

Source: Inner West Council –S.7.12 Contributions Plan (Former Leichhardt LGA) Schedule of Works – Appendix A

Summary schedule of levies that are applied under this plan

Schedule 2: Summary schedule of levies

Type of development	Levy (% of development costs) *
All forms of development (unless exempted under the provisions of this plan)	0% under \$100,000
	0.5 % \$100,001 to \$200,000
	1.0% for all developments over \$200,000

* In accordance with Clause 25K of the Environmental Planning and Assessment Regulation 2000 (as amended).

Abbreviations/Definitions

The abbreviations used in this plan are:

Term/ Abbreviation	Full term and explanation where required
<i>Affordable Housing</i>	As defined in section 1.4 of the Act “means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as provided for in an environmental Planning instrument.”
<i>AIQS</i>	Australian Institute of Quantity Surveyors (AIQS) “is a professional standards body. Through its leadership, standards and code of ethics, it ensures that practising Quantity Surveyors are dedicated to maintaining the highest standards of professional excellence.” For more information go to www.aiqs.com.au
<i>ATO</i>	Australian Taxation Office (ATO). “The ATO is the Australian Government’s principal revenue collection agency.”
<i>Capital Cost</i>	“a cost incurred on the purchase of land, buildings, construction and equipment to be used...” Collins English Dictionary - www.collinsdictionary.com
<i>Contributions Plan</i>	Means a contributions plan referred to in section 7.18 of the Act
<i>Council</i>	Inner West Council (See also IWC below)
<i>CPI</i>	Consumer Price Index. For the purposes of this plan it refers to the <i>Sydney All Groups Consumer Price Index</i> as published quarterly by the <i>Australian Bureau of Statistics</i> (ABS)
<i>CSP</i>	Community Strategic Plan – <i>Our Inner West 2036</i> (See details of the main strategic directions within this plan at the end of this table)
<i>Development</i>	Has the same meaning as “development” in section 1.5 of the Act: “..1 (a) the use of land, (b) the subdivision of land, (c) the erection of a building (d) the carrying out of a work, (e) the demolition of a building or work, any other act, matter or thing that may be controlled by an environmental planning instrument...”
<i>DP</i>	Delivery Program (Inner West Council 2018 – 2022)
<i>DCP</i>	Development Control Plan

Term/ Abbreviation	Full term and explanation where required
<i>Environmental Heritage (item of)</i>	<p>The terms "item" and environmental heritage" have the same meaning as in the <i>Heritage Act 1977</i>:</p> <p>"Environmental heritage means those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.</p> <p>Item means a place, building, work, relic, moveable object or precinct."</p>
ERLS	IWC Employment and Retail Lands Study/Strategy (Draft)
IWC	Inner West Council/ Inner West Council Local Government Area
LEP	Local Environmental Plan
LGA	Local Government Area
<i>Local Housing Strategy</i>	Our Place Inner West Local Housing Strategy prepared by Elton Consulting
LSPS	IWC Local Strategic Planning Statement
<i>Public amenities or services</i>	<p>Refers to public infrastructure that are to be provided or augmented under this plan within the former Leichhardt Local Government Area of the Inner West. For the purposes of this plan they include capital works for:</p> <ul style="list-style-type: none"> • <i>Children and Family Services;</i> • <i>Community Services/Public Art;</i> • <i>Library Services;</i> • <i>Property and Assets;</i> • <i>Recreation and Aquatics;</i> • <i>Trees, Parks and Sportsfields;</i> • <i>Motor Vehicle Traffic Facilities;</i> • <i>Cycleways; and</i> • <i>Town Centre Upgrades/Commercial Strip Improvements.</i>
<i>Seniors Housing</i>	<p>As defined in Clause 10 of the <i>NSW State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> "is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of –</p> <ul style="list-style-type: none"> a) <i>a residential care facility, or</i> b) <i>a hostel, or</i> c) <i>a group of self-contained dwellings, or</i> d) <i>a combination of these,</i> <p><i>but does not include a hospital."</i></p>

Term/ Abbreviation	Full term and explanation where required
<i>Social Housing Provider</i>	For the purposes of this plan includes: <ul style="list-style-type: none"> a) the New South Wales Land and Housing Corporation; b) Housing NSW; c) a Community Housing Provider that is a registered organisation pursuant to the Community Housing Providers (Adoption of National Law) Act 2012 (NSW) that manages community housing; d) the Aboriginal Housing Office; e) a registered Aboriginal housing organisation within the meaning of the <u>Aboriginal Housing Act 1998</u>; f) the Department of Ageing, Disability and Home Care; g) affordable housing provided by Inner West Council; and h) a not – for – profit organisation that is a direct provider of rental housing to tenants.
<i>the Act</i>	Environmental Planning and Assessment Act 1979 (as amended)
<i>the Regulation or the Regulations</i>	Environmental Planning and Assessment Regulation 2000 (as amended)
<i>Works schedule/ Schedule of works</i>	Inner West Council - S.7.12 Contributions Plan (Former Leichhardt LGA) Schedule of works – Appendix A

Details of Strategic Directions within the IWC Community Strategic Plan – Our Inner West 2036:

- *Strategic direction 1: An ecologically sustainable Inner West (Page 17 CSP);*
- *Strategic direction 2: Unique, liveable, networked neighbourhoods (Page 19 CSP);*
- *Strategic direction 3: Creative communities and a strong economy (Page 21 CSP);*
- *Strategic direction 4: Caring, happy, healthy communities (Page 23 CSP); and*
- *Strategic direction 5: Progressive local leadership (Page 25 CSP).*

Part C Demand for public amenities or services

Expected population growth in the former Leichhardt LGA component of the current Inner West LGA

As of 30 June 2018, the Inner West Council's population was about 198,000. In the 10 years to this point, the population of the Inner West grew by approximately 1.3% each year. By way of comparison, the population of Greater Sydney grew by about 1.7% over the same period.

Inner West Council has adopted a Local Housing Strategy (2019) which identifies the housing needs of Inner West's current and expected future residents. The Local Housing Strategy anticipates a growth of about 42,000 people, in the Inner West, over the 20 years to 2036.

Furthermore, based on the NSW Department of Planning & Environment's projections, the number of dwellings within the Inner West is expected to increase by about 1,000 per year, over the next 20 years.

This local development contributions plan only relates to that part of the Inner West which comprised the former Leichhardt Local Government Area. The Local Housing Strategy contains an analysis of the potential opportunities for housing growth within various parts of the Inner West. The analysis envisages a combined potential housing increase to 2036, for identified opportunity areas, located within the former Leichhardt LGA boundary, of an approximate range of 5,602 - 7,586 dwellings.

Accordingly, this local contributions plan seeks to recoup costs for public amenities or services (which has or will be completed) to service the population growth expected within the former Leichhardt LGA.

Expected employment growth in the former Leichhardt LGA component of the current Inner West LGA

The executive summary of the draft Inner West Employment and Retail Study (2019) notes on page 11 that: *"the Inner West LGA has over 3,000,000 sqm of land in employment precincts, [which play]..an important role for providing goods and services to meet the local communities' needs. Combined, the LGA's employment precincts currently accommodates around 1.8 million square metres of employment floorspace. Projections indicate that this could increase to between 2.1 million sqm and 2.5 million sqm. This would be an addition of between 300,000 sqm and 700,000 sqm of floorspace. Associated jobs growth includes increases by between 23,000 jobs (35%) and 27,000 jobs (41%) to 2036."*

As previously mentioned, this local development contributions plan only relates to that part of the Inner West which comprised the former Leichhardt Local Government Area. The draft Inner West Employment and Retail Study (2019) contains an analysis of the potential opportunities for employment growth within precincts across the Inner West up to 2036. A review of that information indicates that the range of employment/additional office and retail floorspace growth, within the employment precincts of the former Leichhardt LGA, will be in the approximate range of:

Table 1: Total employment floorspace demand by precinct (Source: Hill PDA)

Expected total employment growth within precincts wholly located within the former Leichhardt LGA up to 2036	Current floorspace (sqm)	Additional expected demand by 2036	
		Low growth estimate (sqm)	High growth estimate (sqm)
Former Leichhardt LGA employment precincts including:*			
Balmain Road Industrial Precinct;	18,073	22,379	32,426
Balmain Working Waterfront;	6,808	8,107	13,489
Canal Road Arts Precinct;	33,943	40,470	40,468
Lilyfield Employment Precinct;	7,256	8,520	10,178
Marion Street Industrial Precinct;	4,064	5,371	5,601
Moore Street Industrial Precinct;	60,355	76,390	103,356
Terry Street Industrial Precinct; and	15,159	18,550	27,148
White Bay Industrial Precinct	73,551	88,275	119,783
Totals:	219,209	268,062	352,449

*Note: Some precincts were excluded from this summary table because they are not wholly located within the former Leichhardt LGA.

Table 2: Forecast increase in office workers within Commercial centres located within the former Leichhardt LGA (Source: HILLPDA Estimate from TPA (Transport Performance and Analytics – Transport NSW) forecasts at SA2 level).

Commercial centres located within the former Leichhardt LGA*	Expected net increase in workers	
	2016-26	2026-36
Balmain	292	526
Leichhardt	239	403
Rozelle	860	526
Totals:	1,391	1,455

*Note: Some parts of the former Leichhardt LGA that fall within the "Other" category of the original table of this information were excluded from this summary table because it was not possible to discern this level of detail.

Table 3: Forecast demand and current supply of retail floorspace (sqm) within the former Leichhardt LGA. (Source: HillPDA and various other sources)

Suburb in which the retail area is located	Current supply (sqm)	Additional Expected Demand for retail floorspace (sqm)			Additional GLA* Required	Additional GFA Required
		2018	2026	2036		
PRCUTS (Parramatta Road Corridor Urban Transformation Strategy) Leichhardt Core	26,700	37,682	44,753	46,928	20,228	23,798
Balmain	19,600	21,978	22,437	23,206	3,606	4,242
Rozelle	18,500	21,472	21,822	22,441	3,941	4,637
Marion Street Centre	14,900	21,884	25,916	27,099	12,199	14,352
Totals:	79,700	103,016	114,928	119,674	39,974	47,029

*GLA refers to Gross Lettable Area

**GFA refers to Gross Floor Area

Accordingly, this local contributions plan also seeks to recoup costs for public amenities or services (which has or will be completed) to service the employment growth expected to occur within the former Leichhardt LGA component of the Inner West.

Part D Administration and Operation of this Plan

What is the name of this development contributions plan?

This development contributions plan is called the *"Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020"*.

Application of this plan

C.1.1 Land to which this plan applies

This plan applies to that part of the Inner West Local Government Area, which formed all of the former Leichhardt Local Government Area, as shown on the map (included in this plan as **Appendix A**).

C.1.2 Development to which this plan applies

This plan applies to applications for development consent and applications for complying development certificates under Part 5B of the Environmental Planning and Assessment Act, for sites within the former local government area of Leichhardt (See **Appendix A** for further details).

C.1.3 Relationship to existing other former Leichhardt Local Government Area contribution plans

This development contributions plan does not supersede or amend the other existing former Leichhardt Local Government Area plans, which are still in operation following the amalgamation of the former Leichhardt; Marrickville; and Ashfield Local Government Areas. These section 7.11 plans (formerly section 94 plans) include: *Development Contributions Plan No.1 – Open Space and Recreation (as amended)*; *Development Contributions Plan 2 – Community Facilities and Services*; and *Development Contributions Plan No.3 – Transport and Access*.

The relevant provisions of the *Act* (section 7.12) prevent Council staff from imposing contribution conditions for a development site under both sections 7.11 and 7.12 for the same development, accordingly, a development site would be required, where relevant, to either pay for development contributions pursuant to the requirements of the abovementioned existing section 7.11 plans for sites within the former Leichhardt Local Government Area or under the provisions of this section 7.12 development contributions plan, as relevant.

When does this contributions plan commence?

This plan commenced on the date stated within the public notice issued pursuant to the relevant requirements of the Regulation. (Refer to page 3 of this plan for further details).

What is the purpose of this contributions plan?

The primary purposes of this plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the Act.
- To assist Council to provide the appropriate new or augmented public amenities or services, required to maintain and enhance amenity and service delivery with the expected population increase, within the area which is the subject of this plan.
- To ensure, generally, that there is uniformity across all of the Inner West Council land area, in its application of levies under section 7.12 of the Act.
- To publicly identify the purposes for which the levies are required.

Are there any exceptions to the levy?

As previously indicated, development located within the former Leichhardt Local Government Area (As shown in **Appendix A**) that is currently required to pay development contributions under the existing former Leichhardt section 7.11 plans (formerly section 94 plans) *Development Contributions Plan No.1 – Open Space and Recreation (as amended)*; *Development Contributions Plan No.2 – Community Facilities and Services*; and *Development Contributions Plan No.3 – Transport and Access* will not be levied for development contributions under this plan. For further information see the [Sections 7.11 and 7.12 Contributions](#) page on the Inner West Council website.

Conversely, any development, located within the former Leichhardt Local Government Area (As shown in **Appendix A**), which costs greater than \$100,000, and is not currently required to pay development contributions under the existing former Leichhardt section 7.11 plans (mentioned above) will be required to pay the applicable levies under this plan, unless exempted from doing so under the provisions stated below.

The levy will not be imposed in respect of development relating to:

1. Where the proposed cost of carrying out the development is \$100,000 or less;
2. For the purpose of disabled access;
3. For the sole purpose of providing *affordable housing*, which is undertaken by a 'social housing provider';
4. For the purpose of reducing the consumption of mains supplied potable water, or reducing the energy consumption of a building;
5. For the sole purpose of the adaptive re-use of an item of environmental heritage;
6. For the purpose of 'seniors housing' as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which is undertaken by a 'social housing provider';
7. That has been the subject of a condition under section 7.11 (or its predecessor – section 94) under a previous development consent, relating to the subdivision of the land on which the development is to be carried out; and
8. Applications submitted by or on behalf of Inner West Council.

Note: these items of development have been previously identified within (now revoked) NSW Ministerial Directions on local infrastructure contributions, pursuant to relevant provisions of *the Act*.

Application of money obtained under this plan

Monies paid to Inner West Council under a condition authorised by this plan are to be applied by Council towards meeting the *capital* costs associated with the provision, extension or augmentation of public amenities or public services of one or more of the public facilities that will be, or have been, provided within the former Leichhardt LGA, as listed in **Appendix B** of this plan.

Pooling of levies

The Act (section 7.3) provides for development contributions levies, paid for different purposes, to be pooled and applied progressively for those purposes.

Where this occurs, the priorities for the expenditure of the contributions or levies must be particularised by reference to the works schedule.

This plan authorises the monetary pooling of funds to enable Council to more efficiently use funds to build facilities to meet the needs of our growing community.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the relevant works schedule – (See **Appendix B**).

How will contributions be imposed

In accordance with *the Act*, development contributions under this plan will be imposed as a condition of *development consent* (See **Appendix D**) or as a condition on a *complying development certificate* (See **Appendix E**).

The Act provides that such a condition is not invalid by reason only that there is no connection between the development, the subject of the development consent, and the object of expenditure of any money required to be paid by the condition.

Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the *Environmental Planning and Assessment Regulation 2000* (Regulation), as amended, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent, unless it has verified that each condition of the development consent (required to be complied with before the issue of a construction certificate), have been satisfied (including where relevant, those requiring the payment of levies).

The only exception to this requirement is where an alternative payment method has been previously agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

Complying development and the obligation of accredited certifiers

In accordance with *the Act*, a *complying development certificate*, issued by accredited certifiers under section 4.28 (9) of *the Act*, must be issued subject to a condition that the relevant contribution or levy must be paid to Council before any work authorised by the certificate commences. Failure to follow this requirement would render such a certificate invalid.

The relevant condition imposed (where relevant) must be consistent with Council's standard condition for *complying development certificates* (See **Appendix E**) and be strictly in accordance with this plan.

It is the professional responsibility of accredited certifier to ensure that the contribution has been calculated in accordance with the provisions of this plan by an appropriately qualified person and to apply the development contribution correctly.

How will the levy be calculated?

The levy will be determined on the basis of the percentage rate as set out in Summary Schedule 2 and calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where:

%C = is the levy rate applicable; and

\$C = is the proposed cost of carrying out the development as certified.

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the Regulation. The procedures set out in **Appendix F** to this plan must be followed to enable Council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors (AIQS) or a person who can demonstrate equivalent qualifications.

Without the limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

When is the levy payable?

A levy must be paid to Council at the time specified in the condition that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a *construction certificate* or prior to the commencement of works in the case of *complying development certificates*.

How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be determined in accordance with the provisions of this plan. A certified cost report is taken to be accurate on the day it was certified.

The contribution required is to be adjusted at the time of payment of the contribution in accordance with the following formula:

Contribution at the time of payment = \$Co + A

Where:

\$Co = is the original contribution as determined in accordance with the provisions of this plan as set out in the consent for the relevant work.

A = is the adjustment amount which is =

$$\frac{\$Co \times ([\text{Current CPI} - \text{Base CPI}])}{[\text{Base CPI}]}$$

Where:

Current CPI is the *Sydney All Groups Consumer Price Index* as published quarterly by the Australian Bureau of Statistics and available at the time of review of the contribution rate.

Base CPI is the *Sydney All Groups Consumer Price Index* as published quarterly by the Australian Bureau of Statistics at the date of adoption of this plan which is shown on page 3 of this plan.

Note 1: The CPI *Sydney All Groups Consumer Price Index* is published quarterly for the periods of December to February; March to May; June to August; and September to November. If an issued contribution condition (pursuant to provisions of this plan) and the corresponding subsequent levy payment for that contribution condition occurs within the same CPI period, no indexing of the payment amount will occur.

Note 2: In the event that the Current CPI is less than the previous CPI, the Current CPI shall be taken as not less than the previous CPI.

Note 3: In indexing the cost of development to calculate indexed section 7.12 levies, Council will not change the percentage of the levy that is applicable. For example, if the applicable rate at the time the certificate or approval is issued is 0.5% for development costing up to and including \$200,000, then the rate used for calculating the section 7.12 levy will remain at 0.5% even if the indexed cost of development increases to over \$200,000 where a 1% levy is normally applicable.

Can deferred or periodic payments be made?

Generally, given the relatively modest levy requirements under this plan, applications for deferred or periodic payments of the required levy amounts, will not be supported. Council, however, reserves the right, at its discretion, to allow such arrangements, where warranted by the circumstances of the case.

Appendices

List of Appendices:

Appendix A. Land to which this plan applies – Map of the former Leichhardt Local Government Area;

Appendix B. Detailed works schedule for this development contributions plan;

Appendix C. Public amenities and services location maps;

Appendix D. Pro forma condition of development consent;

Appendix E. Pro forma complying development certificate condition; and

Appendix F. Procedure to determine the cost of the proposed development.

Appendix A - Land to which this plan applies



Figure 1: The land to which this plan applies (within the yellow boundary) which equates to the boundary of the former Leichhardt Local Government Area.

Appendix B - Detailed works schedule for this development contributions plan

Appendix B - Section 7.12 Contributions Plan (Former Leichhardt LGA) Schedule of Works:

Strategic direction areas from the Community Strategic Plan					
<i>Strategic direction 1: An ecologically sustainable Inner West</i> <i>Strategic direction 2: Unique, liveable, networked neighbourhoods</i> <i>Strategic direction 3: Creative communities and a strong economy</i> <i>Strategic direction 4: Caring, happy, healthy communities</i> <i>Strategic direction 5: Progressive local leadership</i>					
Priorities: <i>Short Term: 1-2 years (FY20 and FY21)</i> <i>Medium Term: 3-4 years (FY22 and FY23)</i> <i>Long Term: 5-10 years (FY24, FY25, FY26, FY27, FY28, FY29 and FY30)</i>					
Aligned Strategic Directions	Item No.	Item	Description	Estimated Cost \$	Priority
Completed Works					
Strategic directions: 2;3 & 4	C1	2-8 Weston St and Illoura Reserve	Adaptive reuse of State Heritage Listed Fenwick Stone Building, construction of new lift, accessible public amenities, creation of an accessible parking space and path of travel through Illoura Reserve connecting to foreshore	1.8M	Completed
Strategic directions: 1 & 2	C2	Birchgrove Park Amenities	Construction of new wheelchair accessible WC and path of travel.	800K	Completed
Strategic	C3	Leichhardt Park Amenities	New accessible	189K	Completed

directions: 1 & 2			amenities		
			Completed works which are to be recouped under this plan- total	2,789,000	
Children and Family Services					
Strategic directions: 1; 2 & 4	C&FS1	Leichhardt Street Child Care Centre	Renewal works	679K	Medium
Strategic directions: 1; 2 & 4	C&FS2	Balmain Occasional Care	Refurbishment	350K	Short
Strategic directions: 1; 2 and 4	C&FS3	John McMahon Child Care Centre	Refurbishment	370K	Medium
Strategic directions: 1; 2; 3 & 4	C&FS4	Leichhardt Park Child Care Centre	Refurbishment and Upgrade	400K	Long
Strategic directions: 2 & 4	C&FS5	Balmain Early Childhood Centre	Refurbishment	300K	Medium
Strategic directions: 2; 3 & 4	C&FS6	Balmain East Playroom House	Refurbishment	200K	Medium
			Child Care and Family Services Total	2,299,000	
Community Services/Public Art					
Strategic directions: 1; 2; 3 & 4	CS/PA1	Balmain Town Hall Site	Renewal works	1M	Short
Strategic directions: 2; 3 & 4	CS/PA2	Hannaford Community Centre	Refurbishment	175K	Medium

4					
Strategic direction: 4	CS/PA3	Leichhardt Market Town Community Room	Refurbishment	55K	Medium
Strategic directions: 2;3 & 4	CS/PA4	Cecily Street/Jimmy Little Community Centre	Refurbishment	370K/60K	Medium/Long
Strategic directions:1; 2;3 & 4	CS/PA5	Rozelle Bay Community Native Nursery Shelter	Refurbishment	220K	Medium
Strategic directions:1; 2;3 & 4	CS/PA6	Whites Creek Cottage & Stables	Refurbishment	310K	Long
Strategic directions:1; 2;3 & 4	CS/PA7	Annandale Community Centre	Refurbishment	808K	Short
Strategic directions:1; 2;3 & 4	CS/PA8	Annandale Town Hall Community Centre	Refurbishment	700K	Short
Strategic directions: 2;3 & 4	CS/PA9	Balmain East Craft Cottage	Refurbishment	150K	Long
Strategic directions: 2 & 4	CS/PA10	Callan Park Recreational Hall	Refurbishment	300K	Long
Strategic directions: 2; 3 & 4	CS/PA11	Clontarf Cottage Community Centre	Refurbishment	450K	Short
Strategic directions: 2 & 3; (3.2 Inner West is the home of creative industries and services)	CS/PA12	Purchase and fit-out of an approximate 700sqm warehouse styled creative space for visual artists; sculptors; and writers etc.	Initial purchase and fit-out only	4.5M	Medium-Long
Strategic	CS/PA13	Public art and placemaking projects within <i>Parramatta Road</i> ;	Capital works only	1.3M	Short-Medium

directions: 2 & 3 (3.2 Inner West is the home of creative industries and services) & (Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained)		the <i>Greenway</i> ; and the linking of the works to the <i>Gadigal Wangal</i> wayfinding and public art trail.			
Strategic directions: 1; 2; 3 & 4	CS/PA14	Additional IWC Community Transport Bus (22 Seater) (Former Leichhardt LGA Component only - 1/3 of the total purchase cost of \$158,000)	Initial purchase of bus only which includes accessible chair lift fit-out	52,667K	
			Community Services/Public Art Total	10,450,667	
Library Services					
Strategic directions: 2; 3 & 4	LS1	Leichhardt Library	Renewal works	77K	Medium
Strategic directions: 1; 2; 3 & 4	LS2	Mobile Library Bus	Initial purchase of bus and fit-out only	150K	Short- Medium
			Library Services Total	227,000	
Property and Assets					
Strategic directions: 1; 2; & 4	P&A1	Victoria Road Toilet Block	Refurbishment	650K	Long
Strategic	P&A2	Leichhardt Town Hall	Renewal works	850K	Short

directions: 2;3; 4 & 5					
Strategic directions: 2;3 & 4	P&A3	Elliot Street Kiosk	Renewal works	600K	Short
Strategic directions: 2 & 4	P&A4	Blackmore Park - NSW State Emergency Service (SES) Facility	Building renewal works	200K	Short
Strategic directions: 2; 3 & 4	P&A5	Café Bones Hawthorne Canal Reserve	Renewal works	78K	Medium
Strategic directions: 1 & 2	P&A6	Balmain Town Hall Glass House	Upgrade	100K	Long
Strategic directions: 2 & 4	P&A7	Balmain Town Hall Toilet Block	Refurbishment	10K	Medium
Strategic directions: 2;3 & 4	P&A8	Bridgewater Park Pump House	Upgrade	75K	Long
Strategic directions: 1; 2; 3; 4 & 5.	P&A9	Balmain West Wharf Kiosk	Refurbishment	1.03M	Long
			Property and Assets Total	3,593,000	
Recreation and Aquatics					
Strategic directions:1; 2;3 & 4	R&A1	Leichhardt Park Aquatic Centre - Master Plan Implementation	Redevelopment works – Implementation of key priorities contained in the Leichhardt Aquatic Centre Master Plan – Capital works only	6.4M	Short
Strategic directions: 2 & 4	R&A2	Iron Cove Bay Run Improvements	Improving accessibility and safety to facilitate and promote greater	2.5M	Long

			use and enjoyment of the Iron Bay Run		
			Recreation and Aquatics Total	8,900,000	
Trees; Parks; and Sportsfields					
Strategic directions: 1; 2; 3; 4 & 5	TP&S1	Pioneers Memorial Park	Renewal works	311K	Short
Strategic directions: 1; 2 and 4	TP&S2	Pioneer Memorial Park Amenities Block Tool Shed	Refurbishment	85K	Long
Strategic directions: 1; 2 and 4	TP&S3	Birchgrove Park	Renewal works	1.56M	Medium
Strategic directions: 1; 2; 3 & 4	TP&S4	Birchgrove Park Amenities, Dressing Shed & Toilets	Refurbishment	170K	Long
Strategic direction: 1:	TP&S5	Birchgrove Park Toilet Block Garden Store shed	Refurbishment	60K	Long
Strategic directions: 1; 2 and 4	TP&S6	Easton Park Amenities	Renewal works	40K	Long
Strategic direction: 2	TP&S7	Mort Bay Park - Toilet Block	Renewal works	50K	Short

Strategic directions:1; 2;3; 4 & 5	TP&S8	Elkington Park Bandstand	Renewal works	70K	Long
Strategic directions: 1 & 2	TP&S9	Elkington Park Cottage	Restoration works	498K	Short
Strategic directions :1; 2 and 4	TP&S10	Elkington Park Toilet Block	Refurbishment	100K	Short
Strategic directions: 1; 2 and 4	TP&S11	Blackmore Oval Amenities Block A	Refurbishment	371K	Medium
Strategic direction 4: Caring, happy, healthy communities	TP&S12	Cohen Park Tennis Courts Amenities & Storage	Refurbishment	27K	Long
Strategic directions:1; 2;3 & 4	TP&S13	Leichhardt Oval	Upgrade works	1M	Short
Strategic directions: 2 & 4	TP&S14	Leichhardt Oval No. 1 Turnstiles and other related works	Refurbishment	600K	Short
Strategic directions: 1; 2 and 4	TP&S15	Leichhardt Park No 2 Amenities + Canteen	Upgrade works	295K	Short
Strategic directions: 2 & 4	TP&S16	Leichhardt Oval No. 3 Amenities	Upgrade works	35K	Long
Strategic directions 1; 2 and 4	TP&S17	Leichhardt Park Plan of Management Improvements	Implementing key priorities of the Leichhardt Park Plan of Management – Capital works only	3M	Medium

Strategic directions: 1; 2 and 4	TP&S18	King George Park Plan of Management	Implementation of the King George Park Plan of Management– Capital works only	1.4M	Short-Medium
Strategic directions: 2 & 4	TP&S19	Gladstone Park	Upgrade works in accordance with the Gladstone Park Plan of Management and Master Plan	1.8M	Short
Strategic directions: 2& 4	TP&S20	Gladstone Park Toilet Block	Refurbishment	90K	Medium
Strategic directions: 1; 2 and 4	TP&S21	Future Rozelle Parkland Improvements	Development of the Rozelle Parklands in response to community recreation needs	3.2M	Medium - Long
Strategic directions: 1 & 4	TP&S22	Biodiversity Improvements within Local Parks	Implementing the Leichhardt Biodiversity Action Plan – Capital works only	250K	Medium
			Trees; Parks; and Sportsfields Total	15,012,000	
Motor Vehicle Traffic Facilities					
Strategic direction: 2	MVTF1	Intersection of Curtis Road and Mort Street, Balmain	LATM (Local Area Traffic Management) - Kerb blisters	70K	Short
Strategic direction: 2	MVTF2	Intersection of Darling Street and Manning Street, Rozelle	Kerb extensions	25K	Short
Strategic direction: 2	MVTF3	Intersection of Beattie Street and Mullens Street, Balmain	Intersection pedestrian fence	35K	Short
Strategic	MVTF4	Intersection of Batty Street and Mansfield Street, Rozelle	Kerb extensions	50K	Short

direction: 2					
Strategic direction: 2	MVTF5	Park Street, Rozelle	Construction of an asphalt speed hump	10K	Short
Strategic direction: 2	MVTF6	Intersection of Emma Street and Hill Street, Leichhardt	Construction of kerb extensions and garden beds	30K	Short
Strategic direction: 2	MVTF7	Intersection of Mansfield Street and Smith Street, Rozelle	Construction of kerb extensions and garden beds	30K	Short
Strategic direction: 2	MVTF8	Intersection of Mansfield Street and Starling Street, Rozelle	Construction of kerb extensions and garden beds	12K	Short
Strategic direction: 2	MVTF9	Intersection of Evans Street and Roseberry Street, Balmain	Construction of kerb extensions and garden beds	30K	Short
Strategic direction: 2	MVTF10	Intersection of Flood Street and Lords Road, Leichhardt	Raised pedestrian crossing	60K	Medium
Strategic direction: 2	MVTF11	Intersection of William Street and Hubert Street, Leichhardt	Construction of kerb extensions and garden beds	15K	Short
Strategic direction: 2	MVTF12	Catherine Street, Leichhardt	Construction of speed cushions and garden beds	60K	Medium
Strategic direction: 2	MVTF13	Intersection of Elliott Street and Glassop Street, Balmain	Construction of roundabout	180K	Medium

Strategic direction: 2	MVTF14	Beattie Street at intersection with Darling Street, Balmain	Raised pedestrian crossing	100K	Short
Strategic direction: 2	MVTF15	Booth Street, Annandale	Installation of speed cushions	15K	Medium
Strategic direction: 2	MVTF16	Intersection of Kegworth Street and Tebbutt Street, Leichhardt	Construction of kerb extensions and garden beds	35K	Medium
Strategic direction: 2	MVTF17	Darling Street Balmain (at intersection with Elliott Street) Balmain	Construction of speed humps	10K	Short
Strategic direction: 2	MVTF18	Elswick Street, Leichhardt	Construction of raised pedestrian crossing	60K	Short
Strategic direction: 2	MVTF19	Stephen Street, Balmain	Kerb indentation	35K	Medium
Strategic direction: 2	MVTF20	Wallace Street, Balmain	Kerb indentation	35K	Medium
Strategic direction: 2	MVTF21	Cameron Street, Balmain	Kerb indentation	60K	Medium
Strategic direction: 2	MVTF22	Allen Street, Leichhardt at intersection with Elswick Street, Leichhardt	Installation of speed cushions at roundabout approaches	34.3K	Short
Strategic direction: 2	MVTF23	Mullens Street/Montague Street at intersection with Beattie Street, Balmain	Installation of speed cushions at roundabout approaches	34.3K	Short
Strategic direction: 2	MVTF24	Wharf Road, Birchgrove	Installation of 10km/hr shared zone and associated traffic calming devices	30K	Short

			Motor Vehicle Traffic Facilities Total	1,055,600	
Cycleways					
Strategic directions:1; 2;3 & 4	CY1	Lilyfield Road, Lilyfield - cycleway (between Iron Cove to Anzac Bridge)	Design and construction of cycleway	4.3M	Short - Medium
Strategic directions:1; 2;3 & 4	CY2	Various Local Cycleways	Plan, design and construction	400K	Long
Strategic directions:1; 2;3 & 4	CY3	Leichhardt Bicycle Route NS07- Bicycle Boulevard – Parramatta Road to Perry Street via Balmain Road, Leichhardt/Lilyfield	Implementation of bicycle route	500K	Short - Medium
Strategic directions:1; 2;3 & 4	CY4	Leichhardt Bicycle Route NS02 – 'Glenferrie Road' conversion - Parramatta Road to Lilyfield Road via Tebbutt/Foster/Darley/James Streets, Leichhardt/Lilyfield	Conversion to bicycle route	350K	Long
Strategic directions:1; 2;3 & 4	CY5	Leichhardt Bicycle Route NS10 – Parramatta Road to Leichhardt Bowling Club via Renwick/Marion/James Street/City West Link/Derbyshire/Emerick /Glover Streets, Leichhardt/Lilyfield	Bicycle route upgrade	70K	Medium - Long
Strategic directions:1; 2;3 & 4	CY6	Annandale Bicycle Route NS11A – Parramatta Road to Callan Park via Young/Hutchinson/Cecily Streets (section A) - Annandale	Bicycle Boulevard upgrade	500K	Medium - Long
Strategic directions:1; 2;3 & 4	CY7	Rozelle Bicycle Route NS13 – Denison Street to Beattie/Elliott Street via Evans/Beattie Streets, Rozelle	Implementation of stencils/ Head start boxes	11K	Short
Strategic directions:1; 2;3 & 4	CY8	Annandale Bicycle Route NS11C – Parramatta Road to Callan Park via Young/Hutchinson/Cecily Streets (section C) - Annandale	Bicycle Boulevard upgrade	580K	Medium - Long
Strategic directions:1; 2;3	CY9	Annandale Bicycle Route NS14 – Parramatta Road to City West Link via Nelson/Piper/Johnstons Creek	Bicycle Boulevard upgrade	380K	Long

& 4		Path/Chapman/The Crescent - Annandale			
Strategic directions:1; 2;3 & 4	CY10	Annandale Bicycle Route NS15 – Nelson Street to City West Link via Johnstons Creek - Annandale	Implementation of separated path	1.75M	Long
Strategic directions:1; 2;3 & 4	CY11	Rozelle Bicycle Route - NW/SE03 – Victoria Road Alternative via Terry/Wellington/Nelson/Merton/Evans/Hanover/Mansfield/The Crescent/Roberts Streets, Rozelle	Bicycle Boulevard upgrade	480K	Long
Strategic directions:1; 2;3 & 4	CY12	Annandale Bicycle Route EW04C – The Greenway/Marion Light Rail Station to Booth Street via Marion/Styles/Collins/Nelson/Chester and Guihen Streets, Annandale (section C)	Implementation of Johnston Street Crossing Link	40K	Long
Strategic directions:1; 2;3 & 4	CY13	Annandale Bicycle Route EW04D – The Greenway/Marion Light Rail Station to Booth Street via Marion/Styles/Collins/Nelson/Chester and Guihen Streets, Annandale (section D)	Bicycle route upgrade	650K	Long
Strategic directions:1; 2;3 & 4	CY14	Leichhardt Bicycle Route EW02- Flood Street to Chester Street via Albert/Elswick/Jarrett/Renwick/Dot/Redmond/Catherine/Albion/Susan Streets,	Bicycle route upgrade	870K	Long
			Cycleways Total	10,881,000	
Town Centre Upgrades/ Commercial Strip Improvements					
Strategic directions: 2; 3 & 4	TCU1	Darling Street, Balmain East (Between Union Street & Little Nicholson Street)	Town Centre upgrade	80K	Short
Strategic directions: 2; 3 & 4	TCU2	Darling Street, Balmain East (Between Duke Street & Nicholson Street)	Town Centre upgrade	460K	Short

Strategic directions: 2; 3 & 4	TCU3	Darling Street frontage at Gladstone Park, Balmain	Town Centre upgrade	1.3M	Long
Strategic directions: 2; 3 & 4	TCU4	Darling Street/ Curtis Road Roundabout, Balmain	Town Centre upgrade	770K	Long
Strategic directions: 2; 3 & 4	TCU5	Darling Street, Balmain (Fire Station to North Street)	Town Centre upgrade	130K	Medium
Strategic directions: 2; 3 & 4	TCU6	Darling Street, Balmain (at Elliott Street Intersection)	Town Centre upgrade	420K	Short
Strategic directions: 2; 3 & 4	TCU7	Darling Street, Rozelle (Entry and Historic Gateway)	Town Centre upgrade	75K	Medium
Strategic directions: 2; 3 & 4	TCU8	Darling Street, Rozelle (Waterloo Street to Victoria Road)	Town Centre upgrade	450K	Short
Strategic directions: 2; 3 & 4	TCU9	Darling Street, Rozelle (South of Victoria Road – Red Lion Street to Denison Street)	Town Centre upgrade	130K	Short
Strategic directions: 2; 3 & 4	TCU10	Birchgrove Road (King Street Intersection), Balmain	Commercial Strip Improvements	1M	Short-Long
Strategic directions: 2; 3 & 4	TCU11	Marion Street, Leichhardt (No.153 Marion Street to Flood Street)	Commercial Strip Improvements	100K	Short
Strategic directions: 2; 3 & 4	TCU12	Flood Street and Marion Street/Marketplace, Leichhardt	Commercial Strip Improvements	200K	Short

Strategic directions: 2; 3 & 4	TCU13	Leichhardt Civic Precinct Improvements (Intersection of Marion and Norton Streets, Leichhardt)	Town Centre upgrade	1.68M	Long
Strategic directions: 2; 3 & 4	TCU14	Parramatta Road, Leichhardt (Elswick Street to National Street)	Commercial Strip Improvements	40K	Long
Strategic directions: 2; 3 & 4	TCU15	Parramatta Road, Leichhardt (National Street to Flood Street)	Commercial Strip Improvements	135K	Long
Strategic directions: 2; 3 & 4	TCU16	Parramatta Road, Leichhardt (Flood Street to George Street)	Commercial Strip Improvements	65K	Long
Strategic directions: 2; 3 & 4	TCU17	Parramatta Road, Leichhardt (George Street to Upward Street)	Commercial Strip Improvements	120K	Long
Strategic directions: 2; 3 & 4	TCU18	Parramatta Road, Leichhardt (Upward Street to Tebbutt Street)	Commercial Strip Improvements	75K	Long
Strategic directions: 2; 3 & 4	TCU19	Parramatta Road, Leichhardt (Tebbutt Street to Brown Street)	Commercial Strip Improvements	75K	Medium
Strategic directions: 2; 3 & 4	TCU20	Parramatta Road, Annandale (Young Street to Macquarie Street)	Commercial Strip Improvements	264K	Medium
Strategic directions: 2; 3 & 4	TCU21	Parramatta Road, Annandale (Macquarie Street to Catherine Street)	Commercial Strip Improvements	135K	Long
Strategic directions: 2; 3 & 4	TCU22	Parramatta Road, Annandale (Johnston Street to Trafalgar Street)	Commercial Strip Improvements	110K	Long

Strategic directions: 2; 3 & 4	TCU23	Parramatta Road, Annandale (Trafalgar Street to Nelson Street)	Commercial Strip Improvements	170K	Long
Strategic directions: 2; 3 & 4	TCU24	Parramatta Road, Annandale (Nelson Street to Pymont Bridge Road)	Commercial Strip Improvements	160K	Long
			Town Centre Upgrades/ Commercial Strip Improvements Total	8,144,000	
			Combined Totals	63,351,267	

Note 1: Where practicable, details of all of the locations of the above work schedule items are shown on the public amenities and services location maps provided in the following **Appendix C**. If there is a discrepancy, the text in Appendix B takes precedence over the maps in Appendix C.

Note 2: Some of the works listed in the Detailed Works Schedule may not be fully funded under this Plan and may be partially funded from a variety of other sources, for example monies obtained from grants.

Appendix C - Public amenities and services location maps

List of public amenities and services location maps included within this appendix:

Map 1: Completed works;

Map 2: Children and Family Services, Libraries;

Map 3: Community Services, Public Art and Property Assets;

Map 4: Recreation and Aquatics;

Map 5: Motor Vehicle Related Traffic Facilities;

Map 6: Cycleways; and

Map 7: Town Centre Upgrades/Commercial Strip Improvements.

Note: All of the site notations on the following maps correspond to the item nos. within the works schedule in **Appendix B**.















Appendix D - Pro forma Condition of Development Consent

- (a) In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* (As amended) and the "Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020", **\$[INSERT FIGURE]** shall be paid to Council.
- (b) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020 and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment

\\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date that this plan commenced.

Note: "Financial quarter" for the purposes of this condition refers to the following periods - December to February; March to May; June to August; and September to November.

- (c) The monetary contributions shall be paid to Council:
 - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The "Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020" may be viewed at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions> or a copy may be inspected at Council's Administration Centre during normal business hours.

Appendix E - Pro forma Complying Development Certificate Condition

- (a) In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the "Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020", **\$[INSERT FIGURE]** shall be paid to Council.
- (b) If the contributions are not paid within the financial quarter that this complying development certificate is granted, the contributions payable will be adjusted in accordance with the provisions the Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020 and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{CDC} \times \text{CPI}_{PY}}{\text{CPI}_{CDC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment.

\\$C_{CDC} is the amount of the contribution as set out in this Complying Development Certificate.

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{CDC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Complying Development Certificate.

Note: "Financial quarter" for the purposes of this condition refers to the following periods - December to February; March to May; June to August; and September to November.

- (c) The monetary contributions shall be paid to Council:
 - (i) prior to the works commencing where the development requires building works;
 - (ii) prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first, where no works are required.

It is the professional responsibility of an Accredited Certifier to ensure that the monetary contributions have been paid to Council prior to the authorised works commencing.

Appendix F - Procedure to determine the cost of the proposed development

A report specifying the cost of the proposed development is required to be submitted to allow Council to determine the contribution that will be required. The following should be provided:

- A [Cost Summary Report](#) must be completed for works with a value of \$3,000,000 or less.
- A [Quantity Surveyor's Detailed Cost Report](#) must be completed by a registered Quantity Surveyor for works with a value greater than \$3,000,000.

To avoid doubt, section 25J of the Environmental Planning and Assessment Act Regulation 2000 (As amended) provides:

1. *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following—*
 - a. *if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,*
 - b. *if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,*
 - c. *if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.*
2. *For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.*
3. *The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development—*
 - a. *the cost of the land on which the development is to be carried out,*
 - b. *the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
 - c. *the costs associated with marketing or financing the development (including interest on any loans),*
 - d. *the costs associated with legal work carried out or to be carried out in connection with the development,*
 - e. *project management costs associated with the development,*
 - f. *the cost of building insurance in respect of the development,*
 - g. *the costs of fittings and furnishings, including any refitting or refurbishing,*

associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),

- h. the costs of commercial stock inventory,*
 - i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
 - j. the costs of enabling access by disabled persons in respect of the development,*
 - k. the costs of energy and water efficiency measures associated with the development,*
 - l. the cost of any development that is provided as affordable housing,*
 - m. the costs of any development that is the adaptive reuse of a heritage item.*
- 4. The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.*
 - 5. To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.*

Cost Summary Report

[Development Cost of \$3,000,000 or less]

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

APPLICANT'S NAME:
 APPLICANT'S ADDRESS:
 DEVELOPMENT NAME:
 DEVELOPMENT ADDRESS:

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

- inspected the plans the subject of the application for development consent, complying development certificate or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 (As amended) at current prices.
- included GST in the calculation of development cost.

Signed:
 Name:
 Position and Qualifications:
 Date:

Registered* Quantity Surveyor's Detailed Cost Report

[Development Cost greater than \$3,000,000]

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No.	<input type="text"/>	REFERENCE:	<input type="text"/>
COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.			<input type="text"/>
CONSTRUCTION CERTIFICATE No.	<input type="text"/>	DATE:	<input type="text"/>

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per m ² of site area	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per m² of site area	\$ /m²
Cost per m ² of site area	\$ /m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per m ² of commercial area	\$ /m ²	Cost per m ² of commercial area	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per m ² of residential area	\$ /m ²	Cost per m ² of residential area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per m ² of retail area	\$ /m ²	Cost per m ² of retail area	\$ /m ²

I certify that I have:

- inspected the plans the subject of the application for development consent, complying development certificate or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020 at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:

Name:

Position and Qualifications:

Date: