



New South Wales

Marrickville Local Environmental Plan 2011 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

BRETT WHITWORTH

As delegate for the Minister for Planning and Public Spaces

Marrickville Local Environmental Plan 2011 (Amendment No 20)

under the

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1 Name of Plan

This Plan is *Marrickville Local Environmental Plan 2011 (Amendment No 20)*.

2 Commencement

This Plan commences on 30 September 2021 and is required to be published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land at Dulwich Hill—

- (a) Lot 14, Section 4, DP 932, 26 Hercules Street,
- (b) Lot 4, DP 540366, 28 Hercules Street,
- (c) Lot 7, DP 236603, 34 Hercules Street,
- (d) Lot 6, DP 236603, 36 Hercules Street,
- (e) Lot 5, DP 236603, 38 Hercules Street,
- (f) Lot 1, DP 542147, 466 New Canterbury Road,
- (g) Lot 2, DP 542147, 468 New Canterbury Road,
- (h) Lot 3, DP 542147, 470 New Canterbury Road,
- (i) Lot 4, DP 542147, 472 New Canterbury Road,
- (j) Lots 1 and 2, DP 540366, 474 New Canterbury Road,
- (k) Lot 3, DP 236603, 476 New Canterbury Road,
- (l) Lot 2, DP 236603, 478 New Canterbury Road,
- (m) Lot 1, DP 236603, 480 New Canterbury Road.

4 Maps

The maps adopted by *Marrickville Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Marrickville Local Environmental Plan 2011

Part 7

Insert after Part 6—

Part 7 Dulwich Grove land

7.1 Definitions—Part 7

In this Part—

Block A means Lots 1–4, DP 542147.

Block B means—

(a) Lots 1 and 2, DP 540366, and

(b) Lots 1–3 and 5–7, DP 236603.

Dulwich Grove land means the land identified as “M” on the Key Sites Map.

7.2 Height of buildings on Dulwich Grove land

- (1) The maximum building height for a building on Dulwich Grove land is specified in the following table—

Part of Dulwich Grove land	Maximum building height
Lot 14, Section 4, DP 932	9.5 metres
Lot 4, DP 540366	
Lots 1–4, DP 542147	17 metres
Lot 1, DP 540366	
Lot 3, DP 236603	
Lot 2, DP 540366	20 metres
Lot 7, DP 236603	
Lots 1 and 2, DP 236603	29 metres
Lots 5 and 6, DP 236603	32 metres

- (2) Development consent may be granted to development that results in a building on Dulwich Grove land exceeding the maximum building height specified in subclause (1) if the building—
- (a) is within 1 metre of a part of Dulwich Grove land that has a greater maximum building height, and
 - (b) does not exceed the greater maximum building height, and
 - (c) does not result in unreasonable massing or impact the amenity of the surrounding area.
- (3) Development consent must not be granted to development that results in a building on land specified in Column 1 of the following table projecting higher than an incline plane that—
- (a) starts along the land’s boundary with Hercules Street at the height above ground level (existing) specified in Column 2, and
 - (b) extends upwards in the direction of New Canterbury Road at the angle specified in Column 3.

Column 1	Column 2	Column 3
Part of Dulwich Grove land	Height at which incline plane starts	Angle of incline plane
Lot 14, Section 4, DP 932 Lot 4, DP 540366	7.5 metres	24°
Lot 2, DP 540366 Lot 7, DP 236603	15 metres	20°
Lots 5 and 6, DP 236603	20 metres	35°

- (4) Development consent must not be granted to development that results in a building within 7.5 metres of New Canterbury Road on Dulwich Grove land exceeding a building height of 17 metres.

7.3 Floor space ratio on Dulwich Grove land

- (1) The maximum floor space ratio for a building on Dulwich Grove land is specified in the following table—

Part of Dulwich Grove land	Maximum floor space ratio
Lot 14, Section 4, DP 932 Lot 4, DP 540366	0.95:1
Lots 1 and 2, DP 540366 Lots 3 and 7, DP 236603	1.6:1
Lot 1–4, DP 542147	3:1
Lots 1, 2, 5 and 6, DP 236603	3.3:1

- (2) Development consent must not be granted to development that results in a building on Block A exceeding a floor space ratio of 0.95:1 unless at least 300 square metres of the gross floor area of all buildings on Block A are used for the following purposes—
- (a) commercial premises,
 - (b) light industries.
- (3) Development consent must not be granted to development that results in a building on Block B exceeding a floor space ratio of 0.95:1 unless at least 1,100 square metres of the gross floor area of all buildings on Block B are used for the following purposes—
- (a) commercial premises,
 - (b) light industries.

7.4 Additional permitted uses for Dulwich Grove land

- (1) Development for the following purposes is permitted with development consent on Dulwich Grove land—
- (a) residential flat buildings,
 - (b) retail premises,
 - (c) shop top housing.

- (2) Development consent must not be granted under this clause to development that results in the ground floor of a building with frontage to New Canterbury Road being used for the purposes of residential accommodation.
- (3) Development consent must not be granted under this clause to development on Block A unless Block A is consolidated into a single lot.
- (4) Development consent must not be granted under this clause to development on Block B unless Block B—
 - (a) is consolidated into a single lot, and
 - (b) has, at the completion of the development, a landscaped area at least 6 metres wide, including a pedestrian and cycle path, along the entire length of Block B's boundary with the adjoining light rail corridor.

7.5 Development control plan for Dulwich Grove land

- (1) Development consent must not be granted to development on Dulwich Grove land unless—
 - (a) a development control plan that provides for the matters specified in subclause (2) applies to the land, or
 - (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (2) The development control plan must provide for all of the following—
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) active street frontages,
 - (c) landscaped areas and public open spaces, including a public forecourt, next to the adjoining light rail corridor and Dulwich Grove light rail stop,
 - (d) distribution of land uses, including open space, and its function and landscaping,
 - (e) building envelopes and built form controls, including storeys and setbacks at both ground floor and upper storeys, and bulk, massing and modulation of buildings,
 - (f) housing mixes, including affordable and adaptable housing,
 - (g) vehicular access from Hercules Street,
 - (h) vehicle arrangements, considering the site's proximity to Dulwich Hill Public School,
 - (i) encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking provision,
 - (j) provision of central communal open space at ground floor of the site,
 - (k) improvements to the public domain and opportunities for passive surveillance of the public domain, including pedestrian movement to and from Dulwich Grove light rail stop,
 - (l) the application of the principles of ecologically sustainable development,
 - (m) environmental impacts such as overshadowing and solar access and visual and acoustic privacy,
 - (n) impacts of the built form on Dulwich Hill Public School, including overshadowing of its playground,
 - (o) measures to minimise land use conflict between residential uses and—

- (i) employment uses on or near the site, including light industrial uses, and
- (ii) the operation of the Greek Orthodox Church at 28 Hercules Street.

7.6 Repeal and savings

- (1) This Part is repealed on 30 September 2024.
- (2) This Part continues to apply, despite its repeal, to a development application in relation to Dulwich Grove land that is made but not finally determined before 30 September 2024.