



Save Dully submission on Hercules St planning proposal

Save Dully formed in 2015 to fight the NSW Government's urban renewal plans for Dulwich Hill and the Sydenham to Bankstown Corridor. We are an incorporated association, with around 200 members on our mailing list.

Save Dully's current suburb vision is outlined in [Our Suburb, Our Future](#), which was released in mid-2019. Our website is www.savedully.com.

Save Dully makes the following comments in relation to the planning proposal for 466 – 480 New Canterbury Road and 26 to 38 Hercules Street, Dulwich Hill. This submission was prepared with the input of a number of members who live in and around this site.

References to Sydenham to Bankstown Strategy

We are disappointed that the council's planning proposal uses the now defunct Sydenham to Bankstown Urban Renewal Strategy as a strategic basis.

The exhibited proposal states that the development is "consistent with the direction of the revised draft Sydenham to Bankstown Urban Renewal Corridor Strategy". It also includes a longer section on page 27 which compares the proposal to the former strategy.

The community fought long and hard against this strategy, with the support of the council. The government last year said it would no longer pursue the strategy and instead hand planning powers back to the council. Therefore, references to this strategy in a proposal exhibited in December 2019 are very disappointing.

We would ask that the council remove all references to this strategy in any ongoing documentation relating to this site. By doing this, we believe it should give the council greater latitude to reduce the height and density of the development.

Privacy and overshadowing impacts

Despite the site being in a sensitive location opposite Dulwich Hill public school, the proposed planning controls surprisingly support the proposed development to be at its highest point directly opposite the school (nine storeys in height).

This will cause the school's top oval to be badly over-shadowed from the early afternoon, while also potentially cause privacy impacts on students.

The shadow diagram released as part of the planning proposal (below) shows that the proposal will begin to cause significant overshadowing impacts on the school's top oval during afternoon recess (from 1:45pm to 2:05pm).

A separate shadow diagram (also part of the planning proposal) shows that, by 3pm, the entire top oval is in shadow. This is concerning, given that the oval is extensively used

during this period for after-school care, and students should be able to have some access to sunlight during this time (particularly during winter).

SHADOW DIAGRAMS

School Specific



In our view, these overshadowing impacts are as a result of a flawed planning process to date for this site, whereby secret discussions and design workshops have taken place behind closed doors between 'experts' at the council and the developer. These discussions have failed to fully appreciate the need to align the development away from the school, rather than towards the school. This is perhaps because the community was excluded from the discussion (see further comment on this issue on page 5).

Save Dully has consistently advocated (including its [Own Suburb, Our Future](#) vision) that the most intense development on the site be on the New Canterbury Rd frontage, and this should be no more than five storeys in line with development in other parts of New Canterbury Rd. Similarly, we would seek for development on the Hercules St frontage to be scaled down and limited to three storeys, to reflect its sensitive location opposite a school.

This outcome would reduce overshadowing and legitimate privacy concerns and reflects the strong planning precedent for planning instruments to preserve sunlight to open space. For instance, many parts of the Sydney CBD are affected by sun access planes, which preserve winter sunlight to areas such as Hyde Park, the Botanic Gardens and Wynyard Park.



Current view from school to site



Save Dully analysis of shadowing impacts at 2pm in mid-winter

Need to reduce level of development

We believe that consideration should be given to decreasing the overall level of density and height proposed on the site. The development as currently conceived will be the tallest building in Dulwich Hill, and very much out-of-character and scale with the surrounding low-density housing.

As mentioned above, we have continually advocated for no higher than five storeys on the New Canterbury Rd side, which is in line with other development along this thoroughfare.

This is also in line with the council submission in response to the NSW Government's Sydenham to Bankstown Strategy, which advocated for a maximum of 5-6 storeys for the site

We also believe reducing density and height at the site will assist with reducing traffic and parking impacts (see further below), along with privacy and overshadowing impacts (as mentioned above).

Proposed private recreation zoning

We are concerned at, and confused by, the decision to rezone the residential cottage on the corner of Kintore St and Hercules St to RE2 (Private Recreation).

Such a zoning will not guarantee that this site will become a pocket park, as shown in artist's impressions accompanying the application. This is because a RE2 zoning will not trigger a compulsory acquisition of the site by the council for open space (as a public open space RE1 zoning would).



Artist's impression in developer's Urban Design Report showing pocket park on the corner of Kintore St and Hercules St

Further, we understand the developer Angus Developments will not be in a position to dedicate the land to the council for a pocket park as a condition of a development approval, as it no longer owns this land.

The council's planning proposal doesn't explain the rationale for this RE2 zoning.

RE2 zonings are meant to be applied to privately-run facilities such as golf courses and cemeteries, but not to suburban homes.

One potential impact of this RE2 zoning is that, given residential accommodation will become a prohibited use, the existing private homeowner at this site will need to rely on existing use rights to continue to occupy the premises, and for the home to stay at the site. This means that if the home is left unoccupied for more than a year, then residential uses become a prohibited use and the home cannot be occupied.

Alternatively, because of the decision to not apply any planning controls to this site as part of this planning proposal, the landowner could ostensibly use controls which apply to a neighbouring site to seek approval for a high-rise registered club, entertainment facility or vet hospital on the site (all of these are permitted uses in the RE2 zone).



House proposed to be zoned Private Recreation

Our view is that the proposed RE2 zoning is:

- Deceptive (because the planning proposal includes artist's impressions which cannot be achieved)
- A poor planning outcome (because it is likely a single residential home will be left as part of a broader urban renewal precinct)
- An unusual process (because the council rationale has not been explained)

Given this pocket park is an important part of the overall outcome at the site, it is difficult to know how this planning proposal can proceed with the proposed RE2 zoning in place.

Secrecy in planning process

We are very disappointed in the level of secrecy to date in planning for this site.

This exhibition represents the first opportunity the community has had to have its say about this proposal.

Since 2015, the council has been talking to the developer about this proposal behind closed-doors, and also undertaking design investigations and providing detailed advice, without the community's involvement. Poor design solutions now presented to the community (such as overshadowing impacts on the school) would have most likely been avoided if the community had been involved earlier in the planning process.

We believe this represents a fundamental breakdown in the council's transparency processes (primarily the former Marrickville Council).

This transparency issue was exacerbated by the decision by councillors Macri and Iskandar to [support the proposal receiving a Gateway certificate](#) at a meeting of the relevant regional planning panel in October 2017, even though there had not been any formal council debate or decision on this issue.

We believe the transparency issues on this site means the council needs to revisit its engagement processes for developer-initiated rezonings, primarily to release these rezoning for community feedback as soon as they are received. Any such exhibition could make clear that the council has not yet formed a view on the proposal.

It should be noted that Cumberland Council currently takes such an approach.

Integration with council LEP process

Save Dully has previously expressed the view that any dwellings achieved on this site should form part of any dwelling targets set for the suburb as part of the new LEP. By doing this, we hope to reduce rezonings in existing residential areas.

Given this, we would be keen to understand the council's plans to integrate planning for this site with its broader LEP process.

Deregistered status of Angus Developments

The planning proposal describes the proponent as being Angus Developments. We are concerned to see that the Australian Securities and Investments Commission website shows that Angus Developments is a deregistered company.

We would urge the council to obtain legal advice on whether it should be contemplating entering into a voluntary planning agreement with what appears to be a deregistered company, and for this to be clarified before this planning proposal is finalised.

15 results found for "angus developments"

Click on the name to view further details.

Display 20 results

Prev 1 Next

	Name (*indicates former name)	Number	Type	Status 	Address 
<input type="checkbox"/>	ANGUS DEVELOPMENTS PTY LTD	ACN 079 198 235	Australian Propr...	Deregistered	
<input type="checkbox"/>	* ANGUS DEVELOPMENTS PTY LIMITED	ACN 082 598 445	Australian Propr...	Deregistered	
<input type="checkbox"/>	* ANGUS DEVELOPMENTS (NEWTOW...	ACN 090 988 435	Australian Propr...	Deregistered	
<input type="checkbox"/>	* ANGUS DEVELOPMENTS (LEICHHA...	ACN 092 769 081	Australian Propr...	Deregistered	
<input type="checkbox"/>	* ANGUS DEVELOPMENTS (HOLDING...	ACN 079 198 235	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGUS DEVELOPMENT CORP PTY LIM...	ACN 099 010 072	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGUS DEVELOPMENTS (NEWTOWN ...	ACN 092 769 081	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGUS DEVELOPMENTS (WINDA WO...	ACN 109 809 154	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGUS DEVELOPMENTS (NO. 1) PTY ...	ACN 082 598 445	Australian Propr...	Deregistered	
<input type="checkbox"/>	TASMANIAN ANGUS DEVELOPMENT G...	TAS 19932B	Business Name	Cancelled	
<input type="checkbox"/>	ANG DEVELOPMENTS PTY LTD	ACN 105 006 764	Australian Propr...	Registered	PACIFIC PARADISE QLD...
<input type="checkbox"/>	ANG DEVELOPMENT & INVESTMENT ...	ACN 153 253 108	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGAS DEVELOPMENTS PTY LTD.	ACN 008 129 806	Australian Propr...	Deregistered	
<input type="checkbox"/>	ANGIE DEVELOPMENTS PTY LTD	ACN 132 441 037	Australian Propr...	Registered	ADELAIDE SA 5000
<input type="checkbox"/>	* ANGSEA DEVELOPMENTS PTY LTD	ACN 010 479 400	Australian Propr...	Deregistered	

Screen shot of ASIC Organisation and Business Names search results page – accessed 12/12/19

Church as a local heritage item

While it is welcome that the church is being retained in this proposal, in our view it is disappointing that the church is not being proposed as a local heritage item.

We disagree with the heritage consultant's report which says the church does not meet the test of a local heritage item. We also question why the heritage consultant is making such a recommendation, given it is working for Angus Development which doesn't even own the church site.

Save Dully has consistently advocated that the church is an essential part of Dulwich Hill's rich cultural and migrant history, and makes an important and distinctive contribution to the streetscape.

This church represents the only Sydney diocese of the Church of the Genuine Orthodox Christians of Greece. This church severed communion with the main Greek Orthodox Church in 1935 over the acceptance of a revised calendar by the main church.

The planning proposal continues to leave the church at risk of being demolished at the stroke of an accredited certifier's pen, if there was a decision to re-build it. Instead, the planning proposal should be seen as an opportunity to update planning controls for this area, and the obvious decision is to make the church a heritage item.



Greek church in Hercules St

Access, traffic and parking

We believe there should be additional analysis of access, traffic and parking issues, before the planning proposal is supported.

The site has a number of special characteristics, including being opposite a school which generates a lot of pedestrian movement among young children and families at peak times, along with also having a church which also creates a high level activity at certain times.

In addition, it is surrounded by a residential area.

We are not convinced that the planning proposal adequately considers and explains the best access, parking and traffic solutions, when taking into account the above factors.

For instance, the planning proposal states that a specific local provision will be added to “permit vehicular and pedestrian access, car parking and site facilities on the land at 34-38 Hercules Street”.

However, it is not clear why the development requires its vehicular access to be from Hercules St, given that this will cause conflict with school traffic and also potentially create additional traffic along suburban Hercules St.

In addition, it is our belief that the traffic and parking study in particular includes an incomplete analysis of the existing parking situation, and this could be impacted by the proposal.

It states only 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 the fact that, a proposal of this size, is likely to cause on-street parking impacts in a number of surrounding streets and areas, not just adjacent streets. The study does not conduct an analysis of on-street parking utilisation in these streets.

Local residents in the residential section of Hercules St report that it is often very difficult to find an on-street parking spot. This proposal will exacerbate this situation.

For this reason, we are advocating for a reduction in overall development, which will cause a resultant decrease in on-street parking impacts, and for the careful management of on-street parking impacts in any development application process.

Affordable housing

The planning proposal states that the developer will be making some sort of affordable housing contribution. It would be helpful for the community to know what level of affordable housing is being offered.

Stronger linkage to GreenWay vision

This development is immediately next to the GreenWay corridor and within the GreenWay catchment and Bandicoot Protection Area (see map in [Inner West Council draft Local Strategic Planning Statement](#)).

It is pleasing that the project commits land for a Greenway corridor.

However, there is a need for extra consideration of the impacts of traffic, shading and construction on wildlife, pedestrians and cyclists - particularly families and young children.

Save Dully advocates for increased design consideration to ensure council's approach and proposed developments are in keeping with the [GreenWay strategy](#). We want the area to become more friendly for pedestrians, kids and wildlife.

Save Dully recommends that council consider adopting a vision for Hercules St as a Trellis Street - a green link, pedestrian-orientated street from Consett St to Loftus St.

This could include sensible limits on traffic alongside water sensitive urban design and street vegetation planting.

This vision would help connect the planned new GreenWay park and path (between New Canterbury Road and Jack Shanahan Reserve), the existing pocket park on Kintore St, and the pocket park on New Canterbury and Loftus St (where Strawberry Fields cafe is).

These kind of streets are what is referred to as "Places for People" in the NSW Movement and Place Framework references in the Greater Sydney Commission's Eastern City District Plan, Future Transport 2056 Strategy and numerous other NSW planning documents.

Any developments on the Hercules St should align with this vision and be a positive contribution to achieving it.

14 December 2019