

***MAJOR PROJECT ASSESSMENT:***

***Redevelopment of the former Allied Mills  
Flour Mill site***

***2-32 Smith Street, Summer Hill***

***Proposed by EG Funds Limited***

***MP 10\_0155***



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

October 2012

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DCP	Development Control Plan
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
LEP	Local Environmental Plan
LGA	Local Government Area
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
NOW	NSW Office of Water
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	EG Funds Limited
RMS	Roads and Maritime Services
RTA	Roads and Traffic Authority
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SRS	Subregional Strategy
TNSW	Transport NSW

Cover Photograph: Perspective of the proposal from the north (Source: proponent's PPR)

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Published October 2012  
NSW Department of Planning & Infrastructure  
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*NSW Government  
Department of Planning & Infrastructure*

## EXECUTIVE SUMMARY

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EG Funds Limited (the proponent) is seeking Concept Plan approval for a mixed use development of the former Allied Mills Flour Mill site at 2-32 Smith Street, Summer Hill. The site is within both the Ashfield and Marrickville Local Government Areas. The site is located adjacent to the approved Lewisham West light rail stop and the recently approved Lewisham Estate Concept Plan at 78-90 Old Canterbury Road.

The proposal (as exhibited) sought approval for a residential, retail, and commercial development including re-use of 6 existing buildings and structures and new building envelopes up to 13 storeys in height accommodating approximately 280-300 dwellings, 2,500-2,800m<sup>2</sup> of retail space, 3,500-4,000m<sup>2</sup> of commercial space, car parking, public open space, new public streets and associated infrastructure works. The proposal has a CIV of \$156.2 million.

The Environmental Assessment (EA) was exhibited for an extended period of 45 days between 29 June 2011 and 12 August 2011. The department received 1128 submissions during the exhibition of the EA comprising 8 submissions from public authorities and 1120 submissions from the general public and special interest groups. 98.5% of submitters objected to the proposal raising issues of traffic, height, density, cumulative impacts, open space and community facilities.

On 26 March 2012, the proponent submitted a Preferred Project Report (PPR) proposing a redistribution of building heights for three building envelopes, maintaining the same dwelling yield, a 300-500m<sup>2</sup> reduction in retail floor space, provision of dedicated public open space to provide access to the light rail stop as part of Stage 1, and a reduction in basement car parking.

The department received a further 7 submissions from public authorities and 12 submissions from the general public in response to the PPR.

The key issues in respect of the proposal are the appropriateness of the primarily residential land use, traffic, built form, density, flooding, public benefits and residential amenity. The Department considers that the site is highly suitable for a change from industrial to mixed use development as the site is strategically located adjacent to the approved Lewisham West light rail stop and two nearby railway stations. This is consistent with the Ashfield Urban Strategy 2010 that identifies the site as a key urban renewal site. The department is generally satisfied that the site can accommodate increased density given its excellent access to public transport, services and facilities.

In assessing the cumulative traffic impacts of this proposal combined with the approved and planned developments at 78-90 Old Canterbury Road and McGill Street precinct, the department obtained independent advice from a traffic consultant, Halcrow, to inform its assessment. The assessment revealed that while the local road network is congested, the proposal is worthy of support, subject to measures to suppress parking and encourage use of public transport.

The proposal also provides for a new signalised intersection and a roundabout in the adjoining streets and pedestrian upgrades between the site and Summer Hill railway station which will result in significant improvements in vehicular and pedestrian movement within the local area.

The department is satisfied that the Concept Plan will provide for a high level of residential amenity, subject to detailed assessment at the future application stage. The department recommends modifications to the Concept Plan, in particular to maintain the height of the silo structures to ensure that the built form outcome is appropriate and will result in acceptable visual impacts.

On balance, the department considers that the proposed development will deliver public benefits including the renewal of industrial land, with excellent access to public transport, to provide high density residential development delivering needed homes in the locality. The proposal will also provide 4,806m<sup>2</sup> of public open space to be dedicated to Council, and through site links providing access to the planned Lewisham West light rail stop. The proposal is considered to be a genuine transit oriented development.

The department has assessed the merits of the application, taking into account the issues raised by the public and relevant public authorities. It is considered that identified impacts have been addressed in the PPR and by way of recommended modifications to the Concept Plan, including reduction in building height of two buildings and increased building separation. The Concept Plan is recommended for approval, subject to modifications and future assessment requirements.

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## 1. BACKGROUND

The site is located at 2-32 Smith Street, Summer Hill, approximately 6 kilometres west of the Sydney CBD. The site comprises of land within both the Ashfield and Marrickville Local Government Areas (LGA), separated by the Hawthorne Canal.

The site is an irregular shape with an area of 24,738m<sup>2</sup>. The main portion of the site (approximately 21,938m<sup>2</sup>) lies within the Ashfield LGA while a small portion of the site to the east of the Hawthorne Canal (approximately 2,800m<sup>2</sup>) is within the Marrickville LGA.

The site has frontages of approximately 151 metres to Edward Street, 155 metres to Smith Street, 9 metres to Old Canterbury Road and 22 metres to Longport Street. The site has a frontage of approximately 300 metres to the existing rail corridor. The site has an uneven topography with a fall towards the rail corridor and Hawthorne Canal on its eastern side.

The site is situated at the junction of the recently approved light rail corridor between Lilyfield and Dulwich Hill and the western suburbs railway line. The light rail corridor will replace the decommissioned heavy rail line which previously associated with the former industrial uses in the locality. The future (approved) Lewisham West light rail stop is located immediately to the east of the site. Construction has commenced and it is anticipated that the light rail service will commence in 2014. Lewisham and Summer Hill railway stations are located within 500 metres walking distance to the east and west of the site respectively.

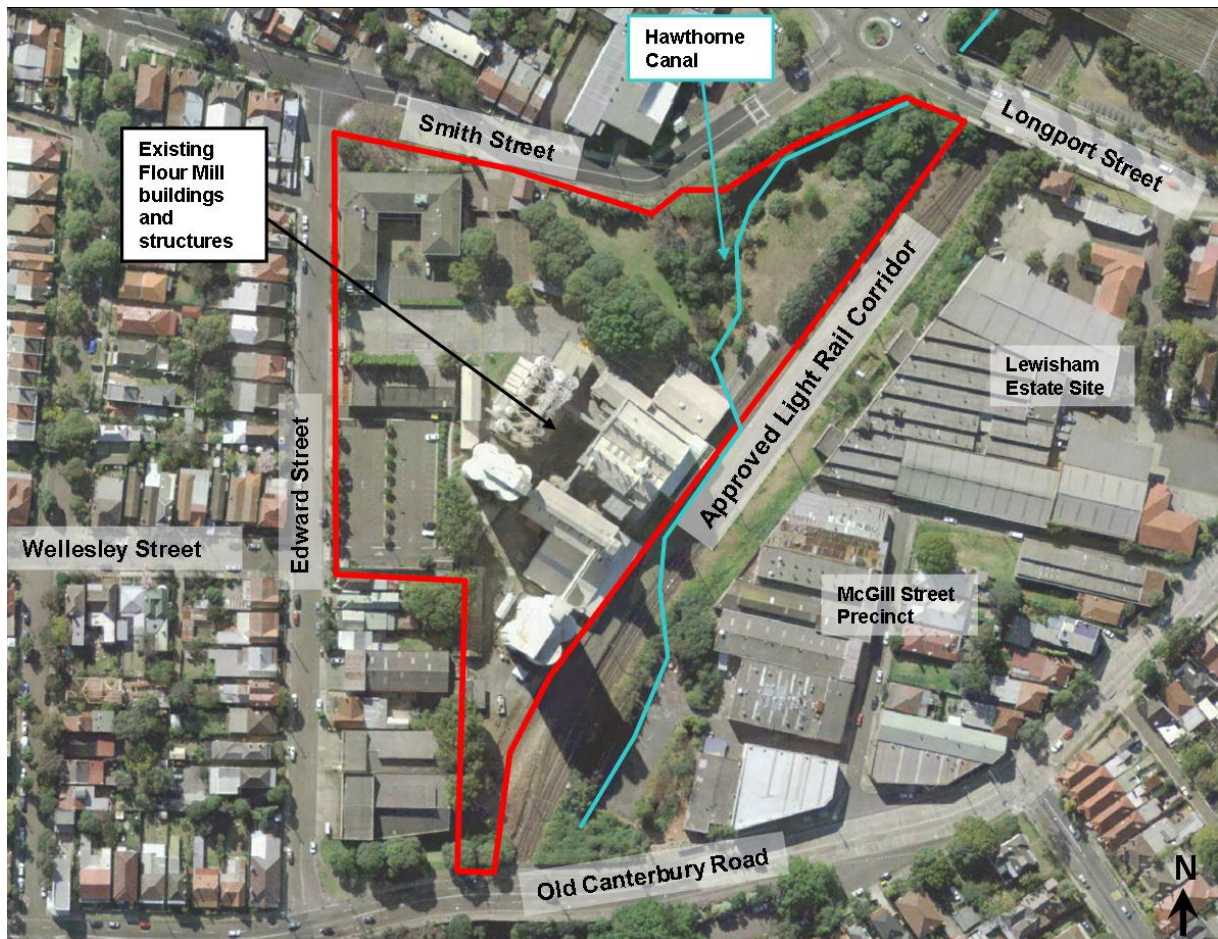
The property is currently occupied by a number of buildings and structures associated with the former use of the site as a flour mill. These include the Mungo Scott Mill building, two concrete silo structures (known as the 4 pack and 6 pack silos), administration and amenities building, at grade parking areas, landscaping and rail sidings.

The project location is shown in **Figures 1 and 2**. Photos of the site are provided in **Figures 3, 4 and 5**.



**Figure 1: Local Context Plan (Base Photo Source: Google Maps 2011)**





**Figure 2:** Aerial photograph of the site. The portion of the site within the Marrickville LGA is to the east of the Hawthorne Canal. (Base Photo Source: Land Property Management Authority 2012)



**Figure 3:** The site viewed from the corner of Smith and Edward Streets from the north





**Figure 4:** The site viewed from Old Canterbury Road from the south



**Figure 5:** The mill office and Mungo Scott building and surrounding structures



## 1.2 Surrounding Development

The site is surrounded by a mix of low and medium density residential housing and light industrial uses. Residential development is predominantly in the form of single and two storey dwellings and semi-detached dwellings.

To the east, the site adjoins the former goods rail way line which was decommissioned in 2009. This rail line will be reused and adapted to form the light rail corridor and associated Lewisham West light rail stop. There are also plans to provide a GreenWay walking/cycling path within the rail corridor, however, this work does not form part of the light rail construction currently underway. To date, there has been no funding or approval for the GreenWay.

Further east is a former industrial precinct known as the McGill Street precinct. Marrickville Council has rezoned this precinct to allow a mix of residential, retail and commercial uses and prepared a Development Control Plan to guide development of the site. New industrial uses will no longer be permissible, and the precinct will ultimately transition from its current industrial character into a high density residential area with small scale commercial and retail uses. The indicative development outcome for the precinct as shown in the DCP is shown in **Figure 6** below.



**Figure 6: The illustrative Masterplan for the McGill Street (Base Image Source: Marrickville Council DCP 2011)**

On 15 March 2012, the Planning Assessment Commission (PAC) approved a Concept Plan Application in relation to a 1.3 hectare site within the northern portion of the McGill Street precinct (shown in red dashed outline in **Figure 6** above). The development, known as the Lewisham Estate Concept Plan, will provide up to 430 dwellings within building envelopes ranging from 4 storeys at Old Canterbury Road to 10 storeys adjacent to the light rail corridor. The approval also provides for small scale commercial and retail uses at ground level and 3,000m<sup>2</sup> of public open space to provide connection to the approved light rail stop.



The amended plans approved by the Department to satisfy a number of modifications imposed by the PAC are provided in **Figure 7**.



**Figure 7: Site layout and building envelopes on the adjacent site under the Lewisham Estate Concept Plan Approval (Source: Tony Owen Partners)**

The site is bound to the north by Longport Street and Smith Street. To the north of Smith Street is a row of single storey dwellings and an industrial building. A service station is located further north at the intersection of Smith and Longport Streets. On the northern side of Longport Street is the western railway line. Immediately to the south are single storey dwellings and small scale light industrial buildings fronting Edward Street. Further south is Old Canterbury Road, a four lane state road. To the west of Edward Street, existing residential development is primarily one and two storey dwellings which form the eastern edge of a heritage conservation area (Refer to **Figure 8**).



**Figure 8: Existing single and two storey residential development in Edward Street which forms the eastern edge of a heritage conservation area.**

## 2. PROPOSED PROJECT

### 2.1. Project Description

#### 2.1.1 Environmental Assessment (as exhibited)

The proposal as exhibited in the Environmental Assessment (EA) sought Concept Plan approval for the following:

- Adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes ranging from 1-11 storeys;
- 280-300 dwellings;
- 3,500 – 4,000m<sup>2</sup> of commercial floor space;
- 2,500 – 2,800m<sup>2</sup> of retail floor space;
- a floor space ratio of 1.4 - 1.6:1;
- 450-500 basement and 50-70 on-street car parking spaces; and
- 8,400m<sup>2</sup> of publicly accessible open space.

#### 2.1.2 Preferred Project Report (PPR)

Following the public exhibition of the EA, the Department advised the proponent of a number of issues which required further consideration, and requested the submission of a PPR.

The main issues raised were in relation to height, built form and density; retail floor space; traffic and open space, public domain and streetscape.

On 26 March 2012, the proponent submitted a response to submissions and a Preferred Project Report (PPR). Additional information was submitted on several occasions including 20 June 2012 and 20 July 2012. The proposal as refined within the PPR is detailed in **Table 1**.

**Table 1: Key Project Components**

<i>Aspect</i>	<i>Description</i>
<b><i>Project Summary</i></b>	<b>Concept Plan for a mixed use development</b>
<i>Building envelopes</i>	<p><u>Ashfield LGA</u></p> <ul style="list-style-type: none"> <li>• Adaptive reuse of 6 buildings including the Mungo Scott building, attached office building, amenities building, substation building and two silo structures.</li> <li>• A 3 storey vertical extension to the 4 pack silo structures.</li> <li>• An 11 storey addition to the north of the 6 pack silo structures.</li> <li>• 12 new building envelopes ranging from 1 to 11 storeys</li> </ul> <p><u>Marrickville LGA</u></p> <ul style="list-style-type: none"> <li>• A building envelope with components of 6, 9 and 10 storeys.</li> </ul>
<i>Gross floor area (GFA)</i>	<p>Residential: 29,500 – 33,500m<sup>2</sup>  Retail: 2,000 – 2,500m<sup>2</sup>  Commercial: 3,500 – 4,000m<sup>2</sup>  Total GFA: 35,000 – 40,000m<sup>2</sup>  (Ashfield LGA site: 26,100 - 30,500m<sup>2</sup>, Marrickville LGA site: 8,900 - 9,500m<sup>2</sup>)</p>
<i>Floor space ratio (FSR)</i>	<p>1.4 - 1.6:1  Ashfield LGA site (site area approx 21,938m<sup>2</sup> – FSR - 1.2 - 1.4:1)  Marrickville LGA site (site area approx 2,800m<sup>2</sup> - FSR - 3.2 - 3.4:1)</p>
<i>Residential component</i>	<p>280-300 residential apartments and terrace houses including an indicative dwelling mix as follows:</p> <ul style="list-style-type: none"> <li>• 126-136 x 1 bedroom apartments (45%);</li> </ul>



<i>Aspect</i>	<i>Description</i>
	<ul style="list-style-type: none"> <li>• 100-128 x 2 bedroom apartments (35-43%);</li> <li>• 25-30 x 3 bedroom apartments (8-10%); and</li> <li>• 11-24 x 4 bedroom terraces (3-8%).</li> </ul>
<i>Non-residential component</i>	<ul style="list-style-type: none"> <li>• Commercial/retail floor space within the Mungo Scott building and ground levels of buildings fronting the public open space and other publicly accessible areas of the site.</li> <li>• Commercial uses may include office uses within the Mungo Scott building and a child care centre within the former amenities building.</li> <li>• Retail uses will be in the form of small tenancies/local convenience shops. A supermarket will not be provided.</li> </ul>
<i>Indicative Staging</i>	<p>Stage 1 – 35-36 dwellings, 250-400m<sup>2</sup> of commercial floor space and 500-675m<sup>2</sup> of retail floor space</p> <p>Stage 2 – 23-28 dwellings, 150-200m<sup>2</sup> of commercial floor space and 100-200m<sup>2</sup> of retail floor space</p> <p>Stage 3 – 144-145 dwellings, 3,100-3,400m<sup>2</sup> of commercial floor space and 1,300-1,475-m<sup>2</sup> of retail floor space</p> <p>Stage 4 – 77-92 dwellings, 100-150m<sup>2</sup> of retail floor space</p>
<i>Traffic arrangements and vehicular access</i>	<ul style="list-style-type: none"> <li>• A roundabout at the intersection of Edward Street and Smith Street as part of Stage 1.</li> <li>• Traffic signals at the intersection of Edward Street and Old Canterbury Road as part of Stage 3.</li> <li>• Three new streets providing vehicular access to/within the site, including: <ul style="list-style-type: none"> <li>• a through street between Edward Street and Smith Street providing vehicular access to Stage 1;</li> <li>• a no-through street accessed from Edward Street along the south and west boundaries of the site providing vehicular access to Stages 2 and 3. This street forms an extension to Wellesley Street with no vehicular access to Old Canterbury Road; and</li> <li>• a no-through street accessed from Smith Street including a bridge over the Hawthorne Canal and providing vehicular access to Stage 4.</li> </ul> </li> <li>• Two streets to be dedicated to Council to provide public vehicular and pedestrian links through the site. The street which involves the bridge over the canal will be kept in private ownership.</li> </ul>
<i>Car parking</i>	<ul style="list-style-type: none"> <li>• A total of 436 – 464 spaces including: <ul style="list-style-type: none"> <li>• 373 – 401 car parking spaces within two level basements; and</li> <li>• 63 on-street car parking spaces including 2 car share spaces.</li> </ul> </li> </ul>
<i>Open space</i>	<ul style="list-style-type: none"> <li>• 4,806m<sup>2</sup> of landscaped public open space providing access to the light rail to be dedicated to Council over two stages.</li> <li>• 5,287m<sup>2</sup> of publicly accessible open space, including two plazas/squares which will be maintained in private ownership but accessible to the general public and may include potential future use for weekend markets.</li> <li>• 1,390m<sup>2</sup> of communal open space for future residents.</li> </ul>
<i>Public benefits</i>	<ul style="list-style-type: none"> <li>• In addition to the payment of Section 94 Contributions the proponent will provide: <ul style="list-style-type: none"> <li>• intersection upgrades as outlined above;</li> <li>• embellishment and dedication of open space to Council as outlined above; and</li> <li>• pedestrian upgrade works in the local area as outlined in Table 10 of ARUP's Traffic and Transport Assessment submitted with the PPR dated 12 March 2012.</li> </ul> </li> </ul>

Key changes between the EA and PPR include:

- redistribution of building heights for three building envelopes:
  - reduction in height of the residential flat building fronting Edward Street from part 4/part 6 storeys to part 3/part 6 storeys;
  - increase of 1 storey to the building in the southernmost portion of the site adjacent to the light rail corridor, existing silos and the rear of properties in Edward Street;
  - reconfiguration of heights of the building within the Marrickville LGA portion of the site to provide a part 6/part 9 part 10 storey envelope (the EA proposed a part 5/part 8/part 10 storey envelope);
- reduction in retail floor space by 300-500m<sup>2</sup> (from 2,500-2,800m<sup>2</sup> to 2,000-2,500m<sup>2</sup>);
- provision of a portion of public open space to provide access to the light rail stop as part of Stage 1;
- reduction in basement car parking from 450-500 spaces to 373-401 spaces; and
- clarification of proposed on-street car parking provision at 63 spaces (the EA proposed 50-70 spaces).

The revised project layout is shown in **Figures 9, 10 and 11**.





Figure 9: Illustrative Masterplan (left) and Height Plan (right) (Source: proponent's PPR)





Figure 10: Staging Plan (left) and Heritage/Adaptive Reuse Plan (right) (Source: proponent's PPR)





Figure 11: Perspective of the Concept Plan building envelopes from the south in the context of the surrounding area and the potential building form on the adjacent McGill Street precinct (Source: proponent's PPR)



## 2.2. Project Need and Justification

### NSW 2021

NSW 2021 replaces the State Plan as the NSW Government's strategic business plan for setting priorities for action and guiding resource attention. NSW 2021 is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The proposal's location adjacent to the planned Lewisham West light rail stop and within walking distance of Lewisham and Summer Hill railway stations will contribute to the Plan's goal of building liveable centres. Further, the introduction of high density residential flat buildings within the suburb of Summer Hill will increase the supply and variety of housing stock to help provide more affordable housing in the Inner West.

### Metropolitan Plan for Sydney 2036

The Metropolitan Plan aims to sustainably manage growth, enhance Sydney's position in the global economy, achieve greater housing affordability, enhance liveability and ensure equity for future generations.

The Metropolitan Plan forecasts a population increase for Sydney of 1.7 million people by 2036, taking the total population to 6 million. As a result, Sydney will need 770,000 additional dwellings by 2036, a 46% increase on the current housing stock of 1.68 million dwellings.

The proposal will make a significant contribution to the achievement of a number of the Metropolitan Plan targets. Specifically, the proposal will provide a number of new apartments in an area with high accessibility to public transport, resulting in increased housing opportunities located with high accessibility to jobs and retail facilities. A mix of apartment sizes and provision of adaptable dwellings allows for changing household demographics and ageing in place.

The proposal will also contribute to the achievement of the Plan's environmental targets, specifically by providing housing with excellent access to public transport and local services.

### Draft Inner West and South Subregional Strategies

The Metropolitan Plan places the site both within the Inner West and South subregions. The main portion of the site within the Ashfield LGA to the west of the Hawthorne Canal is within the Inner West subregion and the smaller portion of the site within the Marrickville LGA and to the east of the Hawthorne Canal is in the South subregion.

Summer Hill is identified as a Small Village (strip of shops) and Lewisham as a Neighbourhood Centre (small cluster of shops) within the respective Subregional Strategies.

The Metropolitan Plan provides updated targets for the Draft Subregional Strategies (SRS), setting following targets for the Inner West and South subregions by 2036:

<b>Subregion</b>	<b>Additional jobs</b>	<b>Additional dwellings</b>
Inner West	25,000	35,000
South	52,000	58,000
<b>Total</b>	<b>77,000</b>	<b>93,000</b>

The land is currently a light industrial precinct and forms part of employment lands within the Inner West and South Subregions.

The Draft South SRS considers that the smaller portion of the site within the Marrickville LGA is suitable for mixed use development, including retention of a proportion of employment land uses.

The Draft Inner West SRS, however, considers that the majority of the site (within the Ashfield LGA) should be retained for industrial uses due to anticipated and continued strong demand for employment lands in the subregion.

The Department has considered the loss of employment land and inconsistency with the Inner West SRS in **Section 5.1** of this report. In summary, it is considered that the residential context around the site, the limited demand for manufacturing jobs in the immediate and broader locality, the constrained local road network and the disconnection from other employment land uses makes the site less suitable for retention as employment lands.

The site is considered suitable for predominantly residential use given its location outside of the Summer Hill and Lewisham centres. The proposal for up to 6,500m<sup>2</sup> commercial and retail floor space is also considered acceptable as secondary uses of the site as it will provide added convenience for future residents and will provide approximately 215 new employment opportunities without compromising local and regional commercial and retail facilities.

It is also noted that the McGill Street Precinct Masterplan seeks to provide up to 6,000m<sup>2</sup> of commercial land use, predominantly on land to the south of the site, which will further contribute to achieving job targets in the locality.

On this basis, the site is considered suitable for a predominantly high density residential development given its location immediately adjacent to public transport, and with good accessibility to services and employment. The proposal will make a substantial contribution to the dwelling targets for Ashfield and Marrickville LGAs and satisfy the key objectives for housing in the Inner West and South subregions.

### **Ashfield Urban Strategy 2010**

The Ashfield Urban Strategy 2010 was prepared by Ashfield Council to provide the strategic underpinning for the preparation of the draft comprehensive Local Environmental Plan and long term direction for land use planning decisions.

A key objective of the Strategy is to continue to locate new residential and commercial development in close proximity to existing public transport nodes. The proposal is consistent with this objective. The Strategy also identifies that employment growth is likely to be within the business administration, property services, health care and retail sectors. The Parramatta Road Corridor and Ashfield Town Centre are identified as key areas for employment growth. It does not anticipate significant growth in the industrial sector.

Whilst the Strategy notes that the site has been identified as being retained for industrial uses within the Draft Inner West Subregional Strategy it identifies the site as a key urban renewal site. The Strategy suggests that a wider range of land uses, including commercial and residential uses could provide a better planning outcome than industrial use of the site given that:

- the site is adjacent to the approved Lewisham West light rail stop and within 500m of Summer Hill Railway Station and Village;
- the landscape and built form qualities of the site could be protected and enhanced; and
- there is a limited demand for 'lower order' industrial land in the Inner West.



The Strategy therefore includes the following specific actions:

- *Consider rezoning of the former Flour Mills site and nearby industrial zoned land from 4(b) Light Industrial to B4 Mixed Use, dependent upon prior Council assessment of a Masterplan for the site.*
- *Require the preparation of a Masterplan and an amendment to Development Control Plan 2007 to address:*
  - *public access to potential future light rail;*
  - *conservation of the relevant industrial heritage;*
  - *potential for a new public open space and cycle and pedestrian paths;*
  - *revegetation of habitat for endangered species;*
  - *incorporation of the GreenWay Project including pedestrian trails and restoration of indigenous vegetation; and*
  - *land use distribution - residential uses, including affordable housing, and employment opportunities such as small scale commercial offices, 'start up' / innovation businesses, live / work premises, local retail / café uses.*

The proposed Concept Plan seeks a use of the site that is consistent with the vision of the Strategy that identifies the site as a key urban renewal site. It also addresses the specific actions set out by the Strategy in relation to the site.

### **2.3. Concept Plan**

The proponent has applied for approval of a Concept Plan under section 75M of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The Concept Plan application seeks approval for the building envelopes and land uses described above in the section detailing the Preferred Project Report.

Any further development of the site (with the exception of Stage 1 for which Director General's Requirements have been issued) will require separate and detailed development applications to be submitted to the relevant Council for consideration.

### 3. STATUTORY CONTEXT

#### 3.1 Major Project

The proposal is a Major Project under Part 3A of the EP&A Act because it is development for the purpose of a residential, commercial or retail project under the former provisions of clause 13 of Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005*. The proposal has a capital investment value over \$100 million.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued for this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75O of the EP&A Act.

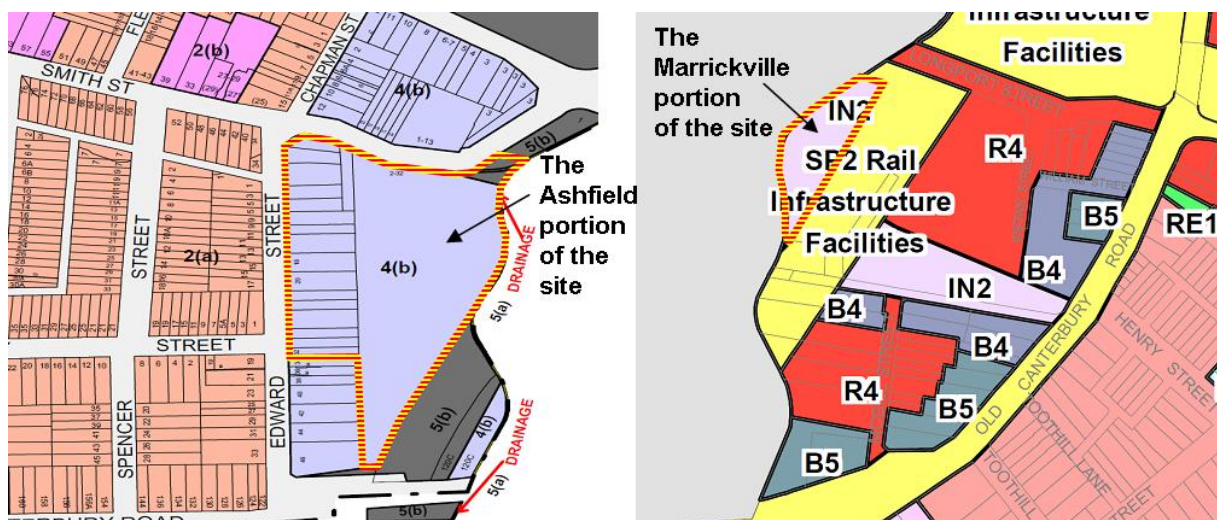
The Minister has delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority and also in cases where the relevant local council objects to the proposal and there are more than 25 public submissions in the nature of objections, as is the case for this application.

Therefore, the application is to be determined by the PAC under delegation from the Minister.

#### 3.2 Permissibility

The majority of the site which lies within the Ashfield LGA is zoned 4(b) Light Industrial under the Ashfield Local Environmental Plan (LEP) 1985. A small part is zoned 5(b) Special Uses Railway. The Hawthorne Canal is zoned 5(a) Special Uses Drainage.

The smaller portion of the site within the Marrickville LGA is zoned IN2 Light Industrial under the Marrickville LEP 2011. Refer to **Figure 12** below.



**Figure 12: Zoning of the site under the Ashfield LEP 1985 and the Marrickville LEP 2011**

The proposed residential, retail and commercial uses are prohibited in the zones which apply to the site. Notwithstanding, the authorisation of a Concept Plan for the site allows the Minister or his delegate to give approval for prohibited land uses where the land is not in a defined sensitive coastal location or a defined environmentally sensitive area of State significance. The site is not located within either of these locations.

In this regard, the proposed mix of residential, retail and commercial uses is considered appropriate given the surrounding residential character of the locality, the high level of accessibility to public transport and limited demand for traditional manufacturing jobs in the Inner West. These issues are considered in detail in **Section 5.1**.

### 3.3 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**. The proposal is considered to be generally consistent with the relevant SEPPs including SEPP 55 – Remediation of Land, SEPP (Infrastructure) and SEPP 65 – Design Quality of Residential Flat Buildings.

### 3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in Section 5 of the EP&A Act. The relevant objects are:

- (a) *to encourage:*
  - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, and*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land, and*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes, and*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

On balance, it is considered that the proposal is consistent with the objects of the EP&A Act in the following respects:

- the benefits provided by the proposal, including the contribution to housing stock within a highly accessible location, and in close proximity to public transport, services, facilities and employment opportunities;
- the renewal of a former industrial precinct for mixed use development achieves orderly and economic use and development of the site;



- provision of a 5,287m<sup>2</sup> of dedicated public open space, including connections through the site to the light rail corridor and Lewisham West light rail stop achieves provision of land for public purposes; and
- the proposed mix of apartment sizes and types will provide a range of housing options for future residents of varying income levels and household sizes.

### 3.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The department considers that the proposal represents a sustainable use of the site, as it proposes a mix of residential, retail and commercial uses within an established urban area with good access to public transport, amenities, services and employment. The EA has explored key ESD opportunities to be incorporated into the development as part of future applications. Noting this, the department considers that the proposal is consistent with the key principles of ESD.

Further consideration of relevant of ESD principles is included at **Appendix D**.

### 3.6 Statement of Compliance

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1 Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 29 June 2011 until 12 August 2011 (an extended period of 45 days) on the Department's website and at the Department of Planning & Infrastructure Information Centre, Ashfield Council Civic Centre, Ashfield Library, Marrickville Council Citizens' Service Centre and Marrickville Library.

The Department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 29 June 2011 and in the Inner West Courier on 30 June 2011 and notified landholders and relevant State and local government authorities in writing.

The Department received 1128 submissions during the exhibition of the EA comprising 8 submissions from public authorities and 1120 submissions from the general public and special interest groups.

A further 19 submissions were received in response to the PPR, including 7 submissions from public authorities and 12 submissions from the general public.

A summary of the issues raised in submissions is provided below.

### 4.2 Public Authority Submissions

Eight submissions were received from public authorities in response to the EA and a further seven submissions in response to the PPR. Submissions were received from Ashfield Council, Marrickville Council, Leichhardt Council, Sydney Water, Transport for NSW, Roads and Maritime Services, RailCorp and the Office of Water. The submissions from public authorities are summarised in **Table 2** below:

**Table 2: Summary of Issues Raised in Public Authority Submissions**

Ashfield Council	
EA	<p>Ashfield Council provided the following comments:</p> <ul style="list-style-type: none"> <li>• an adequate visual impact assessment has not been provided;</li> <li>• building height is excessive, specifically the 6 storey building near the Edward Street frontage and the 8/10 storey building within the Marrickville portion of the site;</li> <li>• a minimum 5 metre wide deep soil zone should be provided along the Edward Street frontage;</li> <li>• the verge/footpath along Edward Street should be wide enough to enable large street trees to be planted;</li> <li>• 5% of the residential GFA should be provided as affordable housing;</li> <li>• the proposal should comply with the Universal Accessible Design requirements of the Ashfield DCP 2007;</li> <li>• the site should be heritage listed, development approval be required for demolition, heritage provisions of the LEP apply to future applications, and a Conservation Management Plan be prepared;</li> <li>• flora and fauna impacts and site contamination have not been adequately addressed;</li> <li>• traffic improvements should be provided as part of Stage 1 of the development;</li> <li>• insufficient detail is provided in relation to public access to the light rail station, design of internal streets and public footpaths, flooding and staging;</li> </ul>

- the additional 3 levels on top of the silos compromise the heritage significance of the silos;
- the new road connection at Old Canterbury Road is not supported;
- damage to local streets, stormwater pipes and any upgrades should be to the satisfaction of Council;
- section 94 contributions should be made to Council;
- the retail uses should be restricted to small scale tenancies (not a supermarket);
- the open space in the north-west portion of the site should be dedicated to Council as part of Stage 1 and on-going maintenance should be covered by the future owner/s (it was separately clarified that on-going maintenance would only be the responsibility of future owner/s if the land remained in private ownership);
- car parking must be provided in accordance with the minimum DCP rates;
- commuter parking for the light rail station has not been identified; and
- detailed architectural vocabulary of proposed buildings should be provided.

Council also made requests in relation to referral to the Planning Assessment Commission and cumulative assessment of the proposal with the Lewisham Estate Concept Plan on the neighbouring site.

*PPR*

Ashfield Council restated the majority of the concerns raised in response to the EA. Council indicated a preference for the open space to be dedicated to Council, and that the proponent should enter into a Voluntary Planning Agreement with Ashfield and Marrickville Councils and Transport for NSW to construct the section of GreenWay between Old Canterbury Road and Longport Street.

It also reiterated its position that car parking must be provided in accordance with the minimum DCP rates and that it does not intend to implement a resident parking scheme.

### **Marrickville Council**

*EA*

Marrickville Council provided the following comments:

- the urban design is excellent in terms of open space, street network, massing, building heights, reuse of the former industrial buildings, land use and solar access;
- the open space at the junction of the light rail corridor has the potential to have an important public place function;
- the footpath along Edward Street should be increased for pedestrian access and street tree planting and the basement should be setback from the boundary to allow deep soil planting;
- studio apartments should be provided to cater for single person households;
- a cumulative traffic analysis should be undertaken for the proposal, the Lewisham Estate development and adjacent development sites;
- a minimum of 2 car share spaces be provided in a publicly accessible area near the edge of the site;
- access to the light rail stop must be provided at the first stage of the development;
- pedestrian access to Longport Street should be provided earlier than Stage 4;
- all publicly accessible open space areas should have an easement to ensure ongoing legal public access is maintained;
- bicycle parking should be provided within public spaces;



- waste collection should be within the basements;
- the retail and commercial floor space is generally supported;
- a cumulative assessment of retail and commercial spaces is necessary to ensure the proposal does not significantly affect the viability of surrounding centres;
- the proposal should contribute to community facilities and services;
- a full evaluation of benefit services and infrastructure required for the development should be undertaken at the Concept Plan stage;
- the amount of open space proposed is less than the rate of 1.6 hectares per 1000 persons (within Council's Recreation Strategic Plan);
- a monetary contribution should be made for off site open space;
- a level of affordable housing should be provided;
- flooding issues associated with the Hawthorne Canal need to be addressed; and
- impacts on the long-nosed bandicoot population in the inner west and the need for up to date surveys and additional measures to protect the population.

**PPR**

Marrickville Council provided the following comments:

- the proposed density is acceptable;
- the proposed building heights within the Marrickville portion of the site are acceptable, however solar access to the north-eastern side of the south-western building element should be considered;
- the building heights and form across the site is appropriate;
- the commercial use of the Mungo Scott building is supported;
- the design of the open space and relationship with the light rail stop should provide a high level of activation and create a public place function;
- future applications should consider inclusion of studio apartments;
- waste collection should be provided within the basement;
- further consideration of bicycle paths and connections and appropriate location of bicycle parking is required;
- the proponent should enter into a Voluntary Planning Agreement with Ashfield and Marrickville Councils and Transport for NSW to construct the section of GreenWay between Old Canterbury Road and Longport Street;
- a proportion of affordable housing should be provided; and
- landscaping should support long nosed bandicoot habitat.

**Leichhardt Council****EA**

Leichhardt Council provided the following comments:

- the proposal should include affordable housing;
- traffic impacts on the Leichhardt LGA, in particular the Brown/Hathern/Tebbutt Street corridor which is a major link between Marrickville and Leichhardt;
- traffic impacts during the construction of the light rail extension;
- traffic impacts and diversion of traffic to other routes due to congestion at the intersection of Old Canterbury Road/Longport Street/Railway Terrace;
- the need to address the GreenWay and provide accessibility and activation;
- the need for ESD measures to be incorporated into the Concept Plan;
- the need for a construction traffic management plan, pedestrian upgrades between the site and the Lewisham and Summer Hill railway stations, and measures to reduce car dependence;
- the proposal provides inadequate open space for the needs of existing and new residents;
- the loss of employment lands is unacceptable and must be considered in

	<p>the context of employment lands throughout the inner west subregion;</p> <ul style="list-style-type: none"> <li>• the additional height on top of the existing silos is excessive and unnecessary and will not contribute benefits to the overall development;</li> <li>• a 10 metre setback should be provided to the GreenWay;</li> <li>• overshadowing should be avoided;</li> <li>• privacy of existing properties should be considered; and</li> <li>• buildings should be designed to minimise impacts of noise, vibration, lighting and privacy associated with the light rail corridor.</li> </ul>
<i>PPR</i>	Leichhardt Council considers that the original concerns relating to affordable housing, open space, land use and built form are still valid and not adequately addressed in the PPR.

### Sydney Water

<i>EA</i>	<p>Sydney Water provided the following comments:</p> <ul style="list-style-type: none"> <li>• existing water and waste water systems have capacity to service the development with connections to meet Sydney Water's requirements; and</li> <li>• insufficient information has been provided in relation to flooding and drainage.</li> </ul>
<i>PPR</i>	<p>Sydney Water objected to the proposal in relation to flooding. In particular:</p> <ul style="list-style-type: none"> <li>• the capacity of the culverts under the railway line and Longport Street is limited and as such causes severe local flooding of the light rail corridor and the subject site;</li> <li>• the proposed building within the Marrickville portion of the site may compromise future flood mitigation works;</li> <li>• concern for public safety if the development was to proceed without appropriate provisions for the management of local flood risk;</li> <li>• the proponent is encouraged to work collaboratively with Transport for NSW as the adjoining owner of the light rail corridor; and</li> <li>• it is not appropriate to defer investigation of flood mitigation works through the Statement of Commitments.</li> </ul>
<i>Additional Advice</i>	<p>Sydney Water has further advised that existing flood risk on the site is poorly understood. As such it would be prudent to examine the existing flood risk and how it may be best managed with all key stakeholders. It recommends that any Concept Approval require that the development be conditional upon the development and implementation of a flood study and plan for the local catchment to be approved by Sydney Water, TNSW and relevant councils. This issue is fully considered in <b>Section 5.4</b>.</p>

### Transport NSW (TNSW)

<i>EA</i>	<p>TNSW provided the following comments:</p> <ul style="list-style-type: none"> <li>• the retail, commercial and on-street visitor parking components could be reduced to encourage workers and visitors to travel to and from the site via public or active transport modes;</li> <li>• timed on-street parking and resident parking schemes are supported;</li> <li>• increased car share spaces should be provided to aid in a further reduction of car parking spaces provided on site;</li> <li>• a Workplace Travel Plan or Travel Access Guide should be prepared;</li> <li>• the pedestrian/cycle connections through the site are supported and the connection to the light rail stop should be provided early within the staging;</li> <li>• the proposed access to Longport Street is supported;</li> <li>• a kiss and ride and accessible on-street parking space should be considered within the proximity of the light rail stop;</li> <li>• landowner's consent from RailCorp is required for any works within the rail corridor;</li> </ul>
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- the Western Express project is unlikely to have a substantial influence on public transport mode share for the development;
- the proposed bus priority measures along Old Canterbury Road are not supported;
- bicycle spaces should be provided in a publicly accessible all weather location; and
- the construction management plan should include measures to ensure accessibility, amenity and safety for public transport use, walking and cycling during construction.

*PPR* TNSW advised that it did not wish to make any further comment on the PPR.

### **Roads and Maritime Services (RMS)**

*EA* The Roads and Traffic Authority (RTA) (now the RMS) provided the following comments:

- TRANSYT Modelling should be undertaken, independently audited by a third party and submitted to the RTA for review;
- the RTA does not require micro-simulation modelling to be undertaken but will be willing to review the modelling if it is carried out;
- the proposed vehicular access to Old Canterbury Road is not supported;
- threshold entry treatments should be provided to ensure that internal roads are self enforcing low speed environments;
- measures to improve pedestrian accessibility, amenity and safety between the site and the railway stations, neighbourhood shops and schools should be provided;
- the proposal should include secure bicycle parking, drop off and pick up zones for the light rail, bus shelters at bus stops and consultation with the State Transit Authority regarding additional bus services;
- all vehicles are to enter and exit the site in a forward direction and all access is to comply with the Australian Standards; and
- a demolition and construction traffic management plan is to be provided and all works shall be at no cost to the RTA.

*PPR* The RMS advised that the previous road design concerns raised in response to the EA have been satisfactorily addressed by the proponent and granted in-principle approval to the proposed traffic signals at Old Canterbury Road and Edward Street, subject to a number of requirements:

- that the design of the intersection be generally in accordance with the ARUP concept (Drawing SKT004) but subject to further refinement and resolution of issues raised by the RMS in Attachment A of its letter dated 30 August 2012;
- that the proponent cover the cost of the first 10 years maintenance of the signals;
- that the proponent enter into a "Major Works Authorisation Deed" with the RMS for the signalisation and civil works;
- that the existing bus zones on Old Canterbury Road be relocated;
- implementation of "no stopping" restrictions in consultation with affected residents/business; and
- that the signals and associated civil works be constructed and operational prior to issue of an Occupation Certificate for Stage 3 of the development.

### **RailCorp**

*EA* RailCorp provided the following comments:

- RailCorp landowners consent is required for the works within the rail corridor and for the proposed access to Longport Street;
- the proposed car parking provision is excessive and should be reduced

	<p>given its proximity to public transport, in particular the commercial, retail and visitor parking; and</p> <ul style="list-style-type: none"> <li>• future applications will need to address RailCorp requirements in relation to excavation and geotechnical/structural protection of the rail corridor.</li> </ul>
<i>PPR</i>	After discussions with the proponent, RailCorp issued landowners consent and raised no objections to the Concept Plan subject to future assessment requirements in relation to rail corridor and derailment protection, drainage, noise and vibration, balconies and windows, reflectivity, fencing and landscaping, contamination and the interface with the light rail corridor and tram stop.
<b>Office of Water</b>	
<i>EA</i>	<p>The Office of Water provided the following comments:</p> <ul style="list-style-type: none"> <li>• advised of the licensing requirements if the basement excavation is likely to intercept ground water; and</li> <li>• recommended that the landscaping on the site enhances habitat for native fauna consistent with the GreenWay corridor.</li> </ul>

### 4.3 Public Submissions

#### *Submissions to the EA*

1120 submissions were received from the public in response to the exhibition of the EA. This included submissions from the following special interest groups:

- Summer Hill Action Group;
- GreenWay Steering Committee;
- Friends of the GreenWay;
- Inner West Environment Group;
- Summer Hill Children's and Community Centre;
- Ashfield & District Historical Society; and
- Summer Hill Public School P&C.

Of the 1120 public submissions, 1067 (95.3%) were form letters of objection to the project and 36 (3.2%) were individual letters of objection. A further 17 (1.5%) submissions were received which did not object but raised concerns regarding the proposal. The key issues raised in public submissions are listed in **Table 3**.

**Table 3: Summary of Issues Raised in Public Submissions**

<b>Issue</b>	<b>Proportion of submissions (%)</b>
Traffic generation	96
Excessive height / out of character with the locality	91
Cumulative impacts of this proposal and the Lewisham Estate Concept Plan	90
Excessive density	90
Insufficient open space	89
Insufficient community facilities and amenities in the locality	89
Insufficient community consultation	86
Retail impacts on Summer Hill Village	85
Heritage	25



Other issues raised in a smaller number of submissions included infrastructure capacity, insufficient parking, amenity impacts on neighbouring properties (overshadowing, privacy and noise), flooding, impacts on flora and fauna, relationship with the GreenWay, the need for ESD initiatives and measures to discourage car use.

#### *Submissions to the PPR*

12 submissions of objection were received from the public in response to the PPR, including a submission from the Summer Hill Action Group. The key issues raised in public submissions are listed in **Table 4**.

**Table 4: Summary of Issues Raised in Public Submissions**

Issue	Proportion of submissions (%)
Height	83
Traffic generation	75
Cumulative impacts of this proposal and the Lewisham Estate Concept Plan	58
Insufficient parking	33
Need for Affordable housing	33
Heritage	33
Insufficient open space	25
Excessive density	25
Insufficient community facilities and amenities in the locality	25

Other issues raised in a smaller number of submissions included insufficient community consultation, infrastructure capacity, flooding, and measures to discourage car use.

The Department has considered the issues raised in submissions in its assessment of the project.

#### **4.4 Proponent's Response to Submissions**

The proponent provided a response to the key issues raised by the submissions in response to the exhibition of the EA and PPR. Key changes to the scheme are summarised in **Section 2.1.2**.

The proponent's full response to submissions to the EA and PPR is included at **Appendix C** and **D**. The department is satisfied that the issues raised in submissions have been addressed and can be managed by modifications and future assessment requirements.

## 5. ASSESSMENT

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The department considers the key environmental issues for the project to be:

- strategic context and land use;
- traffic;
- height and density;
- flooding;
- open space; and
- residential amenity.

### 5.1. Strategic Context and Land Use

The site forms part of a former industrial precinct straddling either side of the existing rail corridor comprising an area of approximately 10 hectares. The eastern portion of the precinct (the McGill Street Precinct) within the Marrickville LGA has been rezoned to allow residential and mixed uses. This proposal similarly seeks to allow residential, retail and commercial uses (on industrial land) which is generally consistent with the approach taken in the McGill Street precinct.

The proposed land use is therefore a key strategic issue in the context of Metropolitan and Subregional strategies which seek to provide 760,000 jobs and 770,000 new dwellings across the Sydney metropolitan area to support anticipated population growth over the next 25 years.

The Metropolitan Plan for Sydney 2036, released in December 2010, sets out a long term framework for the provision of jobs and housing in the metropolitan area. As discussed in Section 2.2, the site is located on the border of the Inner West and the South subregion of Sydney.

The Draft South Subregional Strategy (SRS), which applies to the smaller part of the site located within the Marrickville LGA, notes that this land is relatively isolated from nearby residential uses, located on a busy road and close to Lewisham Station. On this basis, the site is considered suitable for mixed use development, primarily residential but includes a proportion of employment (i.e. commercial and retail) land uses.

The Draft Inner West SRS which applies to the majority of the site, however, recommends that all existing industrial sites within the subregion (total of approximately 360 hectares) be retained for industrial purposes or investigated for more intensive employment uses (i.e. commercial/office development). The main portion of the site within the Ashfield LGA therefore is identified as being retained for industrial uses.

The proposed land use in the context of the Metropolitan and Subregional strategies is therefore a key issue in the department's assessment.

#### *The Proponent's justification*

The proponent has made a number of requests to the department to review the classification of the site within the Inner West SRS. Daly Research Systems (DRS) was engaged by the proponent to evaluate the economic, demographic and social factors in determining the future land use of the site.

DRS argues that the inconsistencies between the Inner West and South SRS are unfounded and that the preservation of small parcels of industrial land does not serve any strategic value.

DRS suggests that the portion of the site within Marrickville LGA may have been considered differently than the portion within the Ashfield LGA for the following reasons:



- the southern part of Marrickville has a strong employment base and therefore the site is not needed to meet job targets; and
- Ashfield does not have a strong employment base which may have led to the retention of all industrial sites for industrial or more intense employment uses.

DRS considers that the provision of industrial land should not be defined by Council or subregional boundaries but by demand and needs of local communities. As such, it is argued that there is no strategic justification for the inconsistent approach between the Inner West and South SRS (i.e. the retention of the site for industrial uses and the rezoning of the adjacent site for mixed uses).

DRS further considers that the site is more suitable for a mix of uses (including primarily residential uses) rather than industrial uses for the following reasons:

- the Allied Mills site became an industrial site based on the flour milling activities and access to the goods rail line;
- the flour milling activities have been relocated out of the region and the goods rail line has been decommissioned;
- manufacturing is a minor source of employment in Sydney compared to service/knowledge based occupations;
- there is an abundance of local service industries such as auto repair centres and mechanics in the locality;
- industrial uses would cause residential amenity issues;
- the primary challenge for the local Council is meeting dwelling targets, particularly given the heritage values throughout the LGA;
- the site is ideally located close to public transport and services; and
- the local road networks are unable to accommodate increased traffic generated by an industrial development of the site.

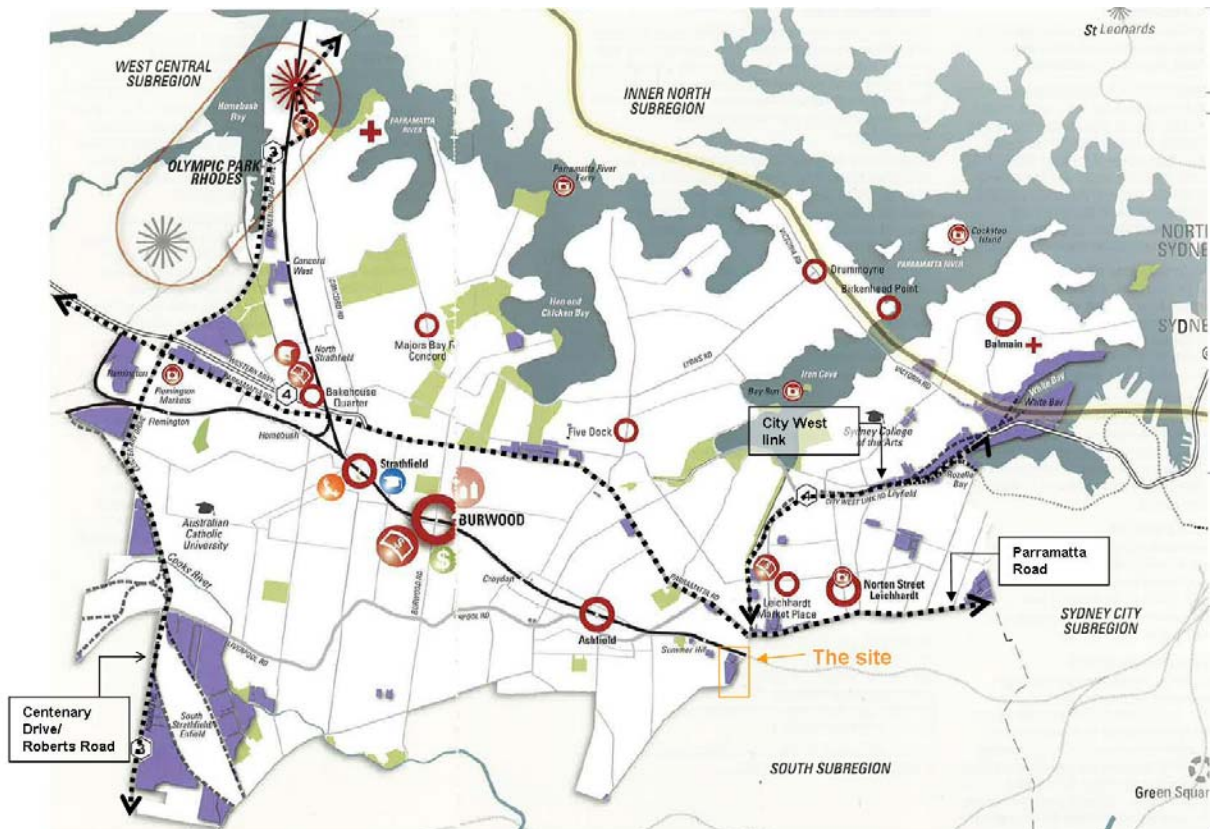
#### *Department's consideration*

As mentioned above, the Inner West SRS recommends that all industrial land across the subregion be retained for industrial uses or more intense employment uses. The department has considered the attributes of industrial land across the Inner West subregion as part of its assessment as to whether the continued industrial use of the Allied Mills site is appropriate.

As shown in **Figure 13**, industrial areas in the subregion are generally located on or near major arterial roads, including Centenary Drive, Parramatta Road and the City West Link Road.

The largest industrial areas are located in the western portion of the subregion in Enfield, South Strathfield and Flemington/Homebush. These industrial precincts have larger areas up to 114 hectares, good access to arterial roads and are relatively well separated from residential and other sensitive land uses. The retention and intensification of industrial uses in these areas with these attributes in line with the Strategy is therefore considered appropriate.

In the central and eastern portions of the subregion, industrial zoned land is provided along Parramatta Road and the City West Link Road. A large area at White Bay (75.8 hectares) is identified in the Strategy for retention and a higher intensity employment function. The retention of these sites for continued industrial use is considered appropriate on the basis of access to arterial roads and the waterfront.



**Figure 13: Industrial zoned land within the Inner West Subregion (Base Image Source: Draft Inner West Subregional Strategy, 2008)**

The Allied Mills site, however, does not benefit from the same direct access to arterial roads as the majority of other industrial land in the subregion. The former flour milling activities on the site relied on the adjacent goods rail line between Glebe Island and Dulwich Hill for movements in and out of the site. This rail line was decommissioned in 2009 when the flour milling activities ceased on the site.

The decommissioned goods rail line will form the corridor for the approved light rail extension between Lilyfield and Dulwich Hill. While the light rail extension will provide additional public transport connections, it does not meet the goods transport needs of an industrial precinct, which relies on heavy vehicle access and requires quick and easy access to the arterial road network. The local road network is highly constrained with significant traffic congestion in the morning and afternoon peak periods. On this basis, the site is considered less suitable for on-going industrial use.

Further, the land surrounding the site is predominantly residential, with the McGill Street precinct to the east of the rail corridor recently rezoned from industrial to mixed use (residential, retail and commercial). It is considered that the site does not have sufficient separation from neighbouring residential uses necessary for on-going and potentially intensified industrial uses.

Ashfield Council's Urban Strategy also suggests that the site may be suitable for a mixed use zoning, subject to consideration of a Masterplan for the site. Specifically, the Strategy suggests that a wider range of land uses, including commercial and residential uses could provide a better planning outcome than industrial use of the site noting limited demand for the traditional industrial use of the site and the strategic location adjacent to the approved Lewisham West light rail stop and nearby Summer Hill Railway Station and Village.



The department considers that the arguments put forward by DRS on behalf of the proponent are well founded and that there is limited strategic justification for continued industrial use of the site.

Ashfield LGA has very limited industrial land, however, that alone is not justification to require the site to be retained for continued industrial use. Given the demand for non-manufacturing employment in the subregion, it is considered that alternate sites within Ashfield Town Centre and along the Parramatta Road Enterprise Corridor, are more appropriate for providing non-manufacturing employment opportunities to meet the jobs target for the subregion.

Further, the proposed mixed use development is consistent with key objectives within the Metropolitan Plan, Inner West and South SRS as it will:

- provide for approximately 215 new employment opportunities in the commercial and retail components of the proposal (approximately 110 more jobs than previously provided by flour milling activities on the site);
- provide increased residential densities within the walking radius of smaller local centres and public transport;
- provide housing choice and broaden the range of housing types available in the locality and meet the needs of smaller households;
- provide up to 300 new dwellings, which is a substantial contribution to the dwelling targets for the subregion; and
- reduce urban sprawl while utilising existing and approved public transport and associated economic and environmental benefits; and
- is consistent with the SRS that identifies a portion of the site to be suitable for mixed use development.

It is considered that the Allied Mills site and the adjacent McGill Street precinct are unique in their ability to accommodate high density residential development given the predominance of low scale residential development and heritage listed buildings and conservation areas in the locality. The loss of industrial zoned land has been carefully considered by the department and on balance the proposed residential, retail and commercial land uses are supported.

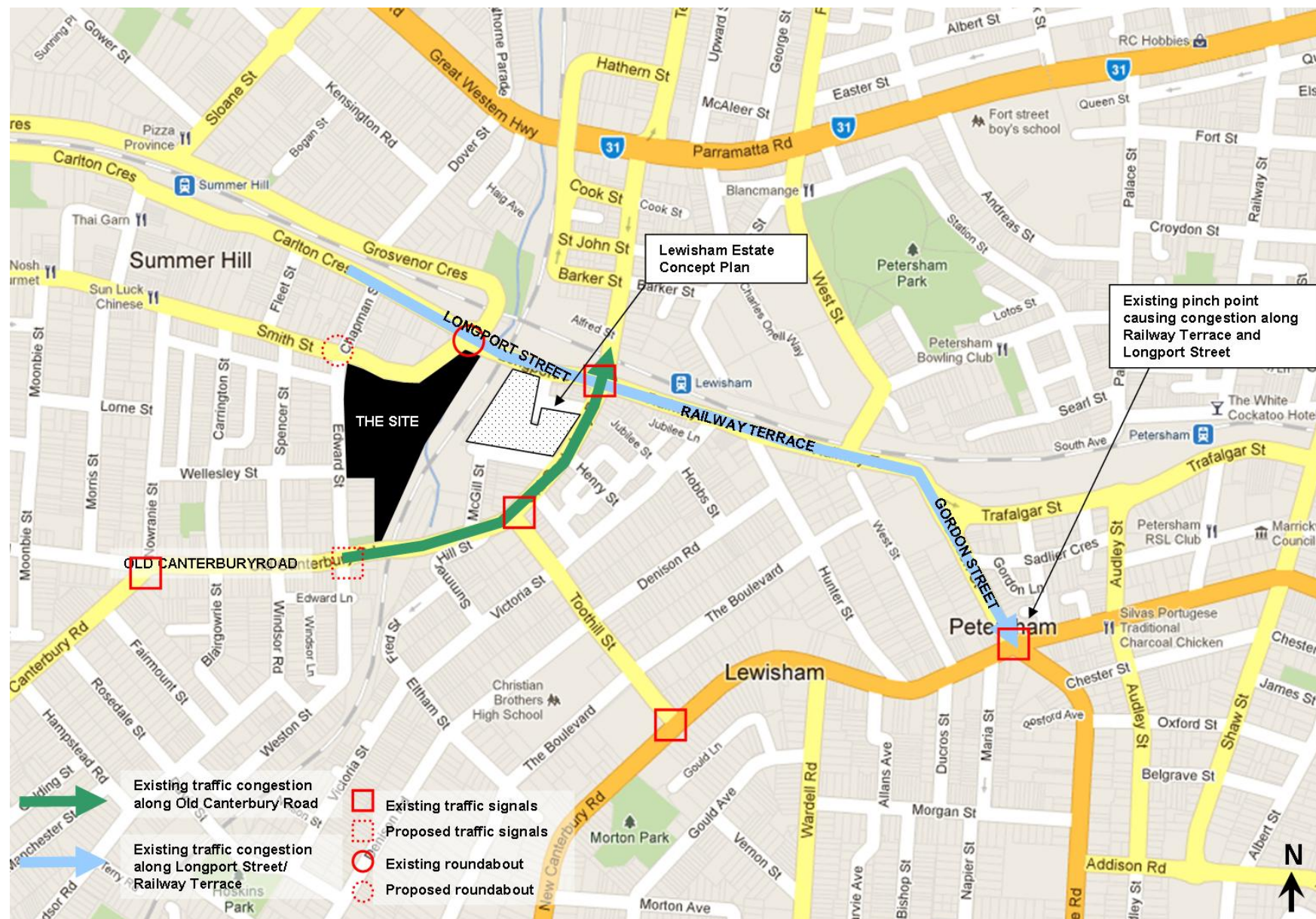
## **5.2. Traffic and Transport**

### **5.2.1 Traffic Generation and Local Road Network**

The local road network in the vicinity of the site is subject to high volumes of traffic during peak hours. Access to the site is via Edward Street and Smith Street which intersect with two highly trafficked roads, being Old Canterbury Road and Longport Street. These roads experience traffic congestion particularly in the weekday morning and evening peak periods.

Old Canterbury Road is a state controlled road providing a regional connection between Hurlstone Park and Leichhardt. It carries approximately 20,000 vehicles per day. Old Canterbury Road generally provides 2 lanes in each direction. However, north of Longport Street a single northbound lane is provided, requiring vehicles to form a single lane at the railway underpass.

Longport Street is a regional road carrying approximately 20,000 vehicles per day. It forms part of a series of streets, which can be used as an alternate to Parramatta Road between Ashfield and Camperdown. These streets are generally one lane in each direction, however two eastbound lanes are provided in the approach to Old Canterbury Road. This narrows again to a single lane in each direction immediately after the intersection as the road turns into Railway Terrace past Lewisham railway station. The local road network in the vicinity of the site is shown in **Figure 14** over page.



**Figure 14: Local road network in the vicinity of the site (Base Image Source: Google Maps)**



The majority of submissions were concerned that the proposal would exacerbate the already poor traffic conditions in the vicinity of the site. The councils and general public were also concerned about the cumulative traffic impacts of this proposal and other approved and planned developments in the area, including the Lewisham Estate redevelopment and likely future development of the McGill Street precinct. The impact of the proposed traffic generation on the local road network is therefore a key consideration in the department's assessment.

#### *The Proponent's Justification*

The proponent submitted a Traffic and Transport Assessment by ARUP which estimates that the likely traffic generated by the proposal would be some 206-233 vehicles during the morning peak hour and 256-296 trips during the evening peak hour.

ARUP has provided a cumulative assessment of the traffic generation of the proposal, the approved Lewisham Estate development and future development of the McGill Street Precinct in accordance with the Masterplan. The results of this assessment are provided in **Table 5**.

**Table 5: Estimated traffic generation (Source: proponent's PPR)**

<i>Development site</i>	<i>Development yield</i>	<i>AM peak (vehicle trips per hour)</i>	<i>PM peak (vehicle trips per hour)</i>
<b>Allied Mills</b>	280-300 dwellings	206-233	256-296
<b>Lewisham Estate</b>	430 dwellings	143*	143*
<b>Remainder of the McGill Street precinct</b>	220 dwellings	189	189
<b>Total</b>	<b>950 dwellings</b>	<b>538-565</b>	<b>588-628</b>

*\*The estimated traffic generation within the Traffic Assessment submitted with the PPR for the Lewisham Estate Concept Plan was 189 trips per hour in the morning and evening peak*

ARUP estimates that the traffic generated by the combined developments results in a 3 to 8% increase in traffic volume along Longport Street/Railway Terrace in the AM and PM peak and a 7 to 9% increase in traffic volume along Old Canterbury Road in the AM and PM peak respectively.

ARUP has recommended that traffic signals be provided at the intersection of Edward Street and Old Canterbury Road to cater for the increased traffic generation as a result of the development. It is recommended that the traffic signals be installed prior to occupation of Stage 3, which is the largest stage of the development. ARUP does not consider that the signals are required for the first two stages of the development (approximately 60 dwellings).

ARUP has undertaken transyt modelling (which has been independently audited by Aurecon) to determine the impact of installing traffic signals at Old Canterbury Road and Edward Street. ARUP considers that the new signals are located at a sufficient distance from existing signals on Old Canterbury Road and therefore will not have unacceptable impacts on traffic flows along Old Canterbury Road. The signals will be capable of being coordinated with other signals to provide for the orderly travel of vehicles along this route.

The modelling, however, shows that the operation of the Old Canterbury Road and Longport Street/Railway Terrace intersection will continue to deteriorate as a result of background traffic growth and development traffic. Existing constraints in the road network will continue to cause significant queuing along Old Canterbury Road, Longport Street and Railway Terrace. ARUP considers that the wider constraints need to be addressed to improve traffic conditions in the locality in general.

The RMS has accepted the proponent's modelling and has also given 'in principle' approval to the concept design for the traffic signals at Old Canterbury Road and Edward Street. The design, as shown in **Figure 15**, provides for:

- widening to the south of Old Canterbury Road to provide a dedicated left turn lane (into Weston Street), one through lane and a shared through lane and right turn lane (into Edward Street) on the eastern leg of the intersection;
- banning of right turns from Old Canterbury Road (into Weston Street) and provision of one through lane and one shared through lane and left turn lane (into Edward Street) on the western leg of the intersection;
- two through lanes with shared left and right turn lanes in both Edward and Weston Streets on the north and south legs of the intersection; and
- formalised access arrangements to the 5 properties which front the unnamed lane to the south of Old Canterbury Road.



**Figure 15: Proposed signalised intersection design at Old Canterbury Road and Edward Street (Source: ARUP)**

A roundabout is also proposed at the intersection of Edward Street and Smith Street to provide local vehicle circulation for traffic. The roundabout will be constructed as part of the first stage of the development.

ARUP has also recommended a range of pedestrian improvement works in the locality, particularly between the site and Summer Hill station that will be implemented by the proponent. These include pedestrian crossings, realignment/upgrading and new kerb ramps and signage as outlined in Table 10 of ARUP's Traffic and Transport Assessment submitted with the PPR. The proponent has committed to undertake these works as part of Stage 1.



*Council's consideration*

Ashfield Council commissioned Colston Budd Hunt and Kafes Pty Ltd (CBHK) to undertake a review of the Traffic and Transport Assessment prepared by ARUP. CBHK advises that the redevelopment of the Allied Mills site alone is generally acceptable, subject to the proposed traffic signals, roundabout and access to and from the site as recommended by ARUP.

CBHK considers that the redevelopment of the Lewisham Estate site and the McGill Street precinct will generate significantly higher traffic levels than the Allied Mills proposal. On this basis, it was recommended that micro simulation computer modelling of the cumulative impacts of the developments should be undertaken.

CBHK also notes that the intersection of Old Canterbury Road and Longport Street/Railway Terrace does not have capacity for the proposed development and raises concern that ARUP has not proposed any mitigation measures for this intersection.

Council's Traffic Engineer also provided the following comments:

- the proposed traffic signals at the intersection of Edward Street and Old Canterbury Road are supported;
- the proposed roundabout at the intersection of Edward Street and Smith Street is supported;
- there is insufficient facilities for pedestrians to cross at the roundabout intersection of Smith Street, Grosvenor Street, Carlton Crescent and Longport Street;
- the number of driveway access points off Smith and Edward Streets are of concern;
- traffic surveys in 2008 revealed that Edward Street has high traffic volumes and a high percentage of speeding vehicles (over 50km/h); and
- the traffic volumes need to be maintained within the environmental capacity and appropriate traffic calming measures introduced after local consultation.

*Independent traffic assessment*

The department engaged Halcrow to undertake an independent review of the TMAPs prepared by ARUP (for the subject proposal) and Traffix (for the Lewisham Estate development) and provide an independent assessment of the cumulative impacts of the proposal, the Lewisham Estate development (approved by the PAC on 15 March 2012) and future development of the McGill Street precinct. The report by Halcrow is provided in **Appendix E**. As part of the review Halcrow consulted with both traffic consultants and Marrickville and Ashfield Council officers.

Both ARUP and Traffix adopted a traffic generation rate of 0.4 peak hour trips per dwelling. Halcrow, however, considers that a rate of 0.29 peak hour trips per dwelling (consistent with the RTA's Guide to Traffic Generating Development) is more appropriate based on the proximity of the sites to public transport.

Halcrow have therefore suggested that the likely traffic generation is likely to equate to 236 and 131 vehicle trips per hour for the Allied Mills and Lewisham Estate proposals, respectively (total of 367 trips per hour). Notwithstanding, Halcrow has adopted higher traffic generation rates as outlined by ARUP and Traffix, rather than those suggested by the RTA Guide, to provide a more conservative assessment.

Halcrow also provided a revised estimated peak hour traffic generation of 196 trips per hour for the remainder of the McGill Street precinct (compared to the ARUP estimate of 189 trips per hour), based on an indicative dwelling yield of 280 dwellings, 2,040m<sup>2</sup> of retail floor space and 4,900m<sup>2</sup> of commercial floor space.

On this basis, Halcrow adopted a peak hour traffic generation for the three development sites of 571 trips per hour in the morning peak and 675 trips per hour in the evening peak, which includes:

- 290 trips per hour for the Allied Mills proposal; and
- 189 trips per hour for the Lewisham Estate proposal;
- 196 trips per hour for the remainder of the McGill Street precinct.

Halcrow also notes that development of these sites for industrial purposes as allowed under the current planning controls would generate some 600 vehicle trips per hour, which is equivalent to the proposed traffic generation for the three mixed use developments.

Halcrow reviewed the existing traffic conditions and found that the intersections of Old Canterbury Road/Longport Street/Railway Terrace, Old Canterbury Road/Toothill Street, Railway Terrace/West Street and Longport Street/Smith Street all operate unsatisfactorily in the morning peak with extensive average delays and queue lengths. However, in the evening peak these intersections operate at an acceptable level of service.

Halcrow advised that the traffic generated by the proposals would exacerbate the already poor performing road network. However, Halcrow notes that the existing traffic congestion arises because of wider network capacity issues, including a “pinch point” at the intersection of New Canterbury Road and Gordon Street (approximately 900 metres to the east of the site as outlined in **Figure 14**). This results in extensive delays on Railway Terrace, Longport Street and Old Canterbury Road. Halcrow has recommended that improvement of this pinch point should be developed and implemented by the roads authority.

In relation to the local road network, Halcrow noted that:

- the proposed signalised intersection at Old Canterbury Road and Edward Street would operate at a satisfactory level of service with acceptable queuing and delays; and
- the proposed roundabout at the intersection of Edward Street and Smith Street would operated at a good level of service with minimal queuing and delays.

Notwithstanding the wider traffic congestion within the locality, Halcrow, in terms of traffic generation, is supportive of the proposed increased density on the site, in addition to the approved and planned developments on the Lewisham Estate site and the remainder of the McGill Street precinct, on the basis of:

- the continued use of the sites for industrial purposes would generate similar traffic volumes to the proposed developments, but with a higher proportion of heavy vehicles;
- industrial development is no longer compatible with the surrounding residential use and the conversion of the former goods rail line into light rail;
- the proposals can be model transit oriented developments and are consistent with state government objectives of improving access to housing, employment and services using public transport and reducing car dependency;
- in the short term, while congestion will worsen with additional vehicle trips, this has the potential to encourage diversion of traffic to nearby arterial roads resulting in an overall improvement to the traffic conditions in the vicinity of the site; and
- in the long term, the road network could be returned to satisfactory operating conditions with the removal of the pinch point at New Canterbury Road and Gordon Street.

Halcrow has made the following key recommendations in order to mitigate the traffic related impacts of this proposal:

- suppressed parking rates should be imposed on all three development sites consistent with the Marrickville DCP 2011 (refer to **Section 5.2.3**) to reduce car dependency, encourage use of public transport and minimise the traffic impacts on the local road network during peak periods;
- bicycle parking to be provided at a rate of 1 space per 2 units;
- visitor spaces to be located on-street and subject to timed parking restrictions;
- a minimum of 2 car share spaces to be provided; and



- an Infrastructure and Traffic Management Plan, including costing and timing of works to be prepared, approved and legally binding.

#### *Department's consideration*

The department has considered the cumulative traffic impacts of the proposal, in addition to the approved development on the Lewisham Estate site and planned redevelopment of the remainder of the McGill Street precinct. It is acknowledged that the roads surrounding the site are congested during peak times, and any additional traffic generation will exacerbate the existing situation.

The independent assessment undertaken by Halcrow found that existing traffic conditions are a result of the congestion problems outside of the local road network and advised that the road network would likely return to acceptable operating conditions with the elimination of the pinch point at the intersection of New Canterbury Road and Gordon Street. Notwithstanding, Halcrow supported the redevelopment of the three development sites.

The department considers that the site's location immediately adjacent to existing and planned public transport provides a unique opportunity for urban renewal and genuine transit oriented development. Suppressed car parking rates and car share schemes in conjunction with the new light rail stop will also aid in discouraging vehicle ownership and dependency, particularly during weekday peak periods for journeys to and from work.

In response to Halcrow's recommendation for an Infrastructure and Traffic Management Plan, the department is satisfied that the proponent's PPR and Statement of Commitments adequately address the required infrastructure works, staging and funding. In this regard, the proponent has committed to fund and construct:

- the roundabout at the intersection of Edward and Smith Streets as part of Stage 1;
- pedestrian upgrades to the surrounding area and access to the new light rail stop as part of Stage 1; and
- traffic signals at the intersection of Old Canterbury Road and Edward Street as part of Stage 3.

These requirements have also been incorporated into the recommended instrument of approval as future assessment requirements.

On this basis, the traffic impacts of the proposal are considered acceptable in the context of the site's excellent access to public transport and proposed traffic and pedestrian upgrades to be undertaken by the proponent.

### **5.2.2 Internal street layout**

The proposal involves three new internal streets, as shown in **Figure 16** and described as follows:

- **Street 1**, a proposed public road, linking Edward and Smith Street to be constructed as part of Stage 1. This street will accommodate approximately 23 on-street car parking spaces (including 2 car share spaces and a drop off zone and taxi stand);
- **Street 2**, a proposed public road, accessed from Edward Street and terminating near the Old Canterbury Road frontage of the site. No vehicular access is proposed to Old Canterbury Road. The street will be constructed partially as part of Stage 2 and the remainder as part of Stage 3. Approximately 22 on-street car parking spaces are proposed along this street; and
- **Street 3**, a proposed private road, accessed from Smith Street and terminating at the rear of the Longport Street frontage of the site. No vehicular access is proposed to Longport Street. This street is to be constructed as part of Stage 4 and includes approximately 10 on-street car parking spaces.

Ashfield Council requests that the roads and footpaths be designed and constructed to meet Council standards, including servicing, public safety and accessibility. Council also raised the issue of being provided compensation for future maintenance of roads.

The proponent has advised that the internal streets will be designed and constructed in accordance with the relevant Australian Standards. The proponent proposes to dedicate the two new internal roads within the eastern portion of the site to Ashfield Council. The new road in the north-western portion of the site, however, is not proposed to be dedicated to Council and will remain as a private road (to be maintained by the body corporate of the development) due to the non-traditional method of construction across the Hawthorne Canal. The department considers that this is appropriate in this specific circumstance.

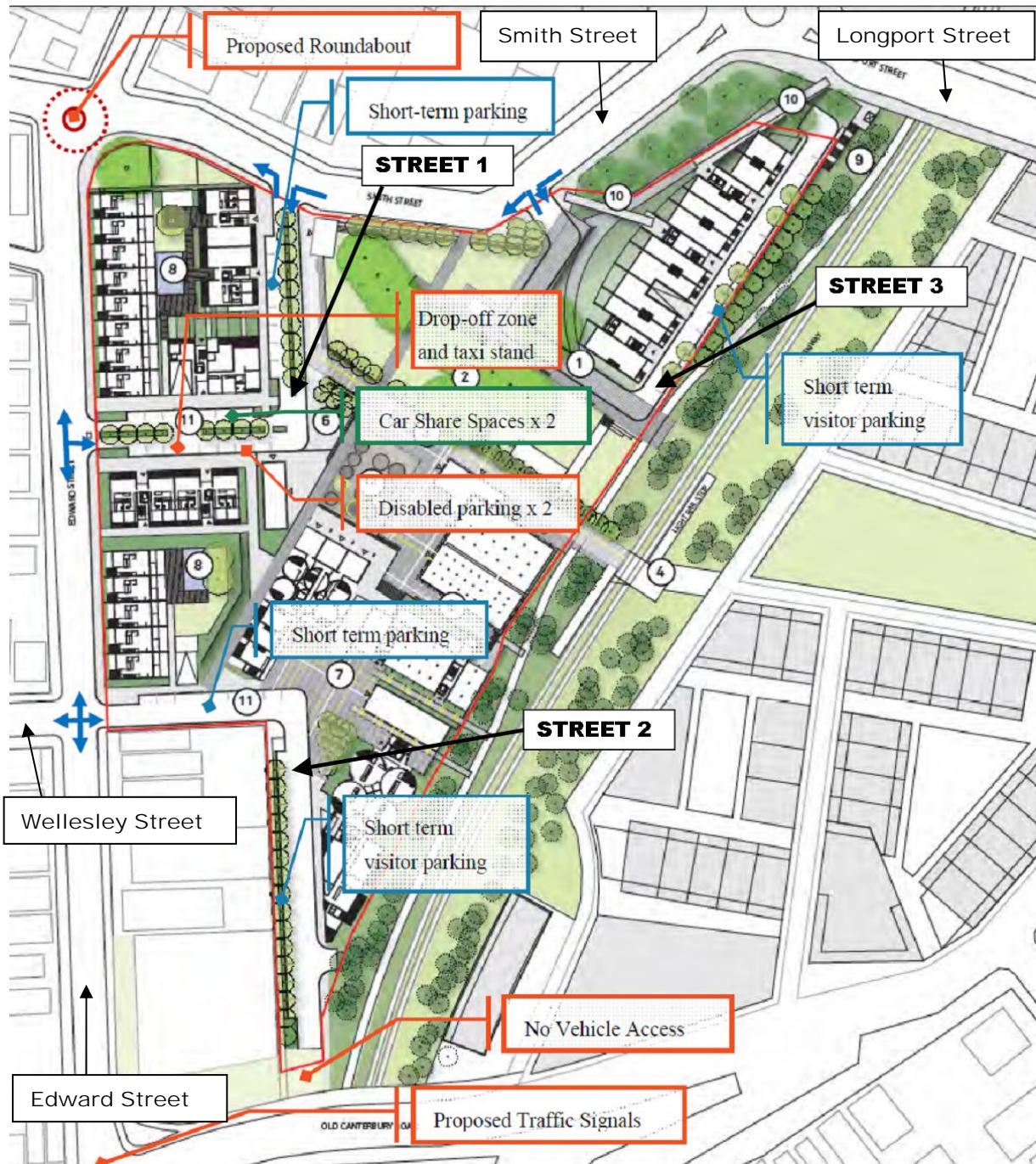


Figure 16: Proposed new local streets (Base Image Source: proponent's PPR)

The department supports the proponent's proposal to dedicate the remaining two roads to Ashfield Council at no cost to Council. However, the on-going maintenance of the roads should be the responsibility of Council.

A future assessment requirement is recommended that the roads to be dedicated to Ashfield Council be designed and constructed in accordance with the Council's engineering guidelines/standard designs for local roads. This will ensure that Council is satisfied with the road pavement, turning area, footpath treatment and tree planting given its on-going responsibility in maintaining the streets.

The proposal involves a median tree planting treatment for Street 1 to create a slow speed environment and discourage through traffic. Indented parking bays are proposed in each of the proposed streets to reduce the width of the road pavement to enhance pedestrian safety. Ashfield Council raised concern with the location of the Streets 1 and 2 at the intersection with Edward Street in relation to:

- potential rat running through Wellesley Street; and
- impact of vehicle head lights on existing dwellings on the western side of Edward Street.

The proponent considers that very little traffic is expected to use Wellesley Street given the more direct connections to the north and south at Smith Street and Old Canterbury Road. Further in terms of glare from vehicle head lights, the proponent notes that Street 1 is provided in the same alignment as the existing main entrance into the site. While this road is a through road, it only serves the basement parking for Stage 1 (approximately 55 spaces). The volume of traffic expected to use this road is not expected to cause unacceptable impacts for existing dwellings.

Both Ashfield and Marrickville Councils also indicated that it would be desirable to provide continuous street tree planting in Edward Street. It is noted that there are currently street trees along portions of Edward Street and it is considered appropriate that street trees be provided as part of the upgrade to the footpath in future applications. The department considers that appropriate tree species can be selected to fit within the footpath and has recommended an appropriate future assessment requirement accordingly.

The department considers that the proposed internal streets provide appropriate vehicular access through the site and access to the basement car parking. The streets will form an extension to the local road network and assist in the integration of the site with the surrounding area.

### **5.2.3 Car parking, access and loading**

The Concept Plan proposes 373 – 401 basement car parking spaces. Dependent on final dwelling mix and floor space yields this is likely to comprise the following allocation:

- 66 – 75 commercial parking spaces (1 per 53m<sup>2</sup>);
- 25 – 31 retail parking spaces (1 per 80m<sup>2</sup>); and
- 282 – 295 residential car parking spaces.

Ashfield Council and a small number of public submissions were concerned about insufficient parking and considered that car ownership in the locality was high notwithstanding the available public transport options. The department has therefore given careful consideration to the level of residential, commercial and retail parking to be provided on site.

Ashfield and Marrickville Council have different views on the appropriate level of car parking provision for the site, reflected in the relevant DCPs which provide guidance on appropriate car parking rates for the development.



### Residential parking requirements

The Ashfield DCP 2007 provides car parking rates for residential development as outlined in **Table 6**. While Ashfield Council has not yet exhibited a new draft comprehensive DCP, it considers that future applications must comply with the current DCP and has objected to the proposed level of car parking on the site.

Marrickville Council, however, adopted a new comprehensive DCP on 15 December 2011 which outlines car parking rates for residential development based upon proximity to public transport and centres. As the site is within 200 metres of the Lewisham West light rail stop, the DCP provides lower car parking rates as outlined in **Table 6**.

As outlined in **Table 6**, depending on the final dwelling yield and mix, between 343 and 357 car parking spaces are required for the residential component of the development.

**Table 6: Residential car parking requirements**

<i>Ashfield LGA site (203-208 dwellings)</i>					
<i>indicative dwelling mix</i>	1 bedroom	2 bedroom	3+ bedroom	Visitor parking	Total
<i>Lower limit (203)</i>	112	64	27		
<i>Upper limit (208)</i>	110	74	24		
<i>Ashfield DCP 2007 rate</i>	1 / unit	1.2 / unit	1.4 / unit	1 / 5 units	
<i>No of spaces required</i>					
<i>Lower limit (203)</i>	112	77	38	41	268
<i>Upper limit (208)</i>	110	89	34	42	275
<i>Marrickville LGA site (77-92 dwellings)</i>					
<i>indicative dwelling mix</i>	1 bedroom	2 bedroom	3+ bedroom	Visitor parking	Total
<i>Lower limit (77)</i>	14	36	27		
<i>Upper limit (92)</i>	26	54	12		
<i>Marrickville DCP 2011 rate</i>	1 / 4 units	1 / unit	1 / unit	1 / 10 units	
<i>No of spaces required</i>					
<i>Lower limit (77)</i>	4	36	27	8	75
<i>Upper limit (92)</i>	7	54	12	9	82
<i>Combined Ashfield and Marrickville development sites (280-300 dwellings)</i>					
<i>indicative dwelling mix</i>	1 bedroom	2 bedroom	3+ bedroom	Visitor parking	Total
<i>Lower limit (280)</i>	126	100	54		
<i>Upper limit (300)</i>	136	128	36		
<i>No of spaces required</i>					
<i>Lower limit (280)</i>	116	113	65	49	343
<i>Upper limit (300)</i>	117	143	46	51	357

### Retail and commercial parking requirements

The retail and commercial floor space for the development is located entirely within the main portion of the site within the Ashfield LGA. The Ashfield DCP 2007 provides a car parking rate of 1 space per 40m<sup>2</sup> for retail and commercial uses as outlined in **Table 7** below.

**Table 7: Retail and commercial car parking requirements**

<i>Retail floor space</i>	<i>Ashfield DCP Rate</i>	<i>Spaces required</i>	<i>Proposal</i>	<i>Spaces sought</i>
2,000m <sup>2</sup> - 2,500m <sup>2</sup>	1 per 40m <sup>2</sup>	50 -63	1 per 80m <sup>2</sup>	25 - 31
<i>Commercial floor space</i>	<i>Ashfield DCP Rate</i>	<i>Spaces required</i>	<i>Proposal</i>	<i>Spaces sought</i>
3,500m <sup>2</sup> - 4,000m <sup>2</sup>	1 per 40m <sup>2</sup>	88 - 100	1 per 53m <sup>2</sup>	66 - 75
<i>Total</i>		138- 163		91 - 106

Depending on the final floor space provided, between 138 and 163 car parking spaces are required for the retail and commercial components of the development.

Although no retail or commercial floor space is provided within the Marrickville LGA portion of the site, the department notes that the Marrickville DCP 2011 provides a rate of 1 space per 80m<sup>2</sup> for commercial and retail uses. Application of this rate would result in between 69 and 81 spaces across the site (a reduction of 50% compared to the Ashfield DCP rates).

#### *Overall parking requirements*

Applying both DCPs to the respective portions of the site, the total car parking requirement for the development is between 481 and 520 spaces.

The proponent seeks to provide a total of 373 to 401 basement car parking spaces (dependent upon the final dwelling mix and yield) across the development and an additional 63 on-street car parking spaces.

This represents a shortfall of between 108-119 spaces compared to the DCP requirements (excluding on-street parking). It is noted that Ashfield Council has objected to any reductions below the specified DCP rates, especially for residential development. Despite the non-compliance, the department considers that a reduction in car parking on the site is reasonable given its excellent access to public transport.

In this regard, although the site is located across two LGAs, the portion of the site within the Ashfield LGA benefits from the same level of accessibility to public transport and centres as the portion of the site in the Marrickville LGA. The department does not consider that it is appropriate to apply a significantly higher rate on the Ashfield LGA portion of the site than the Marrickville LGA portion of the site.

It is considered appropriate to provide a consistent car parking requirement across the entire Concept Plan and the neighbouring sites within the McGill Street precinct taking into account the specific transport and access attributes of the site.

The department considers that the level of residential parking required by the Ashfield DCP is excessive given the location immediately adjacent to the Lewisham West light rail stop and within walking distance of both Lewisham and Summer Hill railway stations. It is noted that the Ashfield DCP provides the same car parking rate for all multi unit housing developments across the LGA, regardless of accessibility to public transport, services and amenities.

Marrickville Council, however has provided parking requirements in its DCP which are based on the distance to public transport and centres. The department supports this approach to discourage car ownership, use and promote sustainable transport in highly accessible locations such as the subject site.

Application of the Marrickville DCP 2011 requirements would result in between 214 and 228 spaces for the residential component of the site as outlined in **Table 8** below.

**Table 8: Application of Marrickville DCP 2011 parking requirements across the Concept Plan**

<i>Combined Ashfield and Marrickville development sites (280-300 dwellings)</i>					
<i>indicative dwelling mix</i>	1 bedroom	2 bedroom	3+ bedroom	Visitor parking	Total
<i>Lower limit (280)</i>	126	100	54		
<i>Upper limit (300)</i>	136	128	36		
<i>Marrickville DCP 2011 rate</i>	1 / 4 units	1 / unit	1 / unit	1 / 10 units	
<i>No of spaces required</i>					
<i>Lower limit (280)</i>	32	100	54	28	214
<i>Upper limit (300)</i>	34	128	36	30	228

The lower car parking requirements as outlined in the Marrickville DCP 2011 are considered the more appropriate rate given that:

- the site has excellent access to existing and planned public transport;
- the provision of higher car parking rates as provided in the Ashfield DCP would be inconsistent with the strategies to promote use of public transport;
- reduced on-site parking will assist in reducing car dependence and minimise the additional impact of traffic on the already congested local road network during morning and evening peak periods;
- Halcrow has recommended suppressed parking rates for the Allied Mills site, Lewisham Estate site and the McGill Street precinct development sites in accordance with the Marrickville DCP; and
- TNSW and RMS both encourage reduced car parking rates.

In relation to the retail and commercial components of the development, the proponent has recommended that car parking provision be reduced by 25% for the commercial uses (i.e. 1 space per 53m<sup>2</sup>) and 50% for retail uses (i.e. 1 space per 80m<sup>2</sup>).

The department considers that the car parking for the commercial uses should be reduced in line with the retail uses, ie a 50% reduction. This is in line with the Marrickville DCP 2011 which provides a rate of 1 space per 80m<sup>2</sup> commercial uses. Halcrow's independent assessment also recommends the more restrictive car parking rates provided by Marrickville DCP 2011 and considers that the DCP rates should be consistently applied for this development, the Lewisham Estate site and the McGill Street precinct. It is considered that this lower rate would encourage workers to utilise existing public transport and non-car travel modes.

In this regard, it is also recommended that bicycle parking be provided for the commercial and retail uses in accordance with the Ashfield DCP which requires 1 space per 20 employees plus 1 space per 250m<sup>2</sup> for visitors. Bicycle parking for the residential component of the development should be provided at a rate of 1 space per 2 units and 1 space per 10 units for visitors.

In order to provide flexibility for future applications and enable a final dwelling yield and mix different to that identified in the Concept Plan, it is recommended that a future assessment requirement is imposed to specify the car parking rates, as opposed to a total number of car parking spaces. In summary, the recommended rates for the development are:

- 1 space per 4 studio and 1 bedroom units;
- 1 space per 2+ bedroom units;
- 1 visitor space per 10 units;
- 1 space per 80m<sup>2</sup> for retail and commercial uses;
- 1 bicycle space per 2 units plus 1 space per 10 units for visitors; and
- 1 bicycle space per 20 employees plus 1 space per 250m<sup>2</sup> for visitors.

The department considers that the above car parking rates provide an appropriate balance between the demand for car use and ownership within the area, while recognising the excellent access to public transport and the need to minimise traffic generation impacts on the constrained local road network.

### **5.3. Height and density**

#### **5.3.1 Height**

One of the key issues raised in submissions is the proposed built form, in terms of height and scale. Ashfield Council considers that the proposed building envelopes have excessive scale and that an adequate visual impact assessment has not been undertaken to determine the impacts. Further, 91% of public submissions raised concern that the proposed building height is out of character with the surrounding area.



As outlined in **Section 3.2** above, the site is currently zoned for industrial purposes. The built form outcome in industrial zones is traditionally determined through floor space, setback and car parking controls. In this regard, the relevant Ashfield and Marrickville LEPs do not provide height controls for the site. Ashfield draft LEP 2012 provides a 10 metre height control for the site however this is not reflective of the larger height and scale of the existing buildings on the site.

#### *The Proponent's justification*

The design approach for the Concept Plan is based on the retention and re-use of the most visually significant buildings on the site, including the Mill building and silo structures. New building envelopes are designed to reflect the height and scale of structures to be demolished. The existing silo structures have a maximum height of approximately 45.5 metres (RL 57.6) and will remain the highest buildings on the site.

Two to three storey building envelopes of approximately 9.6 metres in height (RL22.3) are provided at the Edward Street frontage with taller building envelopes located in the central areas of the site. The proposal seeks to provide a transition in height from the surrounding low rise residential area up to the light rail corridor and establish a relationship with the building heights for the McGill Street precinct.

#### *Council's consideration*

Ashfield Council considers that the proposal does not include an adequate visual impact assessment to determine the impacts of increased building heights across the site. Council requested that the proponent provide a three dimensional computer model (in accordance with Council's SIMURBAN model) to enable the impacts of the proposal on the existing locality to be assessed.

Ashfield Council specifically objects to the 6 storey building envelope near the Edward Street frontage and the 9 and 10 storey building envelopes within the Marrickville portion of the site.

Marrickville Council, however, does not object to the height and scale of the proposed building envelopes. In particular, Marrickville Council considers that the 9 and 10 storey envelope in the Marrickville portion of the site provides a landmark building to the north-eastern corner of the site. The revisions made in the PPR also are considered to achieve greater articulation and the increased setback of the 10 storey element from Smith and Longport Streets provides a more human scale.

#### *Department's consideration:*

The department considers that the photomontages and section drawings submitted with the EA and PPR provide sufficient information to enable an assessment of the appropriateness of the built form in terms of height and scale. The proponent also prepared a physical model which was available for the public to view during the exhibition period.

The department has considered the proposed building height and scale in the context of:

- the predominant low scale residential character of the locality at the edges of the site;
- the existing buildings and structures associated with the former use of the site as a flour mill which are significantly higher than the surrounding locality; and
- the future character of the area including the permissible building heights within the adjacent McGill Street precinct.

#### *Future character*

As discussed previously, the department considers that the former industrial site is suitable for a mixed use development primarily given its high level of accessibility to public transport and centres and its relationship with the McGill Street mixed use precinct to the east.

While the existing character of the locality is low scale, the McGill Street precinct provides a high density context for redevelopment of the Allied Mills site. The Marrickville LEP 2011 which applies to this precinct allows for building heights between 17 and 32 metres and a transition in heights from the edges of the site up to the light rail corridor.

Further, the approved Lewisham Estate Concept Plan features two building envelopes adjacent to the light rail corridor with a maximum height of 10 storeys (exceeding the LEP height control by approximately 1 metre). Other building envelopes range from 4 to 8 storeys providing a transition in height from Old Canterbury Road to the light rail corridor. The Concept Plan also provides for an 8 to 9 storey building at the Longport Street frontage with the upper levels setback to present a 6 storey street frontage height.

The department notes that there are two distinct areas of the site which require a different approach and consideration of building height and form. These are the edges of the site (the Edward and Smith Street frontages) and the central portions of the site, which are currently dominated by tall silo structures and are adjacent to the light rail corridor. Each of these areas is discussed below.

#### *The Edward and Smith Street frontages*

The surrounding area is characterised by low rise residential development. The dwellings opposite the site between Smith and Wellesley Streets are predominantly single storey and within an identified heritage conservation area. The proposal responds to the established character by providing building envelopes with a maximum of three storeys at the Edward Street frontage. The primary building form along this frontage will be terrace style dwellings with individual entrances and front courtyards in keeping with the established character of Edward Street.

A part 3 and part 6 storey residential flat building is proposed to the south of Street 1. This residential flat building will provide a transition in built form and height while maintaining a consistent 3 storey building height at the Edward Street frontage. A 4 storey residential flat building is proposed fronting Smith Street, near the intersection with Edward Street. Immediately behind this is a 6 storey residential flat building.

A residential flat building with a 6 storey podium and two 9 and 10 storey towers is proposed near the intersection of Smith and Longport Streets within the Marrickville portion of the site. It is considered that the proposed additional building height is acceptable in the context of the adjacent service station and light industrial uses to the west and elevated rail corridor to the north. More importantly, the building is located adjacent to the light rail corridor and Lewisham West light rail stop and provides an appropriate uplift in height and scale in response to its proximity to the light rail stop.

The proposed 10 storey element of the building within the Marrickville portion of the site will have a maximum height of approximately 36.5 metres, which relates closely with the approved built form and height on the Lewisham Estate Concept Plan site.

#### *Silo Structures*

The existing buildings and structures within the central portion of site, in particular the silo structures, are distinct elements within the locality and highly visible from vantage points both close and at a distance from the site. The proposal seeks to retain the two silo structures (referred to as the 4 pack and the 6 pack) and the mill building.

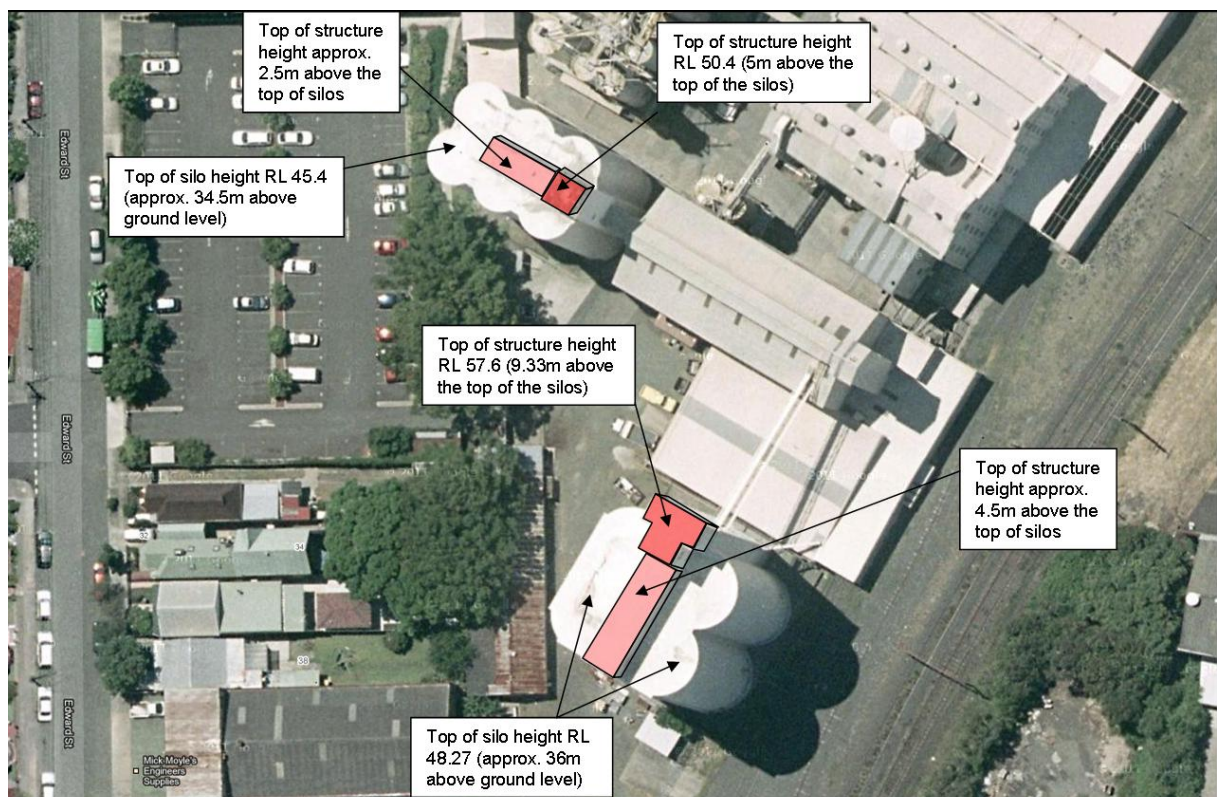
The 4 pack and 6 pack silo structures have heights of approximately 36 metres and 34.5 metres above ground level respectively. Small components of the lift and blower structures on top of the 4 pack silos project a further 9 metres above the more substantive silo structures. Similar structures project up to 5 metres above the top of the 6 pack silos.

Approximately 15% of the total silo footprint projects to these greater heights above the silo structures. The existing heights are demonstrated in **Figure 17**.

The proposal seeks to remove the projecting lift/blower structures and provide an upward extension to the larger cylindrical building form consistent with the silos below up to the existing maximum heights of the projecting structures of RL 57.5 (approximately 45.5 metres) for the 4 pack silos and RL 50.4 (approximately 39.5 metres) for the 6 pack silos.

The proposed extrusion of the silo form of the 4 pack silos would create a 13 storey building with a height of RL 57.6 (approximately 45.5 metres above ground level) which is approximately 15 metres greater than the tallest buildings on the Lewisham Estate site (RL 41.7 - approximately 31 metres above ground level).

Ashfield Council, the Ashfield & District Historical Society, Leichhardt Council and a number of public submissions raised specific concerns in relation to the proposed extension to the 4 pack silos.



**Figure 17: Existing heights of silo structures (Base Image Source: Google Maps, 2012)**

The proponent's heritage assessment considers that the silo structures have low heritage significance. Notwithstanding, as one of the most prominent structures on the site, the department requested that the proponent consider maintaining the height and form of the silos themselves based on the visual impact and surrounding context.

In response, the proponent provided an additional visual impact assessment including photographs of the 4 pack silos from vantage points in Lewisham and Summer Hill to justify the proposed extension to the silos. The proponent considers that views of the extension on top of the silos from Lewisham will in part be screened by future development to the east of the site. Further, views of the silos from Summer Hill will not be out of context or scale when considered in the context of the future development to the east. The proponent considers that the extension to the silos is in keeping with the maximum height to the top of the lift and blower structures and will not be intrusive or dissimilar to existing views to the site. The proponent also considers the extension will have minimal impacts on overshadowing.





**Figure 18: Views of the existing buildings and proposed building envelopes showing additional height to the top of the silo structures (Base Image Source: proponent's PPR)**

Notwithstanding, the department maintains its original concerns that the extension of the cylindrical form of the silo structures to the uppermost height of the projecting lift and blower structure is unjustified as it is inconsistent with the existing visual impact of the silo structures and will enhance the visual dominance of these structures that is already highly visible throughout the locality.

The existing height to the top of the 4 pack silo structures (excluding the projecting lift/blower structures) is RL 48.27 (approximately 36 metres above ground level) which is approximately 6.5 metres above the tallest building envelope approved on the Lewisham Estate site to the east. It is considered that maintaining the height of the silos (excluding the projecting lift/blower structures) provides a more appropriate relationship with buildings on the site and the adjoining site, while still maintaining these buildings as a landmark in the locality. Refer to **Figure 18**.

The photomontages provided in **Figure 18** demonstrate that the 4 pack silos in particular will appear significantly higher than the existing structures. While technically maintaining the same overall maximum height of the structures projecting above the silo forms, this 9.3m (approx) upward extension of the existing silo forms would significantly add to the bulk and perceived height of the structures that are currently local landmarks by virtue of their existing height, scale and visual prominence. In addition, the proposed stair structure to the south of the 4 pack silos will also add to the bulk of the building when viewed from the south and west. The provision of the stair structure for a further 3 storeys in line with the proposed extension would be imposing when viewed from the surrounding residential area providing further justification for the need to reduce the height of this building envelope (refer to **Figure 18**).

The similarly proposed extension to the 6 pack silo structure seeks a 5 metre upward extension of the 6 silo form in place of the more recessive projecting structures. Given its location on the site, this building is not as visually prominent from the east as the 4 pack silo building. However as shown in **Figure 18**, the additional height and bulk of this proposed extension is noticeable when viewed from the north, west and also the south. The department does not consider that it is reasonable to support this element of the proposal as it will add bulk and perceived height to the building that already has a landmark quality by virtue of its height, scale and visual prominence. It is similarly recommended that the height of the 6 pack silos also be reduced by 5 metres (i.e. to the top of the existing silos). The 11 storey building envelope proposed to be attached to the six pack silo building is similarly required to be reduced (to RL 45.4) to provide a consistent height with the silo structure.

On this basis, it is recommended that the Concept Plan be modified to provide maximum building height of RL 48.27 for the 4 pack silos and RL 45.4 for the 6 pack silos, consistent with the existing height to the top of the cylindrical silo structures. The department considers that it is reasonable to retain the existing lift and blower structures, or the profile of these structures, on top of the silos for the purpose of accommodating rooftop plant as this will have no additional visual impact on the locality and will allow any plant and lift overrun structures to be contained within the existing building envelope. The department notes that a minor extension of this form would be required at the southern end of the 4 pack silo structure in order to accommodate the lift overrun. The department considers that this will have a minimal visual impact on the locality.

#### *Other building envelopes*

The department considers that the building envelopes in the central portion of the site are acceptable given that:

- 1 to 2 storey building elements within the main area of public open space provide retail/commercial space to activate this space;
- 6 storey envelopes to the rear of the 2/3 storey envelopes along the Edward Street frontage and 4 storey envelope along the Smith Street frontage provide an appropriate transition from the street edge to higher buildings within the central portion of the site;

- the part 6/part 7 storey envelope in the south of the site is directly adjacent to the tallest silo structures on the site and the light rail corridor;
- future development of the adjacent sites may involve buildings of up to 4 storeys (subject to future zoning and controls under the draft Comprehensive Ashfield LEP) which would provide a transition in height to a part 6/part 7 storey building;
- a new internal road is proposed to provide separation from adjoining properties in Edward Street and also allow future vehicular and pedestrian access for a future development of these sites;
- a new 9 storey building envelope adjacent to the light rail corridor between the 4 pack silos and Mungo Scott building is proposed in the same footprint as the existing metal building which is to be demolished;
- while the building is approximately 7 to 8 metres taller than the existing building, the increased height is appropriate in the context of surrounding building envelopes and provides a transition from the silos to the Mungo Scott building; and
- the tallest new building envelope, being 11 storeys, is located attached to the 6 pack silos to enable the adaptive reuse of the silos for apartments.

The proposed building heights are supported subject to the reduction of the 11 storey building envelope attached to the 6 pack silos as discussed above.

### *Conclusion*

The department is satisfied that the proposed building heights (subject to the recommended modifications) are acceptable given that:

- the recommended modification ensures that the existing silo structures associated with the former flour milling activities on the site will be retained as the tallest buildings on the site (with the exclusion of the lift and blower structures which currently extend approximately 5 to 9 metres above the silos);
- the proposal is generally consistent with the desired future character of the area including the transition in heights from the edges of the site up to the light rail corridor consistent with the adjacent McGill Street precinct;
- proposed building heights of 2 to 3 storeys at Edward Street frontage adopt an appropriate scale at the edges of the site;
- areas of increased height are primarily within central locations on the site and adjacent to existing tall buildings/structures and the light rail corridor;
- the proposed public open space will receive good solar access; and
- future development applications will be required to demonstrate articulation and quality materials and finishes to provide attractive streetscapes.

### **5.3.2 Density**

The Ashfield LEP provides a floor space ratio (FSR) of 1:1 based upon the existing industrial zoning of the site. Both Ashfield and Marrickville Councils have advised that they consider the proposed FSR of 1.4:1-1.6:1 to be reasonable considering the site's location and the unique opportunity for redevelopment of a 'brownfields' site in the inner west. Ashfield Council also considered that the proposed FSR was generally consistent with the FSR control for the Summer Hill Village of 1.5:1.

However, the proposed density of the development was a key issue raised by the general public in response to the EA and PPR. Many residents considered that the proposal was an overdevelopment with excessive density. Most residents were concerned about the impacts of density in terms of the increase in resident population, the scale of proposed buildings, traffic impacts and a lack of open space.

These issues are addressed separately in this report, however, the department considers that the proposed density on the site is further justified and offset by the following public benefits available to future residents and the wider community:



- dedication of 4,806m<sup>2</sup> of public open space to Council in addition to 5,287m<sup>2</sup> (totalling 40% of the site) of publicly accessible open space which will be maintained privately but accessible to the public;
- improvements to pedestrian permeability through the site including publicly accessible open space and access to the planned Lewisham West light rail stop;
- retail and commercial land uses at the ground floor of buildings adjacent to the open space and light rail stop to provide daily convenience retail facilities as well as activation, surveillance and safety in this area;
- increased residential population within walking distance of Summer Hill railway station and the planned Lewisham West light rail stop and associated benefits in terms of increased mode share by public transport and reduced car dependence and traffic generation;
- local infrastructure upgrades including a new signalised intersection at Old Canterbury Road and Edward Street, a roundabout at Edward and Smith Streets, pedestrian footpath upgrades surrounding the site; and
- Section 94 contributions to Council including contribution for the community facility needs of the future population, which will also be a benefit to the existing community.

The proposed yield of 280-300 dwellings represents a site density of approximately 113-121 dwellings per hectare. This is considered an appropriate site density for the redevelopment of a large site within an urban area with excellent access to public transport. In addition, the proposal seeks to retain a number of significant buildings formerly used for milling on the site.

#### 5.4. Flooding

The site is significantly impacted by flooding due to a combination of features of the site, the adjoining light rail corridor and the surrounding roads that lead to a complex pattern of stormwater flows through and adjacent to the site. The drainage infrastructure, principally the Hawthorne Canal (owned and managed by Sydney Water) takes the form of an open channel and a series of culverts that pass through the light rail line and the north east portion of the Allied Mills site. This currently has insufficient capacity to accommodate stormwater runoff, in particular:

- the culvert under Longport Street (downstream/to the north of the site) has inadequate capacity to convey the 100 year ARI flow and leads to water backing up behind the culvert onto the Allied Mills site and the light rail corridor;
- similar backing up of floodwater occurs upstream of Old Canterbury Road (upstream/to the southeast of the site) as a result of the enclosed culverts under the existing light rail line; and
- overland flow down Smith Street (upstream/to the west of the site) is trapped at a low point adjacent to the site and is conveyed by a branch of the Hawthorne Canal and also by overland flow across the Allied Mills site before draining into the main canal.

As a result, high hazard flood conditions occur at various locations within the site and the light rail corridor. In particular the portion of the site that accommodates the proposed public access ways to the future light rail stop is flood affected. Both Ashfield Council and Sydney Water have raised concerns in regards to this issue. Ashfield Council seeks that the Concept Plan addresses potential flooding impacts through appropriate flood mitigation measures. Sydney Water has cited potential safety risks as a result of the public access across the part of the site that is identified as being flood affected.

#### *Proponent's Justification*

In order to address the flood related risks on the site, the proponent proposes and commits to a range of structural and non-structural flood mitigation and management measures including:

- reducing flood hazard to part of the site by piping the existing Smith Street stormwater underground across the site to the Hawthorne Canal;
- allowance within the foundation space of building 1A to accommodate a stormwater drainage connection directly from the light rail corridor to the open Hawthorne Canal;
- reduction in the covered extent of the Hawthorne Canal and elevating pedestrian access to the proposed light rail stop;
- if required, raising the perimeter wall to the light rail corridor to reduce inflows to the site from the light rail corridor;
- provision of all residential floor levels above the 100 year ARI plus freeboard allowance;
- preparation of an emergency response plan to manage risk for the non-residential buildings and open space areas with levels below the 100 ARI level;
- flood proofing of non-residential buildings up to 500mm above the 100 year ARI level;
- design of basement entry crests of building 1A to be above the 100 year ARI level; and
- a range of future management measures and strategies including emergency flood response plan, signage and access for emergency services if required during a flood.

#### *Sydney Water's Consideration*

Sydney Water has raised specific concern with regard to the intensification of development on the site without appropriate provisions for management of local flood risk. In particular overland flood flows across the railway line and into the Allied Mills site creates potential risk to public safety. Further, Sydney Water considers that flood risk on the site is currently poorly understood and therefore it would be prudent to examine the existing flood risk and how it may be best managed with all key stakeholders.

Sydney Water maintains that the proponent's approach does not examine overall flood risk, instead focusing on the flood level impact associated with the specific development.

After discussions with departmental staff, Sydney Water recommends that any Concept Approval be conditional upon the development and implementation of an appropriate Floodplain Risk Management Study & Plan for the wider local catchment. It is intended that this inform a range of mitigation measures that minimise exposure to high risk areas and eliminate high hazard flood conditions for active areas of the site (and may involve off-site works). This catchment wide study is a comprehensive exercise involving consultation with a wide range of stakeholders including relevant councils, agencies such as Transport NSW (as the owner of the light rail line) and other affected landowners within the catchment. Sydney Water wishes to approve the plan and also seeks to manage the development of the plan with 50% funding from the proponent.

The proponent however argues that it should not be required to undertake the catchment wide flood study as it is not its responsibility, rather it is a wider catchment issue. It has however undertaken to participate in the process and proportionate funding of the preparation of a catchment wide study by Sydney Water that runs parallel to the Concept Plan.

#### *Independent Assessment*

The department initiated an independent review in order to fully understand the issues raised and to inform its assessment on this matter. The department engaged Evans & Peck to independently review the proponent's flood assessment and associated documentation, submissions made by Sydney Water and Ashfield Council and also to give specific advice on the reasonableness of Sydney Water's recommendations.

The report by Evans & Peck is provided in **Appendix F**. As part of the review Evans & Peck consulted with the proponent and staff from Sydney Water.

The independent review outlined that it is legitimate for Sydney Water to ensure that it is consulted about any development that may impact on stormwater and drainage issues

including any future impediments to flood mitigation works. Also it is appropriate that Sydney Water draw the department's attention to the existing flood hazards on the site. However it is not reasonable for Sydney Water to require that a flood study and any measures for the site be subject of approval by Sydney Water (as it seeks). If Sydney Water considers that the subsequent flood analysis, and any resulting proposed works sought through future stage applications, would have an unacceptable impact on its assets, it would be able to object at that stage.

After consultation with Sydney Water and the proponent, Evans & Peck has found that the Concept Plan substantially addresses the issues of concern to Sydney Water, namely:

- Sydney Water would prefer that the increased risks associated with an increase of public access to areas of high flood hazard be eliminated from the site by means of flood mitigation works. The proponent proposes various measures to exclude the public from high risk areas (elevated walkways to allow egress from buildings and access to the light rail station, and fencing of the canal) as well as hazard reduction by means of piping some of the flow from Smith Street;
- Sydney Water is concerned that the development could compromise options to reduce the flood hazard within the light rail corridor and the site. The proponent has provided a commitment to make an allowance within the foundation space of building 1A (on the north eastern portion of the site) for a box culvert or equivalent to accommodate a connection from the light rail corridor to the Hawthorne Canal if required; and
- Sydney Water is concerned that in the event of a significant life threatening flood event following completion of the development, its standing in the community could be damaged and the organisation would be under public pressure to undertake flood mitigation works. The proponent's proposal for flood protection of buildings and the measures to exclude the public from areas of high flood hazard address these concerns.

Evans & Peck has recommended additional requirements of approval to further clarify and strengthen the proponent's Statement of Commitments. The recommendations seek that future applications specifically incorporate matters such as detailed flood management measures based on the most up to date flood modelling, a requirement for at least 500mm freeboard above the adopted 100 year ARI for residential floors and building entry points, a draft Flood Emergency Response plan and future consultation and liaison with Sydney Water and TNSW in respect of any future designs with respect to managing flood risk.

Evans & Peck concludes the review by setting out that whilst the various flood studies indicate that there is a significant flood risk on the site, its strategic location close to public transport warrants consideration for a residential and commercial use. The elimination of flood hazard on the site (as advocated by Sydney Water) is unlikely to be feasible. The current Concept Plan provides a suite of measures that seek to manage the flood risk in an appropriate manner.

#### *Department's Assessment*

The department notes the recommendations of the independent review carried out by Evans & Peck and considers that the particular concerns raised by Sydney Water have been reasonably considered and that appropriate recommendations have been made in this regard.

The department acknowledges the flood risk on the site and has considered Sydney Water's request to have the proponent undertake a catchment wide flood study and plan to inform the future development of the site. Whilst the flood risk presents a potential hazard the department considers that the proponent's proposed measures will mitigate the site specific flood risks (subject to further detailed investigation). Further, there is a sufficient degree of certainty provided with respect to the Concept Plan (noting the supplementary requirements recommended by Evans & Peck) to ensure that flood risk and infrastructure issues (as raised



by Sydney Water) can be appropriately managed through the detailed design and management of future stages.

The department therefore does not consider that it is necessary to undertake a flood study for the local catchment and instead the recommendations of the independent review carried out by Evans & Peck are incorporated into the recommended approval instrument (**Appendix G**). Further, the department recommends future assessment requirements in relation to Water Sensitive Urban Design and stormwater treatment be provided to ensure the Concept Plan will provide for improvement to stormwater management on the site.

## 5.5. Open Space

Marrickville and Leichhardt Council raised concern that the proposed open space is insufficient for the needs of existing and future residents. Existing open space provision in the Ashfield and Marrickville LGA is at a rate of 1.21 hectares per 1,000 people and 1.61 hectares per 1,000 people, respectively. The estimated population of the development is between 530 and 553 people as outlined in **Table 9** below. On this basis, 6,413m<sup>2</sup> to 8,903m<sup>2</sup> would be required for the future resident population.

The proposal provides 4,806m<sup>2</sup> of publicly dedicated open space in addition to 5,287m<sup>2</sup> of publicly accessible open space (total 10,093m<sup>2</sup>). This equates to a provision of approximately 1.8 to 1.9 hectares per 1,000 people (based on an estimated population of 530 to 553 people). In addition, the proponent will also pay Section 94 contributions that will provide funding to Council to utilise for open space within the LGA.

On this basis, the department considers that the amount of open space provided is sufficient for the future residents of this development.

**Table 9: Estimated population of the proposed Concept Plan**

<i>Concept Plan site (280-300 dwellings)</i>				
<i>indicative dwelling mix</i>	1 bedroom	2 bedroom	3+ bedroom	Total
<i>Lower limit</i>	126	100	54	280
<i>Upper limit</i>	136	128	36	300
<i>Resultant population</i>				
<i>Lower limit</i>	167.74	206.68	156.06	530.48
<i>Upper limit</i>	183.1	265.58	103.92	552.6

Marrickville Council also considers that the open space at the junction of the light rail stop will have an important public place function and should provide a suitable landscape design treatment. The department is satisfied that the location and general configuration of the open space on the site will achieve a high quality landscape space and notes that the detailed design of the open space will be assessed in future project and development applications.

### *Potential GreenWay*

The GreenWay is a potential future shared pedestrian and cycle way within the light rail corridor between Lilyfield and Dulwich Hill. Works have commenced on the light rail construction, however the funding for the project does not include provision for the envisaged shared path and landscaping to create the GreenWay.

The local Councils, interest groups and the community are continuing to lobby the government to commit funding to construct the GreenWay, but to date there are no plans to undertake this work.

Both Ashfield and Marrickville Councils however have requested that the proponent provide a section of the shared walking/cycling path along the potential GreenWay route between Old Canterbury Road and Longport Street (approximately 300 metres in length).

Given that there is no certainty that the GreenWay will eventuate, the department does not consider it appropriate to require the proponent to construct an isolated section of path which may remain disconnected for an indefinite period. Further, if the GreenWay does eventuate it will serve a wider public benefit and it is appropriate that the full length of path be funded by a public authority.

## 5.6. Residential Amenity

The residential amenity provided by the proposed units has been considered against relevant policies including the *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

The Concept Plan only provides indicative building and apartment layouts and strict compliance with the RFDC criteria can be demonstrated by the proponent in future development applications. Notwithstanding, the department has assessed the level of residential amenity in terms of building separation, building depth, solar access, and privacy.

### 5.6.1 Building separation

The RFDC recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of buildings. The RFDC recommendations for minimum separation between buildings are outlined in **Table 10**.

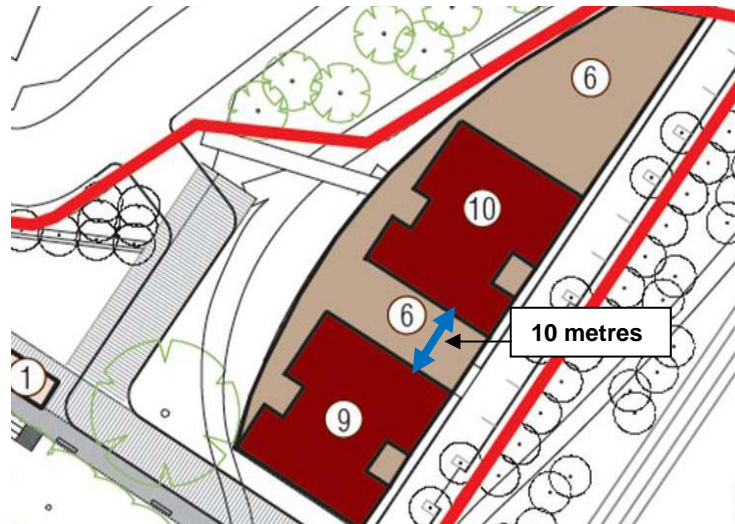
**Table 10: RFDC Building separation recommendations**

Building height	Minimum separation (metres)		
	Habitable rooms	Habitable rooms and non habitable rooms	Non habitable rooms
Up to 4 storeys (12 metres)	12	9	6
Between 5 and 8 storeys (12 to 25 metres)	18	13	9
Exceeding 8 storeys (25 metres)	24	18	12

The proposed building envelopes generally provide for building separation in accordance with that recommended within the RFDC with the exception of the following 4 locations as described below.

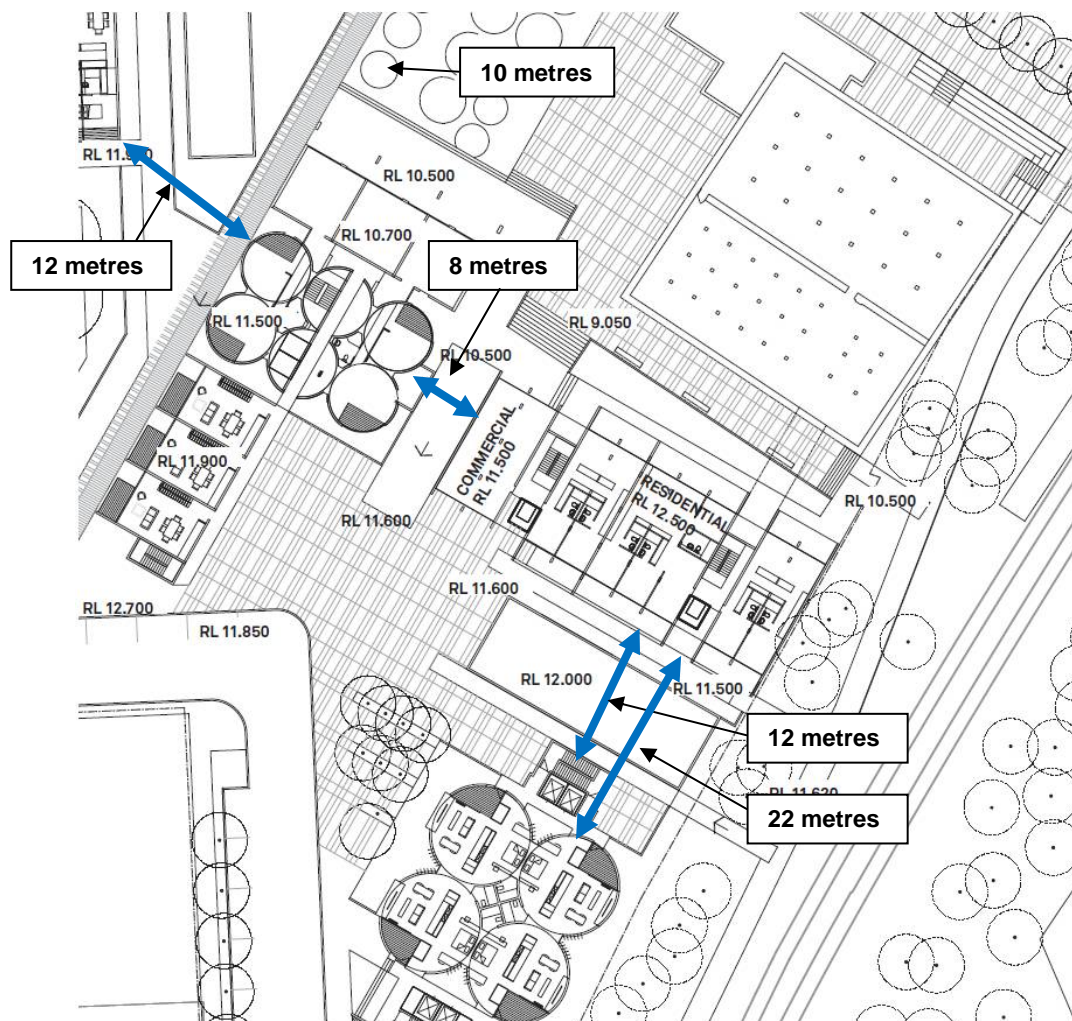
In the north-eastern part of the site (within the Marrickville LGA) the proposal provides for a separation of 10 metres between the 9 and 10 storey building components (**Figure 19**).

The RFDC recommends that a 18 metre separation be provided between Levels 5 to 8 to allow habitable rooms with windows and that 24 metres be provided to parts of the building exceeding 8 storeys. As the tower components are only approximately 22 metres in width, a separation of 18 and 24 metres would significantly compromise the amount of floor space provided. Instead, it is recommended that the setback be increased to 12 metres as this would allow for habitable rooms on the northern elevation of the 9 storey tower to maximise solar access. Additional openings may be considered in the 10 storey tower as part of the assessment of a future development application, subject to appropriate measures to maintain privacy between dwellings. A modification to the Concept Plan has been recommended accordingly.



**Figure 19:** Building separation between 9 and 10 storey components of the proposed building envelope within the Marrickville LGA portion of the site (Base Image Source: proponent's PPR)

In the southern part of the site, there are 3 areas, mainly involving buildings to be retained, where separation does not strictly meet the recommendations of the RFDC. These areas are shown in more detail in **Figure 20**.





**Figure 20: Building separation between various buildings on the southern part of the site.  
(Base Image Source: proponent's PPR)**

A setback of 12 metres is provided between the 6 pack silos and the proposed 6 storey building envelope in the western portion of the site. The RFDC recommends that 18 metres be provided between habitable rooms within buildings over 5 storeys. However, in this instance, the proposed 12 metre setback is supported given that the orientation of the buildings will allow for offset balconies which will not directly look onto one another.

The 6 pack silo is also only setback 8 metres from the proposed 9 storey building envelope (in the same location as the wooden bin to be demolished). The proponent has advised that the western elevation of the 9 storey building will not contain any openings habitable rooms and that the balconies to the silo building will be oriented to the open spaces to the north and south. In this regard, the department considers that the setback of 8 metres is satisfactory and that privacy and outlook will not be adversely affected.

The 4 pack silos are setback a minimum of 12 metres from the 9 storey building to the north, however 22 metres is provided between balconies. The RFDC recommends that parts of the buildings above 8 storeys be provided with a 24 metre setback. Similarly to the 6 pack silos building, the 4 pack silos will be provided with balconies which face open space, rather than directly looking into the building to the north. In this regard, it is considered that the 22 metre separation is adequate in this instance.

The department considers that the building separations provided in all other locations are acceptable and will provide for a high level of amenity in terms of outlook and privacy.

### **5.6.2 Building depth**

The RFDC recommends a building depth of between 10 and 18 metres. The proposal provides for building depths of generally 16 to 20 metres. While some buildings, at 20 metres in depth, exceed the recommendation of the RFDC, the department considers the proposed building envelope and indicative apartment depths are acceptable at the Concept Plan stage.

It is expected further design development will occur at future application stages, which will introduce greater building articulation and recesses in the façade to reduce the depth of the building. On this basis, the department is satisfied that the internal layout of these buildings will not be compromised by the extra depth.

### **5.6.3 Solar access and natural ventilation**

The proposed building envelopes have been sited and oriented to achieve good levels of solar access to public spaces. The proponent submitted a shadow analysis which demonstrates the shadow impacts of the proposal during mid winter, as well as at the Autumn and Spring equinox and Summer solstice. This demonstrates that greater than 50% of the proposed public open space will achieve solar access at all times of the day during mid winter, and that the whole area of open space will achieve at least 2 hours of solar access.

In addition, while the proponent has not undertaken a detailed analysis of the solar access available to apartments, it has advised that at least 70% of apartments will be capable of achieving at least 2 hours of solar access in accordance with the RFDC.

In terms of natural ventilation, the proponent has also confirmed that a minimum of 60% of apartments will be capable of being naturally cross ventilated.

Future assessment requirements have been recommended to ensure that these requirements are met.

#### 5.6.4 Privacy

A number of public submissions raised concerns about privacy impacts, specifically that the proposed buildings will overlook existing residential properties in Edward Street. The department however considers that the setback from existing properties (minimum of 14.8 metres) and orientation of the proposed building envelopes will minimise privacy impacts. The tallest buildings, being the silos, are situated between 60 and 80 metres from the nearest residential properties in Edward Street.

Within the development, in addition to generous setbacks between buildings, the proposed building envelopes are oriented to ensure that apartments and their balconies do not directly face each other. The department considers that the proposed building envelopes will provide a good level of privacy for future occupants, noting that detailed floor plans will be submitted with future project and development applications to enable this issue to be assessed more closely.

#### 5.6.5 Open Space and Deep Soil Planting

The RFDC recommends that 25% of the site be communal open space, with 25% of this space being a deep soil zone.

The Concept Plan proposes 6% of the site area as communal private open space (1,390m<sup>2</sup>). While this does not satisfy the RFDC recommendation, it is noted that the proposal provides a further 4,806m<sup>2</sup> of public open space to be dedicated to Council and 5,287m<sup>2</sup> of additional publicly accessible open space to be maintained by the proponent. The total area of open space across the site represents 52% of the site area (11,483m<sup>2</sup>). Given that all apartments will include private open space in the form of balconies or courtyards, and future residents will have excellent access to a significant area of public open space, the department is satisfied with the provision of communal open space.

The total area available for deep soil planting is 5,025m<sup>2</sup>, which represents 44% of the total open space area. The department is therefore satisfied that the proposal satisfies the RFDC recommendations for open space and deep soil planting.

#### 5.7. Other Issues

Other issues considered in the department's assessment are outlined in **Table 11**.

**Table 11: Other issues**

Issue	Consideration
Heritage	<p>The proponent submitted a Heritage Impact Assessment and Statement of Heritage Impact prepared by John Graham &amp; Associates. The site is not listed as a heritage item on any local or state register however, a number of buildings, structures and the landscape setting are considered to have heritage value. Council has also advised that it intends to include the site as a local heritage item in its draft Comprehensive LEP.</p> <p>The buildings with high heritage value include:</p> <ul style="list-style-type: none"> <li>the Mungo Scott warehouse and packing building and flour mill and screen room. These are considered to be the most significant buildings on the site and a prominent visual landmark;</li> <li>the amenities building which was formally used as horse stables also has heritage significance; and</li> <li>the wooden bins, constructed of timber and corrugated iron also have high heritage significance.</li> </ul>

Other buildings and structures on the site, including the mill office and substation building have moderate heritage significance.

Council has requested that future applications comply with the heritage requirements of the draft LEP, including the need to obtain development consent to demolish any buildings. Council also considered that further detail should be provided on precise elements which will be conserved, the curtilage around the buildings and interpretation of the former flour mill use and buildings to be demolished. Council also advised that a Conservation Management Plan should be prepared for the site.

The proposal involves the retention of 4 significant buildings including the Mungo Scott warehouse/mill building and attached mill office, amenities building and substation building. It also seeks to retain the 4 pack and 6 pack silo structures, which although having low heritage significance, are landmark structures within the locality and retention will aid in the interpretation of the site.

It is also proposed to retain the interwar planting of Brushbox, Ficus Hillii, Palms and the Chinese Weeping Elms.

The most significant structures to be demolished are the wooden bins. The proponent has advised that the small footprint, great height and the flammable construction materials precludes adaptive reuse of the structure. It is proposed that the materials may be recycled in the development or as furniture. The proponent's heritage consultant considers that the proposed new building which will have a similar bulk and footprint is an appropriate interpretation of the structures to be demolished.

While the demolition of any buildings/structures will require development consent (unless it is exempt development), the Concept Plan would be the catalyst for any demolition required to make way for the approved building envelopes. Council will be able to impose conditions on any approval which may include salvaging of materials for re-use, interpretation or the like.

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#### Retail impacts

85% of public submissions were concerned that the proposal will impact on the Summer Hill Village Centre. The proposal involves 2,000 to 2,500m<sup>2</sup> of retail floor space. The retail space is to be located on the ground floor of the mixed use envelopes across the site, but will not involve an area capable of accommodating a supermarket.

The proponent submitted an Economic Impact Assessment prepared by Hill PDA which considered the likely retail impact of the proposal in addition to cumulative impacts of the potential retail floor space within the McGill Street precinct and the Lewisham Estate Concept Plan. This assessment considered the likely retail impacts to nearby centres assuming that these sites would be developed and operational by 2018.

The Hill PDA report estimates that the overall cumulative spending forecast across the three sites to be \$29.1 million. This level of impact would result in most significant retail trade downturn impacts in the nearest centres of Lewisham (approximately 19%), Petersham (approximately 9%) and Summer Hill (approximately 7%).

Due to strong growth in the area, Hill PDA notes that all centres, with the exception of Lewisham, will have positive retail trade between now and 2018, even with the introduction of new retail uses on the site.

However, due to the limited size of the Lewisham neighbourhood centre

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(approximately 1,000m<sup>2</sup> retail GFA), any proposed retail uses will cause an impact on its trade. Notwithstanding, given the limited range of retail facilities currently provided in Lewisham, an impact of this level is not likely to adversely affect the overall quality of retail provision in the immediate locality. Rather, the redevelopment of the three sites is likely to result in an enhanced range of retail services for the locality.

Noting that the proposed retail floor space will not include a supermarket, the department considers that the future uses will primarily serve the daily convenience needs of future residents of this site and the adjacent Lewisham Estate site (which has only approximately 650m<sup>2</sup> approved retail floor space) and users of the light rail stop.

The amount and location of retail floor space across the site is supported as it will provide for activation of public areas.

It is also considered that new residential development within the area will increase the patronage to Lewisham Railway Station and these shops.

Ashfield Council also considers that the economic impacts arising from this proposal on the Summer Hill Village are not likely to be significant. Council has recommended that a restriction be imposed that prohibits a supermarket and requires retail tenancies to be limited in their scale and size to reflect the local village character. Marrickville Council has also not raised any objection to the amount of retail floor space. The department recommends that in order to reflect the daily convenience functions of the proposed retail uses it is appropriate to limit the size of any future retail tenancy to a maximum 500m<sup>2</sup> GFA.

#### Flora and Fauna

Previous studies have identified the presence of the Long-nosed Bandicoot in the Lewisham area, based on sightings of individuals and diggings. In this regard, the Flora and Fauna assessment undertaken by Travers Environmental included targeted bandicoot surveys. These surveys did not reveal the presence of bandicoots on or adjacent to the site. Travers Environmental recommended that the landscape design should consider the provision of native landscape beds that contribute to foraging areas for bandicoots. In addition, fencing should where possible allow for movement and access to the site by bandicoots.

Ashfield Council has questioned the relevance of the surveys given that they were undertaken in January 2009. Council has also advised that it considers that additional measures should be imposed on the Concept Plan, consistent with the Lewisham Estate Concept Plan. These include:

- induction of construction workers to include instruction on the potential habitat for Long-nosed Bandicoots and how to identify signs of Long-nosed Bandicoot activity and required actions to be undertaken if any signs are found;
- prior to demolition/construction, the site should be checked by an appropriately qualified and experienced ecologist for signs of Long-nosed Bandicoot activity;
- installation of Bandicoot proof fencing around the perimeter of the site (once the site has been checked by an ecologist who is satisfied that there are no signs of Long-nosed Bandicoots on the site);
- if Long-nosed Bandicoots are found on site prior to or during construction, all works must cease and the proponent must contact the department of Office and Heritage; and
- pets (cats and dogs) should be prohibited from the development during construction and occupation.

	<p>Given that targeted surveys for both the subject site and Lewisham Estate site have revealed no evidence of Long-nosed Bandicoots, the department is satisfied with the level of survey undertaken. To ensure that any potential Long-nosed Bandicoot population in the local area is protected, it is recommended that the reasonable measures outlined above be implemented. In this regard a future assessment requirement is recommended.</p>
Community consultation	<p>89% of submissions raised concern that the level of community consultation undertaken by the proponent was insufficient and that the community's concerns were being overlooked.</p> <p>The proponent engaged Urban Concepts to undertake community consultation including information sessions, mail outs, newsletters, advertisements, a website and information phone line.</p> <p>A report was submitted with the PPR which detailed the comments received from the community as part of this process.</p> <p>In addition, the PPR provided a response to the key issues raised in the public submissions.</p> <p>The department has also placed the application on public exhibition as outlined in Section 4 of this report and considered the issues raised in submissions as part of its assessment.</p>
Staging	<p>Ashfield Council raised concern that each of the stages will be able to be separately developed and/or subdivided and sold to different parties. Council considers that further detail should be provided on how each stage will share the burden of the required infrastructure works for the whole development.</p> <p>The department notes that the proposal does not involve subdivision of the site. A future development application for subdivision would be required. Notwithstanding, it is considered that adequate detail has been provided in relation to infrastructure staging and appropriate future assessment requirements have been recommended in this regard.</p>
Contamination	<p>The site has previously been used as a flour mill which involves a number of potentially contaminating activities including underground fuel storage tanks, chemical storage, oil storage, asbestos and unknown fill materials.</p> <p>In this respect, a Stage 2 Site Contamination Assessment (prepared by Aargus) was submitted which included sampling within 73 locations across the site. Groundwater monitoring was undertaken at 3 locations. The analysis of samples revealed that the soil across the site was generally below the maximum regulated concentrations of contaminants.</p> <p>However, elevated concentrations of contaminants (including heavy metals, fuel and oil contaminants) were found in a number of samples across the site. These areas will require remediation to enable the site to be suitable for the proposed residential, retail, commercial and open space uses. Elevated concentrations of heavy metals and petroleum hydrocarbons were also found in ground water and it was recommended that groundwater be re-assessed following remediation of the site and removal of the underground storage tanks. On this basis, Aargus consider that the site can be made suitable for the proposed development, subject to:</p> <ul style="list-style-type: none"> <li>the preparation of a remedial/management strategy and Remedial</li> </ul>

	<p>Action Plan;</p> <ul style="list-style-type: none"> <li>any soil removed from the site as part of the remediation process should be classified in accordance with the DECC Waste Classification Guidelines; and</li> <li>groundwater be reassessed after remediation has been undertaken.</li> </ul> <p>Ashfield Council considers that a Remediation Action Plan must be submitted and assessed prior to approval of the Concept Plan. The department, however, considers that adequate information has been submitted to enable assessment of the Concept Plan. A future assessment requirement has been recommended requiring further applications to include a Remediation Action Plan, setting out the course of action to remediate that part of the site to be developed.</p>
Adaptable housing and universal accessible design	<p>Ashfield DCP 2007 requires that a minimum of 10% of apartments are adaptable dwellings (i.e. are capable of being converted to meet specific needs of an occupant with a disability in accordance with Australian Standard 4229-1995).</p> <p>In addition the DCP requires that all apartments meet the seven performance criteria for universal housing design. Universal accessible housing is usable by all people by design and construction including minimum room dimensions, accessible paths of travel from the street, car parking and to open space, requirements for positioning of light switches, etc.</p> <p>The proponent has advised that the layouts and building locations do not preclude accessible dwellings being provided in future applications. An appropriate future assessment requirement has been recommended requiring that a minimum of 10% of apartments are adaptable dwellings in accordance with Council and the Metropolitan Plan requirements.</p>
Affordable housing	<p>Ashfield, Marrickville and Leichhardt Councils consider that the Concept Plan should provide a level of affordable housing.</p> <p>The proponent has advised that it does not intend to provide affordable housing units within the development. The re-use of the former industrial buildings/structures and large areas of open space result in a comparatively low density of 1.4-1.6:1. The proponent considers that the proposal will deliver significant public benefits including public open space to be dedicated to Council in addition to the payment of Section 94 Contributions. The proponent considers that there is greater potential to provide affordable housing within the McGill Street precinct, where greater densities can be achieved.</p> <p>The department notes that there is currently no statutory requirement or mandated policy for affordable housing provision. The department notes that the surrounding area contains a high proportion of detached and semi detached dwellings. The proposal will provide a greater range of dwelling types including smaller units which provide greater housing choice including more affordable housing options in the locality.</p>
Noise and vibration	<p>The proponent has undertaken an assessment of the noise impacts from aircraft noise, road noise and rail noise and vibration. The Noise and Vibration Assessment makes recommendations for construction levels to ensure acceptable levels of residential amenity. It is recommended that a future assessment requirement be imposed requiring the detailed design of buildings to address the noise and vibration issues.</p> <p>Furthermore, RailCorp has recommended future assessment</p>



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	requirements to ensure that its infrastructure and property is protected during both construction and occupation.
Impact on community facilities	<p>86% of public submissions were concerned that the existing community facilities, including child care centres and schools, were at capacity and would not be able to accommodate the likely new residents of the proposed development.</p> <p>The proponent has advised that there is scope to include a child care centre within the former Amenities building which is to be reused for commercial floor space. The Concept Plan does not seek approval for child care centre uses, however the department notes that child care centres are listed as a permissible land use in the proposed light industrial zone (under the draft comprehensive LEP) and any future mixed use zone which would logically be applied to the site in a future amendment to the Ashfield LEP if this Concept Plan is approved.</p> <p>The proponent will also make Section 94 contributions to Council which will include a contribution towards local community facilities.</p> <p>The department notes that the capacity of public schools is an issue for the Department of Education &amp; Communities.</p>

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## 6. CONCLUSION

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The department has assessed the merits of the proposal taking into consideration the issues raised in public submissions and is satisfied that the impacts have been addressed in the EA and PPR and related documentation, the Statement of Commitments, recommended modifications to the Concept Plan and future assessment requirements. The department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.

The key issue considered in the assessment of the proposal relates to the cumulative traffic impacts of this proposal, the approved Lewisham Estate Concept Plan and other planned developments within the McGill Street precinct. The proposal will provide key infrastructure improvements including new traffic signals and a roundabout to improve traffic conditions for existing and development traffic. The department also commissioned an independent assessment to inform its assessment of the cumulative impacts. The assessment revealed that while the local road network is congested, the proposed traffic improvements will improve access for existing and future residents and the redevelopment of the site is worthy of support, subject to measures to suppress parking and encourage use of public transport.

The department considers that the proposal offers an excellent opportunity to provide high density residential development immediately adjacent to existing and planned public transport. The proposal is a genuine transit oriented development and meets the objectives of the Metropolitan Plan and draft South Subregional Strategy.

The height and bulk of the proposed building envelopes is generally considered acceptable given the unique opportunities for urban renewal and increased residential densities immediately adjacent to public transport. The proposed building envelopes complement the proposed reuse of former mill buildings, including the Mungo Scott building, silos and amenities building. With the exception of the proposed additional height at the top of the silos structures, the proposed building height and form is supported. A modification has been recommended which requires the existing height to the top of the silos to be retained.

The department notes that 40% of the site (10,093m<sup>2</sup>) is proposed as either publicly dedicated or publicly accessible open space. This is considered a significant public benefit for both existing and future residents and provides adequate open space to provide a high level of amenity throughout the site.

On balance, the proposed Concept Plan is considered appropriate and in the public interest for the following reasons:

- the renewal of a former industrial precinct represents a genuine transit oriented development located immediately adjacent to planned and existing public transport;
- the proposal involves the retention of historically and visually significant buildings, and proposed new building envelopes which complement the scale of buildings to be retained;
- the proposal will make a significant contribution to the housing stock of the Ashfield and Marrickville LGAs, in a highly accessible location with excellent accessibility to transport, services, facilities and employment opportunities;
- the proposal will provide local road infrastructure upgrades include new traffic signals, a roundabout and pedestrian upgrades to improve access for existing and future residents; and
- the proposal will provide 40% of the site (10,093m<sup>2</sup>) as either publicly dedicated or publicly accessible open space and through site links including a vital linkage to Lewisham West light rail stop as part of the first stage of the development to the benefit of the wider community.

## 7. RECOMMENDATION

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It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- (a) consider the recommendations of this Report;
- (b) **Approve** the Concept Plan application under the repealed Section 75O of part 3A of the *Environmental Planning and Assessment Act, 1979*;
- (c) **Sign** the attached Instrument of Approval (**Appendix G**).

Endorsed by:

**Team Leader**  
**Metropolitan & Regional Projects South**

**Executive Director**  
**Major Projects Assessment**

**Deputy Director-General**  
**Development Assessment & Systems Performance**



## **APPENDIX A      ENVIRONMENTAL ASSESSMENT**

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See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4210](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4210)

## **APPENDIX B SUBMISSIONS**

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See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4210](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4210)

## **APPENDIX C    PROPONENT'S RESPONSE TO SUBMISSIONS**

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See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4210](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4210)

## APPENDIX D      CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

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### Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (b) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (c) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (d) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – The application is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. No significant climate change risks are identified as a result of this proposal.
- **Inter-Generational Principle** – The location of new residential development on a site with excellent access to public transport will enable residents to make sustainable travel choices which will protect the environment for future generations.
- **Biodiversity Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. . The proposal is confined to the redevelopment of a industrial site and, as such, is unlikely impact upon biological diversity or ecological integrity. The proponent has undertaken a flora and fauna assessment, which has revealed no evidence of the site containing any threatened or vulnerable species, populations, communities or significant habitats. Notwithstanding, as previous studies have identified the presence of the long-noised bandicoot in the locality, recommendations have been provided to ensure any habitat is not adversely affected.
- **Valuation Principle** – The valuation principle is more appropriately applied to broader strategic planning decisions and not at the scale of this application. The principle is not considered to be relevant to this particular Concept Plan application.

The proponent submitted an assessment of the ESD initiatives available to the development, including:

- Water Sensitive Urban Design (WSUD) to maximise water storage across the site and ground infiltration of water;
- Water efficiency measures including reduction, reuse and recycling of water,
- Sustainable technologies such as photovoltaic energy to reduce carbon emissions;
- Reuse and recycling of existing building materials and use of low environmental impact materials to reduce waste/landfill;
- Promotion of recycling during construction and operation.

The proponent has committed to detailing the strategies to be implemented as part of future Project/Development Applications.



The department also considers that the proposal will achieve good levels of solar access and natural ventilation to residential apartments, which will assist in minimising the demand for heating and cooling. The location of the site adjacent to public transport and provision of bicycle parking and dedicated car share spaces will also encourage sustainable transport options.

On this basis, the department is satisfied that the proposal is consistent with the principles of ESD.

### **Section 75I(2) of the EP&A Act / Clause 8B of EP&A Regulations**

Section 75I(2) of the EP&A Act and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the department's response are set out below:

<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of the proponent's environmental assessment and any preferred project report	The proponent's EA and PPR are located at <b>Appendices A</b> and <b>C</b> to this report respectively.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out in <b>Section 4</b> of this report and contained within <b>Appendix B</b> .
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the project is identified below, including an assessment of proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate	The environmental assessment of the project application is this report in its entirety.
A <b>statement of compliance</b> with the environmental assessment requirements under this Division with respect to the project.	In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in <b>Section 5</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in <b>Section 5</b> of this report.
The suitability of the site for the project	The site is a vacant industrial site which was formerly used for flour milling. The proximity of the site to existing and approved public transport routes, Summer Hill Village and limited demand for continued industrial use make the site suitable for a mixed use development. The predominantly residential use of the site also allows for the adaptive reuse of historic industrial buildings. Overall the site is considered suitable for the

Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	proposal. A summary of the issues raised in the submissions is provided in <b>Section 4</b> of this report. The proponent's response to the submissions to the EA and PPR appear at <b>Appendix C</b> . A copy of the submissions are provided at Appendix B.
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### **State Environmental Planning Policy (Major Development) 2005**

The Project remains a Part 3A project under the former provisions of Schedule 1, Clause 13, Group 5 of the Major Development SEPP, "*residential, commercial or retail projects*" as DGRs were issued prior to 8 April 2011. The project has a capital investment value (CIV) of more than \$100 million.

### **State Environmental Planning Policy 55 – Remediation of Land**

An Environmental Site Assessment has been undertaken by Aargus Pty Ltd in respect of the proposed development.

The assessment revealed that the soil across the site was generally below the maximum regulated concentrations of contaminants. However, elevated concentrations of contaminants (including heavy metals, fuel and oil contaminants) were found in a number of samples across the site. These areas will require remediation to enable the site to be suitable for the proposed residential, retail, commercial and open space uses.

Elevated concentrations of heavy metals and petroleum hydrocarbons were also found in ground water and it was recommended that groundwater be re-assessed following remediation of the site and removal of the underground storage tank.

Aargus considers that the site can be made suitable for the proposed development, subject to further investigation and remediation.

The proponent has included a commitment in their Statement of Commitments that any necessary Remedial Action Plan will be prepared as part of future Project/Development Applications.

The department considers that adequate information has been submitted to enable assessment of the Concept Plan. A future assessment requirement has been recommended requiring further applications to include a Remediation Action Plan, setting out the course of action to remediate that part of the site to be developed.

### **State Environmental Planning Policy (Infrastructure)**

The proposal involves between 280 and 300 residential apartments. The proposal was therefore referred to the Roads and Maritime Services as a 'traffic generating development' in accordance with Clause 104 and Schedule 3 of the Infrastructure SEPP.

The RMS provided general support of the proposal in response to the PPR. The RMS comments are discussed in **Section 4.2** and **5.1** of this report.

### **State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65)**

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is provided below.

The PPR confirms the development has been designed having respect to the design principles of SEPP 65.

<b>Key Principles of SEPP 65</b>	<b>Department Response</b>
<b>Principle 1: Context</b>	It is considered that the proposal responds and contributes to its context adjacent to the planned Lewisham West light rail stop. The proposed building heights compliment existing former milling buildings to be retained. The proposed publicly dedicated and accessible open space will provide access to the light rail stop and will contribute to the identity of the area.
<b>Principle 2: Scale</b>	The proposal involves the retention of the silo structures which are the tallest buildings on the site and in the locality. New building envelopes range in height from 1 to 11 storeys. The existing structures will remain the highest buildings on the site. The proposed heights provide a transition from the surrounding low density residential area up to the light rail corridor. In addition, the proposed building heights are considered generally consistent with the heights provided for within the Marrickville LEP 2011 on the adjacent McGill Street precinct and the approved Lewisham Estate Concept Plan. The department has recommended that the Concept Plan be modified to ensure that the existing height of the silo structures (excluding lift/blower structures) is retained as outlined in <b>Section 5.3.1</b> of this report.
<b>Principle 3: Built Form</b>	It is considered that the proposed building envelopes, subject to modification to retain the height of the silo structures, will provide an appropriate built form outcome. The scale and separation between proposed building envelopes is considered appropriate to enhance the appearance the Mungo Scott building and silos which are visually significant in the locality. Future assessment requirements have been recommended to ensure a high quality architectural design of future buildings.
<b>Principle 4: Density</b>	The provision of up to 300 apartments on the site is consistent with local and regional planning strategies which seek to locate housing within centres with access to transport, jobs and services. The proposed density for the site is supported by the local Councils and has been considered in detail by the department within in <b>Section 5.3.2</b> of this report.
<b>Principle 5: Resource, Energy and Water Efficiency</b>	The department considers that future applications will be capable of providing internal layouts which maximise solar access and natural ventilation to apartments to reduce reliance on artificial heating and cooling. Future applications will also be required to meet BASIX requirements for energy and water efficiency. A future assessment requirement has also been recommended to require ESD measures into the future design, construction and operation of the development.
<b>Principle 6: Landscape</b>	The Concept plan provides for 10,093m <sup>2</sup> of publicly dedicated and/or publicly accessible open space, in addition to communal open space for future residents. In excess of 25% of the open space (5,025m <sup>2</sup> ) will be a deep soil zone. These areas include both hard and soft landscaping. Future applications will be required to provide landscape design to enhance the appearance and amenity of the development.
<b>Principle 7: Amenity</b>	The proponent has advised that the proposed building envelopes will allow for internal layouts which meet the guidelines for solar access and ventilation in the Residential Flat Design Code. The department considers that adequate separation is provided between buildings to provide for visual and acoustic privacy and that further measures can be incorporated into the detailed design, if required. More detailed consideration of amenity will be undertaken in the assessment of future applications.
<b>Principle 8: Safety and Security</b>	The proposal provides for the activation of the main areas of open space by retail and commercial ground floor uses and adequate space between buildings which will be overlooked be upper lever residential uses. The detailed design of all publicly accessible and

	private spaces will be assessed against CPTED principles at the future project/development application stage.
<b>Principle 9: Social Dimensions and Housing Affordability</b>	The Concept Plan provides for a mix of apartment types which would encourage a diverse social mix within the area. It is recommended that a minimum of 10% of dwellings are designed and constructed as adaptable dwellings.
<b>Principle 10: Aesthetics</b>	Future assessment requirements have been recommended to ensure that the elevations of the proposed building envelopes provide a high level of articulation as well as varied and high quality textures, materials and colours to make a positive contribution to the streetscape and amenity of open spaces.

#### **Ashfield Local Environmental Plan (LEP) 1985**

The provisions of Ashfield LEP 1985 (LEP 1985) apply to the main portion of the site within the Ashfield LGA.

The table below contains a summary of the numerical compliance of the development against the LEP controls.

	Control	Proposed	Compliance
Permissibility: 4B Light Industrial	Industrial/ warehousing	Residential, retail, commercial and open space uses	No
Site Area (approx 21,938m <sup>2</sup> )			
Floor Space Ratio	Maximum 1:1	1.2 - 1.4	No
*GFA	21,938m <sup>2</sup>	26,100 - 30,500m <sup>2</sup>	No – exceeds by 4,162 - 8,562m <sup>2</sup>

*\* GFA is not an LEP control, but it is provided to allow comparison of the floor space allowed under the LEP and the proposed floor space*

#### **Ashfield draft Local Environmental Plan (LEP) 2012**

Draft Ashfield LEP 2012 (draft LEP 2012) was recently exhibited (27 June – 21 August 2012). It updates LEP 1985 and provides a standard instrument format. It also provides height and FSR controls for the site. The table below contains a summary of the numerical compliance of the development against the LEP controls.

	Control	Proposed	Compliance
Permissibility: IN2 Light Industrial	Industrial/ warehousing	Residential, retail, commercial and open space uses	No
Site Area (approx 21,938m <sup>2</sup> )			
Floor Space Ratio	Maximum 1:1	1.2 - 1.4	No
*GFA	21,938m <sup>2</sup>	26,100 - 30,500m <sup>2</sup>	No – exceeds by 4,162 - 8,562m <sup>2</sup>
Height	10 metres	45.5 metres	No – exceeds by 35.5 metres

*\* GFA is not an LEP control, but it is provided to allow comparison of the floor space allowed under the LEP and the proposed floor space*



### **Marrickville Local Environmental Plan (LEP) 2001**

The provisions of Marrickville LEP 2001 (LEP 2001) applied to the portion of the site within the Marrickville LGA at the time of lodgement and exhibition, until its repeal on 12 December 2011. The table below contains a summary of the numerical compliance of the development against the LEP controls.

	Control	Proposed	Compliance
Permissibility: 4B Light Industrial	Industrial/ warehousing	Residential, retail, commercial and open space uses	No
Site Area (approx 2,800m <sup>2</sup> )			
Floor Space Ratio	Maximum 1:1	3.2 - 3.4:1	No
*GFA	2,800m <sup>2</sup>	8,900 - 9,500m <sup>2</sup>	No – exceeds by 6,100 - 6,700m <sup>2</sup>

*\* GFA is not an LEP control, but it is provided to allow comparison of the FSR allowed under the LEP and the proposed FSR*

### **Marrickville Local Environmental Plan (LEP) 2011**

The Marrickville LEP 2011 was published on 12 December 2011 and applies to the portion of the site within the Marrickville LGA. The table below contains a summary of the numerical compliance of the development against the development standards within the LEP.

	Control	Proposed	Compliance
Permissibility: IN2 Light Industrial	Light industrial/warehousing	Residential and open space uses	No
Building Height	N/A		N/A
Floor Space Ratio	N/A		N/A
GFA	N/A		N/A

### **Local Strategies**

#### **Ashfield Urban Strategy 2010**

Ashfield Urban Strategy provides a vision that identifies the site as a key urban renewal site and suggests consideration of additional uses for the site as sought by the Concept Plan. This is discussed in Section 2.1. It is intended that this study underpins the draft LEP 2012 however the draft LEP does not provide for the identified urban renewal opportunity by providing additional uses as it is intended that this be firstly investigated through a Masterplan for the site. The Department considers that that proposed Concept Plan embodies this intended Masterplan process.

#### **Marrickville Urban Strategy 2007**

The Marrickville Urban Strategy 2007 was prepared by SGS Economics and Planning for the purposes of providing guidance in the preparation of the draft comprehensive Local Environmental Plan (Marrickville LEP 2011).

The Strategy identifies Lewisham as a neighbourhood centre with opportunity for urban renewal. In particular, the Strategy recommends a focus on providing additional housing,

local improvements to access, parks and public domain. The site is located within 400 metres of the identified Lewisham centre.

Key objectives of the strategy are to accommodate an additional 3,830 dwellings over the following 25 year period to meet future housing demand and address affordable and target group housing needs. The Strategy aims to focus residential density in and around centres and rezone select industrial sites, including the subject site. The Strategy aims to achieve 80% of new dwellings located in or near centres.

This site provides an excellent opportunity to provide increased dwelling densities given its location immediately adjacent to public transport and within walking distances of Lewisham and Summer Hill centres, consistent with the objectives of the Urban Strategy.

#### **Marrickville Integrated Transport Strategy 2007**

The Marrickville Integrated Transport Strategy (2007) was prepared by Marrickville Council and aims to reduce car use and increase use of public transport, walking and cycling in the Marrickville LGA.

The Transport Strategy includes several key actions relevant to the proposal:

- to focus new mixed-use development in appropriate accessible areas;
- to promote sustainable transport in accessible areas targeted for increased development;
- to ensure that development within accessible areas promotes sustainable transport; and
- to improve the management of private car parking in accessible areas by managing supply, improving bicycle parking and encouraging car sharing in private developments.

The Transport Strategy seeks to locate new development in highly accessible locations within walking distance of railway stations, strategic bus corridors and commercial centres. The proposal is located immediately adjacent to the planned Lewisham West light rail stop and within 500 metres of Summer Hill and Lewisham Railway Station.

The proposal also includes reduced car parking provision, designated car share spaces and new landscaped through site links to the approved light rail stop to promote sustainable transport.

## **APPENDIX E    INDEPENDENT TRAFFIC ASSESSMENT**

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## **APPENDIX F    INDEPENDENT FLOOD ASSESSMENT**

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## **APPENDIX G    RECOMMENDED INSTRUMENT OF APPROVAL**

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