

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the development as set out in Schedule 3.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE 1

PART A: PARTICULARS

Application No.: MP10_0155

Proponent: EG Funds Limited

Approval Authority: Minister for Planning & Infrastructure

Land: 2-32 Smith Street, Summer Hill

Lot A, DP 302421; Lot B, DP 302421; Lot 11, DP315; Lot 1, DP 955001; Lot 1, DP 951124; Lot 1, DP 73521; Lot 13 DA315; Lot 14 DP315; Lot 15, DP 315; Lot 16, DP 130884; Lot 1, DP 182276; Lot B, DP 172600; Lot B, DP 171931; Lot 1, DP 302585; Lot 1, DP 171676; Lot 100, DP 221222; Lot 1, DP 131120; and Lot 2, DP 131120 within the Ashfield Local Government Area.

Lot 1, DP900501 within the Marrickville Local Government Area.

Project: Mixed use residential, retail and commercial development incorporating:

- residential, retail and commercial floor space;
- basement car parking;
- publicly dedicated and accessible open space and communal open space;
- new local streets and road works at the intersection of Old Canterbury Road and Edward Street and Edward Street and Smith Street; and
- off site pedestrian upgrades.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 10_0155

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C: DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by SJB Planning dated 6 May 2011.
GFA	means gross floor area.
Minister	means the Minister for Planning & Infrastructure.
MP No. 10_0155	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report and Response to Submissions prepared by SJB Planning dated 26 March 2012 and includes the additional information submitted on 20 June 2012 and 20 July 2012.
Proponent	means EG Funds Limited or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

Development Description

A1 Concept approval is granted to the development as described below:

- adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes;
- staged construction over 4 stages;
- 280-300 dwellings (29,500-33,500m² GFA);
- 3,500 – 4,000m² of commercial floor space;
- 2,000 – 2,500m² of retail floor space;
- a floor space ratio of 1.4 - 1.6:1;
- up to two levels of basement car parking and 63 on-street car parking spaces;
- 4,806m² of public open space to be dedicated to Council and an additional 5,287m² of publicly accessible open space;
- new local streets serving the development;
- road works including a roundabout at Edward and Smith Streets as part of Stage 1 and a signalised intersection at Old Canterbury Road as part of Stage 3; and
- off-site pedestrian upgrade works in the surrounding area and to Summer Hill Village.

Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 6 May 2011 prepared by SJB Planning, except where amended by the Preferred Project Report dated 26 March 2012 and additional information submitted on 20 June 2012 and 20 July 2012 and including all associated documents and reports;
- the Statement of Commitments prepared by SJB Planning; and
- the following drawings:

Drawing No	Name of Plan	Drawn By	Date
	Building Identification Plan	Hassell	16 February 2012
A-010 (Rev 2)	Masterplan	Hassell	25 May 2012
A-030 (Rev 2)	Basement Plan	Hassell	5 June 2012
	Building Heights	Hassell	
	Proposed Dedication Plan	Hassell	
	Proposed Open Space Plan	Hassell	
	Deep Soil Plan	Hassell	
	Access and Traffic Strategy		
	Active Ground Level Uses	Hassell	
	Heritage and Adaptive Re-Use	Hassell	
	Staging Plan	Hassell	

except for as modified by the following pursuant to Section 75O(4) of the Act.

Inconsistencies between Documentation

A3 In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

Building Envelopes

- A4 Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.

Maximum Gross Floor Area (GFA)

- A5 The maximum GFA for the development shall not exceed 40,000m² comprising a maximum of:
- 33,500m² residential GFA;
 - 4,000m² commercial GFA; and
 - 2,500m² retail GFA.

Maximum Number of Residential Units

- A6 The maximum number of residential dwellings shall not exceed 300 units.

Lapsing of Approval

- A7 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.

PART B - MODIFICATIONS

Building Height

- B1 The plans described above in Part A – Terms of Approval shall be modified to provide a maximum height of RL 48.27 to Building 3C (4 pack silos) excluding the existing lift and blower structure. Plant, lift overrun structures and the like may exceed this height if:
- (a) wholly accommodated within the envelope of the existing lift and blower structure; or
 - (b) a lift overrun is provided abutting the southern end of the lift and blower structure with dimensions and appearance visually integrated with this structure to a maximum height of RL 51.27.

Amended plans, demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

- B2 The plans described above in Part A – Terms of Approval shall be modified to provide a maximum height of RL 45.4 to Building 5A (6 pack silos and building to the north) excluding the existing lift and blower structure. Plant, lift overrun structures and the like may exceed this height if wholly accommodated within the envelope of the existing lift and blower structure.

Amended plans, demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

Building Separation

- B3 The plans described above in Part A – Terms of Approval shall be modified to provide a minimum of 12 metres building separation between the 9 and 10 storey components of Building 1A.

Amended plans, demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Residential Amenity

1. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:
 - (a) a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies mid winter; and
 - (b) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated.

ESD

2. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.

Car Parking

3. Future applications shall provide on-site car parking at the following maximum rates:
 - (a) 1 space per 4 studio/1 bedroom apartment;
 - (b) 1 space per 2/3 bedroom apartment (including townhouses);
 - (c) 1 visitor space per 10 apartments; and
 - (d) 1 space per 80m² of commercial/retail GFA.
4. Future applications are to demonstrate that a minimum of 50 on-street car parking spaces will be provided.

Bicycle Parking

5. Future applications shall provide bicycle parking at the following minimum rates:
 - (a) 1 space per 2 residential units;
 - (b) 1 visitor space per 10 residential units;
 - (c) 1 space per 20 employees (for commercial/retail uses); and
 - (d) 1 visitor space per 250m² of commercial/retail GFA.

Car Share Scheme

6. Future applications shall require the provision and implementation of a car share scheme with a minimum of 2 dedicated on-street car share spaces.

Retail Tenancies

7. Future applications shall ensure that no single retail tenancy exceeds 500m² GFA.

Local Streets and Servicing

8. Future applications shall provide for design of the two new local streets in the western portion (including road carriageway, footpath and tree planting) to the satisfaction of Council in accordance with Council's engineering guidelines/standard designs for local

roads. The design shall provide for traffic calming and pedestrian safety measures where appropriate to provide a slow speed safe environment for pedestrians. The roads shall be dedicated to Council at no cost to Council.

9. The new local street serving Building 1A of the development shall be designed and constructed in accordance with Sydney Water and Council requirements and maintained in private ownership with on-going maintenance the responsibility of the future body corporate.
10. Future applications shall provide for the upgrade of the footpath in Edward Street (adjacent to the relevant stage), including provision of street tree planting for the full frontage of the site to Edward Street.
11. Future applications shall provide details of all servicing, including waste collection, removalist vehicles and all loading/unloading operations and appropriate design of such locations.

Road Infrastructure upgrades

12. Future application/s for Stage 1 shall provide the concept designs of the proposed roundabout at the intersection of Edward Street and Smith Street. The roundabout shall be operational prior to occupation of the first Stage of the development.
13. Future application/s for Stage 1 shall provide details of the pedestrian/cycle improvement works in the area surrounding the site and to Summer Hill Village as outlined in Table 10 of ARUP's Traffic and Transport Report dated 12 March 2012. These works shall be completed prior to occupation of the first stage of the development.
14. Future application/s for Stage 3 shall provide the concept design for the proposed traffic signals at the intersection of Old Canterbury Road and Edward Street in accordance with the Roads and Maritime Services letter dated 30 August 2012.

The design of the intersection shall 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 their letter dated 30 August 2012.

The signals and associated civil works be constructed and operational prior occupation of Stage 3 of the development.

Roads and Maritime Services Requirements

15. Future application/s for Stage 3 shall demonstrate that the RMS requirements have been met in relation to:
 - (a) agreement to the payment of an upfront fee to cover the cost of the first 10 years maintenance of the signals;
 - (b) agreement enter into a "Major Works Authorisation Deed" with the RMS for the signalisation and civil works;
 - (c) consultation with bus operators in relation to the relocated of existing bus zones on Old Canterbury Road; and
 - (d) consultation with the local Councils and affected residents/business regarding the implementation of "no stopping" restrictions.

Workplace Travel Plan/Travel Access Guide

16. Future application/s for Stage 3 shall include a workplace travel plan and/or travel access guide.

Open Space/Public Access

17. Future application/s shall provide for the embellishment and dedication of a minimum of 4,806m² of public open space to Council.
18. Future applications shall provide for the embellishment of a minimum of 5,287m² of publicly accessible open space to be maintained in private ownership by the future body corporate.
19. Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access to the:
 - private roads,
 - all publicly accessible areas of open space and through site links,with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.

Access to the Lewisham West light rail stop

20. Future applications for Stage 1 shall provide for pedestrian/cycle access through the site to the Lewisham West light rail stop in consultation with Council and Transport NSW/RailCorp.

Heritage

21. Future applications for demolition shall include details of salvaging of materials identified as having heritage significance for re-use, interpretation on or off the site and photographic records of structures to be demolished.

Flora and Fauna

22. Future applications shall incorporate the following measures to protect potential Long-nosed Bandicoot population within the local area:
 - (a) 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;
 - (b) prior to demolition/construction, the site should be checked by an appropriately qualified and experienced ecologist for signs of Long-nosed Bandicoot activity;
 - (c) 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);
 - (d) 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;
 - (e) provision of native landscape beds that contribute to foraging areas for bandicoots; and
 - (f) permanent fencing should where possible allow for movement and access to the site by bandicoots.

Section 94 Contributions

23. Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.

Noise and Vibration

24. Future applications, where applicable shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from the Western Suburbs Railway Line, Old Canterbury Road and Longport Street to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

Adaptable Housing

25. A minimum of 10% of apartments (excluding townhouses) shall be provided as adaptable housing in accordance with Australian Standard 4229-1995.

Flooding

26. Future applications shall clearly document flood levels, associated flood hazards and management measures within each stage and will be based upon detailed reviews, and where necessary, updates of flood study results that account for works approved or undertaken in the adjoining light rail corridor, the McGill Street Precinct and/or the subject site and the Hawthorne Canal.
27. Future applications shall ensure appropriate levels are provided, in particular:
 - (a) at least 500 mm freeboard above the adopted 100 year ARI design flood level for residential floors and basement entry crests; and
 - (b) a flood study shall clearly identify the flood levels control(s) and the sensitivity of flood level estimates to assumptions regarding climate change and blockage of the Longport Street culvert and land levels along the light rail alignment under Longport Street.
28. The future application for Stages 1 and/or 4 (as relevant) shall provide details relating to piping of the existing Smith Street flows through the development site to the Hawthorne Canal. Documentary evidence of consultation with Sydney Water shall be provided with this design including any specific amendments to accommodate Sydney Water requirements.
29. Future applications shall be provided with a draft Flood Emergency Response Plan. The draft Flood Emergency Response Plan should justify the adopted alarm level (10.8 m ADH) and demonstrate that all necessary facilities are available within each building to allow the proposed response.
30. The future application for Stage 4 shall ensure an allowance within the foundation space of Building 1A (as referred to in APP Drainage/Water Management Flooding/Utilities report dated March 2011 submitted with the EA) for a box culvert or equivalent to accommodate a possible stormwater drainage connection from the light rail corridor to the Hawthorne Canal. Evidence of consultation with Sydney Water (and consideration of Sydney Water's requirements) in this regard is to be provided with the application for Stage 4.
31. Future applications shall provide documentary evidence of consultation with Transport NSW in regards to flood mitigation works including any specific amendments to the project design to accommodate TNSW comments regarding light rail, including consideration of any flood impacts resulting from the design of the light rail station.
32. No wall shall be approved on the rail corridor boundary adjacent to Building 2A (as referred to in APP Drainage/Water Management Flooding/Utilities report dated March 2011 submitted with the EA) unless a flood study demonstrates that the wall does not have any unacceptable impact in terms of flood levels and flow velocities within the light rail corridor or neighbouring property.
33. Future applications shall provide documentary evidence of consultation with Sydney Water in regard to any measures that might affect the entry of floodwater into the Hawthorne Canal and measures, such as fencing, to protect the public against exposure to areas of high flood hazard.

Sydney Water requirements

34. Future applications shall address Sydney Water's requirements in relation to:
- (a) water supply and waste water connections as set out in Sydney Water's letter dated 23 August 2011; and
 - (b) a Water Sensitive Urban Design Strategy and stormwater treatment plan which demonstrates:
 - i. a 90% reduction in the post development mean annual load of total gross pollutant loads;
 - ii. a 85% reduction in the post development mean annual load of Total Suspended Solids;
 - iii. a 60% reduction in the post development mean annual load of Total Phosphorus; and
 - iv. a 45% reduction in the post development mean annual load of Total Nitrogen.

Details shall be submitted with future applications in accordance with Sydney Water and Council requirements.

35. Future applications shall provide for the treatment of stormwater prior to discharge to surface water and/or groundwater sources.

Groundwater

36. Future applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.

Contamination

37. Future applications shall include details of the remedial/management strategy for the site and the proposed Remedial Action Plan to remediate parts of the site which have been identified as contaminated/potentially contaminated with the Aargus Environmental Site Assessment dated June 2008.

RailCorp requirements

38. Future applications shall address RailCorp's requirements in relation to:

Corridor Protection

- Future applications for any structure within 25 metres of the rail corridor and involving ground penetration of greater than 2 metres, shall include the following plans/details for RailCorp approval/certification/endorsement:
 - Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor;
 - Construction methodology with construction details pertaining to structural support during excavation;
 - Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor;
 - Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure; and
 - If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

RailCorp's concurrence will be required, in accordance with Clause 86 of State Environmental Planning Policy (Infrastructure) 2007, for any applications for the above works.

Derailment protection

- Future applications for any future structure located within 20 metres of the rail corridor shall provide a derailment protection risk assessment in accordance with Australian Standard AS5100. Where the risk assessment has identified a need for derailment protection, or where required by the Australian Standard, measures shall be incorporated into the design and engineering details of the building and to submitted with the application.

Drainage

- Future applications shall include a stormwater concept plan which demonstrates how stormwater drainage from the site will to be appropriately managed. Any discharge into the rail corridor requires RailCorp approval.

Balconies

- Future applications involving balconies within 20 metres of the light rail tracks shall provide adequate measures that prevent the throwing of objects onto the rail corridor or are to be entirely enclosed. Measures to be utilised are to be endorsed by RailCorp in writing.

Reflective material

- Future applications for buildings adjacent to the rail corridor shall ensure that the materials/finishes are non-reflective.

Fencing and Landscaping

- The first application for subdivision or works shall include design guidelines regarding the fencing to be used/constructed along the entire common boundary with the rail corridor. The fencing design guidelines and specification are to be approved by RailCorp. This fencing is to be installed in accordance with the endorsed guidelines and specifications prior to the commencement of building construction on the site.
- Future applications are to provide appropriate vegetation species for all landscaping within 20 metres of the rail corridor in accordance with RailCorp requirements. RailCorp's Biodiversity Specialist can provide details of appropriate tree and plant species.

Contamination

- Future applications shall demonstrate that the area previously occupied by the encroachments has not been contaminated, and if proven to be contaminated, to be remediated at the Proponent's cost. The timing of any remediation to be determined by either RailCorp or Transport NSW.

Sydney Light Rail Inner West Extension (SLRIWE) interface

Future applications shall demonstrate compliance with the following requirements in relation to the light rail interface:

- the proponent shall liaise Transport NSW regarding the retention and protection of the rail sidings which are a heritage item that needs to be retained as part of the SLRIWE approval;
- the proponent shall liaise with Transport NSW regarding the location and design of the future permanent public pedestrian access through the site from Smith Street to the approved new light rail stop;
- maintain appropriate ongoing pedestrian access to the light rail stop during the future construction stages of the development; and
- co-ordination of construction/demolition works within the rail corridor with the SLRIWE construction contractor.

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS (Source: SJB Letter dated 27 July 2012)