



MODIFICATION REQUEST:

***Concept Approval for redevelopment of the
Former Allied Mills Flour Mill Site***

MP10_0155 MOD 1

***Modifications to building envelopes, dwelling
numbers, land use mix, parking, and affordable
housing.***

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

January 2015

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EXECUTIVE SUMMARY

EG Funds Management (the proponent) seeks approval to modify the Concept Approval MP 10_0155 relating to the redevelopment the Former Allied Mills site at 2-32 Smith Street, Summer Hill under Section 75W of the *Environmental Planning and Assessment Act 1979*.

On 7 December 2012, the Planning Assessment Commission approved the Concept Plan for a mixed use residential, retail and commercial development with a total gross floor area (GFA) of 40,000m² incorporating 280 to 300 dwellings, 3,500 to 4,000m² of commercial floor space, 2,000 to 2,500m² of retail floor space, open space, car parking, and infrastructure works.

The proposal seeks to convert 1,000m² of retail GFA to residential use, whilst maintaining the overall approved total GFA. It also seeks to increase the maximum number of dwellings from 300 to 380, and increase the height and number of storeys within some of the approved building envelopes. The modification also includes a reduction in on-street car parking, changes to affordable housing and amended timing of open space provision.

The Department publically exhibited the application from 21 May 2014 to 20 June 2014 and received 15 public submissions (14 objecting to the proposal and one raising concerns) and five submissions from public authorities including Marrickville and Ashfield Councils. Ashfield Council objects to the proposal.

The key issues considered in the Department's assessment include residential density and dwelling yield, built form and urban design and traffic and parking impacts.

As established in the Department's original assessment of the Concept Plan, the site is ideally located for increased residential densities given its location within 6km of the CBD and with excellent access to public transport and access to convenient retail services. Further, in conjunction with the adjoining Lewisham Estate and McGill Street precinct, the development will facilitate the urban renewal of the former industrial precinct.

The Department has assessed the proposed modifications and concludes that the proposal can be carried out without adverse visual impacts subject to additional future assessment requirements. In particular, the Department recommends that the final form of Building 1A, being the largest envelope on the site, includes further articulation to ensure an appropriate visual relationship with other buildings on the site.

The proposed modifications to the building envelopes do not result in any unacceptable amenity impacts within the site or to surrounding premises, and future assessment requirements incorporated in the approval will ensure amenity standards are met as part of any future development applications on the site.

The proposal will result in a very minor increase in vehicle movements which will not materially impact on the operation of the local road network or cause unacceptable traffic congestion impacts. The level of traffic is expected to be lower than the traffic generated by the former industrial uses of the site.

The modification also delivers increased public benefits in terms of affordable housing provision, through the provision of four dwellings in perpetuity. This offers a better outcome for affordable housing in the long term, compared to the Concept Approval which provided ten dwellings for ten years only.

The Department has assessed the proposed modification on its merits and concludes that the proposal is acceptable, subject to modified and additional future assessment requirements. The Department therefore recommends that the modification be approved in accordance with the modification instrument.

1. BACKGROUND

1.1 The Site

The site is located at 2-32 Smith Street, Summer Hill, approximately 6 kilometres west of the Sydney CBD. The site comprises 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 24,738m². The main portion of the site (approximately 21,938m²) lies within the Ashfield LGA while a small portion of the site to the east of the Hawthorne Canal (approximately 2,800m²) is within the Marrickville LGA.

The property includes 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 site is situated at the junction of the recently constructed light rail corridor between Lilyfield and Dulwich Hill and the western suburbs railway line. The Lewisham West light rail stop is located immediately to the east of the site. Lewisham and Summer Hill railway stations are located within 500 metres walking distance to the east and west of the site respectively.

Immediately to the east of the light rail line, the Lewisham Estate and McGill Street Precinct are under construction, providing mixed used and residential developments up to 10 storeys in height. To the south, west and north of the site, development includes a mix of low and medium residential housing and light industrial uses. Residential development is predominantly in the form of single and two storey dwellings.

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

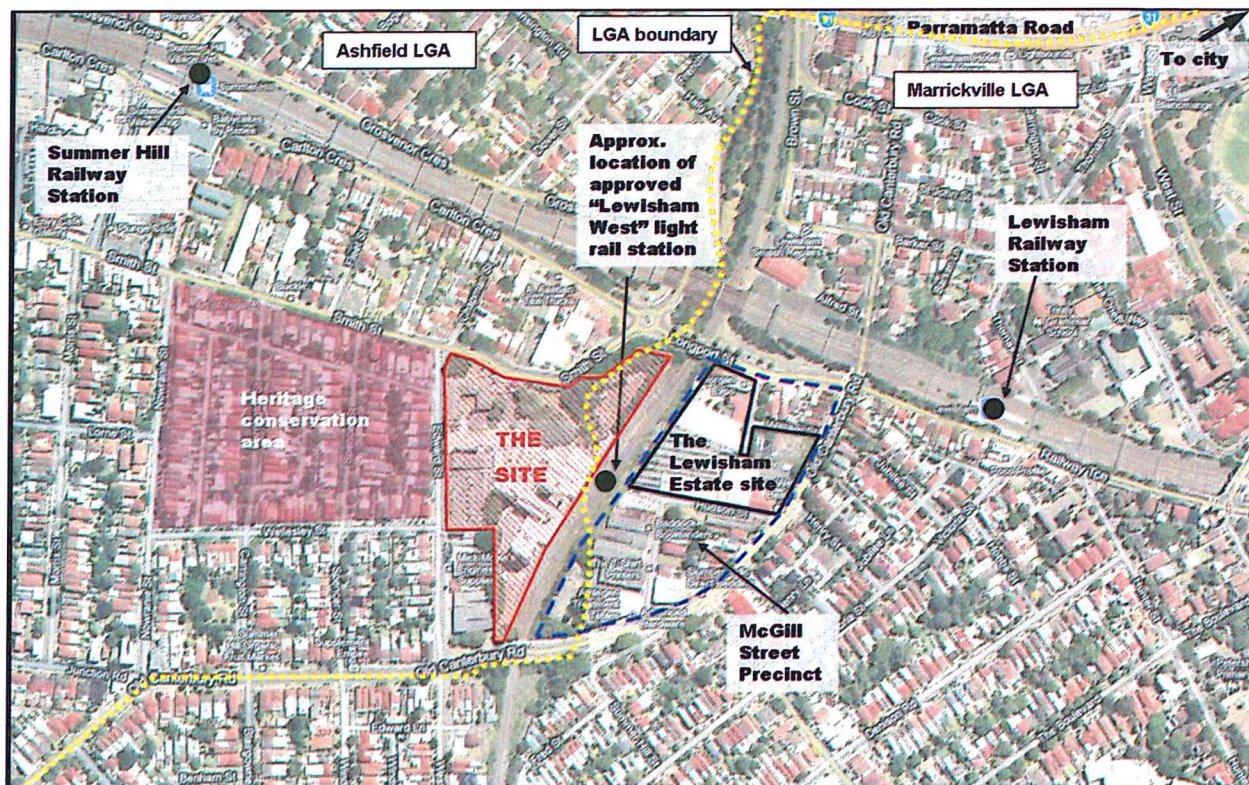


Figure 1: Local Context Plan (Base Photo Source: Google Maps 2011)



Figure 2: Aerial photograph of the site (base image source: Nearmap)

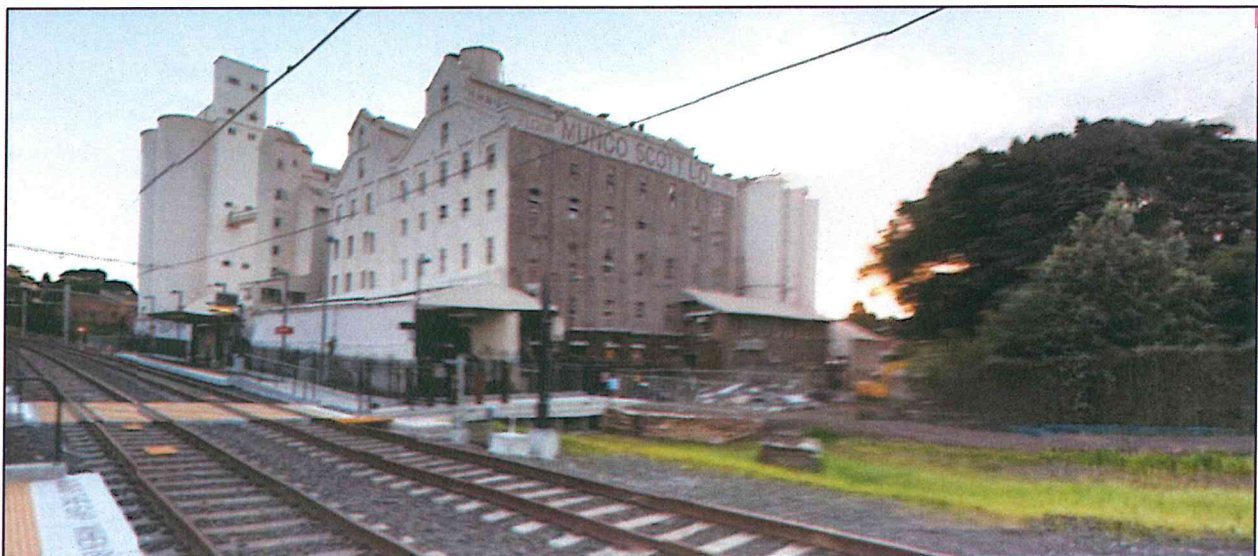


Figure 3: Site as viewed from the Lewisham West light rail stop (source: Nearmap)



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

1.2 Previous Approvals

Concept Plan

On 7 December 2012, the Planning Assessment Commission (PAC) approved Concept Plan MP 10_0155 for a mixed use residential, retail and commercial development incorporating:

- 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.

Major Project Application

On 11 June 2013, the Executive Director, Development Assessment Systems and Approvals approved a Project Application (MP 10_0180) for the development of Stage 1, being a mixed use development comprising 44 dwellings, 443m² of commercial / retail space, basement parking, new roadways, infrastructure and subdivision.

Other Related Applications

On 7 October 2014, the Sydney East Joint Regional Planning Panel approved a development application (DA10.2014.70) for the development of Stage 2 including construction of 5 buildings ranging from 2 to 11 levels to provide 83 dwellings, 433m² of commercial space and 3,344 m² of open space.

2. PROPOSED MODIFICATION

2.1 Introduction

The application seeks to modify the Concept Approval by amending the building envelopes within stages 3 and 4 and increasing the dwelling cap from 300 dwellings to 380 dwellings.

The overall approved floor space of 40,000m² is not proposed to be modified. However, since the Concept Plan was approved, the proponent has undertaken detailed design work which has revealed that:

- the approved envelopes and building storey controls are not sufficient to enable the approved 40,000m² of floor space to be realised; and
- more than 300 dwellings could be accommodated within the approved residential floor space.

The proponent advises that the modifications are proposed to optimise the redevelopment potential in a location that is well served by transport infrastructure and services and to ensure that the approved building envelopes are efficiently utilised.

2.2 Modification Description

The proposal includes:

- amendments to increase the height of a number of building envelopes;
- changes to the number of storeys accommodated within some building envelopes;
- increase in the maximum number of dwellings (from 300 to 380);
- reallocation of 1,000m² of floor space from retail uses to residential (no change to total floor space);
- changes to affordable housing provision;
- reduction in on-street parking from 50 to 35 spaces; and
- change in the timing of the open space provision.

Following the public exhibition of the modification request, the proponent submitted a Response to Submissions (RtS) and additional information responding to public and agency submissions received during the exhibition, as well as issues raised by the Department. Key changes outlined in the RtS included increasing the setback of the upper floor elements of Building 1A from Longport Street, architectural design guidelines to guide future development of Building 1A, increase in the affordable housing provision and removal of any changes to Buildings 5A and 5B.

The development as proposed in the RtS as revised is set out in **Tables 1 and 2** and depicted in **Figures 5, 6, 7 8, 9 and 10**.

Table 1: Summary of Proposed Modifications

	Existing Concept Approval	Proposed Modifications to Concept Plan
Floor Area	35,000m ² – 40,000m ² consisting of: <ul style="list-style-type: none"> 29,500m² - 33,500m² residential; 3500m² – 4,000m² commercial; and 2,000m² - 2,500m² retail. 	40,000m ² consisting of: <ul style="list-style-type: none"> 34,500m² residential; 4,000m² commercial; and 1,500m² retail.
Dwelling numbers	<ul style="list-style-type: none"> 280 – 300 dwellings 	<ul style="list-style-type: none"> 380 dwellings
Building Envelopes	<ul style="list-style-type: none"> Adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes. 	<ul style="list-style-type: none"> Increase in the height of 4 building envelopes (refer to Table 2); and increase the number of storeys provided within 5 buildings (refer to Table 2).
Car Parking	<ul style="list-style-type: none"> Parking for residential, retail and commercial uses provided at basement level in accordance with maximum rates set out in the Concept Approval; and a minimum of 50 parking spaces to be provided on-street. 	<ul style="list-style-type: none"> Parking rates for residential, retail and commercial uses at basement level unchanged; and reduction in on-street car parking from 50 spaces to 35 spaces
Affordable Housing	<ul style="list-style-type: none"> Provision of ten 1 or 2 bedroom dwellings as affordable rental accommodation for a period of 10 years. 	<ul style="list-style-type: none"> Dedication of 4 dwellings (2 x 2 bedroom and 2 x 1 bedroom) to Marrickville Council to be used as affordable housing in perpetuity (or as managed by Council).
Open Space	<ul style="list-style-type: none"> 4,806m² of public open space to be dedicated to Council and additional 5,287m² of publicly accessible open space to be provided as part of each future application. 	<ul style="list-style-type: none"> Change in timing for delivery of open space – to be provided prior to final occupation certificate for Stage 4.

Table 2: Summary of Proposed Modifications to approved envelopes and storeys

Building Number	Proposed Modifications
Building 1A	<ul style="list-style-type: none"> Change to the built form by removing the 12 metre separation between two approved tower forms to create a single long block built form; increasing maximum building height from 9 and 10 storeys to 11 storeys (increase of 1.2m - 4.4m in height); and increasing the setback from Longport Street by 4.5m.
Building 2A	<ul style="list-style-type: none"> Additional floor space within existing roof structure (no changes to envelope).
Building 3A	<ul style="list-style-type: none"> Increase height from 9 storeys to 10 storeys plus plant (increase of 3.2m in height); increase envelope footprint; and addition of a service zone to the south to adjoin the building with Building 3B.
Building 3B	<ul style="list-style-type: none"> Increase height from 1 storey to 4 storeys (increase of 4.1m in height); and relocation of the envelope towards the north to adjoin with Building 3A and adopt a staggered footprint.
Building 3C	<ul style="list-style-type: none"> Additional storey to be accommodated within approved building envelope (increase from 13 to 14 storeys); and relocation of the vertical circulation element on the north side of the building to the south side of the building.
Building 3D	<ul style="list-style-type: none"> Increase height from part 6 / part 7 storey to 9 storeys (increase of 3.55m).

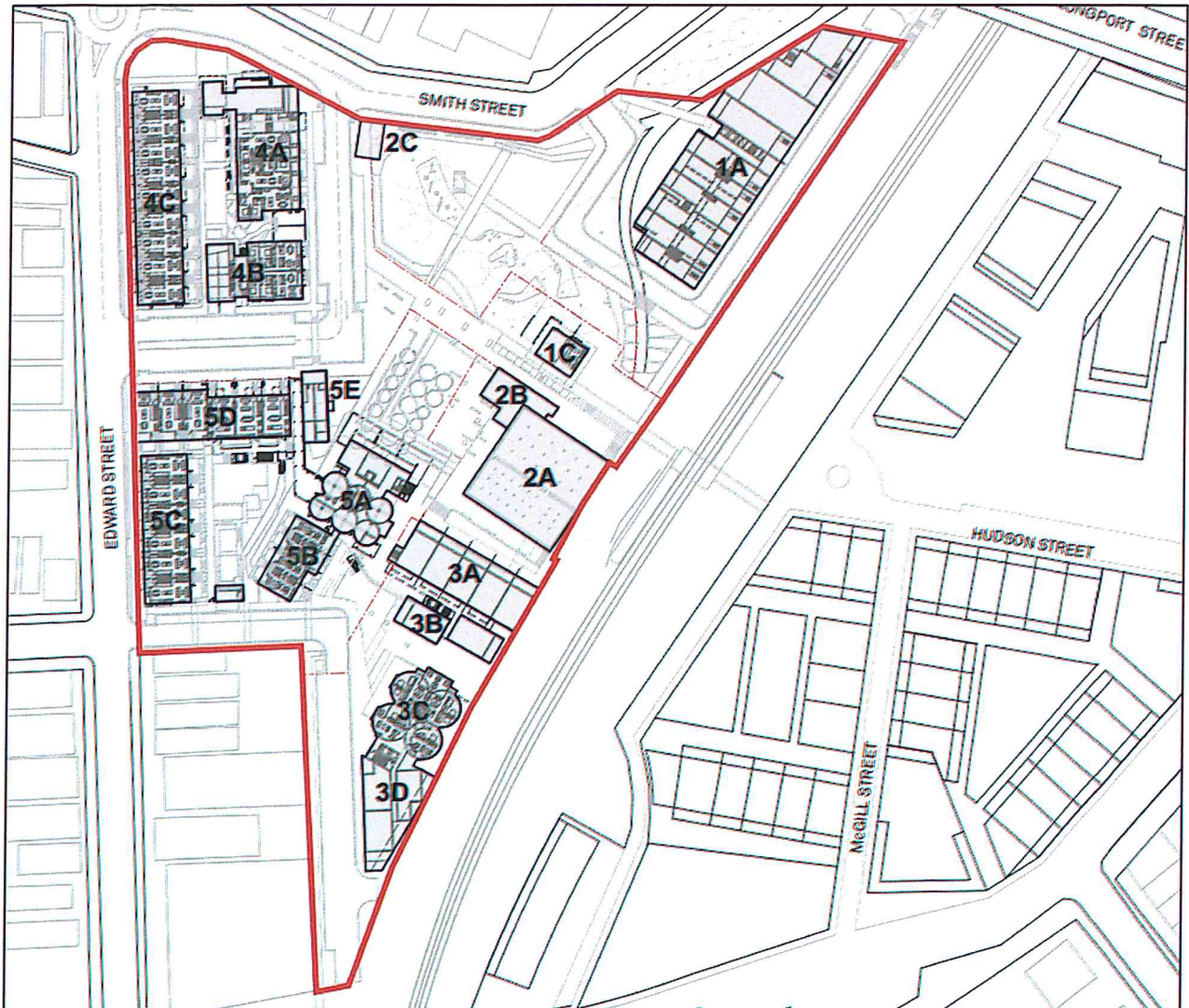


Figure 5: Building Identification Plan (source: Proponents RtS)

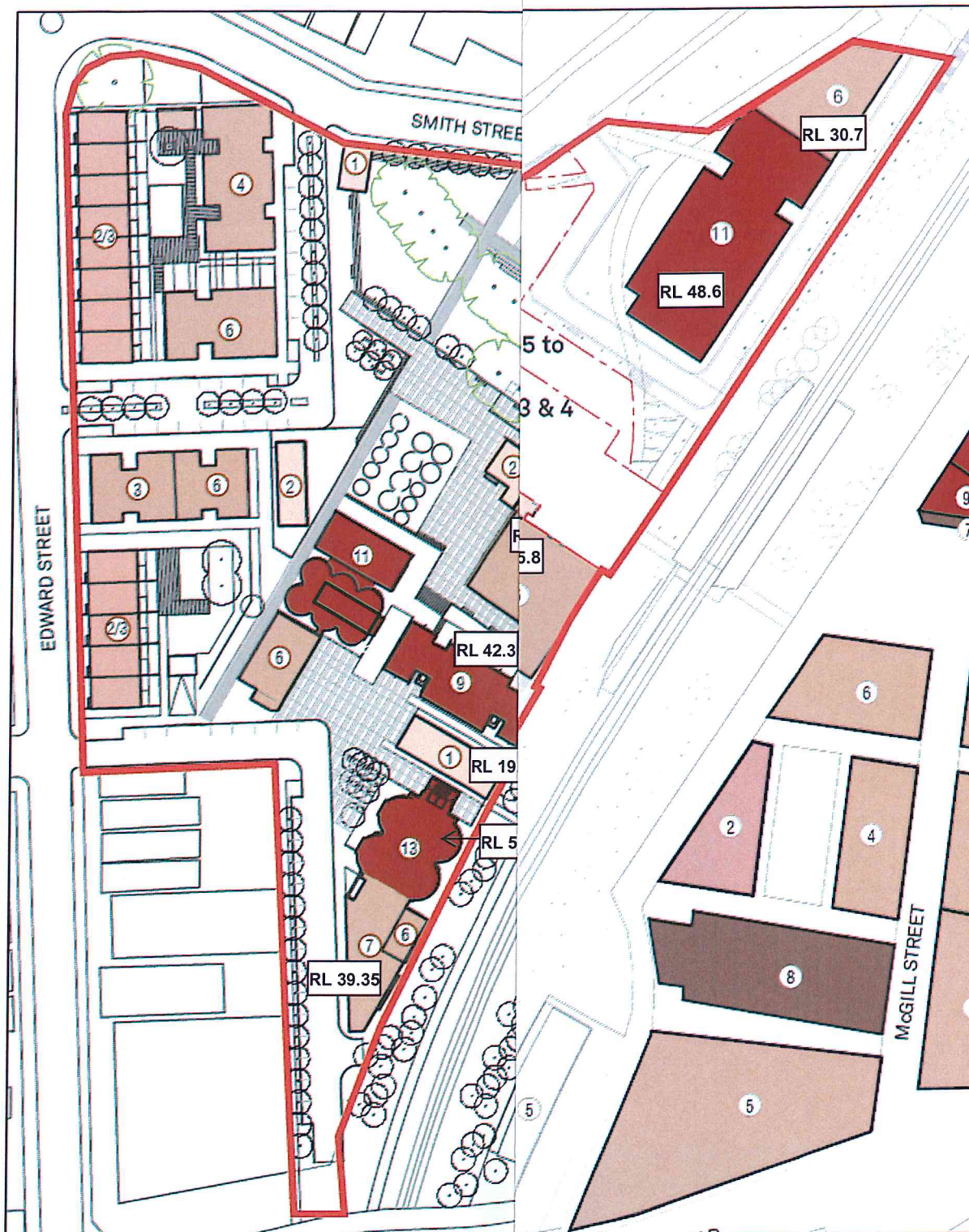


Figure 6: Approved Building Height Plan with RLs affected buildings added (base image source:

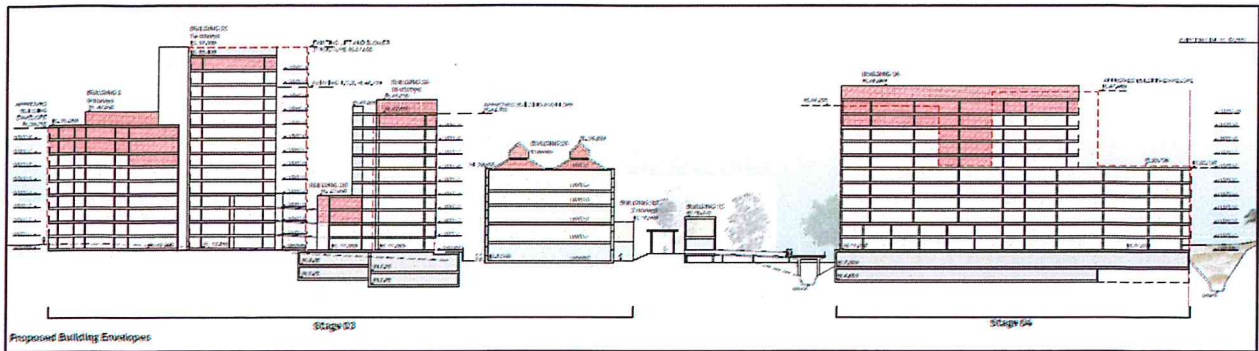


Figure 8: Section through Stages 3 and 4 showing approved envelopes (dotted) and additional proposed envelopes (shaded red) (source: Proponent's RtS)

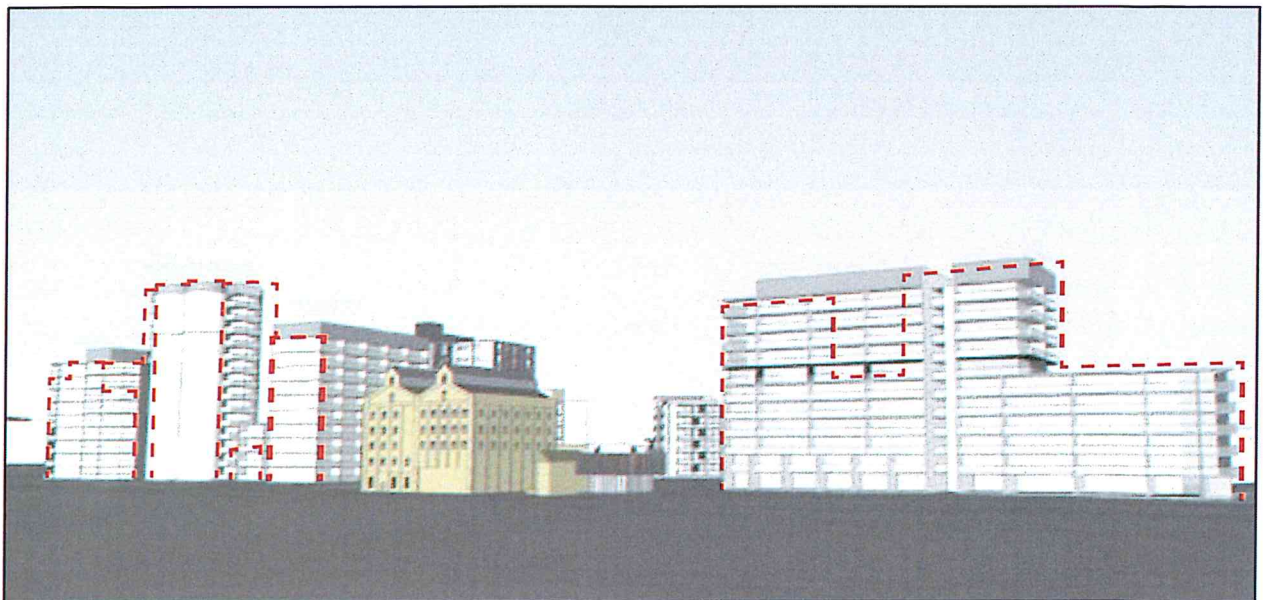


Figure 9: Perspective drawing as viewed from the east showing approved envelopes (dotted red) and proposed buildings / envelopes (source: Proponent's RtS)

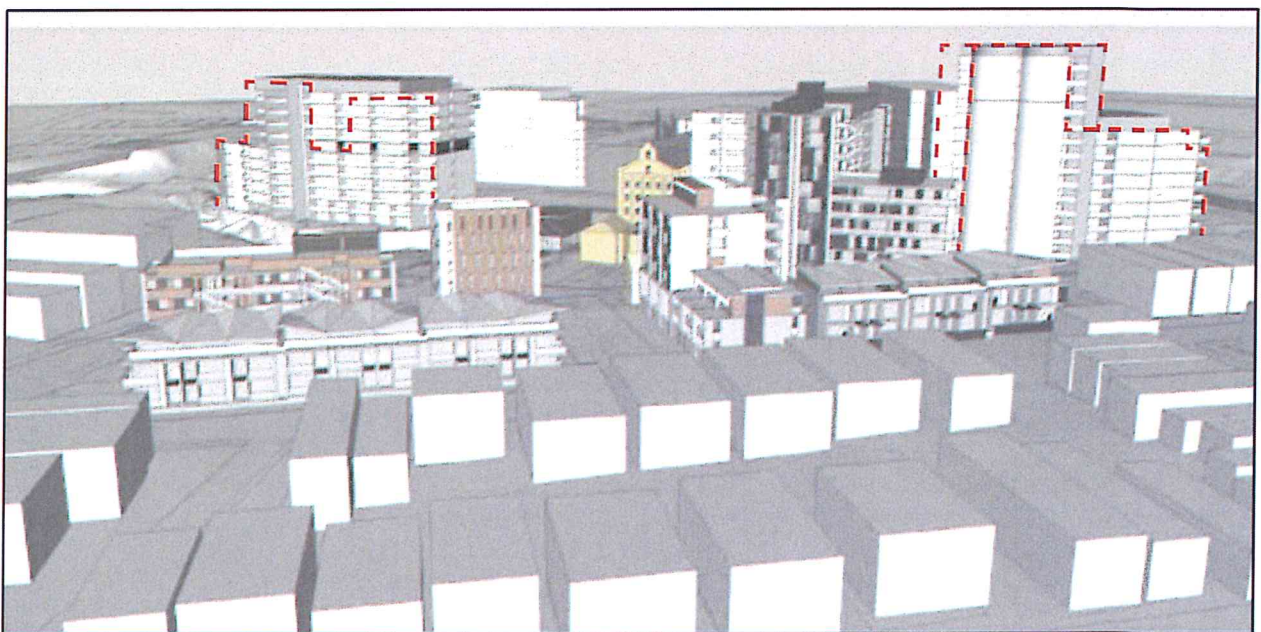


Figure 10: Perspective Drawing as viewed from the west showing approved envelopes (dotted red) and proposed buildings / envelopes (source: Proponent's RtS)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or her delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval is not required if the approval of the project as modified would be consistent with the original approval. However, in this instance, the proposal seeks to significantly modify the terms of approval and requirements of the Concept Approval, which requires further assessment, and therefore the modification will require the Minister's approval.

3.3 Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements of the original Concept Plan.

3.4 Delegated Authority

In accordance with the Minister for Planning's delegations, the Planning Assessment Commission (PAC) may determine applications made by persons other than a public authority under delegated authority where:

- the relevant local council has made an objection; and/or
- a political donation disclosure statement has been made; and/or
- there are more than 25 public submissions in the nature of objections.

A political donation disclosure statement has not been made and there are less than 25 public submissions in the nature of objections. However, Ashfield Council objects to the proposed modification. The PAC can therefore determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75W of the EP&A Act, a request to modify an approval does not require public exhibition but under Section 75X(2)(f) of the Act, the Secretary is required to make the modification request publicly available.

However, in this case, it was appropriate to exhibit the proposed modification as it resulted in substantial changes to the built form, height and an increase in dwelling numbers. The Department therefore:

- publically exhibited the application from 21 May to 20 June 2014 (30 days) on the Department's website, at the Department's Information Centre, and at Ashfield and Marrickville Councils;
- advertised the public exhibition in the Sydney Morning Herald; Daily Telegraph on 21 May 2014 and Inner Western Suburbs Courier on 20 May 2014; and
- notified landowners and relevant state and local government authorities in writing.

4.2 Submissions

Five submissions were received from public authorities in response to the exhibition of the modification request, including Marrickville Council, Ashfield Council, Transport for NSW, the Office of Environment and Heritage and Ausgrid. 15 public submissions were also received, 14 objecting to the proposal and one raising concerns. The issues raised have been addressed in Section 5 of this report and by way or recommended conditions.

4.2.1 Public Authority Submissions

The issues raised by public authorities are summarised below.

Marrickville Council

Marrickville Council does not object to the proposal however it identified a number of concerns as follows:

- the proposed changes to the envelope of Building 1A create an imposing, bulky form which will visually dominate the overall development and surrounding low density residential areas;
- the existing dwelling mix (or a mix consistent with Council's DCP) should be retained to ensure the increase in dwelling numbers does not lead to disproportionately smaller apartment sizes;
- the approved GFA was intended to reflect the approved envelopes and should not be assumed to be 'as of right';
- further information is needed to assess the reduction in on-street parking spaces;
- the amendment to affordable housing should be commensurate to the proportional increase in residential dwelling yield / GFA; and
- further information is needed to assess the modification to timing of public domain commitment.

Ashfield Council

Ashfield Council does not support the proposal and identified the following concerns:

- an adequate visual impact assessment has not been provided and particular concern is raised with the increased height of Buildings 1A, 5B, 3A, and 3D;
- the number of affordable dwellings should be 10 dwellings in perpetuity;
- traffic from further 80 apartments will cause congestion and parking impacts in Summer Hill Village;
- flooding has not been adequately considered;
- the maximum FSR for each stage of the development and maximum GFA for each building should be provided; and
- a coordinated transport study is needed for the precinct.

Transport for NSW (TfNSW) and Roads and Maritime Services (RMS)

TfNSW and RMS provided the following comments:

- the crossing at Edward Street and Old Canterbury Road should be 3.6m and include a bicycle lantern;
- sufficient space should be provided for the cycleway between the light rail corridor and the development site;

- bicycle parking should be provided in accordance with Austroads guidance; and
- the previous comments by Railcorp (now Sydney Trains) in relation to the original application still apply.

Office of Environment and Heritage (OEH)

OEH advised that modified buildings have a reasonably sympathetic design in relationship to the heritage listed Mungo Scott building, but raised a concern that further assessment was needed to ensure the increased envelope heights do not lead to adverse shadowing of the Mungo Scott building.

Ausgrid

Ausgrid requested that the developer contact Ausgrid should there be any changes to the estimated maximum demand calculations previously submitted to Ausgrid.

4.2.2 Public Submissions

Public Submissions were received from 15 nearby residents, 14 objecting to the proposal and one raising concerns. Issues raised included:

- excessive population density and congestion;
- traffic impacts (including pollution, noise and safety impacts);
- on-street parking impacts;
- visual impacts of the increased building envelopes;
- overshadowing impacts;
- privacy impacts;
- reduction in affordable housing;
- lack of infrastructure to support the additional population;
- rail and road noise impacts; and
- construction impacts.

4.3 Response to Submissions

On 11 September 2014, the applicant submitted a RtS (**Appendix A**), with revised information submitted on 11 and 20 November 2014 which resulted some amendments to the development as outlined in **Section 2.2**. The Department is satisfied that the issues raised in the submissions have been addressed through the RtS, this report, and the recommended conditions of approval.

4.4 Submissions to RtS

In response to the RtS, Marrickville Council advised that it was satisfied with the proposed affordable housing arrangements but that its previous comments regarding excessive built form still remain.

TfNSW advised that they reviewed the RtS and have no further comments.

No other submissions were received in response to the RtS.

5. ASSESSMENT

The Department considers that the key issues in the assessment of the proposed modification are:

- residential density and dwelling yield;
- built form and urban design;
- traffic and parking impacts;
- residential amenity; and
- affordable housing.

5.1 Residential Density and Dwelling Yield

The Concept Approval allows up to 40,000m² of gross floor area (GFA) across the site, including 29,500m²–33,500m² of residential (280 – 300 dwellings), 2,000m²–2,500m² of retail and 3,500m²–4,000m² of commercial floorspace.

The proposal seeks to change the land use mix and increase the number of dwellings within the approved 40,000m² of GFA. In particular, the proposal seeks to:

- reduce the maximum retail floor space by 1,000m² (from 2,500m² to 1,500m²);
- increase the maximum residential floor space by 1,000m² (from 33,500m² to 34,500m²);
- increase the maximum number of permitted dwellings by 80 (from 300 to 380); and
- increase building envelope heights and the increasing number of permitted storeys within the building envelopes.

The proposed increase to the number of permitted dwellings was the key concern raised in public submissions. Residents were concerned about the impacts in terms of increased congestion, traffic and parking impacts, changes to the scale of the proposed buildings, and the associated visual, shadowing and privacy impacts.

The Department has assessed the increase in residential density with key consideration given to:

- the capacity of the site to contribute toward broader strategic objectives having regard to its location and size;
- traffic and parking impacts;
- built form and urban design impacts of increased building envelopes; and
- amenity impacts arising from changes to the building envelopes.

The use of the land for high density residential development was established through the Concept Approval as the most appropriate use of the former industrial land. The proposed increase in density is consistent with the current metropolitan strategy, *A Plan for Growing Sydney*, which encourages growth in housing supply (setting a target of 644,000 additional dwellings for the Sydney region), particularly in well-serviced locations. The site is ideally located for increased residential densities contributing to the housing target, given its location within 6km of the CBD, excellent access to public transport, being immediately adjacent to the Lewisham West Light Rail Station and short walking distance to Lewisham and Summer Hill Railway Stations, and access to convenient retail services.

Further, the site can also accommodate higher densities due to the large area encompassed by the Concept Plan site in conjunction with the adjoining Lewisham Estate and McGill Street urban renewal precincts.

The increase in density is unlikely to result in significant impacts as:

- it will not materially impact on the operation of the local road network as discussed in **Section 5.3;**

- other than one building, proposed changes to building envelopes to accommodate the additional dwellings are relatively minor with no material urban design or amenity impacts, and in the case of the building which includes significant changes to the envelope, modifications are recommended to ensure an acceptable outcome in urban design and amenity terms as discussed in **Section 5.2**; and
- the terms of approval and future assessment requirements as amended by this modification application will ensure that the development will achieve an appropriate standard of residential amenity and will not unreasonably impact on the amenity of adjoining premises as discussed in **Sections 5.4 and 5.5**.

In light of the above, the proposed amendments to the density are acceptable, subject to the amendments as discussed in **Sections 5.2 to 5.5**.

5.2 Built Form and Urban Design

The visual impacts of the proposed increases to building envelopes was a key concern raised by Ashfield and Marrickville Councils, as well as by a number of residents. Ashfield Council raised concerns that the proposed modifications would result in adverse visual impacts to the surrounding residential area, particularly with regards to the increased height and bulk of Building 1A, and the increased heights of Buildings 3A, 3C, 3D and 5B. Marrickville Council raised concerns with the visual impacts of the proposed modifications to Building 1A. Residents raised specific concerns with the visual impacts of the proposed changes to Buildings 1A and 3D.

In response to the concerns raised, the proponent no longer seeks approval to modify Buildings 5A and 5B. The visual impacts of the proposed changes to each of the remaining buildings are discussed below. Although additional storeys are proposed to be accommodated within the envelopes, in most cases the change to the approved height of the envelope is relatively minor without substantial visual impacts, with the exception of Building 1A where substantial changes to the built form are proposed.

Building 1A

The proposed modifications to Building 1A include replacing the two approved tower forms with a single long block built form, increasing the maximum height by between 1.2m and 4.4m (1 storey) above the height of the approved tower heights, and amending the building footprint and increasing building depth, particularly at the upper floor levels as shown in **Figures 11 and 12**.

Council and Department Concerns

The building envelope is located within the Marrickville Council LGA. Marrickville Council raised concerns that infilling the space between the two towers, creating a uniform 11 storey building and removing the amount of indentation will create an unrelenting horizontally dominant building wall form. Council are concerned that this undermines the original intent of the building to respond to other existing industrial structures on the site which have a vertical emphasis. Further, the proposal will create an imposing bulky form which will visually dominate the overall development and low density residential surrounds. Council made suggestions to improve the design including incorporation of indents in the plan to break up the building form and reducing the height of the 'filled in' space to be at least a storey lower than the envelopes either side.

Ashfield Council also raised concerns about the increased height and bulk, with Council officers noting that the proposed modifications result in the building appearing as one large monolithic block.

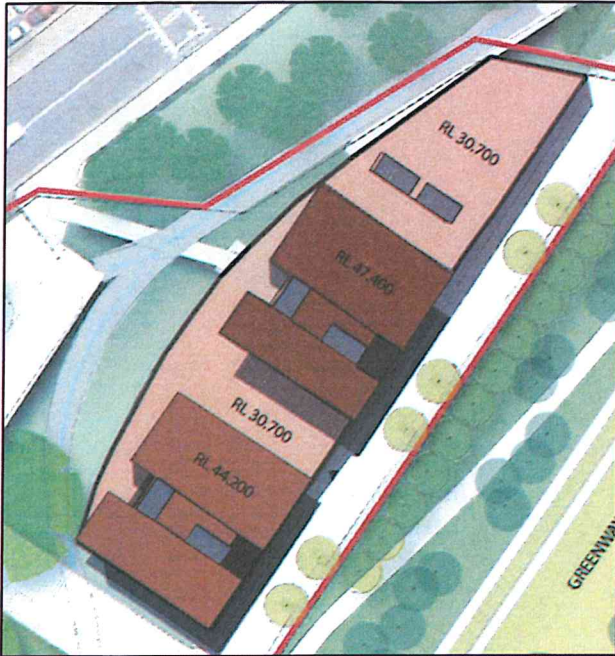


Figure 11: Building 1A as approved

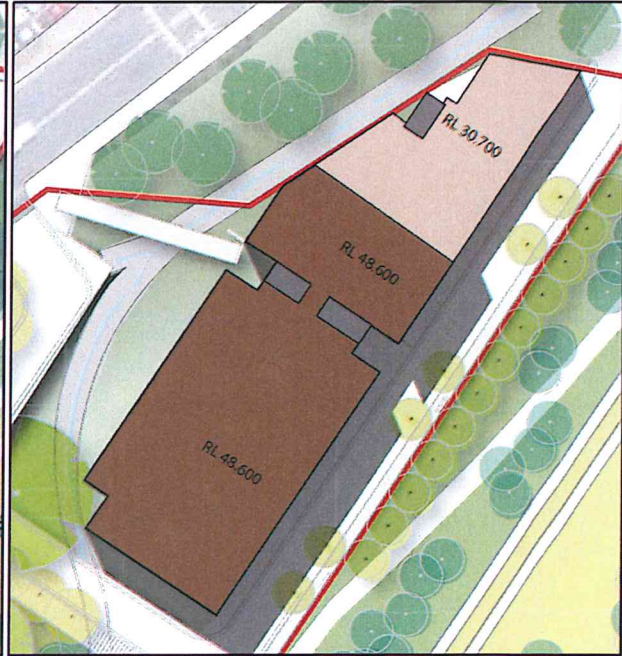


Figure 12: Building 1A as proposed

Following exhibition of the modification request, the Department wrote to the proponent, raising concern with the proposed change from two tower forms with vertical emphasis to a single large upper element resulting in impacts of visual bulk.

Proponent's Response

In response the proponent reduced the envelope of the upper levels by increasing the setback from Longport Street to the north by 4.2m. In addition the RtS included a new statement of commitment to guide the future detailed design of the building. The commitment provides architectural and urban design guidelines in relation to building form, materials, architectural detail and design excellence to ensure that:

- the base of the building is set to the parapet height of the Mungo Scott Building and adopts a more solid appearance utilising deep red coloured brick to relate strongly to the Mungo Scott Building;
- the upper part of the building adopts a material quality consistent with other industrial elements across the site, utilising frame elements, generally in lighter colours and occasionally using reflective metallic elements and screens; and
- secondary scaling elements within the base and top strike an overall vertical emphasis to balance the horizontal emphasis created by the separation of the base and top of the building.

The guidelines also provide that in order to achieve design excellence, the building will be designed by the Hassell, who were the urban designers and architects for the original concept plan application. Further, the future Development Application that will provide the architectural design and detailing for Building 1A will be subject to the established design review processes at Marrickville Council and reviewed by their Architectural Excellence Panel through the assessment stage.

The proponent also advises that the additional plant and lift overrun level will be recessed behind the main building line and therefore will not be visually dominant or make a significant contribution to the apparent height of the building.

A visualisation of a potential future building form is shown in **Figure 13**.



Figure 13: Architect's visualisation of potential future Building 1A (source Proponent's RtS)

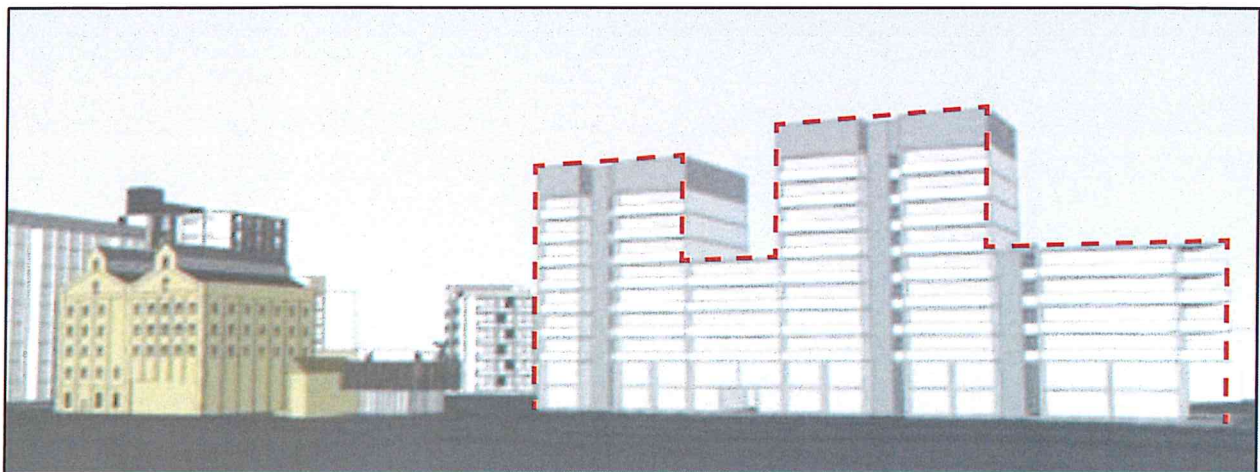


Figure 14: Approved envelope for Building 1A (source Proponent's RtS)

Department's Assessment

The Department generally accepts the approach to incorporating a more solid appearance to the base of the building to complement the Mungo Scott Building and the use of lighter finishes to the top of the building to lessen its visual impacts.

However, the Department is concerned that regardless of the proposed use of materials, the proposed envelope massing could still result in a bulky building with adverse visual impacts. The 11 storey portion of the building would be 53 metres in length, which is very long compared to the dimensions of the approved towers (each approximately 20 metres in length), and other nearly tall buildings in the vicinity including:

- the 13 (or 14) storey 4 pack of silos – approximately 20 metres;
- the 11 storey 6 pack of silos - approximately 20 metres;
- the 10 storey element of Building A in Lewisham Estate– 24 metres; and
- the 10 storey element of Building B in Lewisham Estate – 18 metres.

As the building will be the largest structure in the precinct in terms of its massing, and will be taller than all buildings in the area other than the 4 pack silos, detailed consideration has been given to building height and form, as discussed below.

Building Height

It is proposed to increase the height of the Building 1A envelope to enable provision of 11 storeys plus roof top plant. The approved envelope envisages a nine and a ten storey tower on the building.

It is proposed to increase the maximum height of the building to RL48.6, but as shown in **Figure 15**, the parapet height is likely to be in the order of RL45.8. Therefore, while the maximum height would be 1.2 metres higher than the previously approved maximum height of the building (RL47.4), the parapet height would be around 1.6 metres lower than the previously approved maximum height.

At 11 storeys, the building will present as one storey taller than the nearby future buildings on Lewisham Estate (approved for 10 storeys), similar in height to the six pack of silos (approved as 11 storeys) and 3 storeys smaller than the 4 pack of silos (sought to be 14 storeys under this modification).

The proposed increase in height maintains the established transition of building heights from the surrounding low scale residential area up to the existing silo structures (RL 57.5) and the envelope remains 8.9 metres lower than the silo structures, ensuring that the prominence of the silos is retained. The visual analysis provided by the proponent also demonstrates that the increase in height will have only minor visual impacts when viewed from surrounding streets.

On this basis, the Department is satisfied that, subject to a future building adopting a parapet height no greater than RL45.8, and the plant above the parapet not being readily perceptible, the visible building height will be similar to that of the approved envelopes and would therefore be acceptable. The Department therefore recommends a future assessment requirement requiring that the parapet height not exceed RL 45.8. The future assessment requirement also requires that the plant and lift area be setback at least five metres from the main building facades and three metres from the recessed building facades to ensure that the plant does not make a material contribution to visible building height or bulk.

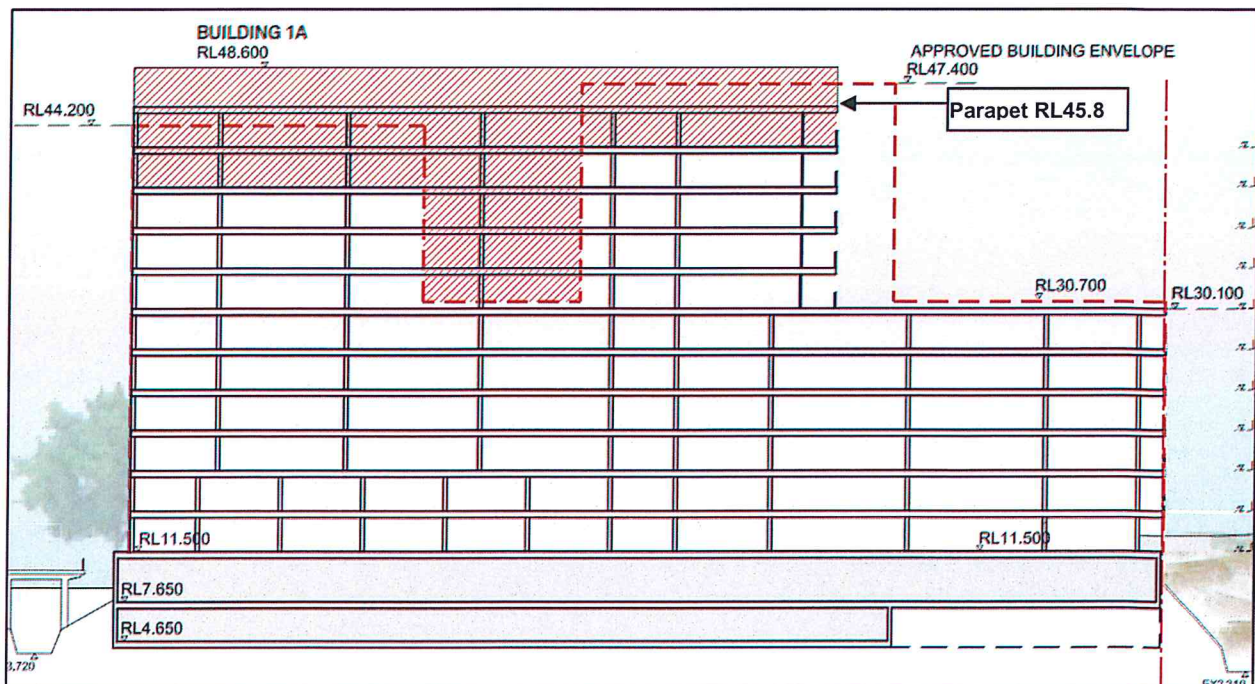


Figure 15: Building envelope section (source: Proponent's RtS)

Building Form

The proposal seeks to fill in the gap between the two approved tower elements to create a single long block built form.

The Department's key concern is the visual impacts resulting from the bulk and scale of the future building. In particular, the length of the façade and horizontal emphasis. The existing former industrial buildings on the site to be retained, including the Mungo Scott and silo buildings, have a strong vertical emphasis and it is important that Building 1A respects and relates to these buildings.

The proponent has sought to reduce visual bulk and provide interest with a five metre wide indentation in the floor plan proposed towards the northern end of the building (**Figure 13**). This assists with providing vertical emphasis and breaking up the massing in this section of the building envelope, but the southern section of the envelope retains an unbroken form over 36 metres in length.

The Department is of the view that further articulation would be required to reduce the bulk of the southern section of the building. In addition to other architectural detailing, this could be potentially achieved by an additional recess towards the south or otherwise a larger, centrally located recess as depicted in **Figures 16 and 17**.

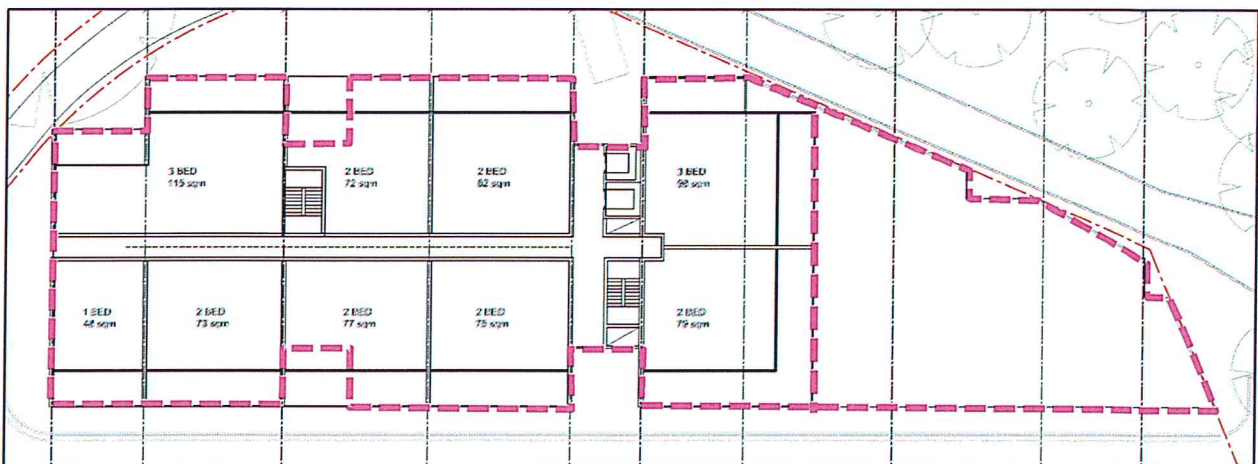


Figure 16: Potential floor plan adopting an additional indentation

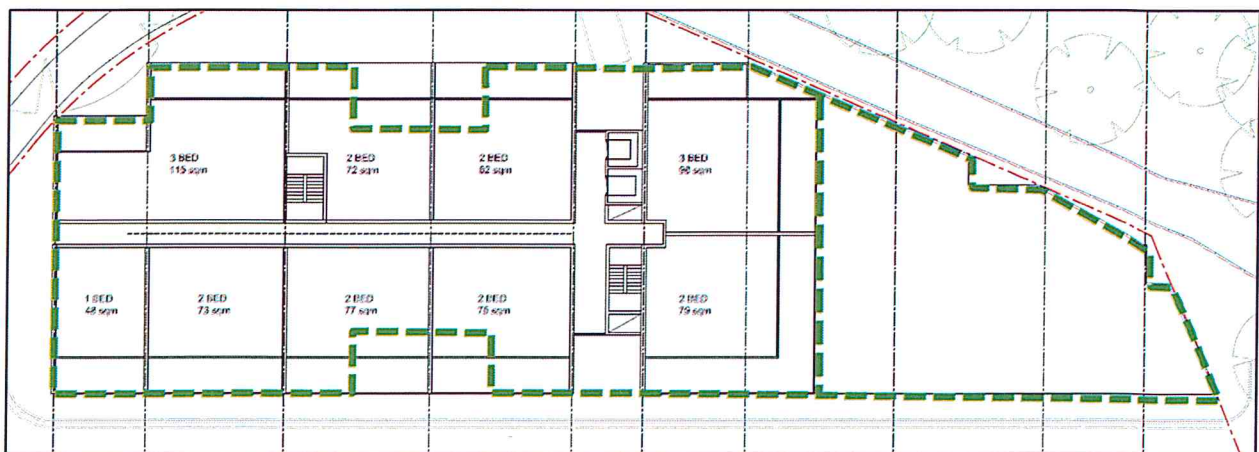


Figure 17: Potential floor plan adopting a single large indentation

Notwithstanding, the final building form will be subject to assessment in a future Development Application by Marrickville Council, which the Department notes also includes a formal design review process. The Department therefore recommends that a future assessment requirement be imposed requiring that the future Development Application for Building 1A include further

articulation of the building to ensure an appropriate visual relationship with other buildings on the site. This may reduce the overall GFA yield of the building.

Conclusion

The proposed modifications to Building 1A are acceptable on the basis that:

- the parapet height will be similar to what could be achieved under the existing Concept Approval;
- plant structures above the parapet will be recessed so that they will not make a material contribution to height and bulk; and
- appropriate vertical emphasis can be achieved through the future DA process to lessen visual bulk of the building, and relate better to the proportions of other buildings on the site.

Buildings 3A and 3B

The proposal seeks to increase the height of the envelope of Building 3A by 3.2m to allow for a 10 storey building plus plant and to increase the height of Building 3B by 4.1m to allow for a 4 storey building. It is also proposed to add a service zone in the gap between the two buildings, essentially joining the buildings into one larger structure. In doing so, Building 3B is relocated slightly towards the north and adopts a staggered footprint. The proposed changes are shown in **Figures 18 and 19**.

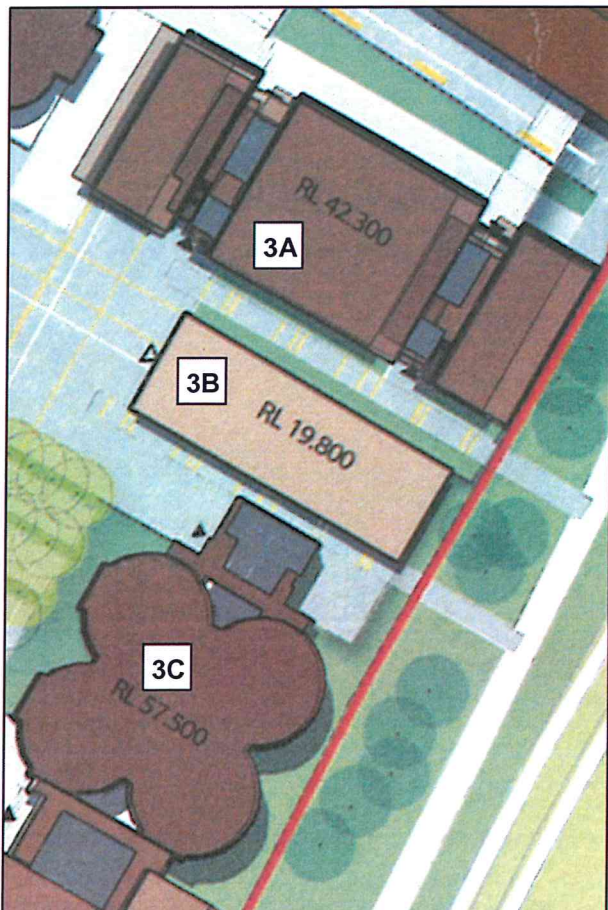


Figure 18: Buildings 3A & 3B as approved

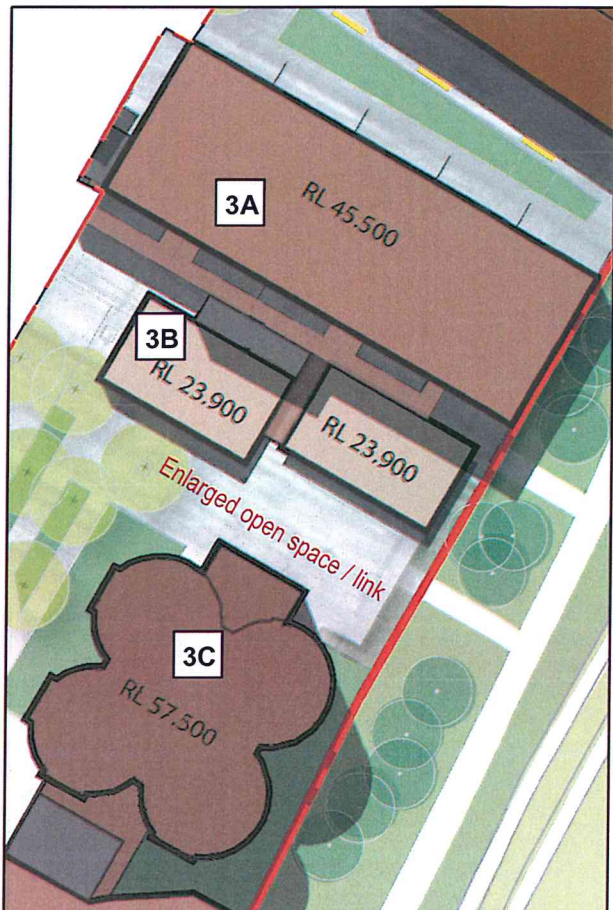


Figure 19: Buildings 3A & 3B as proposed

The proposed increase in height to part 10 / part 4 storeys and the proposed changes to building form are acceptable in urban design terms, as:

- the building remains at least 12 metres lower in height than the 4 pack silo structure, ensuring it remains the visually dominant building on the site;

- the building is located on the eastern boundary of the site, away from the established low scale residential area to the west and appropriately relates to the scale of development in the McGill Street precinct and Lewisham Estate to the east which also include buildings presenting as 10 storeys in height to the railway corridor;
- the larger building presents as two distinct elements (4 and 10 storeys) and is capable of being sufficiently articulated so that it will not present an unacceptably bulky appearance;
- the increased footprint remains smaller than Buildings 2A and 1A to the north; and
- the loss of the gap between the two buildings is offset by the provision of an enlarged through site link to the south of the building, providing a clear visual break between in the building massing as viewed from the light rail corridor and within the site.

Building 3C (4 pack silos)

The proposal seeks to delete the vertical circulation element on the north side of Building 3C and provide a larger structure on the south side of the building (**Figures 17 and 18**). The reconfiguration allows for an improved open space to the north of the building as discussed above and otherwise no material visual impacts arise from the modification.

Building 3D

The proposal seeks to increase the height of the Building 3D by 3.55m to accommodate 9 storeys. The proponent advises that of the 3.55m increase, there will be an increase of 0.55m to the main building envelope and an additional 3 metres will be a recessed plant and lift overrun zone. The change as viewed from immediately adjoining premises would therefore not be readily perceptible at a 0.55m increase to the parapet height.

The Department is of a view that the proposed maximum height of RL42.9 (approximately 29.5m above ground level) maintains an appropriate transition between the maximum permissible height of 13 metres in the mixed use zone immediately to the west and the silo structures to the north-east of Building 3D which have a height of RL57.5 (approximately 45.5m above ground level).

5.3 Traffic and Parking

Traffic

Traffic congestion and on street parking impacts were the main concerns raised in the public submissions. Ashfield Council also raised a concern that the proposal will result in further traffic congestion during peak times. Marrickville Council advised that the traffic generation impacts are acceptable.

The proponent submitted a traffic assessment which compared the traffic generation of the Concept Plan as approved, and the traffic generation of the proposed modified Concept Plan. The results are shown in shown in **Table 3**.

Table 3: Comparison of traffic generation of the approved concept plan and proposed modification
(Source: Proponent's EA)

Approved Concept Plan			Proposed Modification		
Land use	AM Peak	PM Peak	Land use	AM Peak	PM Peak
300 Dwellings	120	120	380 Dwellings	152	152
3,500m ² Commercial	22	22	4,000m ² Commercial	25	25
2,500m ² Retail	31	62	1,500m ² Retail	19	38
Total	173	204	Total	196	215

The proposal will result in additional residential vehicle peak hour trips, but reduced retail peak hour trips so that the net result as compared to the Concept Approval is a modest increase of 23 additional trips per hour in the morning peak and 11 additional trips in the evening peak. In the context of the number of trips generated by the wider precinct incorporating the Lewisham Estate and the McGill Street precinct (which has previously been estimated at 571 morning trips and 675 evening trips), the increase is very minor and will not materially impact on the operation of the local road network.

Further, at 215 vehicles per hour, the estimated maximum number of peak hour trips for the mixed used development on the site would still be less than the number of trips generated by the former industrial use of the land, which equates to 250 vehicles per hour in the morning and evening peaks, based on the independent traffic assessment undertaken for the Department as part of the assessment of the original Concept Plan.

The Department is therefore satisfied that the proposed modification will not result in any unacceptable traffic congestion impacts.

Parking

The modification request also seeks to reduce the minimum number of on-street parking spaces within the site from 50 to 35. The proponent advises that detailed design work in Stages 1 and 2 has identified that it may not be possible to achieve 50 on-street parking spaces as well as the requirements for kiss and ride spaces and loading zones, although final numbers are not yet known as Stages 3 and 4 have not yet been designed in detail. While the proponent seeks to reduce the minimum on street parking requirement, it also advises that it will seek to maximise on street parking as far as possible so that more than 35 spaces may be achieved.

Marrickville Council supports the proposed reduction in kerbside parking, provided that it is necessary to support other higher priority uses such as drop off and loading zones.

The Department supports reduced parking provision in areas with good access to public transport, but also notes the concerns of residents about the potential for increased on-street parking in the surrounding area.

The Department notes that on-street kerbside parking is proposed in addition to the car parking requirements generated by the proposed residential, retail and commercial land uses are established by the Concept Approval which sets maximum parking rates for each land use. Those spaces are to be provided within basements of each building and the rate is not proposed to be altered.

The Department is satisfied that the provision of 35 on-street parking spaces in addition to the basement level parking and appropriate on-street loading zones and drop off areas will result in

an acceptable outcome that will serve the needs of visitors to the site and adequately reduce the potential for spill-over of resident visitor parking demand into surrounding residential areas.

5.4 Residential Amenity within the Site

State Environmental Planning Policy No 65 (Design Quality of Residential Flat Buildings) (SEPP 65) and the accompanying Residential Flat Design Code (RFDC), set out amenity criteria for the assessment of residential flat development. The Department also recently exhibited an amendment to SEPP 65 and accompanying *Draft Apartment Design Guide* (ADG) which is proposed to replace the RFDC when adopted.

As the Concept Plan only provides building envelopes and indicative building layouts, a detailed assessment against SEPP 65 will be required as part of future development applications. However an assessment of the level of residential amenity of the modified building envelopes in terms of building depth, building separation, and solar access is relevant to this modification.

Building Depth

The RFDC recommends building depths of no more than 18 metres unless satisfactory daylight and natural ventilation is achieved, while the draft ADG recommends that overall building depth does not exceed 12-18 metres, unless layouts can achieve acceptable amenity with room and apartment depths. The proposal results in two changes to building depth:

- the joining of Building 3A with Building 3B results in a building envelope depth of 27m at the lower 4 levels; and
- the proposed modifications to Building 1A result in an increase in building envelope depth at the upper floor levels from 20m to 23m.

The Department notes that these are envelope depths only and will include balcony structures, so that the final building depth from glass line to glass line is likely to be less than the envelope depth. Further, the Concept Approval requires that future applications must demonstrate compliance with SEPP 65 and the RFDC, particularly with respect to solar access and ventilation guidelines, so that an acceptable level of amenity will be achieved despite any variation from building depth recommendations. The proposed building depths are therefore acceptable at the Concept Plan stage.

Building Separation

The RFDC and draft ADG recommendations for minimum separation between buildings are outlined in **Table 4** and are designed to ensure sufficient visual and acoustic privacy between buildings and appropriate bulk and scale of development.

Table 4: RFDC and Draft ADG 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 modifications result in two changes to building separation as shown in **Figure 20**:

- the proposed additional residential levels in Building 3B (up to 4 storeys) will have a separation from Building 3C of 8 metres (previously Building 3B only contained non-residential uses); and

- Building 3A will have a separation of 18m from Building 3C (where both buildings exceed 8 storeys in height).

Despite resulting in building separation distances four to six metres less than that recommended for adjoining habitable rooms and balconies, the proposed separation is reasonable for a dense urban environment. The Department is satisfied that an acceptable level of separation and amenity can be achieved in future applications, subject to detailed design which will consider the orientation of apartments, location of non-habitable and habitable rooms and balconies, location of windows, and the use of appropriate privacy measures where necessary.

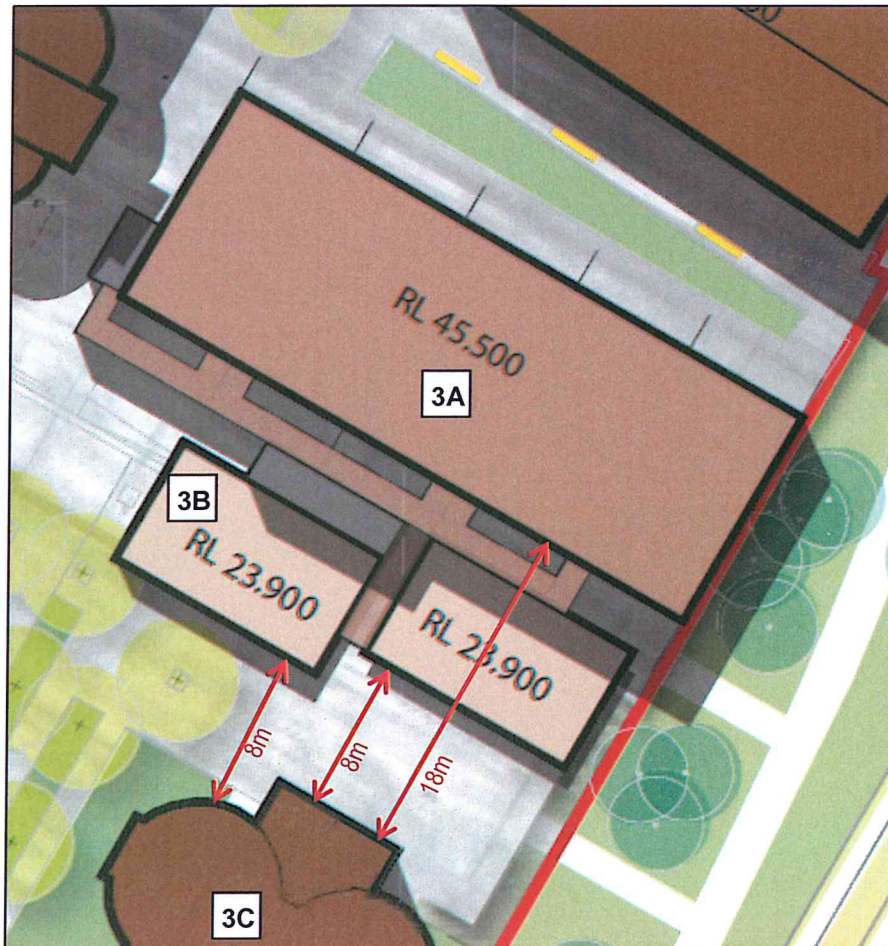


Figure 20: Building Separation

Solar Access and Natural Ventilation

Future Assessment Requirement No 1 of the Concept Approval requires that future applications demonstrate compliance with SEPP 65 and the RFDC, and in particular, demonstrate that a minimum of 70% of apartments within each building receive a minimum 3 hours of solar access to living areas and balconies mid-winter and a minimum of 60% of apartments in each building are capable of being naturally cross-ventilated.

The proponent has advised that it will not be possible for each building across the site to achieve these requirements. In particular, it is likely that only 54% of dwellings within Building 1A would achieve 3 hours of solar access, likely to be the worst performing building in terms of solar access across the site. However, when considered in conjunction with Stages 1 and 2 which have been fully designed, and the anticipated solar access rates for Stage 3, the proponent is confident that the site as a whole will achieve 3 hours of solar access to at least of 70% of apartments and cross ventilation to more than 60% of apartments.

A change to the future assessment requirement, to allow assessment of solar access and ventilation on a development-wide basis rather than building by building, would be consistent with approach of the RFDC rules of thumb (which also apply to 'developments', rather than individual buildings). This would provide improved flexibility, recognising that some buildings will perform better than others due to variations in aspect, orientation, surrounding built forms and other site constraints whilst ensuring a good level of amenity will be achieved across the wider development site.

The Department therefore recommends that the Future Assessment Requirement be modified to require that future applications demonstrate that a minimum of 70% of apartments across the Concept Plan site will receive a minimum 3 hours of solar access and a minimum of 60% of apartments across the Concept Plan will be naturally cross-ventilated, with cumulative calculations provided with each application for stages 3 and 4.

On this basis the Department concludes that the proposed modifications to the Concept Approval will deliver a good level of residential amenity, consistent with recommendations of SEPP 65, the RFDC and draft ADG.

5.5 Residential Amenity to Adjoining Properties

Nearby residents raised concerns that the proposed modifications would result in adverse overshadowing, privacy and visual impacts. The visual impacts of the modifications were assessed in **Section 5.2** and found to be acceptable, subject to recommended future assessment requirements.

The proposed increase in the height of Building 3A by 3.2 metres will result in a small increase in overshadowing to the rear façade and rear open space of two nearby dwellings (nos 36 and 38 Edward Street) within the mixed use zone for a one hour period only, being between 9.00am and 10.00am at mid-winter. The extent of the additional shadowing is minor, as depicted in **Figures 21** and **22**. Despite the small increase in shadowing, those dwellings will continue to receive approximately three hours of solar access to their rear facades at mid-winter and in excess of two hours of solar access to the majority of their rear gardens. Given that the dwellings are located in a mixed use zone where planning controls envisage a greater level of density, and are partly constrained in that the rear facades and gardens are self-shadowed from 12.30pm, the level of solar access retained to those dwellings is acceptable and consistent with expectations for dense urban areas as set out in the RFDC and the Draft ADG under SEPP 65.

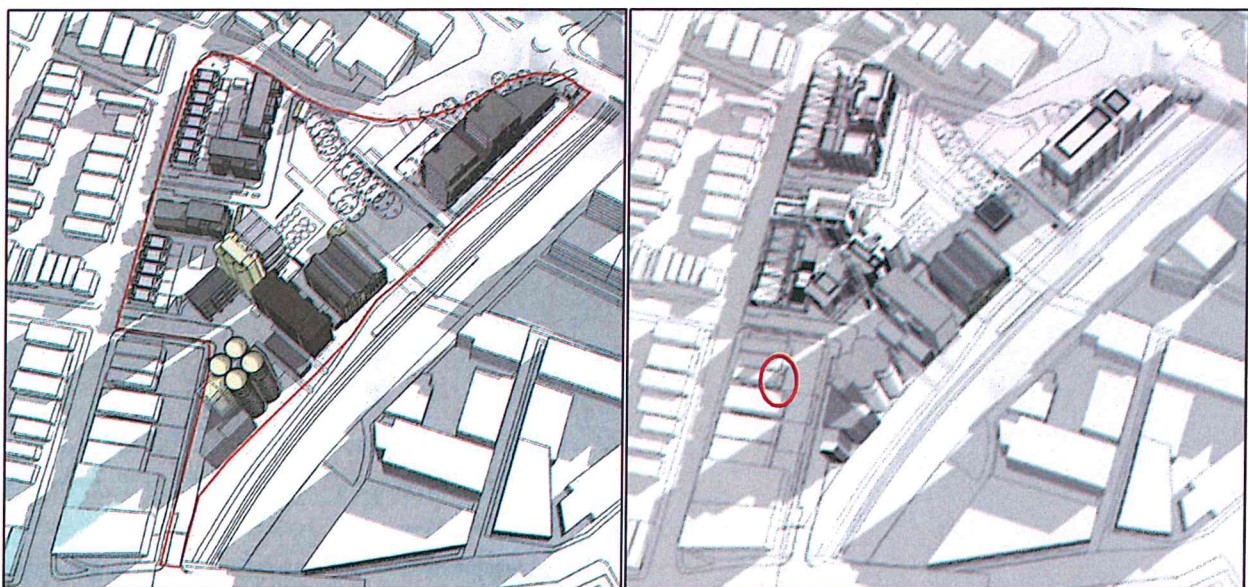


Figure 21: Approved shadows 9am 21 June

Figure 22: Proposed shadows 9am 21 June

(additional area of shadow highlighted red)

Privacy was considered in the assessment of the original Concept Approval and it was found that building setbacks and orientation were sufficient to adequately minimise privacy impacts, noting that detailed floor plans submitted with future applications will enable this issue to be assessed more closely. There are no changes proposed to building setbacks or orientation which would materially affect the previous assessment of privacy impacts

5.6 Affordable Housing

The approved statement of commitments provides for ten dwellings to be provided as affordable rental accommodation for a period of ten years after which they could revert to market housing. It is proposed to modify this commitment to instead dedicate four dwellings within Building 1A (2 x 1 bedroom and 2 x 2 bedroom) to Marrickville Council for use as affordable housing in perpetuity. The number of dwellings to be dedicated was calculated taking into account the likely lifespan of the dwellings and the capital value of the dedication, as well as the need to increase the affordable housing provision commensurate with the increase in the proposed dwelling cap from 300 to 380 on the site.

Marrickville Council supports the dedication of 4 dwellings in perpetuity and requested that the units be mid-range units in value, be of the same size and quality as other units in the development and that flexibility be provided so that Council can manage the units in the way they deem best.

Ashfield Council and nearby residents raised concerns that the number of affordable dwellings were being reduced. However the public submissions did not make the distinction that the tenure of affordable housing (fixed term or in perpetuity) was also being altered. Ashfield Council suggested that the same number of dwellings should be provided, regardless of whether they are provided in perpetuity or for a 10 year period.

In quantifying the benefits of affordable housing provision over the long term, the Department has considered both the amount of affordable housing and the length of time it is provided. The Department agrees with the proponent and Marrickville Council that the modification results in a better outcome for affordable housing provision in the long term and supports the proposed change to the Statement of Commitments. Further, the provision of the four dwellings as affordable housing stock in perpetuity provides a clear public benefit in the longer term. The proposed size of the units for dedication (1 and 2 bedroom units) is also appropriate and further details of size and quality and any restrictions on their use or management are details which will be determined through conditions on any future development consent for Building 1A.

5.7 Other issues

Dwelling Mix

Marrickville Council raised a concern that the proposal to substantially increase the number of dwellings without a commensurate increase in permitted residential floor space would result in a reduction in average dwelling size and therefore potentially affect dwelling mix.

The original application indicated a dwelling mix as follows:

- 1 bedroom: 45%
- 2 bedroom: 36% – 43%
- 3 bedroom: 8% – 11%
- 4 Bedroom: 4% – 9%

The proponent has advised that Building 1A (stage 4) would have a greater proportion of mid-size dwellings and less one-bedroom dwellings than the approved mix, but has not specifically sought a change to this dwelling mix across the Concept Plan site as part of the modification.

An appropriate dwelling mix will be a matter for Council to consider as part of the assessment of future Development Applications, having regard to the indicative dwelling mix in the application, and the matters set out for consideration under SEPP 65 and the RFDC, such as population trends, market demand, and location.

Timing of Public Domain Provision

It is proposed to modify the timing of dedication of open space to Council from progressive dedication as part of each stage to instead allow for dedication prior to the final occupation certificate for Stage 4. The proponent advises that this is so that the open space area can be used as a construction zone for Stage 4 which is constrained in area and construction may otherwise impact on surrounding roads and public domain. The modification would not affect the light rail accessway dedication provided as part of Stage 1, but would affect the remainder of the open space to be dedicated to Ashfield Council.

Ashfield Council raised no objection to the modification. The Department supports the modification as any adverse impacts arising from a short term delay in open space provision would be offset by reduced disruption to surrounding streets and public domain.

Reduction in Retail Floor Area

The proposal will result in a reduction in the amount of retail services provided on the site (from 2,000m² - 2,500m² of approved retail floor space to 1,500m² of retail floor space as proposed).

The provision of up to 2,500m² of retail floor space under the original Concept Approval was found to have limited impact on the trade viability of nearby retail areas and the proposed reduction in retail space will further reduce this impact. A condition was included in the approval limiting the size of tenancies to no greater than 500m² to prohibit a large scale supermarket and in order to reflect the daily convenience functions of future retail uses.

The provision of 1,500m² of retail floor space with a maximum individual tenancy size of 500m² will be sufficient to provide retail services that serve the daily convenience needs of residents on the site, consistent with the intention of the Concept Approval.

6. CONCLUSION

The proposal seeks to modify the Concept Approval to allow for the provision of an additional 80 dwellings within the approved floor space for the site. This is to be achieved by amending building envelopes, accommodating additional storeys within the envelopes and transferring some floor space from retail to residential use. Other changes to on-street parking, affordable housing and provision of open space are also proposed.

The Department is satisfied that this modification falls within the scope of Section 75W of the EP&A Act. The development, as proposed to be modified, would remain generally consistent with the Concept Approval.

The Department has assessed the proposed modification on its merits and concludes that the proposal is acceptable, subject to modified and additional future assessment requirements.

The proposal is consistent with the current metropolitan strategy, *A Plan for Growing Sydney*, which encourages growth in housing supply. In particular, the site is well suited to increased

residential densities given its excellent access to public transport and the provision of convenient retail services on the site.

The proposed increase in density will result in a minor increase in vehicle movements which will not materially impact on the operation of the local road network or cause unacceptable traffic congestion impacts.

The proposed modifications to building envelopes do not result in any unacceptable urban design or amenity impacts to the site or surrounding premises, subject to modified and additional future assessment requirements in relation to the design of Building 1A and provision of adequate solar access and natural ventilation to future buildings across the site.

The proposal also delivers increased public benefits in terms of affordable housing provision over the long term through the provision of units in perpetuity.

The Department therefore recommends that the modification be approved in accordance with the modification instrument.

7. RECOMMENDATION

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

- **consider** the findings and recommendations of this report;
- **approve** the modification, subject to conditions, and;
- **sign** the attached instrument of modification.

Prepared by: Natasha Harras
Senior Planner
Metropolitan Projects

Endorsed by:



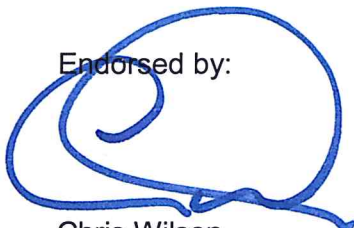
Amy Watson
Team Leader
Metropolitan Projects

Endorsed by:



Ben Lusher
Manager
Key Sites

Endorsed by:



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

29.1.15