

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission approve the modification of the Concept Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Jan Murrell
Member of the Commission



Lynelle Briggs AO
Member of the Commission

Sydney

10 March 2015

SCHEDULE 1

Application No:

MP10_0155

Proponent:

EG Funds Management

Consent Authority

Minister for Planning

Land:

Former Allied Mills Site, 2-32 Smith Street, Summer Hill

Approved Development:

Mixed use residential, retail and commercial development incorporating:

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

Modification No:

MP10_0155 MOD 1

Modification Application:

Modifications to the concept approval including:

- increase the maximum number of dwellings from 300 to 360;
- amendments to the building envelopes within stages 3 and 4;
- changes to affordable housing provision;
- reduction in on-street parking; and
- change in the timing of the provision of one parcel of open space.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows (additions shown as **bold** and underlined, deletions shown as ~~struck out~~):

a) Condition A1 is amended as follows:

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~~ **up to 360** dwellings (~~29,500-33,500m²~~ **and up to 33,500m²** GFA);
- ~~3,500~~ **up to** 4,000m² of commercial floor space;
- ~~2,000-2,500m²~~ **up to 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~~ 35 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.

b) Condition A2 is amended as follows:

Development in Accordance with 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, **and as amended by the Section 75W Modification prepared by SJB Planning dated April 2014 as amended by the further information received on 11 September 2014, 11 November 2014 and 20 November 2014.**
- the Statement of Commitments prepared by SJB Planning **as amended by the revised statement of commitments prepared by SJB Planning dated 11 September 2014;** 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

As amended by the following drawings:

<u>Drawing No</u>	<u>Name of Plan</u>	<u>Drawn By</u>	<u>Date</u>
	<u>Building Identification Plan</u>	<u>Hassell</u>	<u>7 November 2014</u>
<u>A-010 (Rev 7)</u>	<u>Masterplan</u>	<u>Hassell</u>	<u>7 November 2014</u>
	<u>Building Height</u>	<u>Hassell</u>	<u>7 November 2014</u>
	<u>Active Ground Level Uses</u>	<u>Hassell</u>	<u>7 November 2014</u>

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

c) Condition A5 is amended as follows:

Maximum Gross Floor Area (GFA)

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

d) Condition A6 is amended as follows:

Number of Residential Units

- A6 The number of residential dwellings shall ~~not exceed 300~~ **be up to 360** units.

e) Modification B3 is amended as follows:

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.~~

Built Form of Building 1A

B3 The plans described above in Part A – Terms of Approval shall be modified to provide:

- (a) **a maximum building height of RL 47.4 for Building 1A; and**
- (b) **notwithstanding (a) above, the southern portion of Building 1A (for a minimum of 34.00 metres from the southern elevation) is limited to a maximum building height of RL 44.2.**

Amended plans, demonstrating compliance with the above shall be submitted to, and approved by, the Secretary.

f) Future Environmental Assessment Requirement No 1 is amended as follows:

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~~ **across the concept plan site** 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~~ **across the concept plan site** are capable of being naturally cross ventilated.

Cumulative, and where relevant, estimated, calculations demonstrating compliance with these requirements are to provide with each application for stages 3 and 4.

g) Future Environmental Assessment Requirement No 4 is amended as follows:

4. Future applications are to demonstrate that a minimum of ~~50~~ **35** on-street car parking spaces will be provided **in addition to loading zone and drop off areas.**

h) Future Environmental Assessment Requirement No 44 is added as follows:

Design of Building 1A

44 The Future Development Application for building 1A is to include the following measures:

- (a) **all roof structures, plant and lift overruns be setback from the parapet by at least 5 metres from the main building facade and 3 metres from the recessed building facade and not exceed the maximum envelope heights of RL 44.2 and RL 47.4; and**
- (b) **the building envelope is to incorporate a high level of articulation and modulation to ensure an appropriate visual bulk and relationship with other buildings on site.**