

## ASSESSMENT REPORT

### Former Allied Mills Flour site - mixed use redevelopment MP 10\_0155 MOD 2

#### 1. INTRODUCTION

This report is an assessment of a request to modify the Concept Approval (MP 10\_0155) for a mixed use development at the former Allied Mills Flour site at 2-32 Smith Street, Summer Hill.

The request has been lodged by SJB Planning pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to retain the approved open space and internal roadways associated with the redevelopment in private ownership rather than being dedicated to Council.

#### 2. SUBJECT SITE

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

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

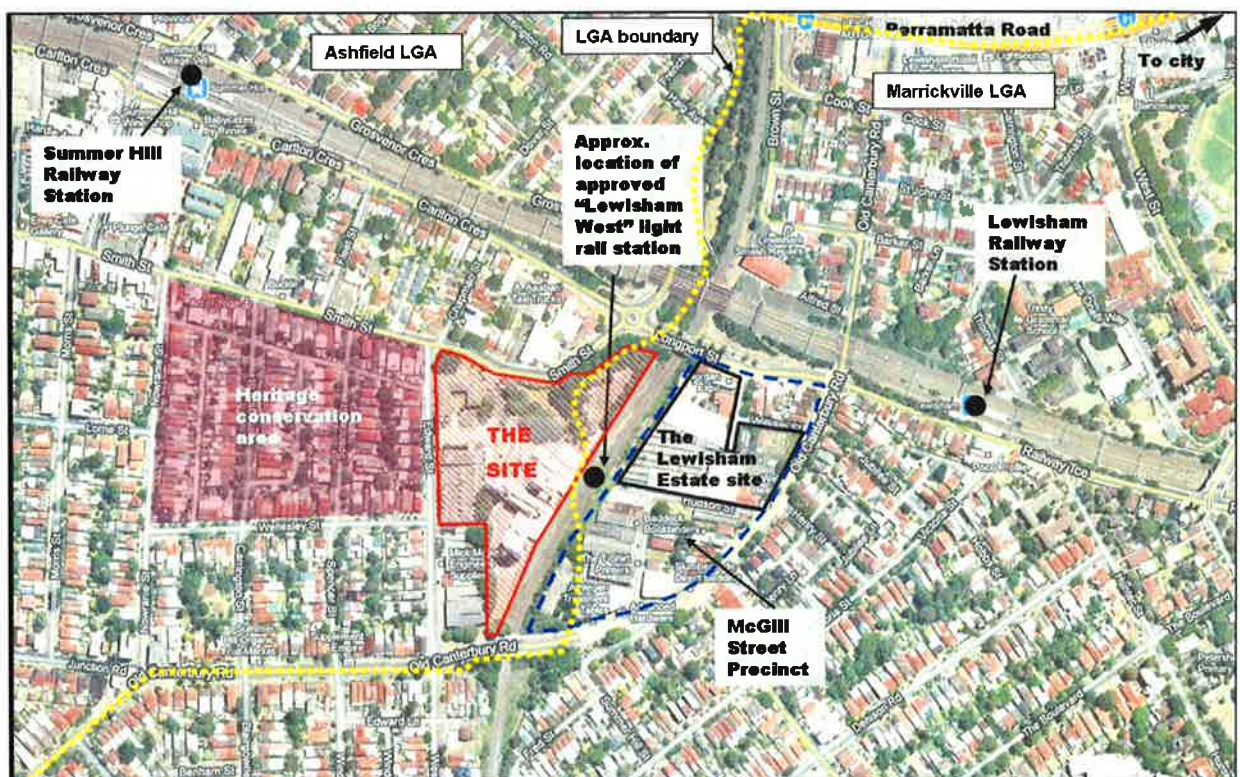


Figure 1: Local Context Plan (Base Photo Source: Google Maps 2011)

### 3. APPROVAL HISTORY

On 7 December 2012, the Planning Assessment Commission (PAC) approved a 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 (29,500-33,500m<sup>2</sup> GFA);
- 3,500 – 4,000m<sup>2</sup> of commercial floor space;
- 2,000 – 2,500m<sup>2</sup> 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;
- 4,806m<sup>2</sup> of public open space to be dedicated to Council and an additional 5,287m<sup>2</sup> 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.

On 10 March 2015, the approval was modified (MOD 1) making the following changes:

- increase the maximum number of dwellings from 300 to 380;
- amended building envelopes within stages 3 and 4;
- reallocation of floor space;
- changes to affordable housing provision;
- reduction in on-street parking; and
- change the timing of the provision of open space.

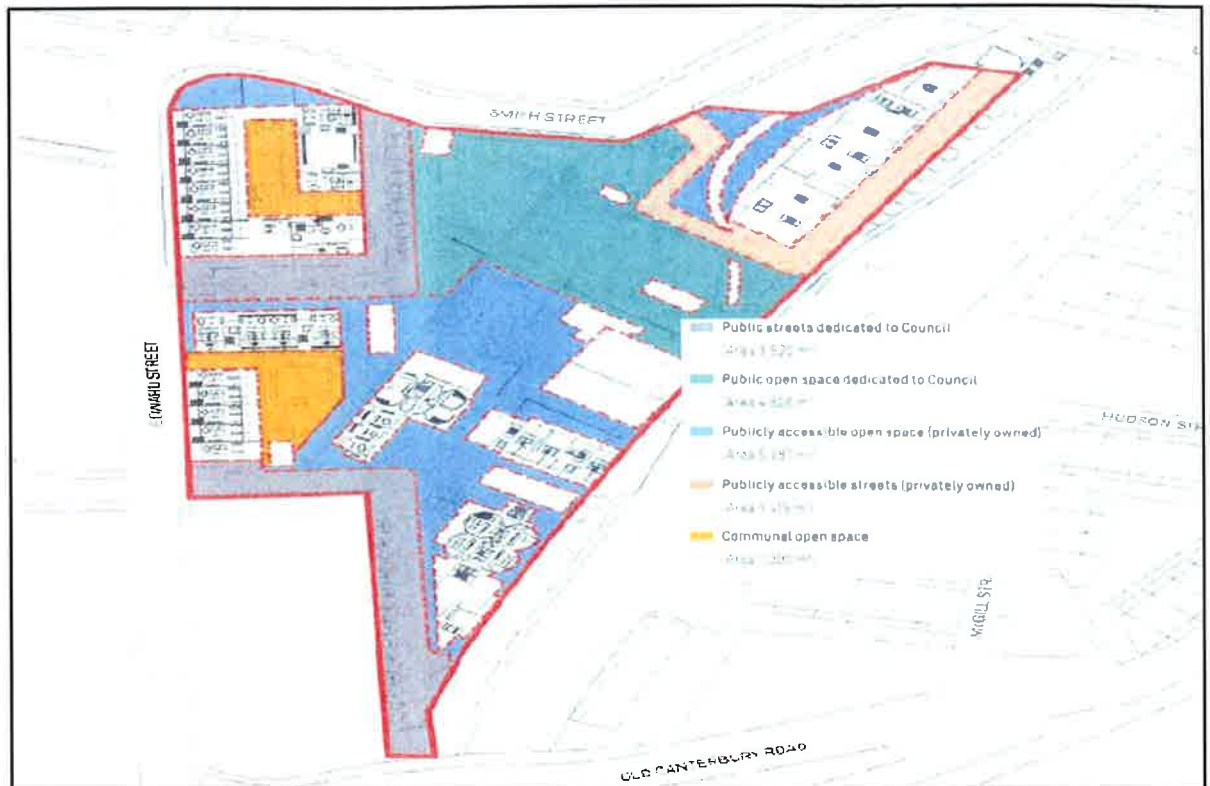
### 4. PROPOSED MODIFICATION

On 8 April 2016, the Proponent lodged a section 75W modification application (MP 10\_0155 MOD 2) seeking approval to retain the open space and roads associated with the redevelopment in private ownership rather than being dedicated to Council. It is proposed to replace the approved open space plans (**Figure 2**) with a revised plan (**Figure 3**) and to make associated changes to the conditions of approval and the Statement of Commitments.

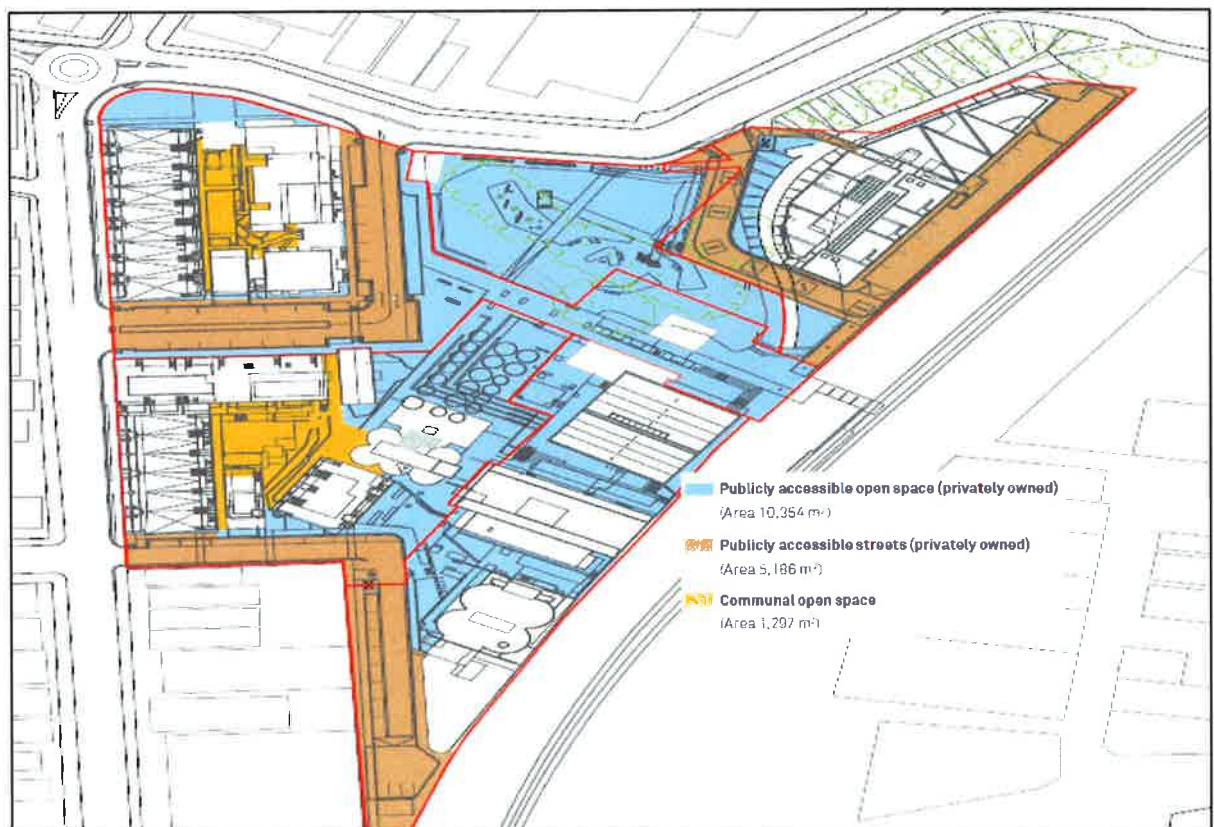
The modification is requested on the basis that the former Ashfield Council resolved that it did not wish to receive ownership of any roads or public open space associated with the redevelopment.

On 5 May 2016, the Proponent submitted a revised Statement of Commitments which amended commitment 5 by deleting a reference to the dedication of the open space and roads to Council. The commitment now includes a reference about the roadways and open space being publicly accessible.





**Figure 2:** Site location indicating the open space and roadways previously intended to be dedicated to Ashfield Council.



**Figure 3:** Proposed open space plan

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Acting Director, Modification Assessments may determine the application under delegation as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

## 6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the former Ashfield and Marrickville Councils about the proposed modification.

The former **Ashfield Council** advised it did not object to the proposal, as it was consistent with Council's resolution.

The former **Marrickville Council** advised that it had no comments on the proposal.

There were **no** public submissions received on the proposal.

## 7. ASSESSMENT

The proposal seeks approval to retain the open space and roads associated with the redevelopment in private ownership rather than being dedicated to Council. The Proponent advises that the roads and open space would be owned and managed by future body corporate/s and public access would be facilitated through a right of way or similar mechanism.

The modification is requested on the basis that the former Ashfield Council resolved that it did not wish to receive ownership of any roads or public open space. Council's preference is that all open space and internal roads remain in private ownership but be made publicly accessible via easements in favour of Council.

The Department considers that the proposal is acceptable as the roadways and open space would remain publicly accessible for the benefit of local residents and the wider community consistent with the intent of the original approval. Importantly, the proposal would also maintain permeability through the site and provide public access to the Lewisham West light rail stop.

The Department notes that Condition 25 of the Concept Plan approval already establishes a requirement for public access to be provided to private roads and open space within the site. The Department recommends that the condition be modified to specify that any future mechanism providing public access to private roads and open space be in favour of Council. This would ensure that public access to the approved open space and roadways through the site is maintained and can only be varied by Council.

The Department also recommends a new condition be imposed requiring a detailed maintenance program to be submitted to and approved by Council prior to the occupation/use of the development, for the ongoing maintenance of the roads and open space.

The Department considers that the recommended conditions would ensure the proposal is consistent with the former Ashfield Council's resolution on the matter.

Subject to the recommended conditions, the Department is satisfied that the proposal is acceptable.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the open space and roadways would remain publicly accessible for the benefit of the community; and
- the modified conditions would ensure the publicly accessible open space and roadways are appropriately maintained.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Acting Director, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7594](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7594)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7594](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7594)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7594](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7594)