



The Secretary
NSW Department of Planning and Environment
PO Box 39
Sydney 2001

Attn: Anthony Witherdin

18 April 2018

Re: 2-32 Smith Street, Summer Hill MP10_0155 – Concept Approval

Dear Anthony,

1.0 Introduction

This correspondence, and attached documentation, forms an application to modify Concept Approval MP10_0155.

The application seeks to modify Condition 18 which requires the provision of intersection upgrade works at Edward Street and New Canterbury Road.

The modification application is discussed in detail below under Section 3.

The application seeks to modify Condition 18 of Schedule 3 of the Concept Approval issued 7 December 2017.

The condition requires that traffic signals at the intersection of Edward Street and New Canterbury Road be installed. As imposed, the condition requires the signals to be constructed and operational prior to the occupation of Stage 3 of the development.

After the approval of the Concept Plan, Project Approval was received for Stage 1, and Development Consent issued for Stages 2, 3, and 4.

Construction works are well advanced on all stages, including Stage 3.

The required applications for the traffic light and intersection works have been lodged with NSW Roads and Maritime Services (RMS) and Inner West Council (the Council).

Council has been undertaking community consultation regarding the proposed intersection works as well as considering the implications of the intersection works on the proposed Greenway, which will traverse under New Canterbury Road near the intersection works.

The delay in finalising the design arises from the process of engagement undertaken by Council. The proponent remains committed to the delivery of the infrastructure, but seeks a revision of the required timing to allow time for Council to finalise its processes. Council in the correspondence at Attachment 2 acknowledges the potential need to seek a modification of the conditions to allow this to occur.

2.0 Modification under Section 4.55(1A) of the *Environmental Planning and Assessment (EP&A) Act 1979*

Project Approval MP10_0155 was a Part 3A Project identified as a Transitional Project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (Transitional Provisions Regulation). Clause 3BA (5) of Schedule 2 of the Transitional Provisions Regulation 2000 identifies that modifications of minimal environmental impact may continue to be modified under S75W.

The requested modification seeks to amend the timing for the completion of the required upgrading works. The intent of the conditions will be delivered in a manner that is unchanged. The only modification relates to timing. The Minister can be satisfied that the requested modification is:

- Of minimal environmental impact; and
- The Concept Plan as proposed to be modified will be substantially the same project to which the Concept Plan currently relates.

Transitional arrangements for Part 3A projects, contained in Schedule 2 of the Transitional Provisions Regulation 2000, providing for the ability to modify Concept Approvals, continue to apply. The modification assessment has been undertaken against Section 5.55(1A).

3.0 Proposed Modification

The modification seeks to amend Condition 18 to provide flexibility in the finalisation of the works. It is proposed that the condition be amended to allow the timing for completion of the works be prior to the issue of the final Occupation Certificate for Stage 3.

The proposed modified wording is provided in red below:

“18. 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 to the **issue of the final** occupation of Stage 3 of the development.”*

The substantive sections of Condition 18 have already been satisfied, with designs for the intersection provided to Council and RMS. The delay is in receiving final approval from the relevant roads authorities, being RMS and Council.

The suggested wording amendments do not derogate from the requirement to provide the infrastructure upgrade. The additional wording provides flexibility for the proponent to complete the works after Council finalises its processes and consultation. The suggested amendment to the wording of the condition will facilitate the ongoing consultation with the community regarding the design and consideration by Council of any implications to the Greenway. The potential need for a possible amendment to the wording of the condition is acknowledged in the email correspondence from Council in Attachment 2.

4.0 Section 4.55(1A) Assessment

The relevant assessment criteria are contained in S4.55 of the EP&A Act 1979, specifically S4.55(1A) and S4.55(3).

These provisions state:

“(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification...

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”*

In considering these statutory provisions, the following is noted:

- The modification request seeks to amend the wording of a condition to provide flexibility to the timing of intersection upgrade works. The upgrade works will be undertaken as intended, only the timing of the delivery is altered. The alteration of the condition does not result in any additional environmental impacts;
- The development as requested to be modified will be substantially the same project. The modified condition does not result in any alteration to the scale or intensity of the development as approved in the Concept Approval;
- Any notification will be undertaken by the Department of Planning and Environment (DP&E) if necessary;
- Any submissions will be considered by the DP&E;
- The requested modification does not conflict with or undermine the reasons given by the consent authority in granting consent. The required intersection upgrade works will still be undertaken.

5.0 Section 4.15 (1) Assessment

In considering the provisions of S4.15(1), the following is noted:

- Permissibility continues pursuant to Concept Approval MP10_0155;
- The modification does not alter the nature, scale or intensity of works, or land uses authorised by the Concept Approval;
- The modification requested does not conflict with any draft Environmental Planning Instrument (EPI);
- The modification does not conflict with any Development Control Plan (DCP) provisions;
- The modification results in no additional environmental impacts to the natural or built environment, or social or economic impacts; and
- The site remains suitable for the development under construction.

6.0 Conclusion

The finalisation of the implementation of the required intersection upgrades has been delayed as acknowledged by Council in the correspondence included at Attachment 2. Construction of Stage 3 is well advanced, and is likely to be completed ahead of the construction of the intersection upgrade works. The requested modification to the consent conditions allows for separate agreement to be reached between the proponent, Council, and RMS on the final delivery of the intersection works without delaying occupation of Stage 3.

The favourable determination of the amendment to Condition 18 as proposed is sought. The approval being sought from the DP&E is a reasonable and appropriate outcome.

Should you have any queries, please do not hesitate to contact me on (02) 9380 9911, or by email at sbarwick@sjb.com.au.

Yours sincerely,

A handwritten signature in black ink that reads "Scott Barwick". The signature is written in a cursive, flowing style.

Scott Barwick
Associate Director

Attachment 1: Concept Approval MP10_0155
Attachment 2: Council Correspondence regarding timing delays

Attachment 1: Concept Approval MP10_0155

8438_4_SoS_Final_180416



Contact: Amy Watson
Phone: 02 9228 6150
Fax: 02 9228 6455
Email: amy.watson@planning.nsw.gov.au

Our ref.: MP10_0155

Mr Scott Barwick
Associate
SJB Planning Pty Ltd
Level 2, 490 Crown Street
SURRY HILLS NSW 2010

Dear Mr Barwick,

Subject: Determination of Concept Plan Application for a mixed use development at the former Allied Mills site, 2-32 Smith Street, Summer Hill (MP10_0155)

I am writing to inform you that the above application was approved subject to modifications and future assessment requirements on 7 December 2012 by the Planning Assessment Commission as delegate of the Minister for Planning and Infrastructure under Part 3A of the *Environmental Planning and Assessment Act 1979*.

A copy of the approval is enclosed for your records.

The Director-General's assessment report is available on the Department's website http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4210

Your contact officer for this proposal, Amy Watson, can be contacted on 02 9228 6379 or via email at amy.watson@planning.nsw.gov.au.

Yours sincerely,

Karen Jones
Director
Metropolitan & Regional Projects South

DATE	17 DEC 2012
JOB No. 6341	FILE No. 3.2

Concept Approval

Section 750 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:

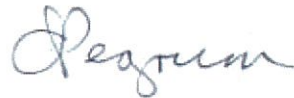
- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 750 of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) of the *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 7 December 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 DP315; 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 57.5 to Building 3C (4 pack silos) inclusive of plant, lift overrun structures and the like.

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
 - (c) 1.5 spaces for 4 bedroom townhouses/terraces;
 - (d) 1 visitor space per 10 apartments; and
 - (e) 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.

Heritage

8. A Conservation Management Plan (CMP) shall be provided as part of the future application for the development of Stage 3. The CMP curtilage will be the Stage 3 development area together with building 5E and its eastern setting adjacent to Stage 3.
9. Future application/s for the adaptive re-use (and prior to demolition of any part) of buildings 2A (Mungo Scott warehouse/mill) and 5E (existing amenities building) shall be accompanied with measured drawings and a photographic record of the buildings appropriate for archival purposes.
10. Future applications for demolition shall include a photographic record of the structures to be demolished and details of salvaging of materials and objects identified as having heritage significance for re-use. Where re-use is not practicable, details shall be provided of how these materials/objects are being interpreted on or off the site.

Local Streets and Servicing

11. 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.
12. 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.
13. 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.
14. 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

15. Future applications for Stage 1 shall provide an Infrastructure and Traffic Management Plan. The plan shall include timing for proposed traffic infrastructure upgrade works and cover all proposed development stages. The plan shall be prepared by the proponent and approved by RMS in consultation with Ashfield and Marrickville Councils.
16. 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.
17. 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.
18. 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

19. 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

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

Landscaping

21. Future applications shall identify and include measures to ensure the retention of the existing interwar and other plantings including Brushbox, Ficus Hillii, Palms, Moreton Bay Fig and the Chinese Weeping Elms on the site.
22. Future applications for landscape works should include indigenous plant species endemic to the area and take account of bio-links and biodiversity.

Open Space/Public Access

23. Future application/s shall provide for the embellishment and dedication of a minimum of 4,806m² of public open space to Council.
24. 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.
25. 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

26. 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.

Flora and Fauna

27. 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

28. 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

29. 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

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

Flooding

31. 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.
32. 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.
33. 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.
34. 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.

35. 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.
36. 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.
37. 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.
38. 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

39. 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.

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

Groundwater

41. 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

42. 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

43. 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 November 2012)



Sydney
Level 2, 490 Crown St
Surry Hills NSW
2010 Australia
T 02 9380 9911
F 02 9380 9922

Melbourne
Level 1, Building D
80 Dorcas St
Southbank VIC
3006 Australia
T 03 8648 3500
F 03 8648 3599

sjb.com.au
planning@sjb.com.au

Item	Commitment	Timing
1. Construction Management	The proponent will ensure that a Construction Management Plan is prepared including, but not limited to the methods of soil and sedimentation protection, restriction of public access, vegetation protection, construction, traffic management, crane height and location details and the like.	A Construction Management Plan will be prepared prior to the issue of any Construction Certificate for work on the site.
2. BCA Compliance	All buildings will be designed in accordance with the Building Code of Australia.	BCA compliance will be documented at the Development Application stage of the project
3. Augmentation of Utilities	The approval for connection to existing utility service will be obtained, and any required augmentation works will be undertaken.	Any required augmentation of utility services will be detailed at the Project Application or Development Application stage of the proposal.
4. Section 94 Contributions	Section 94 Contributions relevant to the proposal will be made in accordance with the Section 94 Contribution Plans for Ashfield and Marrickville Council as applicable, consistent with the rates detailed in the Environmental Assessment.	Any required Section 94 Contributions will be paid prior to the issue of any Construction Certificates for the erection or conversion of buildings that generate a demand for services.
5. Public Domain	Public Domain: Public access will be provided through the site providing access over and through the open space from Smith Street affording access to the Lewisham West light rail stop. The access will include the use and enjoyment of the open landscaped areas off Smith Street and the proposed urban plazas around the reused buildings that are to provide ground floor active uses.	The treatment of these public domain areas consistent with the Landscape Open Space and landscape Concept themes in the Concept Plan will be documented at the Project Application or Development Application stage of the proposal and will be implemented prior to occupation of the relevant stage.
6. Remediation of Land	If necessary a Remedial Action Plan will be prepared and audited upon implementation for each relevant stage.	If required, details of remediation of the site will be detailed at the Project Application or Development Application stage of the proposal.



Item	Commitment	Timing
7. Transport Management	The relevant intersection and traffic management upgrades identified in the Traffic and Transport assessment prepared by ARUP (Attachment 4 to the PPR) attributable to the development will be implemented as required by detailed staging assessment	<p>Traffic management and upgrade measures will be implemented and be documented at the Project Application or Development Application stage of the proposal. Each stage will determine the staging of the implementation of the traffic management measures to be undertaken.</p> <p>Specifically the new internal street connecting Edward and Smith Streets and associated left in left out traffic measures and the new roundabout at Edward and Smith Street will be provided as part of stage 1.</p> <p>The Pedestrian upgrades in the surrounding area will also be provided as part of stage 1 facilitating access to the new light rail stop.</p> <p>Prior to the lodgement of any Development Application for Stage 3, a TMP will be prepared addressing the proposed design and installation of the traffic lights and intersection upgrades for the Edward Street and Old Canterbury Road intersection.</p> <p>Prior to the occupation of stage 3 the new lights to the Edward Street and Old Canterbury Road intersection will be provided.</p>
8. Car Share	At least two parking spaces will be made available for use by car share scheme vehicles.	Any car share space will be identified in the Project Application or Development Application drawings for Stage 1 and will be noted on the title.
9. Bicycle Facilities	Bicycle facilities and storage in accordance with Council's standards will be provided on-site.	Bicycle facilities will be documented at the Project Application or Development Application stage of the proposal.
10. Ecologically Sustainable Development (ESD)	ESD principles and strategies will be implemented for the project consistent with the ESD Strategy prepared	ESD principles and measures will be documented at the Project Application or Development Application



Item	Commitment	Timing
11. Water Sensitive Urban Design (WSUD)	<p>by ARUP (Attachment 10 of EA).</p> <p>WSUD measures will be implemented in accordance within the Drainage/Water Management/Flooding/Utilities report prepared by APP (Attachment 6 of the EA and Attachment 6 of the PPR).</p>	<p>stage of the proposal.</p> <p>WSUD measures will be documented within each Development Application for each stage of the proposal.</p>
12. Flood Management	<p>The flood management measures will be implemented in accordance with the Drainage/Water Management/Flooding/ Utilities report prepared by APP (Attachment 6 EA).</p> <p>The flood management measures will be based upon reviews of, and where necessary, updates of flood study results that account for works approved or undertaken in the adjoining light rail corridor, on the McGill street Masterplan site and within the subject site.</p> <p>All residential buildings will be provided with floor levels above the 100 year ARI level with appropriate allowances for climate change, blockages and freeboard, identified in the required flood study/ies.</p> <p>Any non-residential buildings and open spaces that include floor levels or ground levels below the 100 year ARI level will be subject to an emergency response plan to appropriately manage the risk to personal safety during severe flood events.</p>	<p>Flood management measures will be documented within each Development Application for each stage of the proposal.</p>




Item	Commitment	Timing
	<p>Any non-residential building with floor levels below the 100 year ARI level will be flood proofed up to the 100 year ARI level plus 0.5m freeboard to minimise potential flood damage and be provided with appropriate evacuation connections.</p> <p>The objective of all proposed measures and strategies will be to manage and where possible minimise the potential flood hazard posed by flood waters from the Sydney Water culvert that traverses beneath the adjoining light rail corridor.</p> <p>The detailed design of Building 1A foundation space will incorporate allowance for the inclusion of a 3.0m wide x 1.5m high box culvert or equivalent to be concrete encased (no maintenance or replacement required) from the southern boundary of the site to the Sydney Water Corporation channel at the eastern end of the building.</p> <p>The wall height on the rail corridor boundary to the west of Building 2A will be adjusted at the detailed design stage to prevent the potential inflow of floodwaters from the rail corridor into the site.</p> <p>During detailed design stage of the proposed development, liaison with Transport NSW will be undertaken to ensure that the proposed site design complements the design aspects of the light rail</p>	



Item	Commitment	Timing
	project which will address and manage flooding issues form within the light rail corridor.	
13. Noise Mitigation	Noise and vibration mitigation measures will be implemented in accordance with the Noise and Vibration Assessment undertaken by Atkins Acoustics (Attachment 9 of the EA)	Noise and vibration mitigation measures will be detailed at the Project Application or Development Application stage of the proposal.
14. Aboriginal Archaeology	The recommendations and requirements of the Aboriginal Archaeology assessment undertaken by AHMS (Attachment 14 of the EA) will be implemented.	Any required permits or approvals relating to Aboriginal Archaeology will be obtained prior to the commencement of work on the site that requires the issue of a Construction Certificate.
15. Affordable rental housing	The provision of ten (10) 1 or 2 bedroom dwellings as affordable rental accommodation for a period of ten years for each dwelling, from the date of relevant occupation certificate.	To be provided in stages 2, 3 or 4.




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 Planning

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Approved Application No. 10-0155

granted on the 07/12/12

Signed AW

Sheet No. 1 of 11

**SUMMER HILL FLOUR MILL
BUILDING IDENTIFICATION PLAN**

HASSELL



Date
16 February 2011


Scale
Not to scale

Client
EG Funds Management

Project Name
Summer Hill Flour Mill



- Site boundary
- Blasiment entrances
- Proposed 'U'rt
- Proposed path/
- Proposed connections
- Lepidodermis coniferus
- Proposed trees
- Trees in Future GreenWay
- max 1-2 storeys
- 2-6 storeys
- 7-8 storeys
- 9-13 storeys
- Cover


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 Approved Application No. 10-0155
 granted on the 07/12/12
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 Sheet No. 2 of 11

SUMMER HILL FLOUR MILL CONCEPT PLAN



Revision
 01
 02

Date
 23-March-2011
 25-May-2012

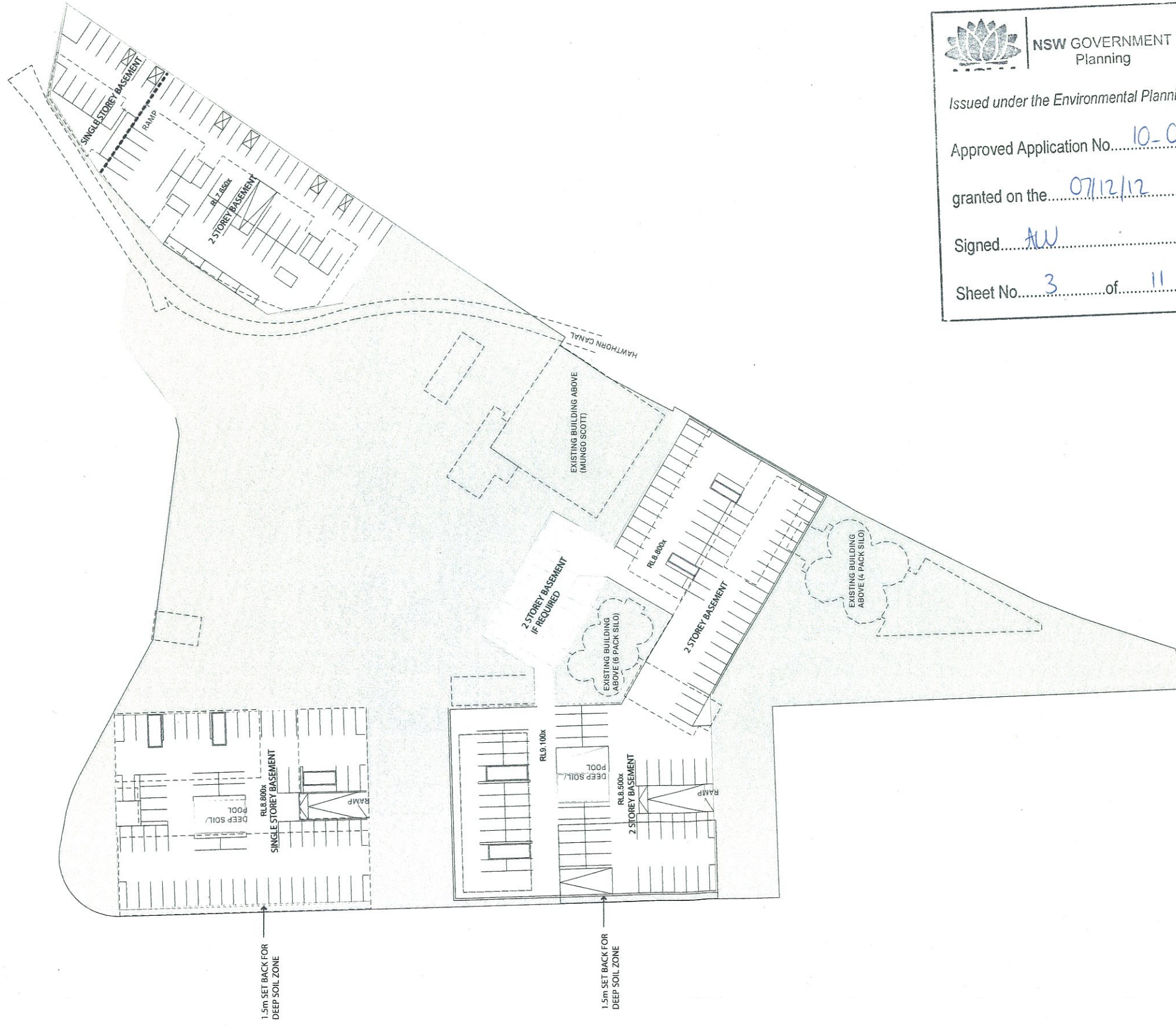
Scale
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 1:500@A1


Client
 EG Funds Management

Project Name
 Summer Hill Flour Mill
 Sydney

Drawing
 A-010
 Masterplan

HASSELL




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 Sheet No. 3 of 11

SUMMER HILL FLOUR MILL CONCEPT PLAN



Revision
01
02

Date
01-March-2011
05-JUNE-2012


Scale
1:1000@A3
1:500@A1

Client
EG Funds Management

Project Name
Summer Hill Flour Mill
Sydney

Drawing
A-030
Basement Plan

HASSELL

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Sheet No. 4 of 11

- 1-2 storeys (max)
- 2-3 storeys
- 4-6 storeys
- 7-8 storeys
- 9-13 storeys
- Site boundary



Figure 3.4

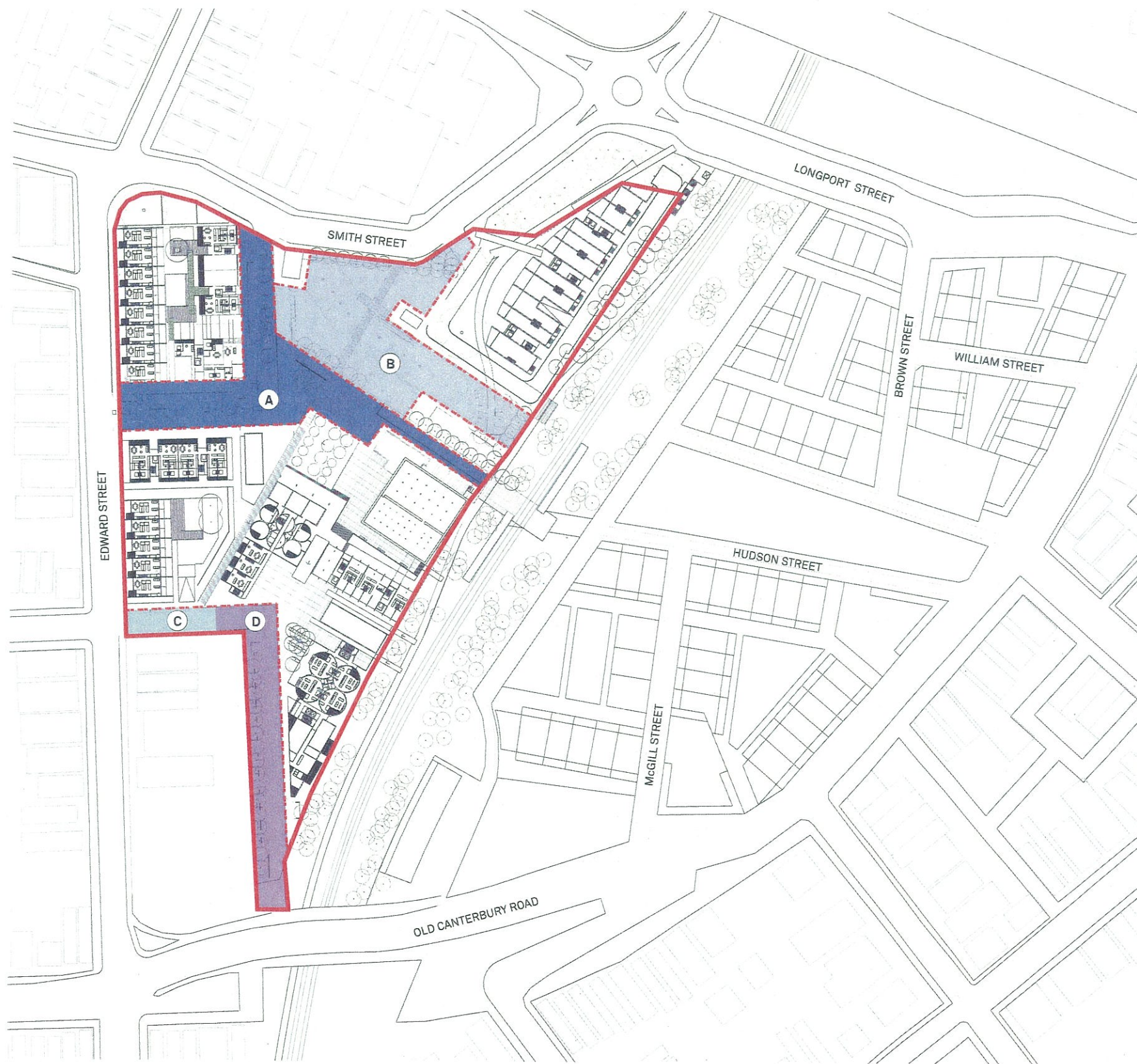
Not to scale


Concept Plan

Proposed Dedication Plan

- A Streets to light rail access
- B 'Soft' open space (Does not include bridged access to Stage 4)
- C Street access
- D Street access

- A Dedicated with Stage 1
- B Dedicated with Stage 2
- C Dedicated with Stage 3
- D Dedicated with Stage 4



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granted on the... 07/12/12

Signed... *ACW*

Sheet No... 5 of 11

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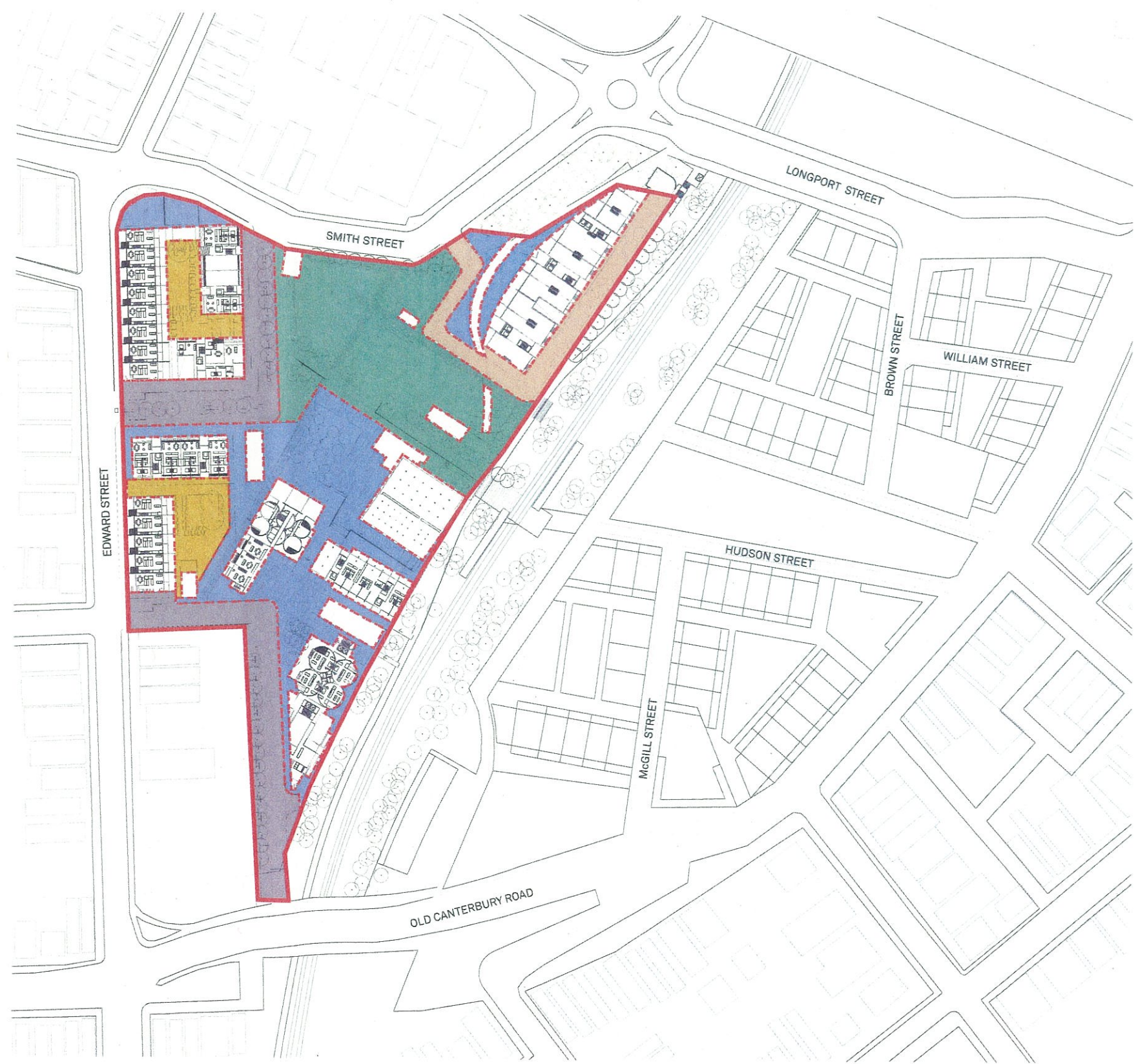
Approved Application No. 10-0155

granted on the 07/12/12

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Sheet No. 6 of 11


- Public streets dedicated to Council
(Area 3,530 m²)
- Public open space dedicated to Council
(Area 4,806 m²)
- Publicly accessible open space (privately owned)
(Area 5,287 m²)
- Publicly accessible streets (privately owned)
(Area 1,415 m²)
- Communal open space
(Area 1,390 m²)



Concept Plan

Proposed Deep Soil Plan. Scale 1:500



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Sheet No. 7 of 11

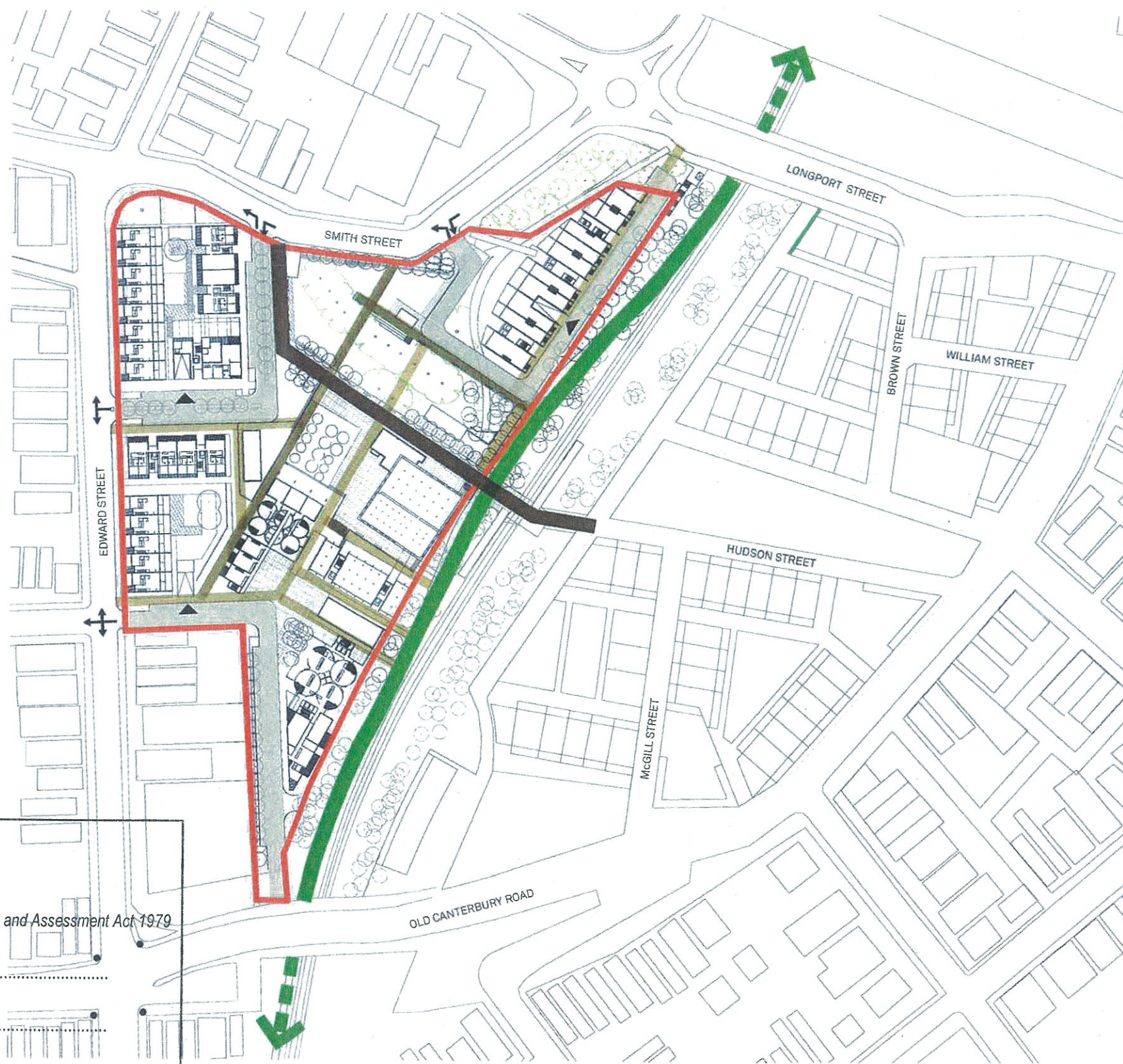
-  Deep Soil - Soft Landscaping. (5,025 m²)
-  Landscaping over Structures

Access and Traffic Strategy


Key features of the traffic and access strategy for the Summer Hill Flour Mill site include the following:

- _ Increased permeability and public access to a part of the local area that has not been useable for a considerable period of time, increasing residential densities and open space near the light rail service
- _ New internal roads have been created and existing streets extended to provide better internal connections and options for ingress and egress from the site
- _ New pedestrian and cycle links through the site connect Summer Hill to the future 'GreenWay', the light rail stop and the McGill Street precinct
- _ The new streets from Smith Street and Edward Street allow access through the site without affecting the public and predominantly pedestrian heart of the site
- _ The site is to accommodate a generous (approximately 3m wide) shared walk/cycle path. This is to provide a convenient, direct and safe route (connecting places where people want to go), where pedestrians and cyclists can mix safely
- _ Pedestrian entries to buildings are predominately located on primary streets and away from vehicular entry points to minimise potential pedestrian/vehicle conflicts
- _ To maintain active street frontages and streetscape design, vehicle access points will be designed so that they are as narrow as possible (width of driveways should be a maximum of 6 metres)
- _ New higher density development requiring carparking should situate parking underground

For more detailed information refer to the TMAP prepared by ARUP



- ▲ Car park Access
- Primary pedestrian/cycle connection
- ▨ Street (vehicular)
- 'Greenway' pedestrian/cycle route
- ▨ Pedestrian route
- Site boundary

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Signed AW Figure 3.9

Sheet No. 8 of 11

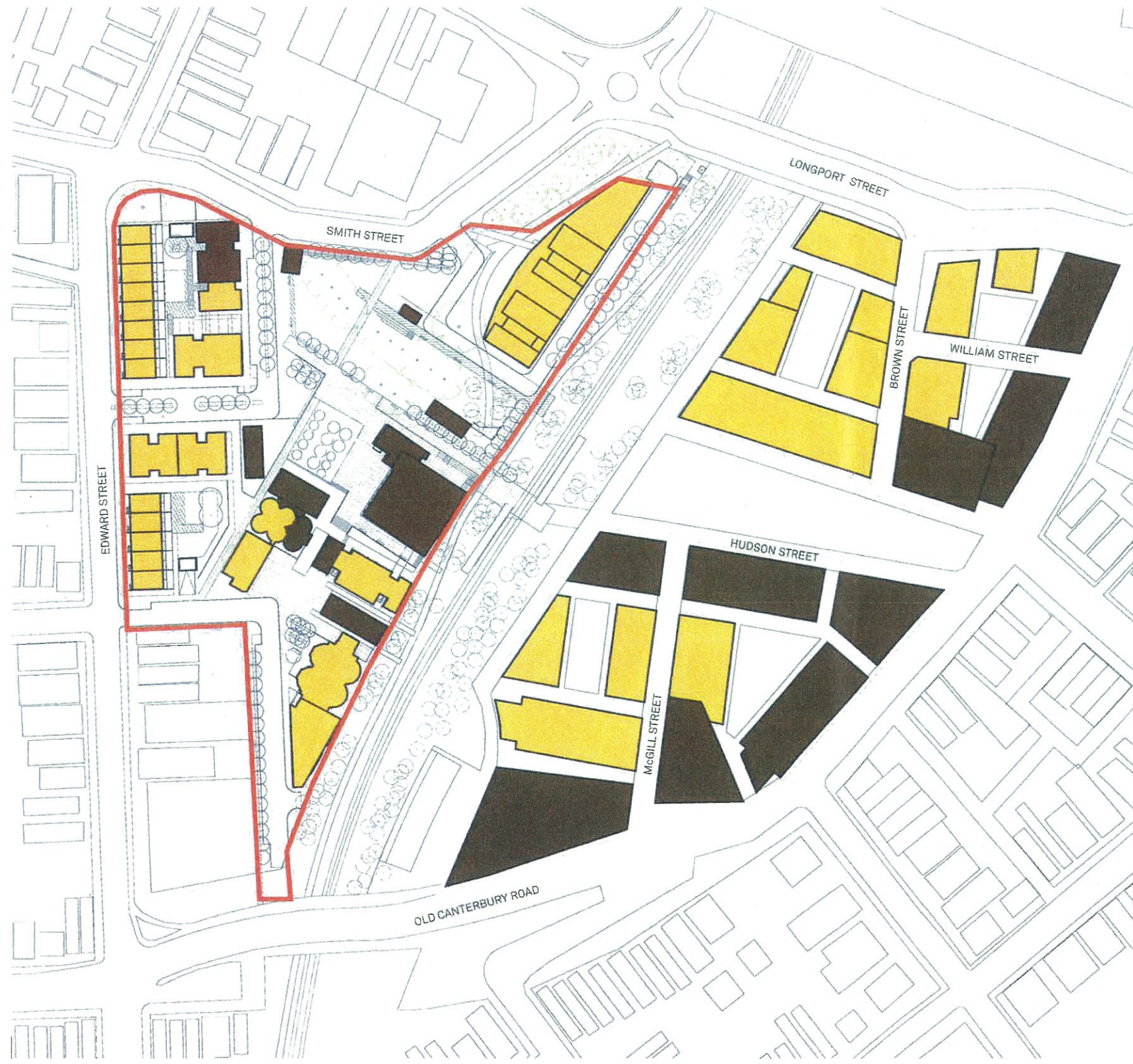
Not to scale

Concept Plan

Active Ground Level (Building) Uses

The following land uses are proposed in the Summer Hill Flour Mill precinct:

- _The predominant use has a residential focus with a diversity of dwelling types
- _Encourage new commercial and retail ground floor uses primarily around the public heart around the heritage buildings
- _Commercial development is included in the 'Mungo Scott' building.
- _Higher-density residential development is situated along the light rail corridor and future 'Greenway' - a locality which provides a pleasant outlook and amenity to residents
- _Retail floor space will attract small tenancies and local convenience retail uses. The site will not accommodate a supermarket.
- _The majority of commercial uses will be in Mungo Scott building
- _Potential addition of commercial uses may include a childcare centre located in the former amenities building.



Active ground floor uses (retail, commercial lobbies)
 Residential use
 Site boundary

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granted on the 07/12/12

Signed [Signature]

Sheet No. 9 of 11


Figure 3.5

Not to scale

Concept Plan

Heritage and Adaptive Re-use

- 1 High significance heritage item
Adaptive re-use
- 2 High significance heritage item
Adaptive re-use
- 3 Moderate significance heritage item
Adaptive re-use
- 4 Moderate significance heritage item
Adaptive re-use
- 5 Adaptive re-use
- 6 Adaptive re-use
- 7 Brush Box trees (to be retained)
- 8 Dimensions of new residential building match
existing timber silo
- 9 Alignment of heritage listed Hawthorn Canal retained
- 10 Proportions and location of access gate and weighing bridge are
maintained in the form of a new street

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Sheet No. 10 of 11

- High significance heritage item
- Moderate significance heritage item
- Adaptive re-use
- Interpretive element
- Site boundary

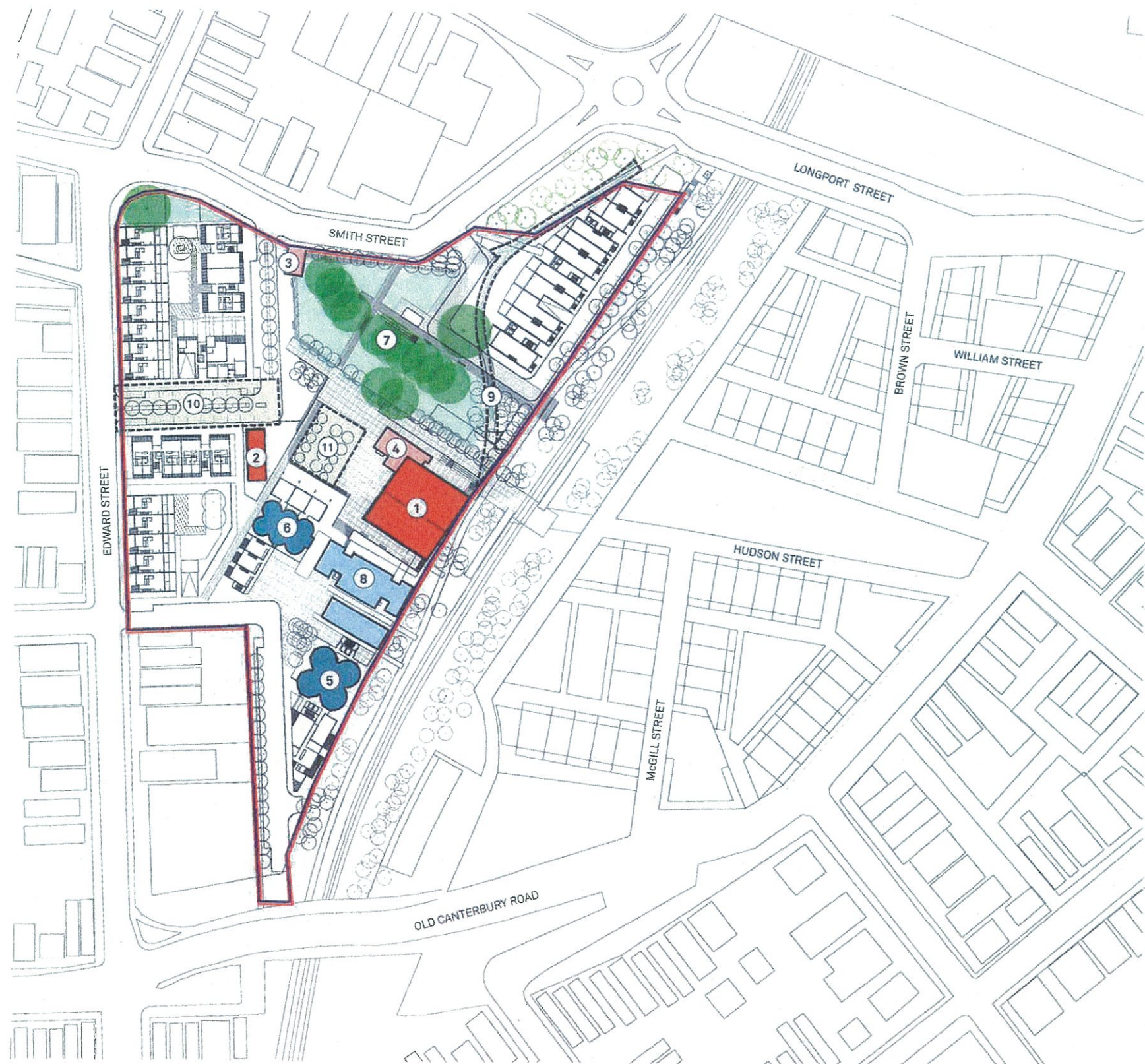


Figure 3.7

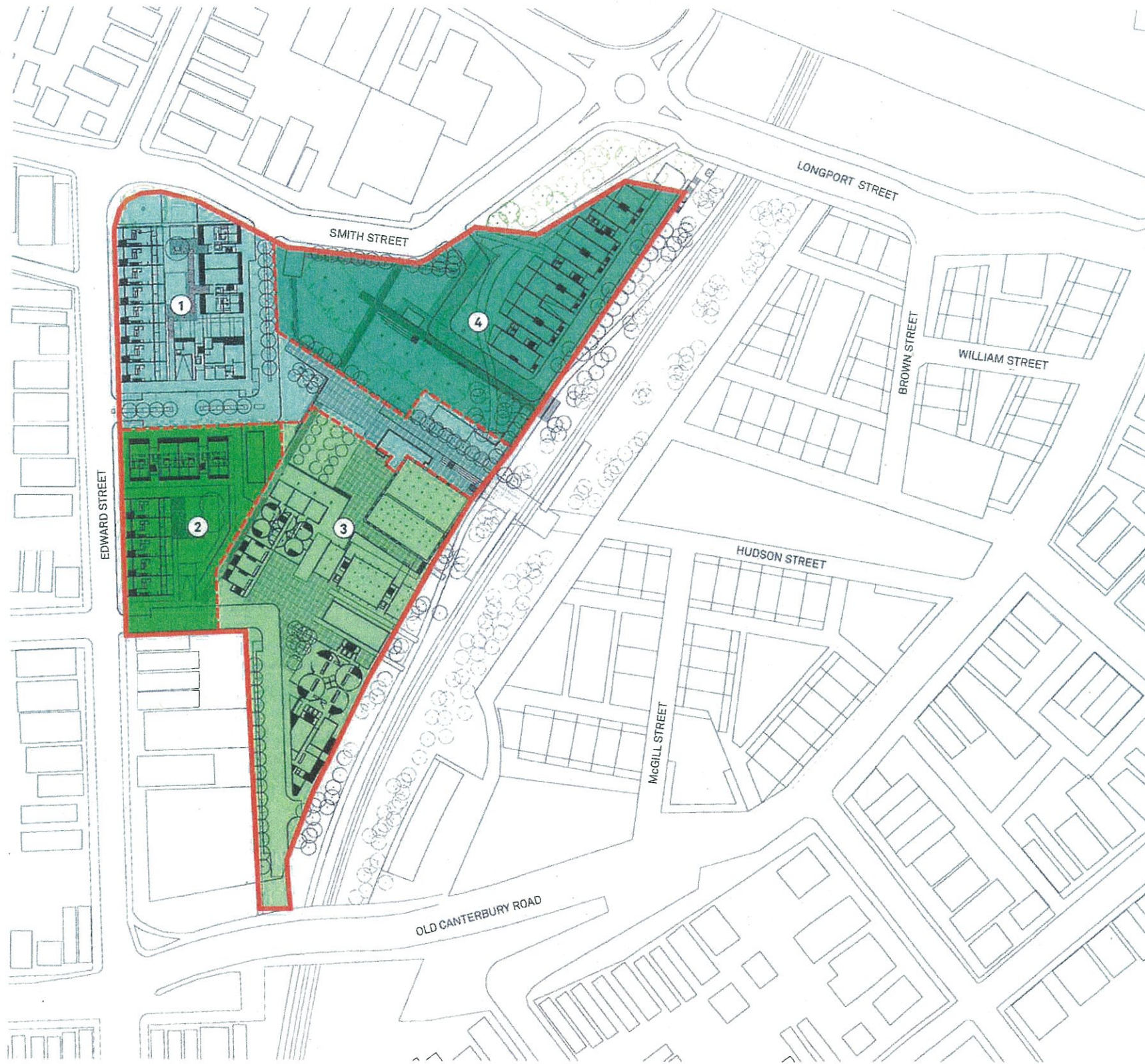
Not to scale


Concept Plan

Indicative Development Staging Plan

The adjacent diagram indicates the intended staging of the development commencing with the predominantly residential development on the corner of Edward and Smith Streets. Definition of Stage 1 boundary has been adjusted to allow early access to the future light rail platforms.

- 1 Stage 1
- 2 Stage 2
- 3 Stage 3
- 4 Stage 4



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granted on the 07/12/12

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— Site boundary

Figure 3.8

Not to scale

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: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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.**

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 16 February 2015, I modify the Concept Plan Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Anthony Witherdin
Acting Director
Modification Assessments

Sydney *16 MAY* 2016

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

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 2

Modification: Modifications to the Concept Plan approval to remove dedication of open space and roads to Council.

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;
- up to 360 dwellings (and up to 33,500m² GFA);
- up to 4,000m² of commercial floor space;
- 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 35 on-street car parking spaces;
- ~~4,806m²~~ **10,093m²** of publicly accessible open space ~~to be dedicated to Council and an additional 5,287m² of publicly accessible open space;~~
- new **publicly accessible, privately owned** 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 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, ~~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, **and as amended by the Section 75W Modification prepared by SJB Planning dated 7 April 2016 and further information received on 5 May 2016.**
- the **revised** Statement of Commitments prepared by SJB Planning ~~as amended by the revised statement of commitments prepared by SJB Planning dated 11 September 2013~~ **dated 5 May 2015**; 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	<u>Revised undated plan submitted with MOD 2 on 7 April 2016</u>
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:

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

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

c) Condition 11 of the Future Environmental Assessment Requirements is amended as follows:

Local Streets and Servicing

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.~~

d) Condition 23 of the Future Environmental Assessment Requirements is replaced as follows:

Open Space/Public Access

~~Future application/s shall provide for the embellishment and dedication of a minimum of 4,806m² of public open space to Council.~~

A detailed maintenance program, outlining the ongoing scheduled maintenance of the publicly accessible open space and roads, shall be submitted to and approved by Council prior to the commencement of occupation/use of the development.

e) Condition 24 of the Future Environmental Assessment Requirements is amended as follows:

Future applications shall provide for the embellishment of a minimum of ~~5,287m²~~ **10,093m²** of publicly accessible open space to be maintained in private ownership by the future body corporate.

f) Condition 25 of the Future Environmental Assessment Requirements is amended as follows:

Future applications for each relevant stage shall clearly set out the mechanism **(in favour of Council)** for creating rights of public access to the:

- private roads; and
 - 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.

f) The Statement of Commitments in Schedule 4 is deleted, and replaced with the Revised Statement of Commitments dated 5 May 2015, and submitted with MOD 2.

End of Modification

Attachment 2: Council correspondence

8438_4_SoS_Final_180416

Scott Barwick

From: David Paton <David.Paton@innerwest.nsw.gov.au>
Sent: Wednesday, 21 February 2018 5:48 PM
To: Georgia Macintosh
Cc: Jamie Erken; Grant Flannigan; Pishoy Gobran
Subject: RE: Flour Mill - Outstanding Approvals

Hi Georgia,

The issues have arisen during consultation relating to the Greenway project and reflect concerns of the local community, not just relating to the Greenway but also the impacts of the works to the intersection.

The reason for the delay is that Council's consultants have only just been instructed to prepare the concept plans. We will not actually use your plans for the consultation as we are now presenting a few different options.

Happy to discuss further.

Regards

From: Georgia Macintosh [mailto:gmacintosh@eg.com.au]
Sent: Tuesday, 20 February 2018 9:26 PM
To: David Paton
Cc: Jamie Erken; Grant Flannigan; Pishoy Gobran
Subject: RE: Flour Mill - Outstanding Approvals

Hi David,

It would be great if we could meet to discuss the issues which have been identified with the design. It was our understanding that the technical issues would have been largely covered off by now given that the design has been through multiple rounds of review prior to being submitted to the Local Traffic Committee last September.

Additionally, is it Council's intention to publicly exhibit the current documentation, or is the documentation intended to be revised to incorporate Council's technical concerns first to avoid having to complete multiple rounds of community consultation?

Finally, given the time sensitivity of this approval, is there any reason why we would need to wait until late March / early April to commence this process?

Perhaps we could just on a call tomorrow to discuss the above?

Kind regards,

Georgia Macintosh

Development Manager

A. Level 21, Governor Phillip Tower, 1 Farrer Place, Sydney, NSW 2000 Australia
T. +61 2 9220 7073
M. +61 432 323 540
E. gmacintosh@eg.com.au



From: David Paton [<mailto:David.Paton@innerwest.nsw.gov.au>]

Sent: Tuesday, 20 February 2018 3:13 PM

To: Georgia Macintosh <gmacintosh@eg.com.au>

Cc: Jamie Erken <Jamie.Erken@innerwest.nsw.gov.au>; Grant Flannigan <gflannigan@eg.com.au>; Pishoy Gobran <pgobran@eg.com.au>

Subject: RE: Flour Mill - Outstanding Approvals

Hi Georgia,

We have reviewed the Old Canterbury Road/Edward Street intersection design and concluded that there are a number of issues that need to be dealt with before we can move on to detailed design. These issues have arisen from technical concerns with the design as well as concerns raised by local residents.

To this end, Council will commence a further community consultation process as a matter of urgency.

We will prepare concept plans with options to be presented to the community in late March/early April, with the results to be taken to the Local Traffic Committee meeting in early May. Council will consult with RMS throughout to ensure their in-principle support for the preferred option.

We expect to be able to provide you with clear guidelines for the detailed design in mid-May.

Council fully appreciates the concerns you have raised with the timing of these works and I assure you that we are committed to minimising delays.

We will keep you informed as we move through this process and give you the opportunity to comment on the options to be presented to the community.

In relation to the roundabout design and flood reports, we will get back to you later this week or early next week.

Happy to discuss further if you would like to contact me

Regards

David Paton | Road Access Manager

Inner West Council

P: +61 2 9392 5642 | **E:** David.Paton@innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131

Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040

Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049



Council acknowledges the Traditional Custodians of these lands, the Gadigal and Wangal people of the Eora Nation.

From: Georgia Macintosh [<mailto:gmacintosh@eg.com.au>]

Sent: Monday, 19 February 2018 2:42 PM

To: David Paton

Cc: Jamie Erken; Grant Flannigan; Pishoy Gobran

Subject: Flour Mill - Outstanding Approvals

Hi David,

Thanks again for your time on this phone this afternoon. As discussed, I understand that Council's engineering and Greenway teams are meeting this week to review the updated design for the Stage 3 intersection. Following this meeting, we should be in a better position to understand the path and timeframe forward to an approval. I will touch base with you early next week for some feedback on this meeting.

Additionally, I look forward to receiving an update from you with regards to the following documentation which is awaiting approval:

1. Stage 1 Roundabout – Updated civil drawings
2. Stage 3 Residential – Flood Risk Management Report
3. Stage 4 Residential – Flood Risk Management Report

Kind regards,

Georgia Macintosh

Development Manager

A. Level 21, Governor Phillip Tower, 1 Farrer Place, Sydney, NSW 2000 Australia
 T. +61 2 9220 7073
 M. +61 432 323 540
 E. gmacintosh@eg.com.au



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Scott Barwick

From: Jamie Erken <Jamie.Erken@innerwest.nsw.gov.au>
Sent: Friday, 22 December 2017 5:58 AM
To: Georgia Macintosh
Cc: Grant Flannigan; Pishoy Gobran
Subject: RE: Flour Mill - Outstanding Items

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Georgia,

I will speak to David and let you know.

In the new year we should also talk about the Section 96 / 75w application regarding timing of traffic lights. My preference is for EG and Council to work to try and ensure the traffic lights are complete prior to the issue of the stage 3 occupation certificate. Clearly if delays are apparent in the first few months of the year we can look at lodging a section 96 / 75w application.

Regards

Jamie Erken | Development Assessment Manager
Inner West Council
P: +61 2 9335 2011 | **E:** jamie.erken@innerwest.nsw.gov.au

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Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049



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From: Georgia Macintosh [mailto:gmacintosh@eg.com.au]
Sent: Thursday, 21 December 2017 6:56 PM
To: Jamie Erken
Cc: Grant Flannigan; Pishoy Gobran
Subject: RE: Flour Mill - Outstanding Items

Hi Jamie,

We received approval for the Mungo Scott Flood Risk Management Report last week from David – thank you for following this up on our behalf.

We are still waiting to receive final sign off on the Stage 1 roundabout design. It would be great if we could receive this approval to start the holiday season on a good note.

Kind regards,

Georgia Macintosh
Development Manager

A. Level 21, Governor Phillip Tower, 1 Farrer Place, Sydney, NSW 2000 Australia
T. +61 2 9220 7073
M. +61 432 323 540
E. gmacintosh@eg.com.au



From: Georgia Macintosh
Sent: Tuesday, 12 December 2017 7:33 PM
To: Jamie Erken <Jamie.Erken@innerwest.nsw.gov.au>
Cc: Grant Flannigan <gflannigan@eg.com.au>; Pishoy Gobran <pgobran@eg.com.au>
Subject: RE: Flour Mill - Outstanding Items

Hi Jamie,

Following our conversation mid-last week, could you please follow up on our behalf the approval of the Stage 1 roundabout design and the Mungo Scott Flood Risk Management Report?

Additionally, we are working with our consultant team to prepare a S96 modification application to the Stage 3 consent with regards to the completion of the intersection works.

Kind regards,

From: Georgia Macintosh
Sent: Tuesday, 5 December 2017 11:59 AM
To: Jamie Erken <Jamie.Erken@innerwest.nsw.gov.au>
Cc: Grant Flannigan <gflannigan@eg.com.au>; Pishoy Gobran <pgobran@eg.com.au>
Subject: FW: Flour Mill - Outstanding Items

Hi Jamie,

I've tried contacting you at the office this morning without any luck.

Please see below an email from Ryan Hawken regarding the community consultation session held with the residents on Weston Street last night. It is our understanding that Council would like to resolve the Greenway design with the residents on Weston Street before we are able to proceed with the approval of the intersection design.

Given that these discussions are not progressing towards a resolution in the immediate future, we are even more concerned about the likely timeframe required to obtain approval from Council for this design. We have a building which is now halfway through construction and are facing a serious risk that that we won't be able to obtain an Occupation Certificate to settle on 235 apartments due to this approval. We have been working with Council on this approval for over a year and the requirements from Council's engineering and Greenway teams continue to change and delay this process. We would appreciate if Council could please respond to our request (attached again for your reference) regarding a S96 amendment to the Stage 3 development consent.

We are also still anxiously awaiting a response on the approval of the Stage 1 roundabout design and the Mungo Scott Flood Risk Management Report. It is our understanding that we have provided Council with all information requested and required to issue these approvals. Additionally, in our meeting with Council on 13 November, David Paton advised that the Flood Report was approved and that a formal response would be issued imminently. Could you please follow this up as a priority?

I will try contacting you at the office again later this afternoon to discuss.

Kind regards,

From: Ryan Hawken [<mailto:Ryan.Hawken@innerwest.nsw.gov.au>]
Sent: Tuesday, 5 December 2017 11:43 AM
To: Georgia Macintosh <gmacintosh@eg.com.au>
Cc: David Paton <David.Paton@innerwest.nsw.gov.au>
Subject: RE: Flour Mill - Outstanding Items

Hi Georgia.

We met with a number of Weston Street residents last night for the Greenway project. Parking and traffic were the hottest topic on the night. If you would like to have a joint meeting we are proposing another meeting with residents in late January or early February (after the Christmas break).

Thanks for the attached drawings. I'm after the autocad format drawings (i.e. .dwg format) of the attached to enable our designers to import into their designs. Are you able to provide these?

Regards

Ryan Hawken | Project Manager Greenway Delivery
Inner West Council
P: +61 2 9335 2246 | E: ryan.hawken@innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
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From: Georgia Macintosh [<mailto:gmacintosh@eg.com.au>]
Sent: Monday, 4 December 2017 7:48 PM
To: Ryan Hawken
Subject: RE: Flour Mill - Outstanding Items

Hi Ryan,

I understand that you were planning to meet with the residents on Weston Street sometime this week to discuss the proposed changes that the Greenway will have on this area. Could you please advise whether this meeting has taken place yet and, if not, whether I might be able to attend?

Please also see attached the requested civil drawings.

Regards,

Georgia Macintosh

Development Manager

A. Level 21, Governor Phillip Tower, 1 Farrer Place, Sydney, NSW 2000 Australia
T. +61 2 9220 7073
M. +61 432 323 540
E. gmacintosh@eg.com.au



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