

Subject	2-32 SMITH STREET SUMMER HILL CONCEPT PLAN APPLICATION
File Ref	FLOUR MILLS
Prepared by	Con Colot - Senior Strategic Planner & Projects
Reasons	Respond to public exhibition of Concept Plan Application
Objective	Council to advise Department of Planning & Infrastructure on Council issues regarding Concept Plan Application

Overview of Report

A Concept Plan application for *a mixed use residential, retail and commercial development* on the former Allied Mills site in Summer Hill has been lodged with the Department of Infrastructure and Planning (DOPI), and is on public exhibition between 29 June 2011 and 12 August 2011. DOPI will assess the application and provide a report to the Planning Assessment Commission who will determine the proposal.

The purpose of this report is to describe the application, make recommendations on what to advise the DOPI, and for Council to determine its response to the DOPI.

A summary of the Concept Plan process is given in the report, followed by a description of the content of the Concept Plan application, and then an examination of the key town planning issues to consider.

1.0 Background

EG Funds Management owns the former Flour Mills site at 2-32 Smith Street Summer Hill. Following on from an application the site owners made to the DOPI, Director General Requirements (DGRs) (see **Attachment 1**) were issued in early 2011 which allow for a Concept Plan application (explained below) and Stage 1 Project Application (explained below) to be lodged with the DOPI.

The Concept Plan application was lodged with the DOPI relatively recently for public comment. The Planning Assessment Commission (PAC) will determine the proposal. The PAC is a panel whose members are appointed by the Minister to assess special projects.

What are Director General Requirements?

DGRs are issued by the DOPI and allow the lodgement of a Concept Plan application. They specify the type of land use and extent of design and issues that will need to be addressed in the application.

DGRs were issued in early 2011, and extracts of the Concept Plan application are contained in **Attachments 2, 3 & 4**. Council cannot object to or change any of the requirements of the DGRs.

What is a Concept Plan Application?

A Concept Plan Application (CPA) has a similar function to that of an amendment to a local environmental plan, with the difference being that it may specify a larger range of matters to be permitted on a site and include these matters on architectural and landscape plans.

A CPA will allow the land uses and concept development designs in the locations shown on the approved documents, including

- land use type (e.g. flats, commercial, retail, etc).
- maximum amount of floor space.
- maximum building height.
- locational elements such the location of streets/roads, buildings, car parking,
- buildings to be retained.

A CPA will also include a 'Statement of Commitments' which include a list the works the developer will undertake as part of the project. This can include payment of monies such as Section 94 contributions, or the construction of specific infrastructure works.

A CPA also has a similar function to a Development Control Plan, in that its documentation provides design guidelines for a future Project Application (explained below).

The PAC, when determining whether or not to approve the CPA, will therefore be determining the land use, building and landscape design parameters for the site. It is therefore important for Council to put forward its views to the DOPI on how the proposal measures up against the DGRs and any external site impacts.

What is a Project Application?

A Project Application (PA) is one which has a similar function to a development application, but must follow the design and written content of any approval given to a CPA. It is at PA stage when the detailed impacts of a development are again supposed to be assessed. However, in theory it would be difficult to refuse any PA if it was strictly meeting the design shown on an approved CPA.

Noting that there must be a CPA, and thereafter a PA approval, the DOPI have verbally advised that there is currently **no** Project Application lodged for the former Flour Mills site.

2.0 Description of Concept Plan Application

DOPI describe the proposal as:

“Concept Plan application for a mixed use residential, retail and commercial development to be constructed in four stages including re-use of 6 existing buildings and structures and new building envelopes ranging from 2-11 storeys in height accommodating approximately

280-300 dwellings, 2,500-2,800m² of retail space, 3,500-4,000m² of commercial space, at-grade and basement parking, public open space, new public streets and associated infrastructure works”.

The former Flour Mills site is contained within both the Ashfield LGA and Marrickville LGA. The documentation to consider is voluminous and includes an Environmental Assessment, Concept Plan Report and Drawings, Transport Management Accessibility Plan, Heritage Assessment, Drainage Water Management Flooding Utilities Report, Geotechnical Assessment, Economic Impact Assessment, Acoustic and Vibration Assessment, ESD Report, Flora and fauna Assessment, Target Long Nosed Bandicoot Survey, Environmental Site Assessment, Aboriginal Heritage Assessment, Machinery and Equipment Heritage Assessment, Historical Archaeology Assessment, and Draft Statement of Commitments.

Key documents to consider are the Concept Plan-Architectural Plans, which show how the site will be spatially arranged, and the written description in the applicant's Environmental Assessment, both contained in **Attachments 2, 3 & 4**. Parts 2.1 and 2.2 below give a general summary of the proposal within each LGA. An aerial perspective illustrating the proposal, maximum building heights plans, and staging plan are shown on the next pages of this report.

(Refer to concept plan over next page)

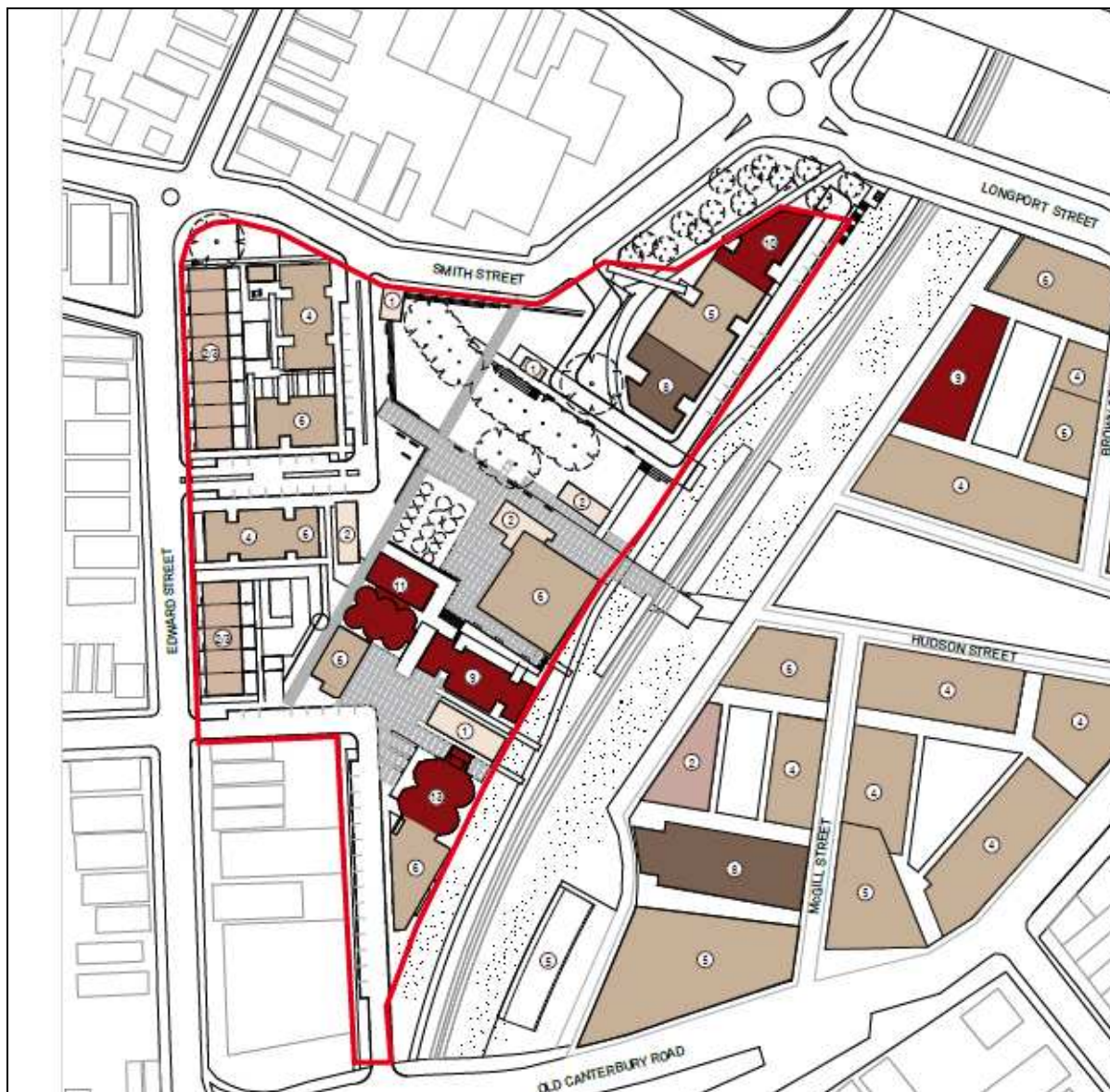
Extract of Concept Plan showing perspective and how buildings and landscape are arranged around the site.

Site is shown within red boundary.



Extract of Concept Plan, page 26 “Building Heights” showing maximum building heights in relation to proposed number of maximum storeys.

Site is shown within red boundary.



Extract of Concept Plan, page 41, “Indicative Staging Plan”, showing locations for how the development will be staged.

Site is shown within red boundary.



Description of proposal within Marrickville LGA.

- 2.1 The Marrickville part of the proposal, on the north-western corner of the site, is proposed to have part 8, 5 and 10 storey residential buildings, whose building footprint occupies most of that part of the site. Buildings are accessed off a proposed roadway which connects with Smith Street, Summer Hill.

Description of proposal within Ashfield LGA.

- 2.2 The part of the development within the Ashfield Council area contains:
- northern and southern parts of Edward Street buildings having low rise (2 to 3 storey) residential flat buildings, except for the middle part which has a gap containing a new wide street (due to parking bays located on both sides of the street) flanked by 4 to 6 storey buildings.
 - a line of 4 storey buildings to the north west of the site behind the Edward Street buildings.
 - retention of some historic buildings, the main ones being the Mungo Scott building, and some silo structures, with open space retained around those buildings.
 - demolition of the former timber silos building (adjacent the Mungo Scott building) and replacement with a 9 storey residential building.
 - the retention of the western silos structure, to which an 11 storey residential building is proposed to be attached.
 - the retention of the southern silos structure with the addition of 3 residential levels (replacing existing roof plant areas) and having external fire stair extrusions.
 - areas of open space dispersed around the site, some with deep soil planting, others paved to act as potential 'urban' spaces. This will include potential for access to a future light rail station and GreenWay pedestrian/cycleway trail.
 - internal streets and footways to service the development, and potentially make it permeable to the public.

The amount of floor space for the Summer Hill part of the proposal has not been specified. The Environmental Assessment document instead gives the following figures for both the Marrickville and Ashfield part of the proposal:

- 280-300 dwellings.
- 3,500 – 4,000 sqm of commercial space
- 2,500-2,800 sqm of retail space
- 450-500 basement car parking spaces in basement car parks provided below the new buildings
- 50-70 on-street car spaces
- 8,400 sqm of publicly accessible open space

The development is proposed to be staged into 4 parts, shown on the staging plan on the preceding pages. This means that individual parts of the site will be able to be constructed separately and be sold and developed individually.

Part 5.16 of the Environmental Assessment states that the developer will pay Ashfield Council Section 94 contributions in accordance with Council's Section 94 plan.

3.0 Key issues

As explained above the DGRs allow the lodgement of a CPA, and specify the type of land use and type of design and issues that will need to be addressed in the application. Council cannot change these 'rules' but may comment on whether their requirements are being met by the proposal.

Attachment 1 has a table containing the DGRs and officer comments, which are expanded on below.

3.1 Staging Plan

This shows 4 stages, and shows how the parts of the site can be individually developed. It is similar to a subdivision plan. Issues that arise from this are:

Each of the stages will be able to be separately developed or potentially subdivided and sold. This creates complexities and uncertainty for how each development stage will share the burden of providing the various infrastructure works located on other parts of the site or external to the site (see part 3.2 below for a list of concerns in relation to staging). Each development stage will have to be able to identify the parts of the site to be used for private or public open space. The DOPI should ensure that these matters are resolved prior to the release of any Project Application approval.

3.2 Civil Engineering

The following matters have been discussed with Council's engineers:

(i) Stormwater

The applicant's consultant's report explains that the site is subject to severe flooding from Hawthorne Canal, with flood levels approx 1.5 m deep within the site adjacent and around the stormwater canal. This will have an affect on the ground level use of the historic Mungo Scott building and on the public access ways to the future light rail station and GreenWay trail. This needs to be resolved so that these areas are safe to use. The DOPI will need to ensure the Concept Plan adequately addresses the potential flooding impacts through appropriate flood mitigation measures. The capacity of existing stormwater network external and internal to the site, and whether it needs upgrading also needs to be resolved.

(ii) Road and footpath infrastructure within site, and potential future dedication to Council.

The applicant's Environmental Assessment Report states that the present site owners intend to dedicate to Council (put in Council's ownership) internal roads and footpaths. This is desirable because it will allow the site to be permeable (accessible by the public and not gated/sealed off), and for visitors to be able to use on site car parking. It is also desirable because it will allow public access to the future Light Rail Station and GreenWay trails (on State Government owned land). However, issues that arise from the above are:

- will the road and footpath design be designed and constructed to meet Council standards, including for servicing the development (garbage collection, etc), public safety and accessibility?
- compensation costs to council for future maintenance by Council.

The applicant's Statement of Commitments is relatively vague on how the above will be resolved. The above matters should be resolved prior to the release of any Stage 1 Project Application.

(iii) Road Infrastructure external to site

The applicant's traffic consultant explains that the following works are required in order to be able to minimise local traffic impacts:

- traffic lights at intersection of Edward Street and Old Canterbury Road.
- roundabout at intersection of Smith Street and Edward Street.

The Statement of Commitments is relatively vague on when and how the above will be constructed, and who will pay for their construction. The above matters should be resolved prior to the approval of any Stage 1 Project Application.

There is also little indication in the applicant's traffic consultant report of how:

- "rat runs" through local streets will be prevented, such as median islands in Edward Street.
- repairs to roads during construction, and calculations for compensation costs to Council.
- costs for implementing any resident parking schemes, if required.

3.3 Heritage Conservation.

The areas to be retained are shown on small scale drawings, (on page 40, Figure 3.7 in **Attachment 4**) and include the Mungo Scott building and some silo structures.

For the structures being proposed to be retained and conserved, there is generally an absence of detailed architectural and landscape documentation to give certainty as to what precisely will be conserved, for example:

- there are no adequate, large sized, measured, drawings of the historic buildings.
- there are no adequate large sized, measured, open space curtilages prescribed around the historic buildings.
- noting the previous Flour Mills use, there is no architectural explanation of how this cultural significance, being a combination of architecture and technology (delivery, flour making, dispatch) will be explained/demonstrated in the design for the building and landscape fabric in the proposal.
- the large wooden silos building to the south of the Mungo Scott building is proposed to be demolished on the basis that it is not capable of reuse due to its very fragile structure, e.g. parts of it consist of timber poles and corrugated iron cladding. The applicant states there will be interpretive structures to replace them. However, there are no designs for this, with the required interpretive detail.

If the CPA is approved, and the buildings to be retained are denoted as having high heritage significance, it is unclear exactly what this would mean given in the absence of any specific definitions or detailed requirements. Again, due to lack of any architectural detail, any assurances are vague and open ended. For example to what degree can the retained buildings be altered?

Any Concept Plan approval should therefore have a requirement that:

- irrespective of what is shown on the Concept Plan, demolition approval is required for any structures on the entire site, subject to assessment under the heritage provisions (Part IV) of the Ashfield LEP.
- the heritage provisions of the Ashfield LEP apply to consideration of any Project Application on the site, including buildings and landscapes.
- heritage conservation listing be given to the site, in the applicable planning instrument.

3.4 Urban Design

In terms of broad principles the urban design concept for the proposal provides:

- adequate areas of open space. These are equal to approx 30 percent for the entire site, (i.e. approx 7550 sq metres of useable space) which meets the 25-30 percent rule of thumb required for communal open space pursuant to the Residential Flat Design Code. This include a 'central private park' adjacent to Smith Street and 'civic square' type spaces.
- northern and southern parts of Edward Street buildings have low rise flat buildings, divided by a middle part/gap having a new wide street (due to parking bays located on both sides of the street) flanked by 4 to 6 storey buildings.

- retention of some historic buildings, with open space retained around those buildings.
- new tall buildings placed alongside existing tall buildings.
- the site being potentially permeable for the public, including a potential (whilst not precisely defined) pathway spine to a future light rail stop and the GreenWay.

The applicant's perspective drawing in this report shows the degree and quality of the design of the site.

Issues arising for the concept design include:

- (i) The absence of any details for footpath/verge treatments along Edward Street. It would be desirable if this area was wide enough to take a continuous line of trees, (after taking into consideration several in ground services, e.g. gas, telecommunications, etc, which need to be accommodated).
- (ii) No front gardens for the low rise apartments proposed along Edward Street. These should have a minimum 5 m wide deep front soil zone for gardens and trees, which does not have any basement car parking below it. This is important given that a front garden setting is the urban design typology of the western side of Edward Street (which is also a heritage conservation area) and good urban design practice. Deep soil planting is also a requirement under the Residential Flat Design Code.
- (iii) Impact of 4-6 storeys buildings opposite the Edward Street Conservation Area.

The 'middle zone' of buildings proposed along Edward Street has one six storey building, setback approximately 20 m from the Edward Street boundary, and one part four, part six storeys on the boundary with Edward Street. This is in a close visual proximity to properties on the western side of Edward St (which are within a Conservation Area). A new street proposed in this area is a particularly wide space and will result in more traffic entering and exiting this part of Edward Street. Impacts likely to arise from this street location include traffic noise and car lights affecting existing houses directly opposite.

Despite the DGRs there has not been any Visual Impact Assessment equal to an appropriate industry standard type, and no use has been made of Council's "SIMURBAN" computer model (which gives a photorealistic representation of space) to assess impacts, or justify these the taller building heights. Such an analysis could examine the location of key viewpoints, the degree of visibility of structures, degree of compromise on the existing neighbourhood character, and whether there is an intrusion on resident privacy.

An alternative lower impact urban design option along Edward Street would be to have a continuous line of low rise buildings (architecturally modelled, detailed, and landscaped to respond to the typology of the heritage housing along Edward Street), with a minimal gap between buildings for a footway, framed by tree planting, leading to the middle of the site. Any other buildings behind this should have been limited to four storeys, not six storeys. Roadway access could be off the

southern part of Edward Street, thus minimising ‘traffic nuisance’ in the middle area of Edward St.

- (iv) Absence of any basic detailed architectural vocabulary for the site.

Despite the historic buildings, and adjacent conservation areas, and that the community consultation sessions revealed that the character of the area and the compatibility of the character of new development have high importance for local residents, there is no detailed indication of the ‘architectural vocabulary’ to be used. This is normally an urban design consideration in such circumstances. The concept proposal only indicates generic themes with slabs of concrete and glass infill.

- (v) The concept plan should show the areas of the site which will accommodate waste management. These are likely to be large, catering for both residential and business uses, and need to allow provision for large trucks to access and manoeuvre and for appropriate screened storage areas. They should be located in way which does not diminish the urban design quality of the various landscaped open space areas distributed throughout the site.

3.5 Density

The concept plan proposal states that the proposal will have a floor space ratio of between 1.4 and 1.6:1 based on the figures listed in the table below.

Site Area		24,738m²
GFA	Residential	29,000 - 33,200m ²
	Commercial	3,500 - 4,000m ²
	Retail	2,500m ² - 2,800m ²
Total		35,000 - 40,000m²
FSR		1.4:1 to 1.6:1
Dwelling Mix		
Type	Number	Mix%
1 bed	115-125	35-45
2 bed	125-140	40-60
3 bed	22-30	5-10
4 bed terrace	14-18	
Total	280-300	

As there are no detailed plans submitted for the site, which can be independently measured, the above figures cannot be verified at this stage. Notwithstanding this the above range of FSR, if accurate, is not unreasonable given the site’s context and the fact it is a unique ‘brownfields’ opportunity in the inner west. Council’s current controls for the Summer Hill village allow a maximum FSR of 1.5:1 for mixed development. The site’s current industrial zoning allows an FSR of 1:1.

The draft Marrickville LEP includes a range of FSRs for the McGill Street precinct which range from 1.7:1 to 3.0:1 – the lower figures at the northern end and the higher at the southern end of the precinct. The McGill Street precinct is quite fragmented in terms of its

ownership so the FSRs have partly been developed to facilitate the amalgamation of parcels.

3.6 Social Considerations

The DGRs call for some degree of commitment to Affordable Housing. State Environmental Planning Policy no 65 also requires when formulating environmental planning instruments/DCPs/masterplans that one has to address the “***Social Dimensions and Housing Affordability***” principle.

What is meant by ‘affordable housing’, is not defined in the DGRs, but is usually housing that can be given to the Department of Housing, which becomes public (social) housing, or housing given to a community housing provider.

The applicant’s consultant states in part 5.3.2 of the Environmental Assessment that no affordable housing will be provided with the Concept Plan proposal but the opportunity remains for such housing to be negotiated through voluntary planning agreements linked to subsequent Project Plan applications.

A housing mix is stated in Part 4.4 of the Environmental Assessment, specifying that 35-40 % of housing will be one bedroom, and so a small size, thus obviously a cheaper alternative. However, the maximum size of such one bedroom housing has not been stated.

The Ashfield Development Control Plan requires the provision of affordable housing as a community benefit for development within the Ashfield Town Centre which exceeds specific building heights (which are generally well below the taller buildings proposed for the Mills Site). The requirement is not less than 5% of the gross floor area of all dwellings developed on the site or an equivalent market value cash contribution for the provision of affordable housing. It is recommended that such a requirement be applied to the Concept Plan proposal.

Despite the DGRs there is no commitment for applying ‘universal accessible design’ for the interior of apartments. (Note amendments to the Building Code of Australia now apply to apartments, and various other building types, requiring them to be fully accessible up to their point of entry).

It is important that the development does not become a ‘gated’ community, and the applicant has stated that the intention is for the entire site to be permeable. How this is implemented and made certain should be resolved at Concept Proposal application stage. It is not appropriate for the Council to have to deal with future property owners and/or developers over this issue (i.e. should the proposal be subdivided, staged and have multiple owners) or a future strata corporation which may have issues with public access throughout the site.

3.7 Issues arising from proposal within Marrickville LGA.

The Concept Plan shows a part 8, 5 and 10 storey building solution within the Marrickville LGA part of the site. Issues which arise are:

- (i) The Concept Plan proposes a part 8, 5 and 10 storey building solution within the Marrickville LGA part of the site, and argues in part 5.1.13 of the Environmental Assessment that the proposal supports the Marrickville McGill Street Masterplan. However, this Masterplan shows no controls for this site.

Again, despite the DGRs there has not been any higher level industry standard Visual Impact Assessment, and no use has been made of Council's SIMURBAN model (photorealistic 3 dimensional model) to assess proposed tall building height impacts, or justify their heights.

One key viewpoint vista is down Smith Street, looking east toward the former Flour Mills site. Whilst the middle 5 storey part aligns with the axis of the vista down Smith Street, presumably to respect this vista and give a distant 'mid level' rise visual impact. However, it is likely the taller 8 and 10 storey parts will be able to still be viewed, resulting in a profound change in character and scale for the area.

Other viewpoints exist from residences within the Ashfield LGA, which are within in close visual proximity to the proposal, and which are to the west of the proposal. An 8 -10 storey proposal will have a profound alien change in character and perceived scale for the self evident low rise typology of these places.

The current Marrickville draft DCP (which reflects the McGill Street Masterplan) requires a maximum part 4/5/6 storey height limit for buildings along Canterbury Road, where there is an urban design interface with the public realm. It follows this should be the maximum for the proposal along Smith Street, not a maximum of 8-10 storeys.

- (ii) Given this part of the proposal is in a different municipality, and will be serviced by Marrickville Council, it needs to some degree be treated as an individual site in relation to servicing of the site for waste management. The Concept Plan should show the areas of the site which will accommodate waste management. These are likely to be large, and need to allow provision for large trucks to access and manoeuvre and for appropriate screened storage areas. They should be located (preferably "out of view") so that they do not diminish the quality of the nearby communal open space areas and the future GreenWay corridor.

3.8 Traffic Impacts

Council's engineers have noted the applicant's traffic report. This takes into consideration the cumulative impacts of the Flour Mills site, the 'Lewisham Towers' proposal in Marrickville, and extent of development that will result from the McGill Street precinct under Marrickville's draft LEP. It acknowledges that the area currently has severe traffic flow problems at peak hour, and that the cumulative impacts of future development will exacerbate this congestion. However, the report concludes that the major contributor will be development in Marrickville, and that the amount of additional traffic generation will not be of a degree that justifies refusal of the Summer Hill proposal.

Council's traffic consultant and Manager Strategic Planning & Projects attended a meeting with the Roads and Traffic Authority on 13 July 2011 to review the applicant's traffic report.

The RTA's comments are still being formulated .It is likely they will require the applicant to do additional traffic modelling to provide more clarity on the amount of additional traffic generation in the area in order to demonstrate the full traffic impacts in more precise and accurate detail and thereby provide options for additional traffic management improvements. One difficulty at the moment is that the Lewisham Estate proposal is being revised so the traffic engineers are unable to model its impacts until revised plans are exhibited for further comment. It is understood that the revised proposal will be a scaled back version of the original scheme.

Council's traffic consultant is also of the view that the CPA requires more modelling to address traffic impacts at major road junctions, roundabouts and proposed and existing traffic lights and this also needs to include micro-simulations. In addition, the current study areas should be expanded to examine the road networks beyond the immediate vicinity of the new development areas. Council will no doubt recall that it has resolved on a number of occasions to request the RTA conduct a cumulative traffic impact study of the sub-region to look at traffic congestion and holistic solutions to it.

The major issues constraining peak traffic flows are the capacity of the road network running east/west parallel to the rail corridor and north/south under the rail corridor. Short of the major acquisition of land and widening of these sub-arterial roads there is no real solution to resolving the existing capacity problem. Minor improvements and adjustments can be made at key junctions but the current peak hour congestion will essentially continue to get worse. Should this then be justification for restricting future residential development? As the applicant rightly points out even if the site were to be used in accordance with its current industrial zoning traffic arising from such a use would also have a major impact on the current road network. It would also generate more heavy vehicle trips throughout the local road network.

The legacy of this proposal and the redevelopment of the Marrickville McGill Street precinct should be the respective developers delivering all the required traffic management improvements that have been recommended to date in addition to other improvements that may be required as a result of any recommendations by the RTA in their submission to the DOPI.

In the applicant's Statement of Commitments the following statement is made in relation to traffic infrastructure upgrades:

"The relevant intersection and traffic management upgrades identified in the TMAP prepared by ARUP (Attachment 4) attributable to the development will be implemented as required by detailed staging assessment".

The ARUP report lists a number of intersection improvements including new traffic lights, widening of intersections, new roundabouts and other traffic management measures, some of which will require the acquisition of property. The Concept Plan assessment and determination needs to consider how many of these improvements can be delivered, particularly where acquisition of land is required (how will the developer guarantee such land will be made available?). In addition, these improvements need to be outlined in detail so it is explicit what external works will be required to be undertaken and when. Thresholds of development need to be established which will trigger the need for certain works at a specific time in the development cycle. This needs to be upfront and not the

subject of future negotiations with a potential diverse array of developers should the site be sold off and developed in separate stages.

The Summer Hill area will also be affected by the future light rail station and the general public using this, and parking in local streets (kiss and ride), and use of local streets for detours. Council should also request the DOPI to have the applicant provide, in sufficient schematic design detail, options to show how local streets could be adapted to minimise any 'rat runs' – e.g. location of traffic devices/median islands and partial street closures), and costs for implementing any local resident parking schemes, should they be warranted. Any such ideas would only be used as information to assist Council to determine how to address local traffic management, and potential costs. Council would have the final say on which traffic management solution would be provided for its local street network.

3.9 Economic Impacts

The applicant's consultant's report indicates that there will be not be a significant affect on trade to the existing Summer Hill Village Centre arising from the Flour Mills development. It predicts a potential 5% short term decline in trade, but this will be absorbed within a 13 percent Summer Hill Village Centre growth rate between 2010 and 2018. The impact on the small strip neighbourhood village in Lewisham will be more significant.

In terms of the impacts arising from development of the Flour Mills site and the McGill Street precinct (in accordance with the Masterplan) the impact on the Summer Hill Village Centre increases to 7.5% which is still relatively low.

The big unknown is what will be in the revised Lewisham Estate concept proposal. If it still includes a small supermarket the level of impact upon the Summer Hill Village Centre will be more significant at around 17%.

The economic modelling shows that the introduction of a new supermarket into the immediate locality could have a significant impact on local trade and reinforces the need for restrictions on the subject proposal which prevent the establishment of a supermarket on the site. It is therefore recommended that should the concept plan application be supported by the DOPI restrictions be included which prohibit the establishment of a supermarket and require retail tenancies to be limited in their scale and size to reflect the local village character.

4.0 Potential for Public Open Space

The proposal's design provides a type of small 'private park', of approx 4,500 sqm (equivalent of approx 9 modestly sized house blocks), to the north west of the Mungo Scott building, between Smith Street and the Hawthorne Canal. This is shown on the site plan on the next page. This area has a unique and rare opportunity for future public open space. This is a relevant matter for consideration at Concept Plan application stage, since the DGRs (Public Domain - Open Space) requires resolution of the matter for linkages to the future light rail station and GreenWay, and connectivity to the proposed park to the east of the site within Marrickville (shown in the McGill Street Masterplan). Also, if Council had been in a position to determine new 'uplifted' land use controls for the site in the Ashfield LEP, it is possible that this matter would have been pursued as a normal part of town planning considerations.

It would benefit the local community if the land was made public open space, after its development, and vested into Council ownership. The DOPI should also be requested to assist with this given the access the public open space would provide to the State government funded and managed future light rail station.

The proposal makes reference to the public having the right to access land within the Flour Mills site but does not specifically detail how this will be achieved. The following statements are included in the Statement of Commitments:

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.

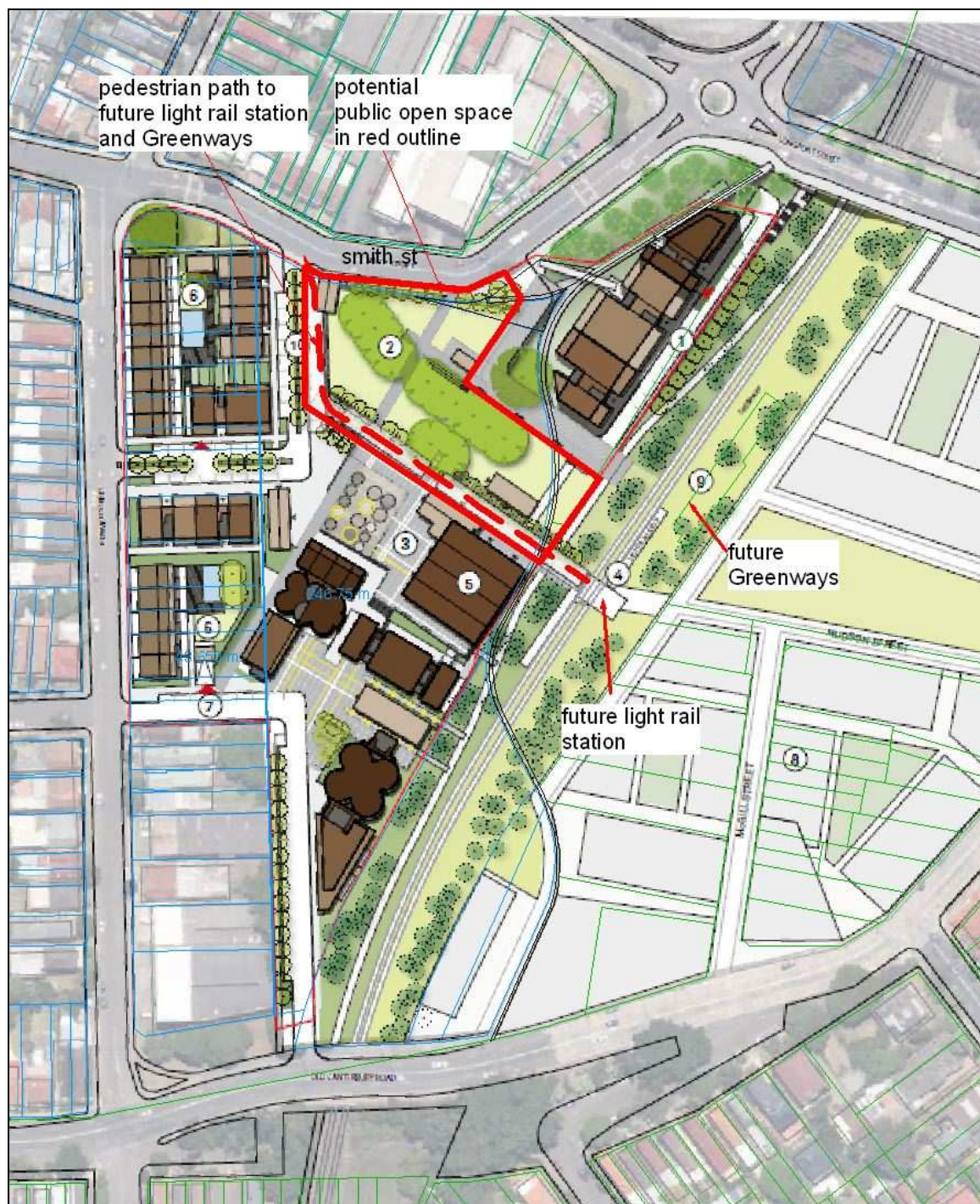
These statements leave the matter to be sorted out in ‘future stages’ of the development. Such an arrangement is unacceptable and would make the issue of public access very difficult to resolve – one can envisage a future scenario where we see a strata corporation unhappy with “their open space” being used by the general public whilst strata corporation fees are being collected to assist in its maintenance and up keep.

In addition, the proposal includes the provision of buildings within this open space which could be used for commercial/retail purposes. The specific use of these buildings has not been defined or detailed in the proposal. Should Council wish to pursue the dedication of the major communal open space as public open space then these buildings should be removed from the concept plan.

The matter of dedication of public open space should therefore be addressed prior to any Concept Plan approval. This should be undertaken by specifying on the plan the location and area of land to be dedicated, and showing on the Staging Plan when it is to be dedicated. This should preferably be developed as part of the first stage of the development so that all subsequent stages of the proposal have access to this space. The dedication of identified public open space should also form part of the Statement of Commitments.

(Refer to open space plan over next page)

Site Plan showing potential area for public open space.



Financial Implications

Potential costs arising from construction of the development have been identified in the planning report.

Other Staff Comments

Engineering

Council's engineers have examined the Concept Plan, and their comments have been included above in the relevant part of this planning report.

Heritage

Council's Heritage Adviser has examined the proposal and his advice has been incorporated into the section of the report dealing with heritage issues.

Sustainability

Comments from Council's Sustainability team are contained in **Attachment 5**. The Sustainability team request that DOPI check the adequacy of surveying methods for bandicoots, that the applicant's consultant recommendations for bandicoot protection be followed, and request additional information pertaining to contamination issues.

Conclusion

This planning report has identified various parts of the CPA that need further consideration and which are identified in the recommendation to Council. These include: ensuring that key infrastructure works required to make the development function are implemented by the developer at the developer's cost, at the appropriate stage, and are adequately specified in the application. Concerns have been identified with parts of the design of the proposal, including excessive building heights near Edward Street and the Marrickville part of the development, and lack of detail for the heritage conservation of structures on the site. Resolution of traffic impacts though local streets have also not been adequately addressed.

Council should also take the opportunity to seek creation of public open space on the site which will also provide public access to the future light rail station and GreenWay.

It is recommended that the report and any further recommendations proposed by the Council be forwarded to the Department of Planning and Infrastructure.

ATTACHMENTS

Attachment 1	DIRECTOR GENERAL REQUIREMENTS	11 Pages
Attachment 2	ENVIRONMENTAL ASSESSMENT	75 Pages
Attachment 3	ARCHITECTURAL PLANS	9 Pages
Attachment 4	ARCHITECTURAL PLANS CONTINUED	18 Pages
Attachment 5	SUSTAINABILITY COMMENTS	2 Pages

RECOMMENDATION

1/2 That in respect of the Concept Plan Application for the land at 2-32 Smith Street Summer Hill, the Council advise the Department of Planning and Infrastructure that:

1/7 The applicant for the Concept Plan Application has not addressed all the Director General Requirements as outlined in the planning report to Council and as summarized below:

- (i) An adequate Visual Impact Assessment has not been provided, and no use has been made of Ashfield Council's SIMURBAN three dimensional computer model, and so an assessment of the impacts of increased building heights on existing neighbouring residential areas in Summer Hill cannot be adequately determined. Issues requiring further consideration include:**
 - the excessive height of 6 storey flat buildings near the boundary with Edward street, and their impact on existing housing along Edward Street, which is also a Heritage Conservation area.**
 - the excessive height of 8 and 10 storey buildings within the Marrickville LGA, and their impact on predominantly one and two storey residential areas to the west, and north west in Summer Hill, and the impact on the public vista along Smith street.**
- (ii) Properties along Edward Street should have a minimum 5 m wide deep soil zone for front gardens and trees, free of any basement car parking.**
- (iii) The verge/footpath area along Edward Street should be wide enough to take large tree planting.**
- (iv) There should be a commitment by the site owner to provide not less than 5% of the gross floor area of the residential component of the proposal as affordable housing.**
- (v) The Concept Plan should have requirements for Universal Accessible Design which are the same as those found in the Ashfield DCP 2007 and apply to the interior design of apartments.**
- (vi) The documentation for the heritage conservation of the site is inadequate for the reasons identified in the planning report, and the site should have a heritage listing and controls protecting the historic structures and landscape equal to that found in the Ashfield Local Environmental Plan.**
- (vii) Flora and fauna impacts, and contamination issues, have not been adequately addressed.**

2/7 The Statement of Commitments are not sufficiently detailed, including an absence of any itemising of specific works and making reference to

specific plans and timing for works, and an absence of assignment of their costs to the developer, with regard to:

- (i) Site infrastructure which is external to the site, which consists of works listed in the applicant's traffic report and includes traffic lights at the corner of Canterbury Road and Edward Street, and a traffic island on the corner of Smith Street and Edward Street, and any Road Traffic Authority requirements. This work should be constructed at the completion of Stage 1 part of the development, and shown on the Staging Plan.
- (ii) Damage to local streets as a result of construction on the site, and repair of streets and managements of local streets, to the satisfaction of Council.
- (iii) Damage or upgrading of stormwater pipes by the developer external to the site which collect and dispose of regional stormwater, and ones travelling within site leading to Hawthorne parade, to the satisfaction of Council.
- (iv) Exact location of pathways for public access to the light rail station, including specifying a sufficient width and gradient and pavement finish so that the general public, including those persons with disabilities, will be able to use this safely.
- (v) All internal streets and public footpaths to be designed and constructed to Council's satisfaction, so that Council trucks and other vehicles they are able to service the development and there is no use of Edward Street and Smith Street for this purpose, and that construction materials are of a long lasting type. This work should be constructed at the completion of any Stage 1 part of the development, and be shown on the Staging Plan.
- (vi) Treatments of flood affected parts of the site, so as to minimise any danger to the public.
- (vii) Other matters identified in the planning report to Council.

3/7 That the staging plans are not adequate to resolve the matter referred to in resolution A2 above at Concept Application stage. In addition, the staging does not detail how private open space and roadways and footpaths will be allocated within each stage, and the timing of the construction of external infrastructure works and the other relevant matters identified in the planning report to Council.

4/7 That the matters described in resolutions A1, A2, A3 be resolved with the agreement of Ashfield and Marrickville councils prior to the approval of any future Project Applications or Development Application.

5/7 The Department of Planning and Infrastructure recognise the multiple

overlapping town planning and governance issues needing resolution prior to determination of the Concept Plan Application and work with Ashfield Council to resolve these matters in the public interest.

6/7 Section 94 payments must be made to Ashfield Council, based on the rates specified in Ashfield Council's Section 94 Plan.

7/7 The proposal should not include the provision of a supermarket on the site and that retail activities in general be restricted to small scale tenancies which reflect the character of the existing Summer Hill village.

2/2 That with regard to the land at 2-32 Smith Street Summer Hill, that :

1/3 Council take the strategic opportunity to advise Department of Planning and Infrastructure that the site owner should place in Council's ownership, at no cost to Council, the open space at the north-west part of the site, between Smith Street and the Hawthorne Canal, in order to make it public open space given that:

- it has potential use as a community park.**
- it is adjacent to the future GreenWay which is proposed to commence construction in the near future.**
- part of it is necessary to access the future Light Rail station.**

2/3 Requirements for dedication of public open space to Council referred to resolution B1 be placed in the Set of Commitments on any Concept Plan approval.

3/3 Dedication of the public open space referred to in Resolution B1 occur after the public open space has been created including all landscaping and open space fit out, and no later than the completion date for any Stage 1 development, and this be reflected on the Staging Plan.

PHIL SARIN
Director Planning and Environment

ATTACHMENT

Concept Plan 2-32 Smith St Summer Hill

The following contains Director General Requirement in the left column, with Ashfield Council officer comments in the right column.

The Environmental Assessment (EA) must address the following key issues:

1. Relevant EPI's Policies and Guidelines to be

Addressed

Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in Appendix A.

2. Built Form/Urban Design

- The EA shall address the height, bulk and scale of the proposed development within the context of:
 - the surrounding residential area including heritage conservation area/s; ⁱⁱ the heritage buildings to be retained on site;
 - the adopted Marrickville Council McGill Street Precinct Masterplan; and
 - the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195).
- The EA shall provide the following:
 - ⁱⁱ Detailed envelope/height and contextual studies demonstrating how the proposal relates to the height of the existing, proposed and approved developments surrounding the subject site and in the locality to ensure the proposal integrates with the local environment and the public domain;
 - Options for siting and orientation of building envelopes, massing and articulation;

The former Flour Mills site needs to respond to the urban design conditions within the Summer Hill precinct, with which it has the prime interface. It is not clear from the DGR why or how a Masterplan in a different Municipality, with some “broad brush” building envelopes, should influence this. The part of the proposed development in Marrickville seeks approval for a part 8,5,10 storey building on the basis of reference to the McGill Street Masterplan, and those parts of the Masterplan area with 9 storey building height plane. See planning report for more detail.

<ul style="list-style-type: none"> • Visual and view analysis to and from the site from key vantage points; • Options for maximising access to and linkages across the proposed Sydney Inner West Light Rail corridor, the proposed Greenway, local path networks and transport facilities such as Lewisham and Summer Hill stations (Evidence of consultation with Railcorp in relation to any work adjacent to the rail corridor and the results of that consultation shall be provided in the EA); and • Consideration of any aircraft-related height restrictions (refer to Sydney Airports letter dated 3 December which outlines height restrictions for buildings and temporary structures), • The EA shall address the design quality with specific consideration of the facade, massing, setbacks, building articulation, landscape concepts, safety by design and public domain. 	<p><i>A Visual and view analysis to and from the site from key vantage points;</i> of an “industry standard” equal to a “Richard Lamb” type, has not been provided, no use of Ashfield Council’s SIMURBAN model. See planning report for more detail.</p> <p>For Light Rail Station and GreenWay projects, only general reference made. No specific dimensioned and specific notated locations are identified on plan , there is no detailed explanation of future land ownership of land for public access. See planning report for more detail.</p> <p>Has been considered.</p> <p>No indication of specific architectural vocabulary to be used has been given. See planning report for more detail.</p>
<p>3. Land Use</p> <ul style="list-style-type: none"> • The EA shall address the relevant metropolitan, regional and local strategies in relation to the desired future mix of land uses, and provide a justification for the amount of residential and non-residential floorspace being proposed. • The EA shall identify the proportion of housing to be allocated to "affordable housing" and the mechanisms to facilitate this housing including any planning agreement or other binding agreement. <p>4. Public Domain/Open Space</p> <ul style="list-style-type: none"> • The EA must explain the type, function and landscape character of the various private, communal and public areas on site. Pedestrian circulation and linkages between each space should be demonstrated in a schematic form. • The EA must consider the connectivity to and pedestrian/cycle linkages between the site, the proposed Sydney Inner West light rail corridor and station adjacent to the site, the proposed Greenway, the local path network, Lewisham and Summer Hill Stations, the adopted Marrickville Council McGill Street Precinct Masterplan and 	<p>Justification is only “implicit” , submission simply asks for approval for the amount of floorspace proposed based on acceptance of the overall design concept for the site, and then reference to DOP and I strategies. There is no allocation, statistically, of floorspace distribution between Ashfield and Marrickville LGAs</p> <p>Environmental Assessment report says there is no intention to provide ‘affordable housing”, being eg housing that would be donated to the Department of Housing or registered Community Housing provider.</p> <p>Potential for “connectivity”, has been identified, but this does not address the various complexities associated with implementing this. See planning report for more detail.</p>

the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195). The landscape design treatment should be considered in connection with the Greenway/Light Rail crossing/station design to create a unique identity and high quality public place.

- The EA shall include details on the dedication proposed public areas, including public pedestrian and vehicular access on site and to the proposed light rail station, and consider on-going maintenance needs and costs and public liability *cover*.
- The EA is to demonstrate how the design of proposed structures and the treatment of public domain and open spaces will:
 - Maximise safety and security within the site and the public domain.
 - Maximise surveillance and activity within the site and the public domain.
 - Comply with Crime Prevention Through Environmental Design (CPTED) principles.
 - Ensure access for people with disabilities.
 - Minimise potential for vehicle and pedestrian conflicts.

5. Environmental and Amenity Impacts

- The EA must address solar access, overshadowing, acoustic privacy, visual privacy and view loss and achieve a high *level* of environmental and residential amenity.
- The EA must consider any cumulative impacts of the proposal taking into consideration the proposed Sydney Inner West light rail corridor and station adjacent to the site, the proposed Greenway, the adopted Marrickville Council McGill Street Precinct Masterplan and the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195).
- The EA must demonstrate how the Concept Plan addresses the requirements of SEPP 65 and the associated Residential Flat Design Code (RFDC).

For the potential future Light Rail Station and GreenWay, only general reference is made. No specific dimensioned and noted locations are identified on plan , no explanation of who will take future land ownership of land for public access. See planning report for more detail.

There have not been any detailed architectural and landscape designs submitted that would demonstrate this to be able “bind” these matters at Concept Plan Stage. There have been instead various statements made that these matters will addressed at future Project Application Stage.

See planning report for commentary on this and the matters of visual privacy and amenity for neighbouring residential areas..

What is meant by “cumulative impacts” is not defined by the DGR, and so can be left open to a multitude of considerations.

A report has been submitted.

6. Transport and Accessibility (Construction and Operational)

- The EA shall provide a Traffic Management and Accessibility Plan (TMAP) prepared in accordance with the RTA's guidelines for TMAP's and to be prepared with reference to the *Metropolitan Transport Plan - Connecting the City of Cities, the NSW State Plan 2010, NSW Planning Guidelines for Walking and Cycling, the Integrating Land Use and Transport* policy package and the RTA's *Guide to Traffic Generating Developments*;
- The TMAP shall consider traffic generation of the various land uses on site (including daily and peak traffic movements), any required road/intersection upgrades and analysis of intersection capacities to ensure adequate levels of services are maintained, access (including waste collection, deliveries and emergency vehicle access), loading dock(s) including vehicle type and delivery times, car parking arrangements, the impact of additional parking demand for onstreet parking in surrounding / adjacent streets, measures to promote public transport usage and pedestrian and bicycle linkages;

A Traffic Impacts report has been submitted, see planning report for more detail. It is vague with regard to design detail for “*access (including waste collection, deliveries and emergency vehicle access), loading dock(s)*”. See planning report for more detail.

- The TMAP shall model the relevant intersections and road network as detailed in the RTA's letter dated 3 December 2010 and Ashfield Council's letter dated 1 December 2010 (Paint 6), provide an estimate of the total trips generated by the proposed development and analyse the impact on the road network.
- The TMAP shall consider any cumulative impacts of the proposal in the context of approved and proposed development within the vicinity of the site:
 - the proposed Sydney Inner West light rail corridor and station,
 - the proposed Greenway,
 - the local path network,
 - Lewisham and Summer Hill stations,
 - the adopted Marrickville Council McGill Street Precinct Masterplan and
 - the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195);
- The TMAP should consider the appropriate provision of on site car parking for the proposal having regard to the site's very high accessibility to public transport, local planning controls and the RTA guidelines. (Note: the Department supports reduced car

parking rates). Parking provision for shared cars and adaptive re-use of parking for storage or other uses should also been specifically addressed; and

- The TMAP should consider demand for on-street parking by potential future light rail users and the need and costs associated with the implementation of a resident parking scheme on the site.
 - o The EA shall provide a Transport Map detailing current and proposed public transport provision (bus, rail and light rail) and walking and cycling connections within the vicinity of the site and address the potential for improving accessibility to and from the site, to and from Lewisham and Summer Hill Stations, and connections to the wider region *via* sustainable transport modes.
- The EA shall identify measures to manage travel demand, increase the use of public and non-car transport modes, and assist in achieving the objectives and targets set out in the NSW State Plan 2010.
- The EA should demonstrate impacts of travel demand on bus operations and investigate the provision of bus priority measures at the intersection of Railway Terrace and Old Canterbury Road, and the potential signalised intersection of Edward Street and Old Canterbury Road.
- The EA should address the potential for implementing a location specific sustainable travel plan, such as a Workplace Travel Plan (WTP) for workers and/or a Travel Access Guide (TAG) for visitors of the site.

7. Economic Impact Assessment

- The EA shall address the economic impact of the proposal and include a detailed investigation into the impact of the proposed retail floor space upon surrounding centres. The EA shall address how the proposal would support the objectives/aims of relevant State and regional strategies for the locality.
- The EA must consider any cumulative impacts of the proposed retail floor space on the site and the proposed retail floor space within the McGill Street Precinct Masterplan and the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195).

8. Noise and Vibration

- o The EA should address the issue of noise and vibration impacts (including from road, *heavy* rail and aircraft) and provide details of how these will be managed and ameliorated through the design of the building, in compliance with relevant Australian Standards and

A report has been submitted. The applicants economist's report states that businesses in the Summer Hill Town Centre will be able to "cope" with the proposal's business land uses and its economic impacts.

This can addressed at Project Application Stage.

<p>the Department's <i>Interim Guidelines for Development near Rail Corridors and Busy Roads</i>.</p> <p>9. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development. 	<p>The document submitted is very generalist in relation to the architectural design and building science for the development and how specific devices will be used as part of that design.</p>
<p>10. Heritage and Archaeological</p> <ul style="list-style-type: none"> The EA shall provide a Heritage Assessment of the site, and a Statement of Heritage Impact for the proposal undertaken in accordance with the Burra Charter assessment procedures. The EA shall nominate heritage items to be retained on site and establish urban design principles for proposed buildings to relate and have a sympathetic scale and form to heritage items on the site and the adjacent heritage conservation area. The EA shall provide an Archaeological Assessment of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources. <p>11. Drainage / Water Management / Flooding</p> <ul style="list-style-type: none"> The EA shall address drainage/flooding issues associated with the development/site, including stormwater, overland flows, proximity to Hawthorne Canal, drainage infrastructure and incorporation of Water Sensitive Urban Design measures. The flood assessment and drainage design should consider the development of the site, in addition to any cumulative impacts of the proposed light rail station located in the floodplain and the development yield of the McGill Street Precinct Masterplan and the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195). Evidence of consultation with the NSW Office of Water in relation to 	<p>A detailed “Burra Charter process” has not been found in the documentation. Places to be conserved are identified on small scale plans (A4 size) and there are no conservation curtilages shown. See planning report for more detail.</p> <p>The applicants engineers report there are flooding issues to address from the Hawthorne Canal, how they will be addressed in terms of design is not clear. See planning report for more detail.</p>

the potential impacts on Hawthorne Canal and possible rehabilitation/mitigation measures and the results of that consultation shall be provided in the EA.

12. Groundwater Management

- The EA is to identify groundwater issues and potential degradation to the groundwater source and shall address any impacts upon groundwater resources, and when impacts are identified, provide contingency measures to remediate, reduce or manage potential impacts.

13. Rail Impacts

- The EA shall address geotechnical issues and any impacts on the adjacent light rail corridor. A Geotechnical Report, Structural Report and Construction Methodology in accordance with RailCorp's "Standard Brief".

14. Contamination

- The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55 - Remediation of Land.

15.

15 Flora & Fauna

- The EA shall address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment, both marine and land in accordance with DECC "*Threatened Species Assessment Guidelines 2007*". In this regard, the EA shall include a detailed survey (using a variety of survey methods by a suitably qualified person) of the endangered long-nosed bandicoot population which occurs in this area, and determine whether and how they are using the site and adjoining areas, and assess any potential impact or threat to the population.
- The Commonwealth Department of Environment, Water, Heritage and the Arts should be consulted to ascertain whether the proposed development triggers the need for an assessment and approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

A report has been submitted, see comments below under Contamination.

A report has been submitted.

A report has been submitted. Council's sustainability team have advised: The Detailed Environmental Site Assessment contained in Appendix 13 of the EA is incomplete. See **Attachment 5** of report.

A report has been submitted. Council's sustainability team have advised: the reports they have submitted might be out of date, and there has been an increase in the number and frequency of bandicoot sightings since these reports were prepared.. See **Attachment 5** of report.

Consultation has occurred.

16 Contributions

- The EA shall address the provision of public benefit, services and infrastructure having regard to Council's Section 94 Contribution Plan, and provide details of any Planning Agreement or other legally binding instrument proposed to facilitate this development.

The EA simply indicates that Section 94 contributions will be paid after Project Application approvals and at Construction Certificate stages . No Planning Agreements or *“other legally binding instrument proposed to facilitate this development”* has been submitted, despite the EA flagging various infrastructure works external to the site, and through the site to access the Light Rail and GreenWay. See planning report for more detail.

17. Consultation

- Undertake an appropriate and justified level of consultation in accordance with the Department's *Major Project Community Consultation Guidelines October 2007*, including discussion with relevant agencies.

A report on public consultation has been submitted.

18. Utilities

- In consultation with relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities, including staging of infrastructure works. Utility capacity planning needs to be considered in the context of the development yields within the McGill Street Precinct Masterplan and the Concept Plan application for 78-90 Old Canterbury Road, Lewisham (MP08_0195).

A report has been submitted stating that there is sufficient capacity within existing utilities .

19. Staging

- The EA must include details regarding the staging of the proposed development (if staged) including details of subsequent Project Applications and Construction Staging.

A very general staging plan has been submitted. It simply shows how the site will be divided into 4 parts , but does not go into the complexities of how the development will be staged, eg how shared open space will be implemented, how internal and external infrastructure works will be stage and implemented. See planning report for more detail.

20. Statement of Commitments

- The EA must include separate draft Statement of Commitments for the Concept Plan and the Stage 1 Project Application detailing measures for environmental management, mitigation measures and ongoing monitoring for the project.

These are very general . See planning report for more detail.

CONCEPT PLAN APPLICATION

The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;

- 1 An **existing site survey plan** prepared by a registered surveyor drawn at an appropriate scale illustrating;
 - the location of the land, boundary measurements, area (sq.m) and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site, including identification on whether there are any encroachments onto adjacent land;
 - the common boundary with any RailCorp landholding and any easements and right-of-ways;
 - location and height of adjacent buildings and private open space; and
 - all levels to be to Australian Height Datum.

- 2 A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, plans and elevations of the station, station concourse, platform and existing pedestrian access points, pedestrian flows, existing vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).

- 3 A **locality/context plan** drawn at an appropriate scale should be submitted indicating:
 - significant local features such as parks, community facilities and open space and heritage items;
 - the location and uses of existing buildings, shopping and employment areas; and
 - traffic and road patterns, pedestrian routes and public transport nodes.

Has been submitted

Has been submitted

4 **Architectural drawings** at an appropriate scale illustrating:

- the location of any existing and proposed building envelopes or structures on the land in relation to the boundaries of the land, setbacks to top of bank/riparian corridors and any development on adjoining land;
- building envelopes and heights/levels;
- extent of basement car parking and deep soil zones;
- envelope! land use staging plans and diagrams;
- the height (AHD) of the proposed development in relation to the land;
- the level of the lowest floor, the level of any unbuilt area and the level of the ground;
- any changes that will be made to the level of the land by excavation, filling or otherwise;
- indicative section drawings showing overall site, building massing and storeys, topography of land, major landscaping, roads, major infrastructure, cur and fill, and the location of the rail corridor boundary and the location of the nearest light rail infrastructure, ie. stanchions and tracks.

5 A **Physical Massing Model** of the proposed development at an appropriate scale for the Concept Plan proposal and which clearly identifies those works . associated with Stage 1.

6 **Other documents / plans:**

- **Stormwater Concept Plan** - illustrating the concept for stormwater management.
- **Flooding Report** - prepared by a recognised professional which assesses pre and post development flooding implications and mitigation measures in accordance with the NSW Floodplain Development Manual (2005), including the potential effects of climate change, sea level rise and an increase in rainfall intensity. The flood assessment shall consider pre-development flood impacts on the site, the extent of the 1 in 100 year floodplain, and implications for the proposed site layout, building location and habitable floor levels and the post-development implications of any works within the floodplain and measures to mitigate impacts.

Has been submitted

Has been submitted

A report has been submitted and explains the site is subject to flooding from Hawthorne Canal. See planning report for more detail.

- **Geotechnical Report** - prepared by a recognised professional which assesses the risk of geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons.
- **View Analysis** - Visual aids such as photomontages must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas and may include a 3 Dimensional Model of the proposed development (in CADD format, capable of being imported into Council's computer "Ashfield Simurban" model).
- **Public Domain/Landscape Concept** plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.
- **Shadow diagrams** - showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.
- **Flora and Fauna Report** - to assess the potential flora and fauna impacts and measures to mitigate impacts.
- **Arborist Report** - outlining retention of existing significant trees within public and communal open space wherever possible, providing justification for trees to be removed and detailing protective measures for the trees to be retained on or in the vicinity of the site.
- **Heritage impact statement** - prepared in accordance with the NSW Heritage Manual and illustrating the impact of the proposed re-use of the building on its heritage value.
- **Archaeological Assessment** - of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources.

END

A report has been submitted.

A "3 Dimensional Model of the proposed development (in CADD format, capable of being imported into Council's computer "Ashfield Simurban" model)", has not been submitted. See planning report for more detail.

Has been submitted

Has been submitted.

Has been submitted.

Has been submitted.

Has been submitted. See planning report for more detail.

Has been submitted

MEMO

TO: Con Colot
FROM: Sarah Deards
DATE: 29 July 2011
SUBJECT: Flour Mill Major Project Application - Master Plan
Sustainability Referral Response

Dear Con,

I have reviewed the Environmental Site Assessment contained in Appendix 13 of the Environmental Assessment for the above Part 3A application with particular regard to the contaminated land and groundwater aspects of the Director General's Requirements. Please see below for my comments:

Groundwater Management

DG Guidelines: The EA is to identify groundwater issues and potential degradation to the groundwater source and shall address any impacts upon groundwater resources, and when impacts are identified, provide contingency measures to remediate, reduce or manage potential impacts.

The Detailed Environmental Site Assessment contained in Appendix 13 of the EA indicates that groundwater on the site contains concentrations of zinc, copper, total petroleum hydrocarbons (TPH C10-C36) and polycyclic aromatic hydrocarbons (anthracene, phenanthrene and flouranthene). Groundwater contamination observed in well number GW1 is of most concern, however is likely associated with a disused underground storage tank (UST). A Remediation Action Plan addressing removal of this tank and validation of the surrounding soil and groundwater should be submitted for assessment prior to granting of consent, in order to ensure that groundwater impacts are adequately addressed.

Contamination

The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55 - Remediation of Land.

There are a number of issues regarding contamination of the site which must be addressed prior to issuing consent for the proposed Concept Plan. The primary issue requiring resolution is the proposed landuse. Since the proposed landuse of the site is currently not clear, the

appropriate criteria for assessment of the contamination status of soils cannot be determined. The final landuse of different areas of the site must be resolved as soon as possible to enable adequate site characterisation and appropriate remediation criteria and methods to be devised.

Regardless of the above, some remediation of soils and groundwater will likely be required (see comment in 'Groundwater Management' section for more information regarding groundwater). SEPP 55 requires that prior to granting consent, a determining authority must consider whether the land is contaminated, and if contaminated, whether the site can be made suitable for the proposed use. The Detailed Environmental Site Assessment (Appendix 13) indicates that the site is not currently suitable for the proposed use and recommends that remediation occurs. In order to ensure that the site can be made suitable, a Remediation Action Plan must be submitted and assessed prior to the granting of consent for the Concept Plan.

Below is the memo that I sent to Ron regarding my initial review of the application on 21 September 2010. You already have a copy of this original memo.

Dear Ron,

I have reviewed the initial information presented to Council regarding the Flour Mill Part 3A application, and have found that there are a number of issues that must be addressed by the Applicant. These are outlined below. Please contact me should you require further information:

Flora and Fauna

Council has reviewed the Flora and Fauna Assessment and Targeted Bandicoot Survey and has concerns regarding the adequacy of the Assessment, particularly the survey methods used for assessing whether Long-nosed Bandicoots were present on the site. Advice from the Department of Environment Climate Change and Water (DECCW) has indicated that the current Departmental policy is to use remote motion triggered cameras in combination with baits, at a rate of one camera per 300m² of suitable habitat for a period of two weeks, coupled with daytime searches for bandicoot activity. Advice has also indicated that this policy has changed since the initial survey was undertaken. In addition, since the survey was completed a significant bandicoot population has been detected approximately 500 metres from the site in Lewisham. Given that the survey was completed some time ago, prior to this population being recorded, the range and size of the local bandicoot population may have altered. Council requests that in light of survey method guidance changes and time since previous survey, the Department of Planning consult with DECCW to ensure that the methods utilised to survey the site for Bandicoots were adequate.

Council requests that the Application be considered in accordance with recommendations made by Travers Environmental in the Flora and Fauna Assessment for the site, in particular:

- That mature Fig trees are retained to provide an ongoing foraging resource for fauna on the site. Retention of the *Lophostemon confertus* trees where possible was also recommended;
- Landscaping on the site should provide areas of vegetation that could be used for foraging by Long-nosed Bandicoots. Council requests that this be addressed in the Landscape Plan for the site, in consultation with an ecologist to ensure that vegetation is suitable for Bandicoot foraging;
- Fencing should allow for movement and access to the site for the Long-nosed Bandicoot. Council considers that this is highly important, and should be required to be developed in consultation with an ecologist to ensure fencing is suitable for Bandicoot use;
- Landscaping on site should use locally occurring native species to support foraging habitat for native fauna. Since the site is located within the GreenWay Corridor, Council considers that use of locally native species to promote biodiversity is highly important, and that the Landscape Plan should address this issue.

My original memo in September 2010 addressed contamination issues, however additional information has been received to address these matters, and my comments on this are included above.

Please let me know if you would like clarification of any of the above.

Yours sincerely,

Sarah Deards
Waste and Sustainability Project Officer