
Subject	2 - 32 SMITH STREET, SUMMER HILL CONCEPT PLAN APPLICATION
File Ref	P&E>Urban Planning>Strategic>Flour Mills
Prepared by	Con Colot - Senior Strategic Planner & Projects
Reasons	Respond to Department of Planning and Infrastructure
Objective	Response to 2012 Preferred Project Report and Concept Plan application

Overview of Report

A revised **Concept Plan** application and **Preferred Project Report (PPR)** for a *mixed use residential, retail and commercial development* on the former Allied Mills site in Summer Hill has been recently lodged with the Department of Infrastructure and Planning (DOP & I). DOP & I will assess the application and provide a report to the Planning Assessment Commission who will determine the proposal.

DOP & I recently invited Council to make comment on the latest version of the proposal. The purpose of this report is to describe the latest proposal, make recommendations on what to advise the DOP & I, and for Council to determine its response to DOP & I.

A summary of the latest 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) were issued in early 2011 which allow for a Concept Plan application (explained below) to be lodged with the DOPI.

The Concept Plan application was lodged with the DOP & I in 2011, and was placed on public exhibition in June 2011.

Council submitted its comments to DOP & I on 29 August 2011- a copy of the resolution is contained in **Attachment 1**. This included Resolution 2/15 requesting that the DOPI and applicant meet with Council to resolve the issues raised by Council. No such meeting was organised by the DOPI.

On 30 March 2012, the Department of Planning & Infrastructure advised Council that they had received a **PPR** from SJB Planning on behalf of EG Funds Limited. They also advised that although the proposal will not be formally re-exhibited, the Department will take into consideration submissions received during the exhibition period, with the last date for making submissions being 30 April 2012.

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A **PPR** is a report where the applicant provides a response to submissions made during the public exhibition of the Concept Plan application, and provides the final version of the Concept Plans the applicant wishes to be assessed and determined.

The Department will assess the **PPR** and latest Concept Plans, and provide a report and a recommendation to the Planning Assessment Commission as to whether they should be approved.

The Planning Assessment Commission (PAC) will determine whether or not to approve the Concept Plan application. A meeting date for the PAC to consider the proposal has not yet been set.

The purpose of this planning report is to

- advise Council of the latest amendments
- advise Council to what degree Council's 2011 resolution of has been taken onto consideration by the applicant
- recommend what Council's response should be to the Department

What is a Concept Plan Application?

The following was explained in the previous report to Council:

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 of 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 development application.

The PAC, when determining whether or not to approve the Concept Plan Application, will therefore be determining the land use, building and landscape design parameters for the site.

2.0 Description of latest Concept Plan Application

DOP & I 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, 2,000-2,500m² 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.

Key documents which will be used for any Concept Plan approval are:

Preferred Project Report (PPR).

A copy is contained in **Attachment 2**. It is the applicant’s response to the issues raised during public exhibition of the Concept Plan Exhibition in 2011, explains which changes the applicant is willing to make, and tables the final version of the Concept Plans for which approval is sought. The latest amendments to the Concept Plans are commented on below in the report as shown in italics. The PPR also makes reference to engineering reports and a Statement of Commitments.

Summer Hill Flour Mill –Concept Plans

A copy is contained in **Attachment 3**. This document contains various diagrams and plans which show how the site and buildings will be arranged, and so are the main approval documents. Key parts are mostly contained in the part 03-Concept Plan, which include diagrams/plans for site layout , building position, open space position, building heights, driveway locations and car parking.

Aerial perspectives illustrating the previous 2011 proposal, and current 2012 proposal, are shown on the next pages. This allows a quick overall understanding of the differences between the two versions, which are few, and are explained below the report shown in italics. Key plans for maximum building heights (and locations), and a staging plan are also shown on the next pages of this report.

Extracts of Concept Plans follow on the next pages

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Extract of previous 2011 Concept Plan, showing perspective and how buildings and landscape are arranged around the site.

Site is shown within red boundary.



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Extract of latest version 2012 Concept Plan, showing perspective and how buildings and landscape are arranged around the site. The main building change is the configuration of the tall buildings within the northern Marrickville Council part of the site.

Site is shown within red boundary.



Figure 4.1

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Extract of latest version Concept Plan, “Indicative Development Staging Plan”, showing locations for how the development will be staged.

Site is shown within red boundary.

The main change is that Stage 1 will provide access to the existing Rail corridor and potential future light rail station and Greenway corridor.



Figure 3.8

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

Description of proposal within Marrickville LGA.

- 2.1 The Marrickville part of the proposal, on the north-western corner of the site, is now proposed to now have part 6, 9 and 10 storey residential buildings. The building footprint occupies most of that part of the site. Buildings are accessed off a proposed roadway which connects with Smith Street, Summer Hill.

Main change to the latest scheme is:

The building configurations have been amended from the previous 2011 scheme (see perspective); the main difference being the “northern 10 storey tower” has been moved to the south, and the “southern tower” has been increased from 8 storeys to 9 storeys.

Council had previously advised the Department that the applicant should reduce the height of the buildings to 5 storeys, given their self evident and highly dominant visual impact down Smith Street and high visibility from houses in the vicinity.

Description of proposal within Ashfield LGA.

As previously reported to Council:

- 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 6 storey buildings.

Main change to the latest scheme is:

One building off Edward St has been changed from 4 storeys to 3 Storeys.

A 1.5m setback deep soil setback zone is provided along Edward Street (Council had previously requested the Department to require a 5m wide deep soil setback).

- a line of 4 and 6 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.

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- 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.

Development Staging

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 are capable of being constructed separately and being sold or developed individually.

Main change to the latest scheme is:

The Staging plans now show that Stage 1 will include a corridor through to a potential future Light Rail station and Greenway. (Council had requested the Department to require the applicant to show this access).

The major open space for the site, containing deep soil areas and trees, available for use by the residents of the entire development will be located in the Stage 4 area, and so only able to be used after Stage 4 is completed.

The applicant states in the PPR an intention to allow public use of the Stage 4 public open space area, however, this is not documented in adequate detail in the Statement of Commitments. (Council had requested the Department to require this to be clarified, and how open space will be allocated on the site for residents. Normally, this means providing the Open Space upfront).

Section 94 contributions.

The latest Statement of Commitments states the developer will pay Ashfield Council Section 94 contributions in accordance with Council's Section 94 plan.

Amount of Car Parking

Main change to the latest 2012 scheme is:

The PPR on page 16, states the applicant will provide a "reduced parking rate" for the commercial and retail components. This is approximately 47 fewer cars than that which the Ashfield Development Control Plan would require. They now propose a total of 428 car parking spaces, which is stated in the "Traffic and Transport Assessment" on page 17.

Council's engineer's comments on this are contained below in part 3.8 -Traffic Impacts.

3.0 Key issues

3.1 Staging Plan

As previously reported to Council:

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 DOP& I should ensure that these matters are resolved prior to the release of any project application approval.

Applicant's latest PPR response:

The PPR states that the applicant will 'defer resolution' of the above matters until the lodgement of future development applications.

This is an unacceptable arrangement and will place the onus on the Council(s) to negotiate such issues with, potentially, four individual developers. It will also result in the provision of open space being distributed inequitably amongst the stages and for the largest open space component to be made available only at the completion of the last stage.

3.2 Civil Engineering

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

(I) Stormwater

As previously reported to Council:

The applicant'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 effect 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.

Sydney Water, based on their submission to the Department in 2011, have the same concerns.

Applicant's latest PPR response:

The PPR states that the applicants will defer resolution of the above matters until the lodgement of future development applications.

This of course puts the burden on Council(s) to try and resolve a highly complex, fundamental stormwater infrastructure problem for a large part of the Summer Hill area.

Council's engineers have advised they strongly object to this matter being deferred. Council does not have the technical resources to solve engineering problems associated with the site which would also impact on the local area. For example, blockage of existing overland flowpaths which drain to Hawthorne Canal and the need for new drainage infrastructure, and finding funds for any new infrastructure.

As explained above, Sydney Water, based on their submission to the Department in 2011, have the same concerns.

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

As previously reported to Council:

The applicant 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.

Applicant's latest PPR response:

Council requested the Department to have the above resolved prior to the release of any Stage 1 Project Application.

The PPR states on page 19 that the applicant would be willing to dedicate an internal road to Council. Apart from this, the remaining matters are implicitly left for resolution until the lodgement of future development applications.

Council's engineers have advised they object to this arrangement.

(iii) Road Infrastructure external to site

As previously reported to Council:

The applicant's traffic consultant explains (in the previous Environmental Assessment Report) 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.

Applicant's latest PPR response:

The applicants say in the PPR that they will construct a roundabout at Edward and Smith St at Stage 1, and this is contained in the Statement of Commitments.

They have not agreed to address the remaining matters, implicitly leaving them to be resolved at development application stage.

Council's engineers have advised they object to this for similar reasons to those outlined previously. It is unrealistic to expect that both councils will be able to negotiate with individual developers over the installation of a costly set of traffic lights and the other matters raised in the report.

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3.3 Heritage Conservation.

Extract of Concept Plan, showing parts of site to be conserved. locations for how the development will be staged.

Site is shown within red boundary.

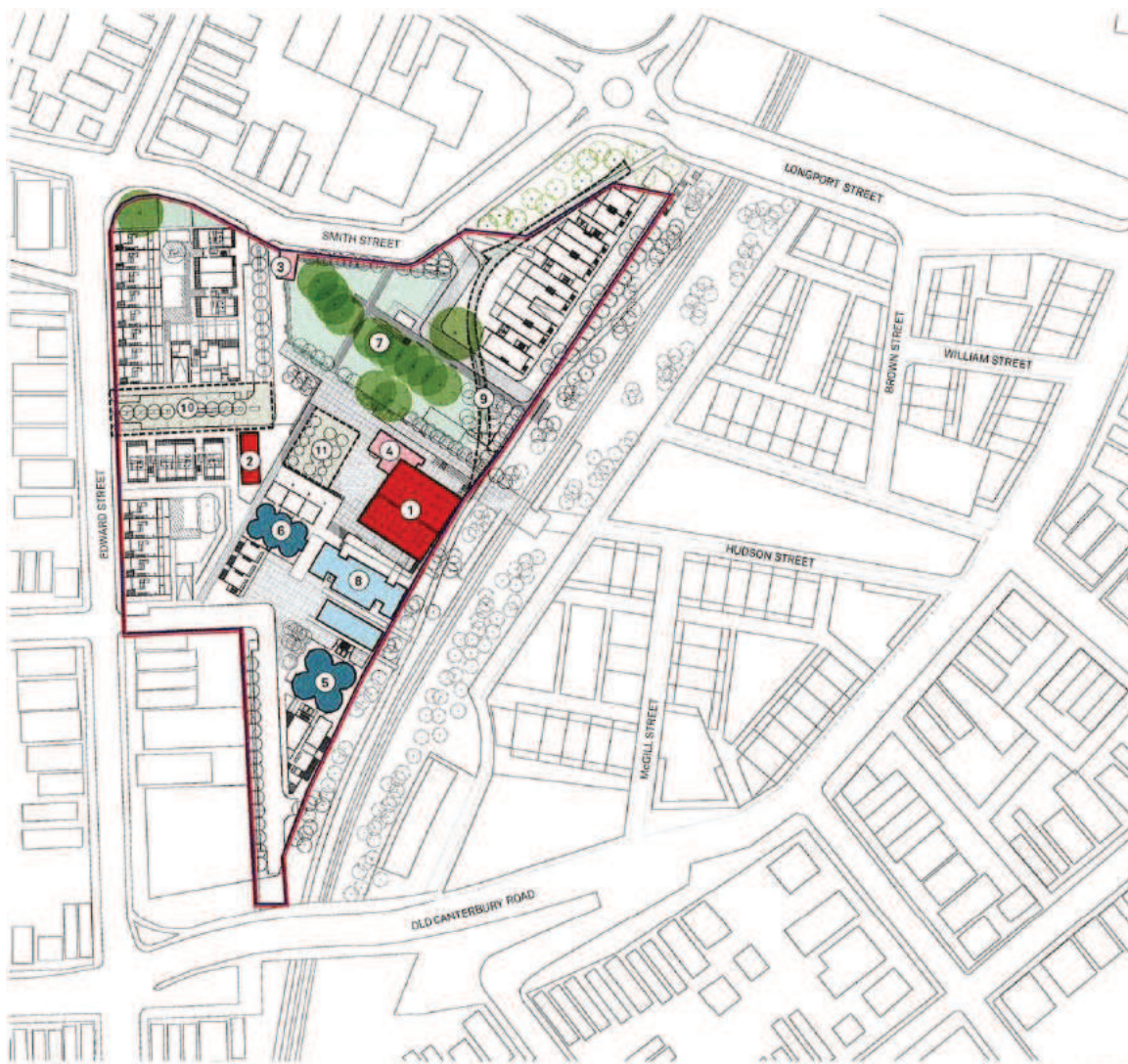


Figure 3.7

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

(Heritage Conservation continued)

As previously reported to Council:

The areas to be retained are only shown on small scale drawings, and include the Mungo Scott building and some silo structures.

For those 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 Concept Plan Application 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.

Applicant's latest PPR response:

The applicant states in page 24 of the PPR that it is not necessary to address any of the above, because the site does not have any heritage listing.

This ignores the current draft listing of the site in the Ashfield LEP and the applicant's own heritage studies which clearly recognise the historic significance of the site.

3.4 Urban Design

As previously reported to Council:

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).

Applicant's latest PPR response:

The applicant says that the footpath shall not be widened to have the type of "desirable" urban design improvements described above.

- (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.

Applicant's latest PPR response:

The applicant has provided a narrow 1.5 metre wide deep soil zone, which is not normally a good proportional landscape space, and does not compensate for a 2 to 3 storey hard edged building background. Such a narrow landscape width is not a typical characteristic of residential areas in Summer Hill.

- (iii) Impact of 4-6 storeys buildings opposite the Edward Street Conservation Area.

As previously reported to Council:

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.

Applicant's latest PPR response:

One building, previously 4 storeys off Edward Street, has been lowered to 3 storeys. Close behind this, the buildings remain proposed at 6 storeys.

The applicant has not approached Council to make use of the SIMURBAN model.

Only a very basic Visual Impact assessment has been provided, which has an inadequate level of analysis. For example: only few viewing points are taken from Summer Hill, no viewing points from house backyards, it is not acknowledged when making reference to silos in the visual background that the space between the silos will be occupied, i.e. filled by new buildings.

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

As previously reported to Council:

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.

Applicant's latest PPR response:

The PPR states that the applicant will defer resolution of the above matters until the lodgement of future development applications.

- (v) Absence of Waste Management locations

As previously reported to Council:

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.

Applicant's latest PPR response:

The PPR states that the applicant will defer resolution of the above matters until the lodgement of future development applications.

3.5 Density

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The last Concept Plan (at pg 19) states that the latest Concept Plan 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	90-110	25-45
2 bed	100-130	30-50
3 bed	25-40	10-25
4 bed terrace	15-30	
Total	280-300	

As previously reported to Council:

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.

3.6 Social Considerations

As previously reported to Council:

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 proposed in Part 4.4 of the Environmental Assessment, specifying that 20 % 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).

Applicant's latest PPR response:

The PPR on page 18 states that there will not be any "affordable housing" provided, and states on page 24 they will not commit at this stage to requiring Universal Accessible Design to be applied to the interior of apartments.

3.7 Issues arising from proposal within Marrickville LGA.

The latest Concept Plan shows a part 9, 6 and 10 storey building solution within the Marrickville LGA part of the site.

As previously reported to Council:

- (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 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.

Applicant's latest PPR response:

The applicant implicitly does not want to make use of Council's SIMURBAN model to allow precise/accurate examination of the visual impacts.

As explained above, a very basic Visual Impact Assessment has been provided, but has an inadequate level of analysis. For example: only few viewing points are taken from Summer Hill, no viewing points from house "backyards", it is not acknowledged when making reference to silos in the visual background, that the space between the silos will be occupied by new buildings.

- (ii) Given this part of the proposal is in a different municipality, and will be serviced by Marrickville Council, it needs to 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.

Applicant's latest PPR response:

The PPR states on page 26 that the applicant will defer resolution of the above matters until the lodgement of a future development application.

3.8 Traffic Impacts

Previously reported to Council was:

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 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

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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 heavier 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.

Applicant's latest PPR response:

The PPR states that the applicant will defer resolution of the above matters until the lodgement of future development applications. They also say they will provide a "reduced parking rate" for the commercial and retail components. This is approximately 47 fewer cars than that which the Ashfield Development Control Plan would require. They now

propose a total of 428 cars, which is stated in the latest “Traffic and Transport Assessment” on page 17.

Council’s engineers have examined the latest traffic report, and are still of the view that the above issues should be resolved “upfront”.

Council’s engineers do not agree there should be any “reduced parking rate” and the proposal must provide the minimum amount of car parking required under Council’s DCP in order to ensure there is no loss of parking in local residential streets. There is still a strong concern that despite the applicant’s traffic control recommendations, there will “rat runs” occurring through local streets.

Council’s engineers note the applicant’s engineers auditing of the condition of Council’s roadways and footpaths but are unable to adequately assess the findings of the audit and justification of the compensation figure of \$83,910 outlined on page 32 of the Traffic Transport Report). Council’s engineers say that on face value this appears very low and unrealistic.

3.9 Economic Impacts

Previously reported to Council was:

The applicant’s consultant’s report indicates that there will be not be a significant effect on trade to the existing Summer Hill Village Centre arising from the proposed 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.

Now that the Lewisham Estate concept proposal has been approved and this did not allow the provision of a supermarket economic impacts arising from this proposal are not considered to be significant.

However, it is still recommended that should the concept plan application be supported by the DOPI restrictions be included which prohibit the establishment of a supermarket on the Allied Mills site and require retail tenancies to be limited in their scale and size to reflect the local village character.

Applicant’s latest PPR response:

The PPR on page 26 states there is no intention to provide a supermarket.

4.0 Potential for Public Open Space

Previously reported to Council was:

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

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CONCEPT PLAN APPLICATION**

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 Pan 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.

Applicant's latest PPR response:

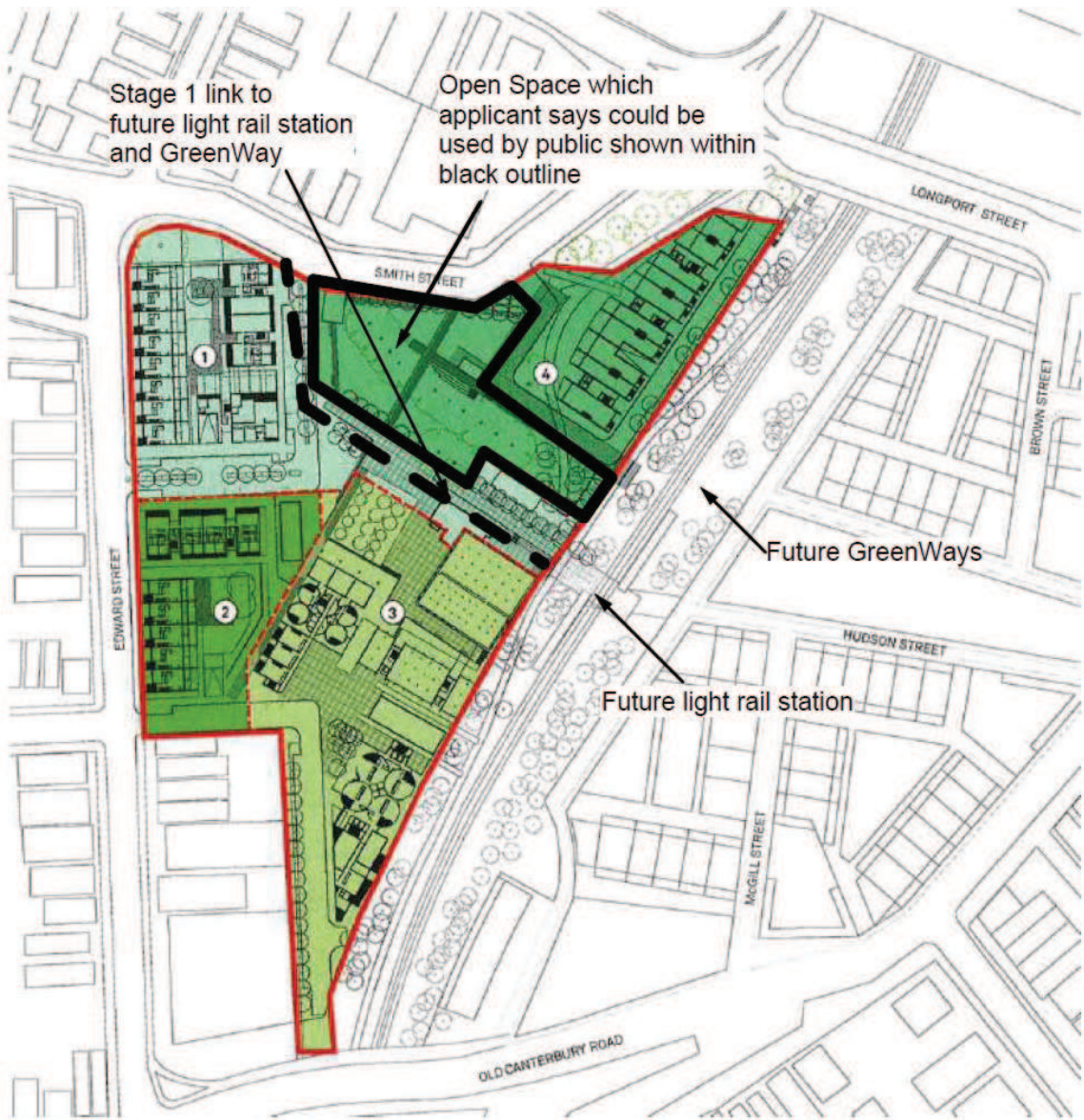
The applicant implicitly states on page 27 that they are not agreeable to putting open space into Council's ownership (i.e. donating land to Council).

The applicant now shows on the Staging Plans (see diagram on following pages) that at Stage 4 there will be provided a large central open space area, implicitly for the use of all residents of the site at the middle part of the site. In the PPR the applicant states it would be willing to allow public (non site resident access), but this is not stated in any adequate detail in the Statement of Commitments.

The recent Concept Plan approval for the Lewisham Estates proposal requires the applicant for that development to enter into a Voluntary Planning Agreement (VPA) with Marrickville Council, for the dedication of public open space to Marrickville Council.

There is no reason to suggest such an approach could not be applied to the Allied Mills proposal. It is the view of council officers that given the crucial shortage of open space in the Ashfield LGA every opportunity should be taken to add to the Council's low stock of public open space and a rare opportunity like that being presented in the subject proposal should be a 'not negotiable' requirement. Therefore, it is vital that the DOPI recommend that the PAC mandate such a requirement in the event that the proposal is supported.

(Refer to open space plan over next page)



GreenWay

At a recent meeting held between officers from Ashfield and Marrickville councils the issue of the GreenWay was raised in the context of the recently approved Lewisham Estate development and the Allied Mills proposal.

Given that funding of the GreenWay has been deferred by the State Government an opportunity exists to have major projects such as the Mills proposal contribute towards the infrastructure that will eventually need to be put in place. This is particularly relevant given that the new light rail station will directly service the Summer Hill and Lewisham communities and access to the station will be required through both sites.

Officers from both councils were of the view that the section of the GreenWay between Old Canterbury Road and Longport Street should be constructed concurrently with the development of the adjoining sites (this presumes that the Mills site does eventually receive approval from the PAC).

In the case of the Lewisham Estate concept plan approval one of the requirements imposed by the PAC was for the developer to enter into a Voluntary Planning Agreement (VPA) with Marrickville Council and Transport for NSW over the provision of infrastructure to enable public access to the new light rail station located within the GreenWay corridor. A similar requirement could be recommended to the PAC in relation to the Allied Mills proposal. Wording to this effect has been included in the recommendation.

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 traffic consultant's report and Concept Plan, and their comments have been included in the relevant parts of this report.

Sustainability

The Sustainability team previously requested that DOPI check the adequacy of surveying methods for bandicoots, that the applicant's consultant recommendations for bandicoot protection be followed, and also requested additional information pertaining to contamination issues.

Applicant's latest PPR response:

The applicant has responded in the PPR that the information submitted to date is adequate.

The Sustainability team has reaffirmed its view that further information, as outlined above, should still be provided.

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Conclusion

Approval of the Concept Plan application would mean that the planning controls for the site would change and that Ashfield's Local Environmental Plan would be required to be amended to reflect those new controls.

A Concept Plan approval is a type of quasi DCP/LEP document, whose purpose should be to "get the details right" in order to adequately guide development into the future. Most of the issues which Council advised should be addressed, as identified in the Council resolution of August 2011, have not been fully resolved. This means that the burden for solving this with future development applications will be transferred to Council with no firm guidelines in place to address and negotiate acceptable outcomes. This is an unacceptable arrangement and the PAC needs to ensure that the key 'non-negotiable' matters are reflected in their consideration of the determination of the application.

Given the above, and the matters identified in the report, Council should continue to request the DOPI to resolve the matters listed in the recommendation outlined in this report. 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 detailed and specified in the Concept Plan and Statement of Commitments. Objections have been made to parts of the design of the proposal, in particular the unjustified excessive 9 and 10 storey building heights at the Marrickville part of the development, and lack of detail for the heritage conservation of structures on the site. Resolution of traffic impacts through local streets and stormwater disposal systems have also not been adequately addressed nor has the key issue of the provision of publicly accessible open space.

It is recommended that this planning report and its recommendations be forwarded to the Department of Planning and Infrastructure.

ATTACHMENTS

Attachment 1	Council's Resolution 9 August 2011	4 Pages
Attachment 2	Preferred Project Report	51 Pages
Attachment 3	Latest Concept Plans	68 Pages