

Subject	2-32 SMITH STREET, SUMMER HILL, PROJECT APPLICATION
File Ref	FM APRIL 2013
Prepared by	Con Colot - Senior Strategic Planner & Projects
Reasons	Provide the Department of Planning & Infrastructure with comments on the Project Application for Stage 1 at the Flour Mills site, 2-32 Smith Street Summer Hill.
Objective	For Council to determine its response to the project plan application.

1.0 Purpose of Report

A **Project Plan Application** (similar to a Development Application) for a *mixed use residential and retail development* on the former Allied Mills site in Summer Hill has been lodged with the Department of Infrastructure and Planning (DOPI). This will include 44 dwellings and a one storey basement car park for 53 car parking spaces. Public exhibition of the application recently concluded (30 April 2013). However DOP&I advise they will accept Council's submission until COB 15 May 2013. A "working draft" of this report was forwarded to DOP&I in the interim on a confidential basis for their information. Note that DOP&I are the relevant authority for the purposes of assessment of the application.

DOPI has also advised that it will determine whether or not to approve the application, but this is dependent on the submissions that are received. There is the option that the determination of the application could be referred to the Planning Assessment Commission (PAC), which dealt with the original concept plan consent.

DOPI has invited Council to make comment on the proposal (**Attachment 1**). The purpose of this report is to make recommendations on what to advise DOPI, in order to assist Council to determine its response to the Department.

2.0 The Project Application Proposal

A detailed description of the proposal is given by the applicant's town planner in the 'Environmental Assessment' included at **Attachment 3**. In summary it is proposed to:

Subdivide the site into 6 allotments (called 'portions' on the applicant's drawings). See **Diagram 2** of this report for an extract of the Subdivision Plan.

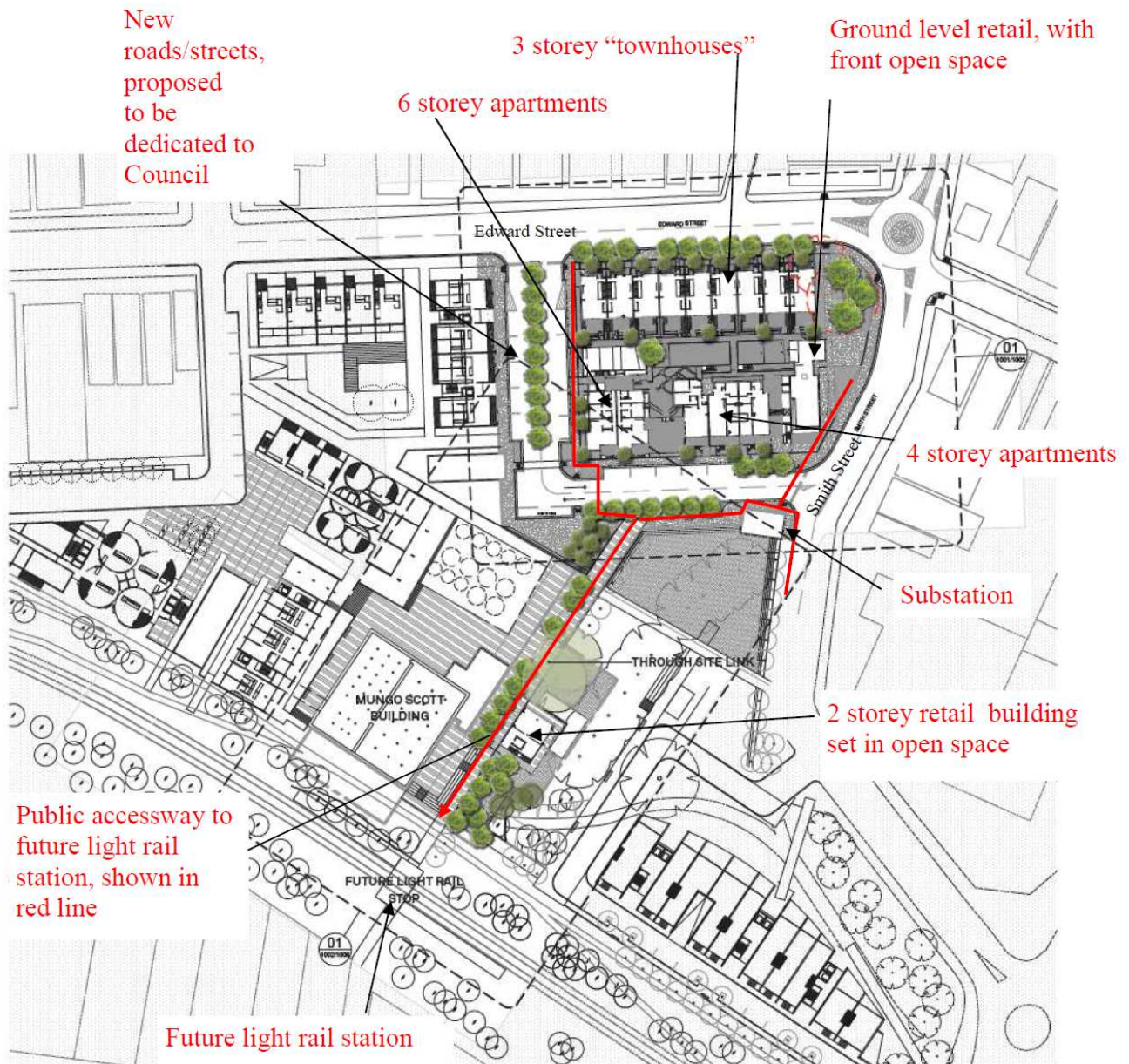
Construct at Stage 1 on the 'Portion 1' allotment:

- 3 storey townhouse type apartment dwellings fronting Edward Street, a 6 storey apartment building, and 4 storey apartment buildings for a total of 44 dwellings.
- one basement car park with 53 car spaces.

- one storey retail building (near corner Smith and Edward Street).
- 2 storey retail building (near proposed light rail station).
- an 'accessway' from the new proposed internal street to the future light rail station.
- construct and dedicate internal streets to Council.
- construct and dedicate to Council a 3m wide pedestrian path within the 'accessway' from the proposed internal street to the future Light Rail station comprising a plain concrete path.

See **Diagram 1** of this report for a plan location description of the above.

Diagram 1 - Extract of Landscape Drawing (DA 1000) with Council officer explanatory commentary noted on the diagram.



The proposal is required to comply with the 'Concept Plan' approval granted in 2012 by the PAC. A copy of the approval conditions and drawings is contained in **Attachment 2**.

A 'Concept Plan' approval has a similar function to that of an amendment to a local environmental plan, with a key 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. The approved Concept Plan will allow the land uses and concept development designs in the locations shown on the approved documents (**Attachment 2**), including:

- land use type (e.g. flats, 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.

The following is an extract of the approved 2012 Concept Plan documentation, showing a perspective and how buildings and landscape are arranged around the site. The entire site is shown within red boundary.



3.0 Compliance with the 'Concept Plan' Approval

In addition to consideration of the design of the proposed residential complex, there are several considerations pertaining to the whole Flour Mills site, including public access to open space, and various land dedications to Council.

The applicant's town planner has provided a summary of compliance with the Concept Plan, in Part 3.28 of the 'Environmental Assessment' in **Attachment 3**.

For the Stage 1 residential complex, at the corner of Smith Street and Edward Street, compliance is generally achieved with the following:

- proposed buildings and internal streets are in the locations stipulated in the Concept Plan approval.
- proposed building heights comply with the maximum height stipulated in the Concept Plan approval.

- there were no controls set in the Concept Plan approval pertaining to the standard of architecture for the Flour Mills site. The architectural composition of the proposal has been justified by the applicant's town planner, on the grounds that the site is currently an industrial one. Implicitly this is taken to mean that it is adequate to have a basic 'functionalist' style, with expressed concrete slab and blade walls, exposed stairways and simple building composition, and to have minimal amounts of foreground tree planting (given the low amount of deep soil areas).

With regard to car parking, 54 car spaces are required. The proposal provides 53 car spaces in the basement car park and 13 visitor car spaces are provided within the internal streets.

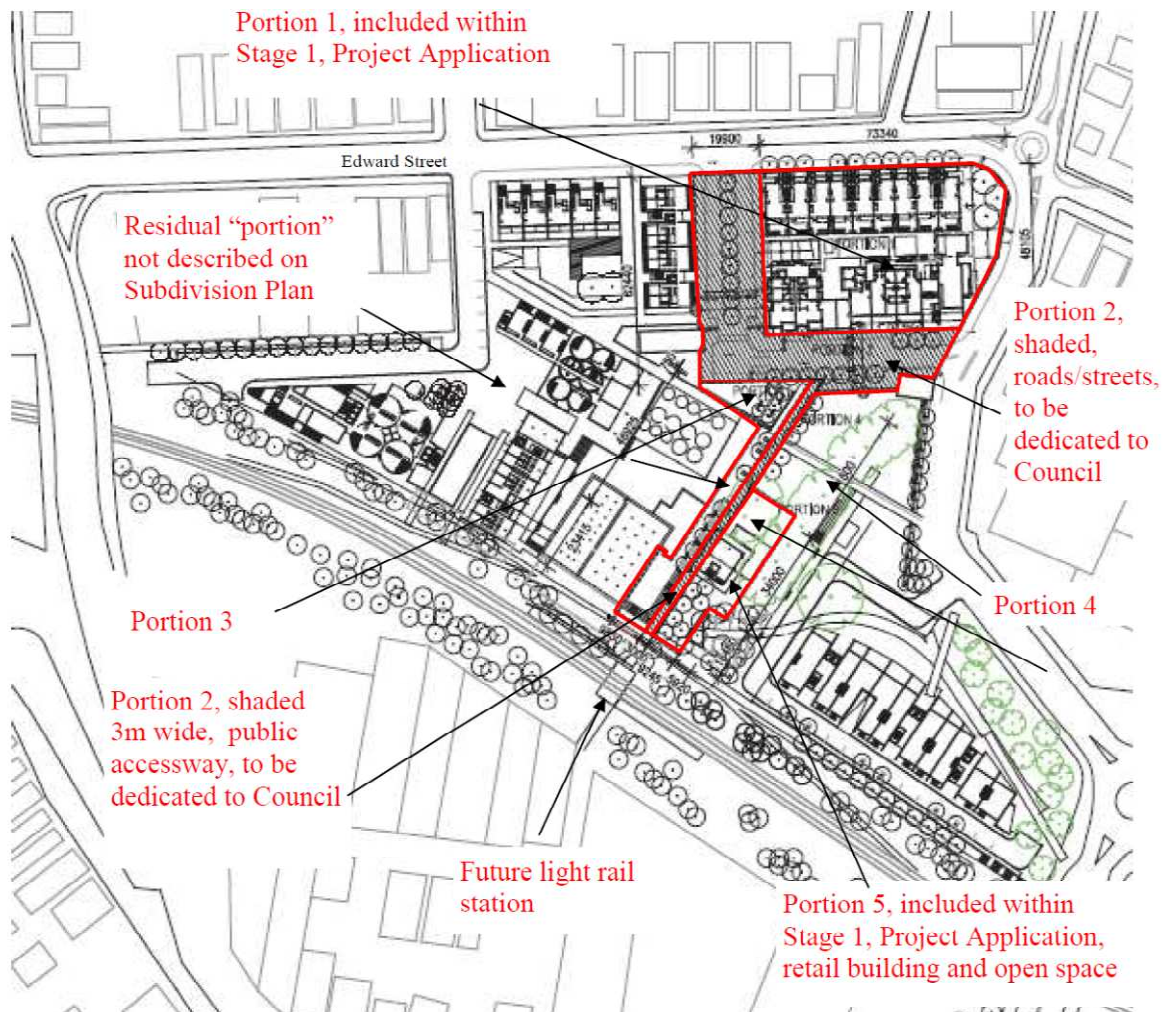
With regard to other parts of the proposal, and impacts throughout the entire site, the following are matters considered problematic, warrant serious consideration by DOPI, and need to be addressed prior to any consent being granted.

3.1 Urban design and proposed site subdivision

The development is proposed to be staged in 6 parts, as shown on the 'Indicative Subdivision Plan' (DA -012), and as shown in **Diagram 2** of this report.

As previously brought to the attention of the Department, once land subdivision occurs, each allotment will potentially be able to be sold to individual owners and separately developed. This creates uncertainty about how each development stage will address the complexities and share the burden of complying with the numerous Concept Plan conditions, and for example provide the various infrastructure works located on other parts of the site or external to the site. Another issue is whether different land owners will be willing to comply with the Concept Plan approval conditions, or instead seek amendment of the conditions.

Diagram 2 Extract of Indicative Subdivision Plan (DA 012) with Council officer explanatory commentary noted on diagram.



Extract of the requirements of the Concept Plan Approval for open space:

Open Space/Public Access

23. Future application/s shall provide for the embellishment and dedication of a minimum of 4,806m² of public open space to Council.
24. Future applications shall provide for the embellishment of a minimum of 5,287m² of publicly accessible open space to be maintained in private ownership by the future body corporate.
25. Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access to the:
 - private roads,
 - all publicly accessible areas of open space and through site links,
 with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.

Access to the Lewisham West light rail stop

26. Future applications for Stage 1 shall provide for pedestrian/cycle access through the site to the Lewisham West light rail stop in consultation with Council and Transport NSW/RailCorp.

In order to provide certainty to the Concept Plan approval conditions 23, 24, 25 and 26 (see extract under **Diagram 2**) which require publicly accessible open space and a public access way to the Light Rail station, a condition should be placed on any Project Application approval reflecting the Concept Plan conditions 23, 24, 25 and 26 and requiring that the relevant 'restriction as to user' be placed on all the relevant land titles.

It should also be noted that Condition 26 requires consultation ('detailed technical meetings') with Council on access through the site, and no such formal consultation has occurred.

3.2 Quality of urban design and public accessway to light rail and GreenWay corridor

Greenway Corridor /Light Rail access pathway

There is a proposed pedestrian accessway, located within the Portion 2 allotment from Smith Street to the RailCorp land and the Light Rail station - see **Diagram 2**. This is a major public benefit feature of the Concept Plan approval, and will also provide a link to a future GreenWay corridor and also a link to Hudson Street in Lewisham. This is given special importance in the Environmental Assessment, with references being made to the Metro Strategy and the pathway's regional importance.

The applicant's drawings (e.g. DA 1002 in **Attachment 3**) show the accessway between the internal street, up to the boundary with the RailCorp land (adjacent the future light rail station), as being 8 m wide. This is because it naturally contains various mandatory fixtures in order for it function properly as a public space. However, the subdivision plan shows a dedication to Council of only 3m in width, being the part containing the concrete pedestrian pathway part of the access way, and being the part that will be publicly accessible as 'public land'. The remaining parts of the 'outer wings' of the accessway, based on the proposed subdivision plan, would remain in private land ownership and be subject to the preferences and decisions of future land owners.

A minimum width of 6-8m is normally required for a significant public accessway, in order to:

- (i) have an adequate width for pedestrians passing each other, bike riding, 'boulevard' tree planting, seating, lighting, and access for emergency vehicles.
- (ii) have access to any in ground infrastructure without disrupting pedestrian movements and provide the opportunity to establish Water Sensitive Urban Design treatments within the space - in this case there is a proposed below ground 1800 mm stormwater pipe, and it appears the accessway will act as stormwater flow path to the Hawthorne Canal.

- (iii) ensure that the public accessway is under the control and maintenance of the relevant public authority (in this case Ashfield Council), not adjacent private landowners.

Given the above, the dedication of the public accessway to Council, between the internal street up to the boundary of the site near the Light Rail station, should contain the entire 8 m width as shown on the applicant's landscape and site plan drawings. A condition should be placed any Project Plan approval to confirm this requirement.

Also of critical importance for the public are:

- the detailed design of the accessway to ensure there are adequate levels of public safety - for example the location and type of lighting, clear sight lines within a definable public controlled space, pavements with adequate slip resistance, etc.
- the type of finishes and materials used (e.g. lighting, seating, pavements, any fencing) requires careful selection in order to provide a public area of a standard befitting the importance of this public infrastructure. A recent comparable example is completed works around Meadowbank station which use high quality pavement materials, attractive street furniture and light fittings, and various landscape plantings.

New Pedestrian bridge proposed within Railcorp land and future GreenWay Corridor

To cater for stormwater flows through the site, on the adjacent RailCorp land, a type of stormwater detention basin has been proposed between the light rail station and the access pathway at the boundary of the site. See **Diagram 4** of this report. This will be formed by excavation/cutting into the land in the Rail Corp railway corridor and necessitate a raised pedestrian bridge crossing (as described by the applicant), which will basically block any north south pedestrian/bike trails along the GreenWay due to a lack of headroom under the bridge.

In order to ensure there is a continuous path of travel along the future GreenWay Corridor, there should be further detailed design work to understand what options exist for the surrounding area. For example, whether there should be ramps constructed either side of the bridge crossing, taking people up to the footbridge path, and then back down to the GreenWay pathways, and pathways through any detention area surfaces.

A condition should be placed on any approval requiring that the design of the pedestrian bridge, for the part within the 'Portion 2' allotment, and for the areas within the Railcorp land be finalized after consultation with Ashfield Council and Transport for NSW and any other public authorities responsible for the design of the Light Rail station.

Design and construction of future GreenWay Corridor within Railcorp land.

Generally the GreenWay Corridor concept includes a continuous pedestrian trail and associated surrounding landscape works between Iron Cove and Cooks River. The Railcorp

land between Old Canterbury Road and Longport Street forms part of the route. The GreenWay concept has considerable community support and was previously proposed to be implemented with the light rail extension. However, the current State Government deferred this aspect of the project. The four partner councils for the GreenWay - Ashfield, Marrickville, Leichardt and Canterbury continue to support the concept and collectively resource a GreenWay Place Manager and GreenWay Co-ordinator.

As explained above, the applicant is seeking use of the Railway Corp land to construct a large detention basin to control and contain stormwater runoff from their site and discharge stormwater into Hawthorne Canal. Given the benefit resulting from the use of this public land, and the disruption the detention basin could potentially cause for the GreenWay proposal, it would appear reasonable that the Stage 1 site owner be responsible for contributing to the cost of designing and constructing the GreenWay corridor path between Longport Street and Old Canterbury Road. A condition has been recommended to this effect should the Project Plan be supported.

3.3 Urban Design and Design of Commercial/ Retail near Light Rail Station

It is proposed to have a commercial/retail building near the entrance to the light rail station, with outdoor seating, and this will provide activation of this space.

The design of the building, however, needs to be amended to take into account various functional requirements, such as room areas for goods storage, and waste storage, and in order to ensure that they are well integrated into the building so as to not diminish its visual impact (i.e. - not to become an 'eyesore'). A condition has been recommended to this effect should the Project Plan be supported.

3.4 Design Configuration, SEPP 65, and Landscaping and Open Space

A small deep soil setback of 1.8 m along Edward Street is proposed, which complies with the Concept Plan approval drawings. Council had previously advised DOPI that this should be a minimum of 5m in order to establish large tree planting and so have a continuous tree background to Edward Street, for urban design and pedestrian comfort reasons. However, this was not supported by DOPI. A public footpath of 3.5 m width is proposed, however, normally a 5m width is required in order to be able to have large continuous street tree planting and to avoid any in-ground services. Given these circumstances, it is important to ensure the rest of the residential development part of the stage 1 site is adequately landscaped and so the following is relevant:

The site area occupied by the residential complex exclusive of the streets and verge/footpath areas is approximately 3,285 sqm. The northern part of the development provides approximately 406 sqm of open space outside the proposed retail space. The Environmental Assessment claims that some of the middle private communal open space areas will be turfed and that the entire area is 550 sqm in size. However, the actual middle private communal open space area, between pathways and stairs is actually approx 165 sqm (5 percent of the site area). Noting this, the designs do not show that adequate structural allowance and room has been made for the turfed areas. Any approval should therefore be 'conditioned' to address this issue.

3.5 Design Configuration, SEPP 65 and Amenity Consideration

The Environmental Assessment states that the pedestrian access gallery to the stairways will be provided with privacy screens to maintain privacy between the east and west wings of the buildings, over and between the central communal open space (which does not have any tree screening). However, such privacy screens are not shown on the drawings. The affected dwellings are closer than the 12m rule of thumb separation distance in the Residential Design Flat Code, (which also requires an intervening privacy fixture such as tall tree planting, which is not proposed). A condition has been recommended which requires a minimum 1.8m high privacy screen along the access gallery/stair landings.

3.6 Design Configuration, SEPP 65- Social Dimensions, and access for people with Disabilities

It is proposed to provide ramped disabled access from the street to the site, by using the southern entry off Edward Street adjacent to the basement car park ramp. There are potential safety issues in this location, with cars turning in and out of the site. It is considered that there should be a more equitable and safer access provided from the northern part of the site off the Smith Street open space near the retail space. A condition has been recommended to this effect should the Project Plan be supported.

The development proposes 4 'adaptable' apartments out of a total of 44 dwellings. Council has 'Universal Accessible Design' requirements in DCP 2007, which, if implemented, would potentially enable all dwellings to be easily adapted for people with disabilities and special access needs. Given that many of the apartments have open plan layouts, it would be potentially feasible to seek minor amendments to their layouts to have them comply with 'Universal Accessible Design' principles. A condition has been recommended to this effect should the Project Plan be supported.

3.7 Heritage Impacts

No objection was raised to the proposed buildings by Council's Heritage Adviser.

3.8 Dedication and condition of internal roads and footpaths and tree planting (streets)

Council's Engineers have advised that there are several matters related to damage to local infrastructure and construction work that warrant Council taking monetary deposits to cover any repairs/costs Council might have to resolve. These include the following considerations:

- Damage to local roads and footpaths during construction.
- Damage to roads in order to access local major stormwater pipes. Sydney Water may also need to consider any damage to their pipeline.
- Construction of a traffic island at the corner of Smith Street and Edward Street.

- Ensuring there is adequate control of any overland stormwater flows from Smith and Edward Street which discharge into Hawthorne Canal.

A Council Infrastructure Damage deposit, for Stage 1 works, of \$405, 000 is required to be paid by the applicant to address the above, and a condition for this should be included in any Project Plan approval.

A site construction traffic management plan is also required to ensure during construction phases there is minimal disruption to local streets and local residents.

The part of the pedestrian pathway from Smith Street which the public will use to access the light rails station, for the part around the substation, reduces to a narrow 1.3 m, and this is near a street crossing with potential conflicts between pedestrians and cars. This footpath area is also proposed to be dedicated to Council. The pedestrian crossing path along the junction of the internal street with Smith Street is not ideal for pedestrian safety reasons, and is compromised by the street geometry and presence of the substation. A condition should be placed on any approval requiring the footpath width to be increased to 3m, and to consider whether the existing substation should be moved to accommodate this or whether there are other options - e.g. whether there should be a raised threshold in the street where there is a pedestrian crossing.

3.9 Developer contributions

The Project Plan approval requires payment of development contributions to Council. This is based on:

- 3x1 bedroom dwellings
- 29x2 bedroom dwelling
- 3x3 bedroom dwellings
- 9x4 bedroom dwellings

- 443 sqm of retail floor space.

The followings contributions are required to be paid to Council in accordance with the contributions plan.

Community Infrastructure Type	Contribution
Local Roads	\$15,574.45
Local Public Transport Facilities	\$44,184.72
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$815,947.97
Local Community Facilities	\$46,019.04
Plan Preparation and Administration	\$37,067.69
TOTAL	\$958,793.87

3.10 Construction of stormwater disposal/culverts through the site, to carry local stormwater disposal to discharge into Hawthorne Channel.

Stormwater flows

There is a large stormwater catchment area which flows down Smith Street and some of this flow is picked up by a large underground pipe from the Flour Mills site to the Hawthorne Canal - **see Diagram 3** of this report.

Some local stormwater which flows down Smith Street will be diverted around the Stage 1 site potentially down the access pathway link or within the 'Portion 4' allotment. There are various underground pipes (culverts) proposed to deal with this flow.

Council's engineers advise it is not possible at this point in time to determine whether the proposed stormwater disposal system is adequate based on the submitted documentation. Consultation between Ashfield Council would be required with Sydney Water on this matter. Additional engineering staff resources, or an independent review by consultants, would be required to analyse and check the various and numerous complexities associated with the proposed stormwater mitigation work, given the large upstream area catchment which might otherwise be adversely affected. Easements would also need to be placed on the site, which would affect the proposed subdivision plan.

Sustainability

It is stated in the Environmental Assessment that a Water Urban Sensitive Design (WUSD) mechanism will be used for filtering surface stormwater from the new internal streets, by using the surface area along the street kerbs. However, no adequate design details have been provided to explain how this would happen and fit in with the rest of the site treatments. To ensure this occurs, any consent granted should include a condition which requires the design to show how this system will connect to the main site drainage system - e.g. whether there should be WUSD along the public accessway since this is potentially a major route for overland stormwater flow.

3.11 Damage to Local Council Infrastructure and Damage Deposit to Ashfield Council.

See part 3.8 above. Council's engineers have advised that a damage deposit of \$ 405, 000 is required.

3.12 Waste storage and collection

A waste storage room is located at the basement level of the residential complex. A lift is provided at basement level, and this needs to be of a type that is capable of being used for the transport of bins to ground level collection areas.

4.0 Request for Conditions for Project Plan Approval

Noting the matters identified above, including consequent financial and liability implications for Council for various infrastructure, before DOPI concludes that the Project Plan application should be approved, it firstly needs to address the problems identified in this report and recommendation. Only then will we be able to formulate a complete list of 'standard conditions'.

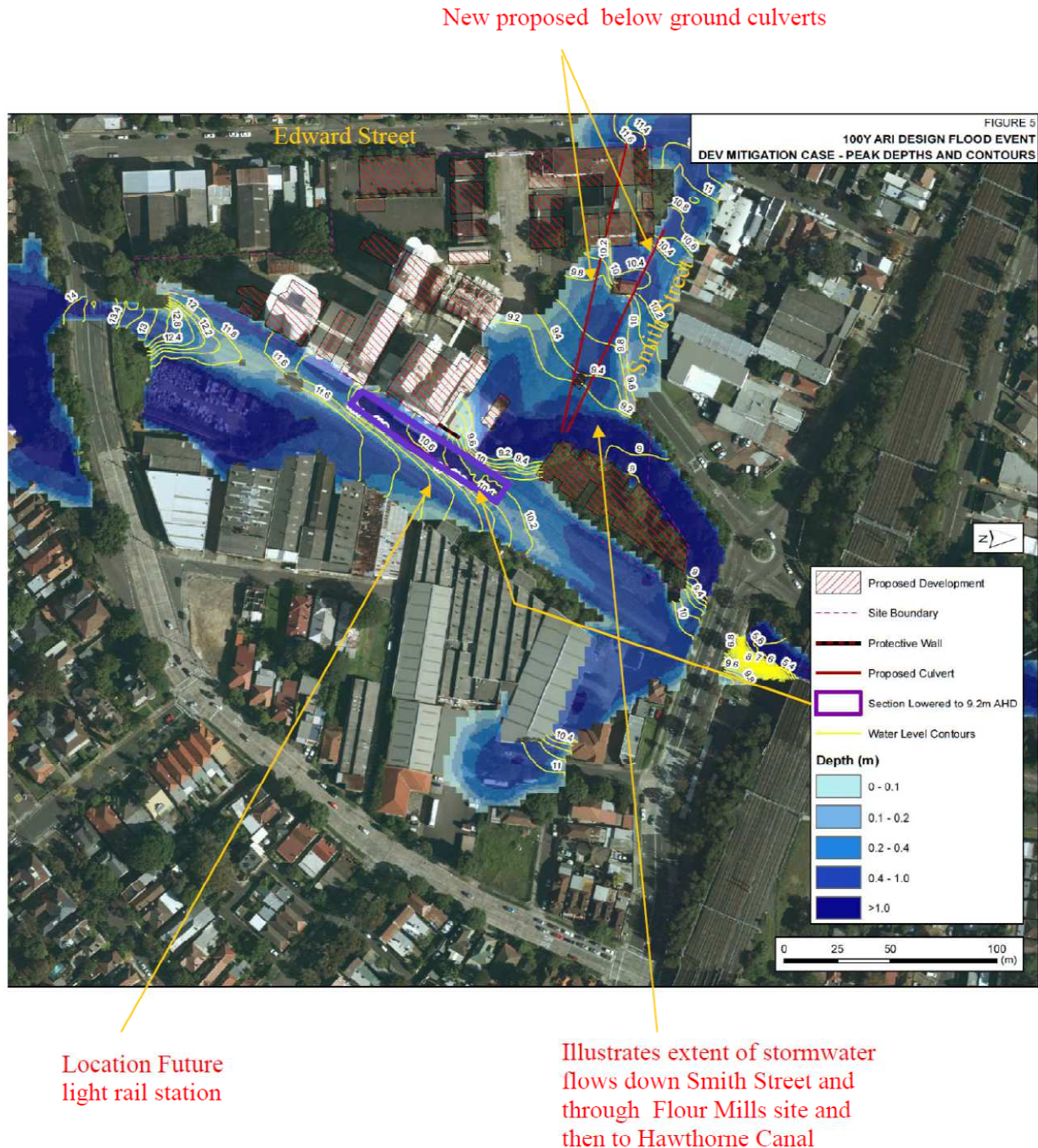
A list of primary concerns addressing the issues above in Part 2 of the report, drafted as conditions, have been included in this report's recommendation.

DOPI has indicated, at this point in time, they would be willing to meet with Council officers to discuss any concerns, prior to any Project Application approval being recommended, or conditions of approval being finalized.

Financial Implications

There are various financial burdens that might result if Council takes ownership of new roads, public accessways, and maintenance of stormwater culverts if the matters identified in the report are not satisfactorily resolved.

Diagram 3 - Extract from 'Flooding, Stormwater and Utilities report' showing extent of flooding on the site and surrounding areas with Council officer explanatory commentary in red.



Other Staff Comments

Engineering

See Part 3.8 and 3.10 of this report.

Sustainability

See Part 3.10 on Water Sensitive Urban Design above.

Heritage Adviser

See Part 3.7 of this report above - no objections raised.

Conclusion

At this point in time, it is understood the Department of Planning and Infrastructure will determine whether to approve the Project Application.

The Stage 1 development containing the residential complex part of the proposal, at the corner of Smith Street and Edward Street, generally complies with the Concept Plan approval. Some minor amendments are required as identified in the report.

However, there are several significant 'whole of site' planning and civil engineering issues that need to be resolved upfront, as identified in this report, including urban design issues and the public use of open space and regional pedestrian linkages. The Department of Planning and Infrastructure needs to recognize that the Project Application in relation to the proposed subdivision of the site and creation of separate allotments affects future development outside the Stage 1 part of the works, and has very significant consequences and burdens for Ashfield Council. This includes the adequacy and quality of the pedestrian link to the future GreenWay Corridor and Light Rail station, adequacy of new streets, the adequacy of new stormwater disposal systems carrying local stormwater through the site into the Hawthorne Canal, and the significant financial implications for Council.

This report's recommendation includes a primary critical list of matters that need resolution which are presented as conditions of approval for the consideration of DOPI. Once the Department's response to these matters becomes known, Council officers will be able to provide DOPI with a complete set of 'standard' conditions of approval.

ATTACHMENTS

Attachment 1	Department of Planning and Infrastructure letter	1 Page
Attachment 2	Concept Plan approval conditions	29 Pages
Attachment 3	Applicants Environmental Assessment report	42 Pages
Attachment 4	Extract Architectural Documentation	41 Pages