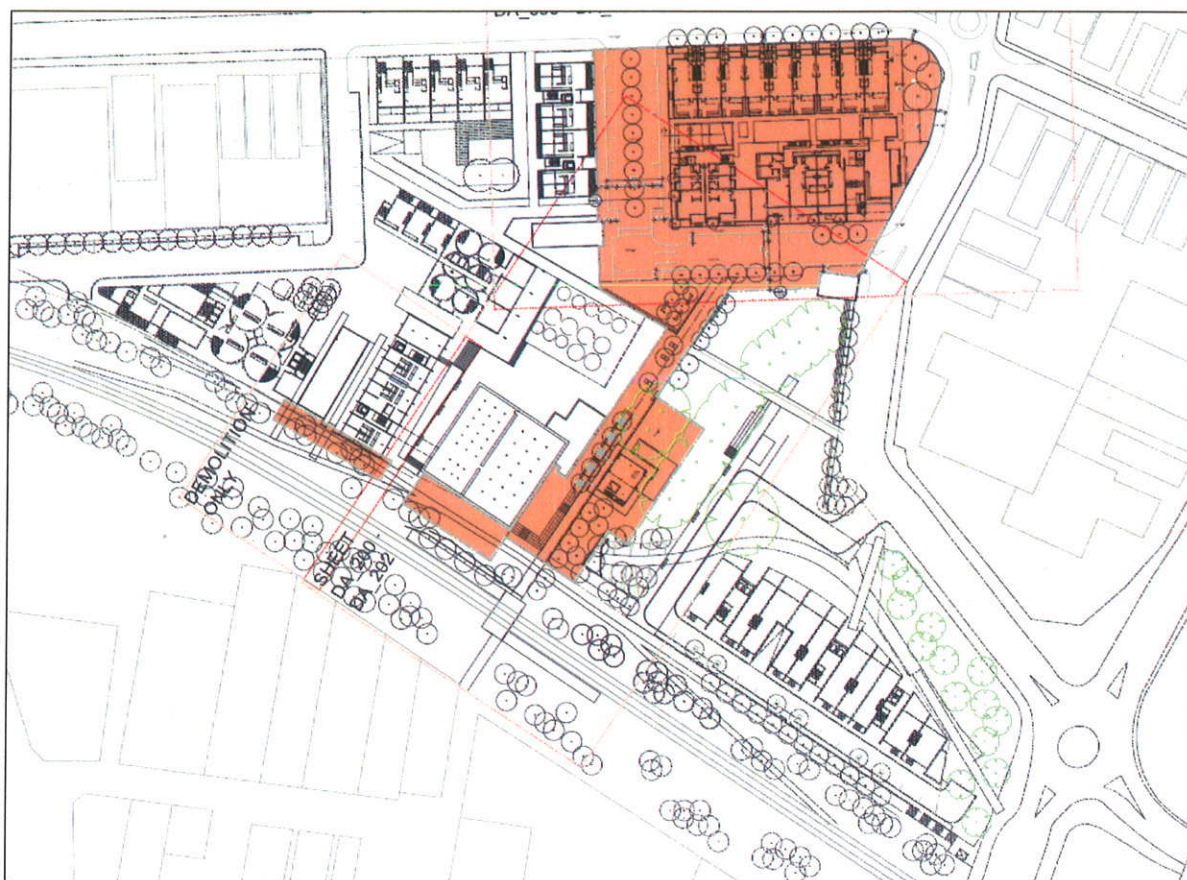


MAJOR PROJECT ASSESSMENT:

**Project Application for Stage 1 Residential / Retail
Development at the former Summer Hill Flour Mill
site, 2-32 Smith Street, Summer Hill**

(MP 10_0180)



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

June 2013

ABBREVIATIONS

CIV	Capital Investment Value
Council	Ashfield Council
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
Proponent	EG Funds Management
RtS	Response to Submissions

Cover Photograph: Extent of the Stage 1 area, shaded pink, within the approved Concept Plan site (Source: Proponent's EA)

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EXECUTIVE SUMMARY

EG Funds Management (the Proponent) is seeking Project Application approval for Stage 1 of the redevelopment of the Summer Hill Flour Mill site at 2-32 Smith Street, Summer Hill within the Ashfield Local Government Area.

The exhibited proposal sought approval for Stage 1 of an adaptive mixed use residential, retail and commercial development, comprising demolition of existing structures and construction of:

- 44 dwellings;
- 443m² of commercial/retail space;
- basement car parking for 53 vehicles;
- two new public streets; and
- pedestrian / cycle access to the Lewisham West light rail stop.

The Environmental Assessment (EA) was exhibited for a period of 48 days between 13 March 2013 and 30 April 2013. As a result, the Department received 9 submissions from public authorities and 7 public submissions. Of the 7 public submissions, 4 objected to the development, while the remaining submissions did not state whether they objected or supported the project but raised issues with a number of aspects associated with the application.

A Response to Submission report (RtS) incorporating amended plans was submitted on 7 June 2013. The RtS provided a number of clarifications and further responses to issues raised in the submissions.

Ashfield Council made a submission during the exhibition of the EA. While Council did not object to the proposal, it raised a number of issues particularly regarding whether the Proponent adequately addressed the requirements of the Concept Plan Approval.

Key assessment issues include open space and public domain, landscaping and tree removal, car parking provision, and flood mitigation issues associated with the adjacent light rail corridor interface.

The Department is of the opinion that the site is suitable for the proposed mixed used development and that the proposal has planning merit. The transition of the locality from existing disused industrial buildings to residential and active uses such as commercial/retail uses is supported, especially in the context of broader housing supply issues in the Sydney Metropolitan Area.

The proposed layout is a sound response to the site's urban context and heritage values. The Stage 1 layout and built form is considered to be generally consistent with the approved Concept Plan for the entire site.

The Department has assessed the merits of the application, taking into account the issues raised by the public and relevant public authorities. It is considered that the identified impacts have been addressed in the RtS.

The Project Application is recommended for approval, subject to recommended conditions.

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1. BACKGROUND

The purpose of this report is to assess a Project Application for Stage 1 of the mixed use redevelopment of the Summer Hill Flour Mill site at 2-32 Smith Street. The redevelopment of the Summer Hill Flour Mill was the subject of a Part 3A Concept Plan approved by the Planning Assessment Commission (PAC) on 7 December 2012 (MP 10_0155).

1.1 Site Description

The former Allied Mills Flour Mill site is located at 2-32 Smith Street, Summer Hill approximately 700 metres south east of Summer Hill and 550 metres west of Lewisham Railway Station. At 24,738m² in area, the former Allied Mills Flour Mill site is a large landholding which straddles the Ashfield and Marrickville LGA boundary. The site location is shown in **Figure 1**, with the Stage 1 Project Application area shown in **Figure 2**.

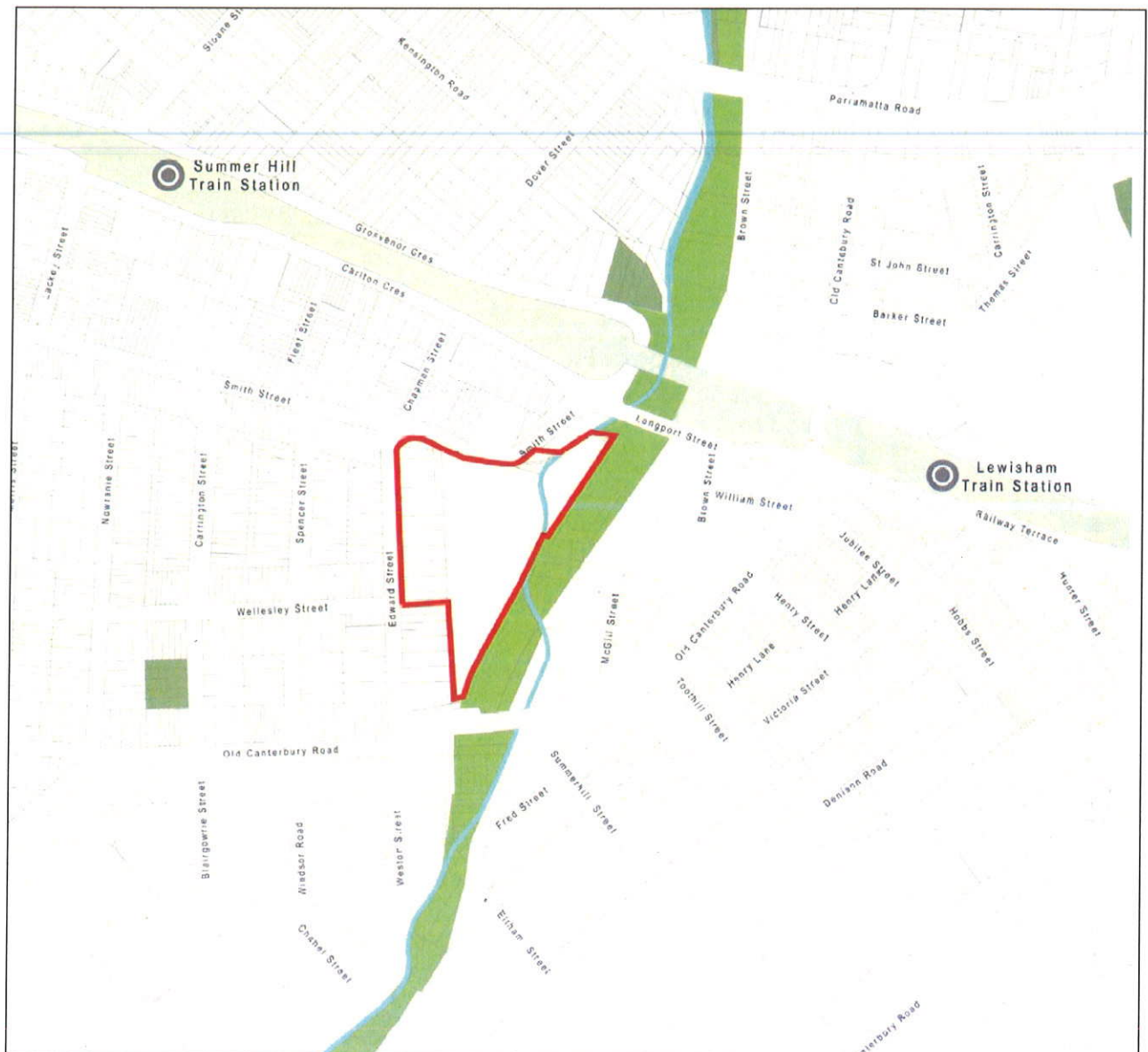


Figure 1: Summer Hill Flour Mills Site Locality (Source: Proponent's EA)

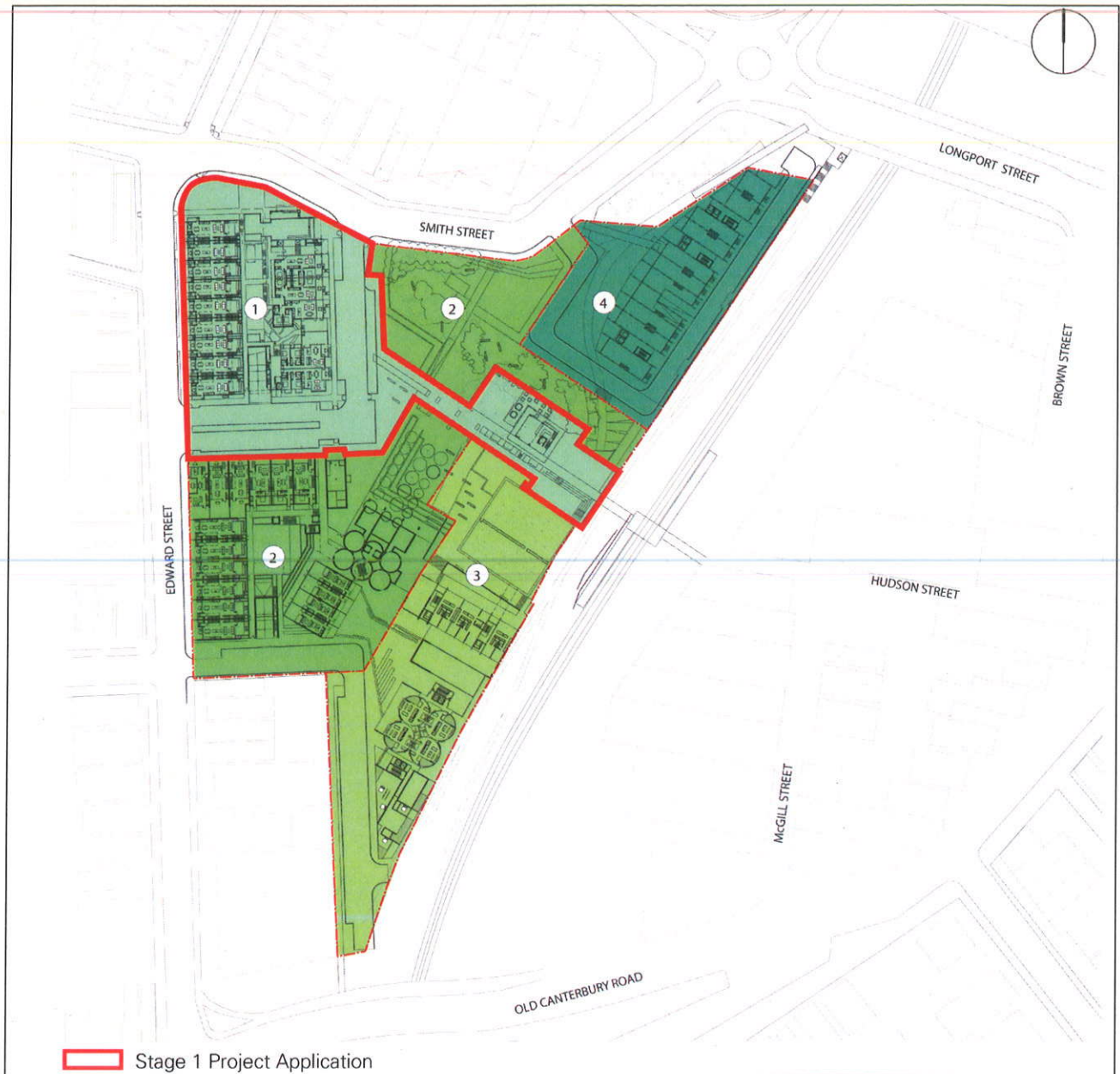


Figure 2: Stage 1 Project Application Area Context (Source: Proponent's EA)

The Stage 1 Project Application site (herein referred to as 'the site') is located wholly within the Ashfield LGA. The site is an irregularly shaped parcel of land and comprises nine fragmented allotments, equating to a total area of 7,112m². The site is situated primarily in the north western corner of the former Allied Mills Flour Mill site at the corner of Smith Street (north) and Edward Street (west), and also includes an east/west through-site link to the future Lewisham West light rail station, which is currently under construction to the east.

The site is currently occupied by buildings and structures associated with its former use as a flour mill, including administration and amenities buildings, a truck weighbridge facility, at grade car parking areas and rail sidings.

The legal description of the site is Lot 1 DP 73521, Lot 1 DP 131120, Lot 2 DP 131120, Lot 1 DP 171676, Lot 1 DP 302585, Lot B DP 171931, Lot B DP 172600, Lot 1 DP 182276, Lot 16 DP 130884 and Lot 15 DP 315.

1.2 Surrounding Development

The site is situated between the Summer Hill and Lewisham villages, approximately 7km south west of the Sydney Central Business District, and 5km north west of Sydney International Airport. A number of east-west tributaries of the Parramatta River (to the north) and the Cooks River (to the south) are located east and west of the site, including the Hawthorne Canal, which is immediately to the east of the site.

The suburbs of Summer Hill and Lewisham both have a village character serviced by neighbourhood retail strips comprising cafes, restaurants and service retail around the train stations. Beyond the local retail strips, a mix of medium-density apartment blocks and federation houses characterise the urban landscape, although the site forms the western edge of a 10ha industrial precinct that adjoins the former freight rail corridor, but is otherwise surrounded by low-medium scale development. Land surrounding the site to the north and west of the site is largely made up of low scale federation style residential development, whilst land immediately south and east of the site is light industrial in nature and includes current and former factory operations with isolated low scale housing and cleared sites currently under construction for medium to high density residential and mixed use development associated with the Lewisham Estate development.

Many of the residential buildings surrounding the site are locally heritage listed, and land immediately west of the site is located within a Heritage Conservation Area. Whilst not heritage listed itself, the approved Concept Plan recognises the site's function, architectural form (structure and presence), engineering and cultural contribution within the inner west and within Sydney and accordingly requires particular matters to be considered during delivery of the project.

The site is well connected to transport infrastructure, including road, train, light rail, bus and bicycle infrastructure and facilities. In particular, the Department notes that the site is adjacent to the Inner West Light Rail Corridor.

The immediate locality currently lacks significant public open space with the nearest public parks being located at Blairgowrie Street (300 metres) and Grosvenor Crescent (250 metres). The Inner West Light Rail Corridor is earmarked to be reconfigured as "GreenWay", incorporating light rail, cycle and pedestrian facilities, as well as biodiversity and recreational opportunities. This forms the eastern boundary of the Concept Plan site.

1.3 Concept Plan Approval

On 7 December 2012, the PAC approved the Concept Plan (MP 10_0155) for the mixed use redevelopment of the Summer Hill Flour Mill site (including residential, retail, commercial and open space areas) as shown at **Figure 3**. The approval includes:

- adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes;
- staged construction over 4 stages;
- 280-300 dwellings (29,500 - 33,500m² GFA)
- 3,500-4,000m² of commercial floor space;
- 2,000-2,500m² of retail floor space;
- a floor space ratio of 1.4-1.6:1;
- up to two levels of basement car parking and 63 on-street parking spaces;
- 4,806m² of public open space to be dedicated to Council and an additional 5,287m² of publicly accessible open space;
- new local streets serving the development;
- road works including a roundabout at Edward Street and Smith Street as part of Stage 1 and a signalised intersection at Old Canterbury Road as part of Stage 3; and
- off-site pedestrian upgrade works in the surrounding area and to Summer Hill village.

Stage 1 of the Concept Plan approval incorporates residential development including (terraces and residential flat buildings), minor retail / commercial development and open space provision, including a publicly dedicated pedestrian / cycleway linking through to the proposed Lewisham West Light Rail Station, which is the subject of this application.

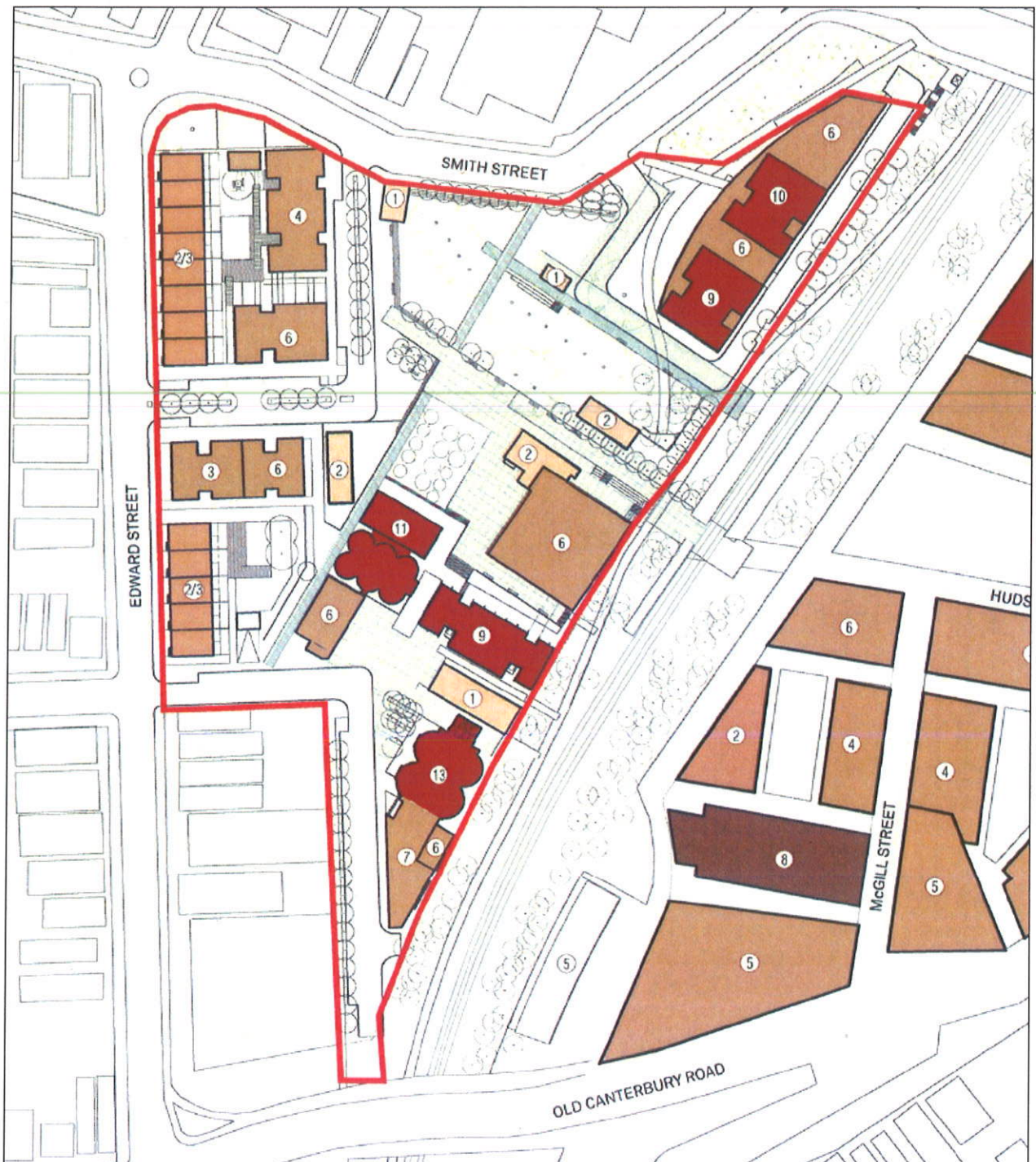


Figure 3: Approved Concept Plan building envelope (Concept Plan site boundary in red)

2. PROPOSED PROJECT

2.1 Project Description

The proposal as exhibited in the EA seeks Project Approval for the Stage 1 precinct of the Summer Hill Flour Mill including:

- demolition of the following existing structures:
 - former administration building;
 - all encroachments into the light rail corridor including the awning and structures over the rail sidings to the Mungo Scott building and adjacent to the timber slabs; and
 - the northern metal shed addition to the Mungo Scott Building to facilitate access to the light rail corridor;
- construction of four (4) new buildings up to a maximum height of 6 storeys - identified as:
 - Building 1C – being a two storey retail/commercial (286m²) building;
 - Building 4A – being a 4 storey residential flat building containing 18 units and 157m² of retail;
 - Building 4B – being a 6 storey residential flat building containing 17 units; and
 - Building 4C - being 9 terraces of 2/3 storeys.
- construction of a common basement car park for residents under Buildings 4A, 4B and 4C containing 53 spaces, including 5 accessible spaces, bicycle parking, storage, garbage rooms, plant rooms and rainwater storage facilities;
- construction and dedication of two new streets linking Edward Street and Smith Street, including on-street parking for 13 cars (including 2 spaces to be provided as designated car share scheme spaces) to service the proposed commercial/retail uses;
- construction and dedication of a pedestrian/cycle link to provide public access through the site from Smith Street to the Lewisham West light rail stop; and
- six (6) lot subdivision to facilitate the delivery of the Concept Plan through four stages and enable the creation of road reserves and open space which is proposed to be dedicated to Ashfield Council.

It should be noted that Stage 1 as now proposed excludes the construction of Building 2B. The approved Concept Plan included the refurbishment and adaptive reuse of Building 2B, which is an existing annex to the Mungo Scott Building. The Proponent's EA indicates that the works associated with Building 2B have been deferred to a later stage due to the significant fire engineering and BCA considerations that are required to be undertaken.

2.2 Response to Submissions

Following the public exhibition of the EA, the Department placed a copy of all submissions received on the Department's website. The Department also requested that the Proponent address the submissions that were received and a number of specific issues which it considered required further consideration.

The Proponent submitted a Response to Submissions (RtS) (**Appendix C**), which provided further information and clarification on the key issues raised by the Department and public / agency submissions.

The key issues addressed in the RtS report include:

- revisions to the areas of open space proposed to be dedicated to Council as part of the Stage 1 development in the through-site link to the Lewisham West light rail station;
- further clarification and justification regarding proposed tree removal in Stage 1;
- clarification regarding the proposed car parking rates applied to Stage 1;
- information regarding consultation with Councils on the Infrastructure and Traffic Management Plan;
- further clarification regarding SEPP 65 compliance;
- clarification regarding the location of adaptable units;

- clarification regarding groundwater levels in the proposed basement parking area; and
- revised subdivision plans showing proposed public easements.

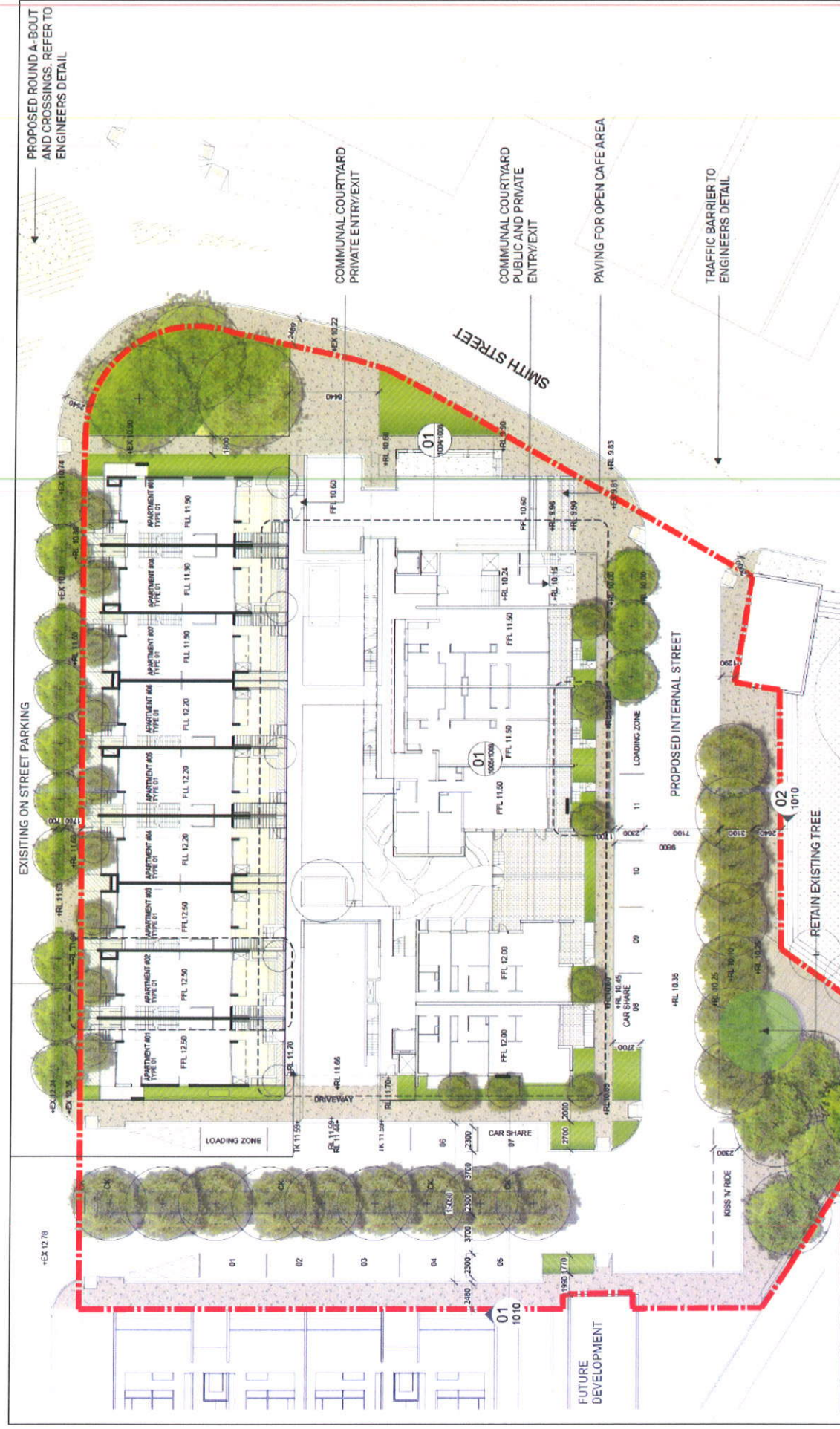
No significant design amendments were proposed by the Proponent. In response to comments raised in submissions regarding the adequacy of the proposed dedication of only a 3 metre wide pedestrian cycle link to the light rail station as part of Stage 1, an amended Indicative Subdivision Plan was submitted. The revised plan increases the amount of land to be dedicated to Council in Stage 1 from 2,100m² to 3,166m² and principally includes additional areas adjacent to the pedestrian cycle link. This issue is discussed in further detail in **Section 5.2**.



Figure 4: Proposed western elevation viewed from Edward Street toward the Lewisham West Light Railway Station (Proponent's EA)



Figure 5: Proposed eastern elevation viewed from within the site toward Edward Street (Proponent's EA)



3. STATUTORY CONTEXT

3.1. Continuing Operation of Part 3A

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued for Stage 1 of the development prior to 8 April 2011 and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under Section 75J of the Act.

3.2. Major Project

The Minister has delegated his functions to determine Part 3A applications to the Executive Director, Development Assessment Systems and Approvals where:

- the relevant Council has not made an objection;
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

Council does not object to the proposal. There has been no political donation declared in relation to this project within the past two years. The project received 7 public submissions during the exhibition period, of which 4 stated an objection to the development.

Accordingly, the application is able to be determined by the Executive Director, Development Assessment Systems and Approvals under delegation.

3.3. Project Need and Justification

The project need and justification for the mixed use development at the site was considered during the assessment of the Concept Plan. The Department formed the view that the Concept Plan was consistent with the overall State, regional and local strategic planning context through providing new housing in an area with high accessibility to public transport and therefore jobs and retail facilities.

The assessment considered the following:

- NSW 2021;
- Metropolitan Plan for Sydney 2036;
- Draft Inner West Subregional Strategy and draft South Subregional Strategy; and
- Ashfield Urban Strategy 2010.

The Stage 1 Project Application is within the overall Concept Plan envelope and is considered to be consistent with the use, density, built form and layout in the Concept Plan approval. Therefore the Stage 1 development will contribute toward the strategic benefits provided by the Concept Plan.

3.4. Permissibility

The site is zoned 4(b) Light Industrial under Ashfield Local Environmental Plan 1985. The proposed land uses are prohibited in the zone.

Notwithstanding, Schedule 6A of the EP&A Act states that the provision of any Environmental Planning Instrument or any Development Control Plan do not have effect to the extent to which they are inconsistent with the terms of the approval of a Concept Plan. On this basis, the Stage 1 land uses are permissible subject to compliance with the Summer Hill Flour Mill Redevelopment Concept Plan approval (MP 10_0155).

3.5. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any Environmental Planning Instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

3.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act, which state as follows:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal is consistent with the identified objects (a),(ii),(iv) and (vii), in that:

- the proposal is an orderly development, being permissible under the approved Concept Plan;
- it proposes a mixed used development in a precinct which is undergoing significant change and redevelopment;
- the site is serviced land and has been demonstrated to be strategically important in contributing to housing supply;
- the proposed dedicated pedestrian/cycle connection through the site provides linkages to the Lewisham West Light Rail Station and importantly contributes to long standing government objectives promoting light rail infrastructure, an opportunity not available with the existing industrial uses on the site;
- the site does not contain any sensitive environments; and
- the proposal includes measures that support ecologically sustainable development.

It is considered on balance, having regard to the form and layout of the proposal, the consideration of environmental impacts and their mitigation in this report, that the project is consistent with the objectives of the Act.

3.7. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD

requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department considers that the proposal represents a sustainable use of the site, as it proposes the construction of a new mixed use development located adjacent to new light rail station and in close proximity to other public transport including rail and bus services. The Proponent has included an ESD Statement and BASIX Certificates. The ESD Statement addresses the measures that have been considered and incorporated into the design development.

The project is consistent with the key principles of ESD. A further detailed assessment against ESD principles is at **Appendix D**.

3.8. Statement of Compliance

In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 13 March 2013 until 30 April 2013 (an extended period of 48 days) on the Department's website and at the Department of Planning and Infrastructure Information Centre, Ashfield Council Civic Centre and at Ashfield Library. The Department also advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 13 March 2013 and the Inner West Courier on 13 March 2013 and notified landholders and relevant State and local government authorities in writing.

The Department received 16 submissions during the exhibition of the EA, comprising 9 submissions from public authorities and 7 submissions from the general public and special interest groups. A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Submissions were received from 9 public authorities in response to the EA. The submissions did not raise objection to the proposal, but provided conditions or matters to be addressed.

Ashfield Council	
EA	<p>Council raised the following issues:</p> <ul style="list-style-type: none">• the proposed subdivision may compromise good urban design through fragmentation of ownership;• quality of urban design and public accessway to the light rail and GreenWay corridor;• design of the commercial/retail building near the light rail station;• issues associated with design configuration, landscaping and open space;• access for people with disabilities;• potential damage to Council infrastructure;• developer contributions; and• waste management.

Transport for NSW	
EA	<p>Transport for NSW raised the following issues:</p> <ul style="list-style-type: none"> the proposed through site link from Smith and Edward Streets to the light rail station should be designed to cater for all users, including those with disabilities; that one of the accessible car parking spaces be on-street; consideration of an additional kiss and ride zone on the western side of the new internal street; access from Summer Hill through the site during the construction phase; comments regarding the review of flood modelling ; and any works undertaken within the rail corridor need to allow for a future shared pathway though the corridor.
Road and Maritime Services	
EA	The RMS raised no objection to the project however reiterated the comments provided during the Concept Plan assessment with regard to intersection upgrades. RMS referred to previous recommendations received during the assessment of the Concept Plan.
RtS	RMS raised no additional comments to that provided above.
Sydney Water	
EA	<p>Sydney Water does not object to the construction of the proposed Stage 1 buildings ahead of implementation of the previously negotiated flood mitigation works located within the light rail corridor. The Proponent is required to submit a number of documents relating to proposed building a civil works in close proximity to the heritage Smith Street stormwater drain including:</p> <ul style="list-style-type: none"> an investigation and design report; dilapidation surveys and videos of stormwater assets; Work as Executed Plan; and design details of connections to the Smith Street drain.
RtS	SW raised no additional comments to that provided above.
Environment Protection Authority	
EA	Advised that it had no comments on this stage of the development
Office of Environment and Heritage	
EA	Advised that it had no comments on this stage of the development
Department of Primary Industries – NSW Office of Water	
EA	The NSW Office of Water sought clarification regarding whether the project is excavating into groundwater given the EA indicates depths of perched groundwater at between 2-2.5 metres and the unconfined aquifer standing at below 5 metres. The Stage 1 development will require a licence under relevant NSW water legislation if the proposal is likely to intercept of use groundwater.
Marrickville Council	
EA	Marrickville Council advised that it was generally satisfied with the scale and design of the development however supports Ashfield Council's comments regarding the need for an adequate/generous width for the public accessway linking the light rail station.
GreenWay	
EA	<p>GreenWay raised the following issues:</p> <ul style="list-style-type: none"> Concern regarding the proposed dedication of only a 3 metre wide shared pathway to the light rail station as part of Stage 1 of the development. Design excellence; Stormwater retention works within the light rail/GreenWay corridor; Precinct activation and community connections; Sustainability; and Consideration of relevant GreenWay documents in further detailed design of Stage 1 development.

RtS	Greenway reiterated comments previously provided and requested that the Proponent address: <ul style="list-style-type: none">• design excellence;• water Sensitive Urban Design (WSUD); and• width of public accessway.
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4.3. Public Submissions

A total of 7 submissions were received from the public. This included submissions from the following special interest groups:

- Ashfield and District Historical Society; and
- Summer Hill Action Group.

Of the 7 public submissions, 4 objected to the project and three did not state whether they objected or supported the project but raised issues with the notification of the application.

The key issues raised in public submissions include:

- quality of pedestrian / cycle pathway to light rail station;
- proposed stormwater management / detention basin within light rail Corridor;
- traffic / road improvements;
- removal of trees on Smith Street;
- retail floorspace within Building 4A;
- legitimacy of the Part 3A process;
- consistency with the approved Concept Plan;
- indicative Subdivision Plan;
- built form and the standard of architecture;
- open space and landscaping;
- access to bus transport;
- parking provision;
- heritage interpretation; and
- construction impacts.

The Department has fully considered the issues raised in submissions in its assessment of the project.

4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions which is included in the RtS (see **Appendix C**). Changes to the scheme are summarised in **Section 2.2**. The Department is satisfied that the issues raised in submissions have been addressed, either through this report and recommended conditions or by the Proponent.

5. ASSESSMENT

The Department considers the key assessment issues for the project to be:

- consistency with the approved Concept Plan;
- pedestrian / cycle link to the Light Rail Station;
- proposed tree removal;
- residential amenity;
- flooding and stormwater management; and
- traffic and transport.

5.1 Consistency with Approved Concept Plan

Building Envelope and Floor Space

The Concept Plan approval includes building envelopes and gross floor areas for the redevelopment of the overall Summer Hill Flour Mill redevelopment. The subject project application relates to Stage 1 of the development. The proposal's compliance with the GFA requirements of the Concept Plan is provided below:

	Concept Plan Approval	Project Application	Complies
Gross Floor Area	35,000-40,000m ²	5,125m ²	Yes
Residential	29,500-33,500m ²	4,682m ²	Yes
Retail	2,000-2,500m ²	278m ²	Yes
Commercial	3,500-4,000m ²	165m ²	Yes

Table 1: Comparison of Floor Areas between the Concept Plan and Project Application

Overall the proposed layout is consistent with the building envelopes approved under the Concept Plan and the proposal provides a good response to the site's urban context. The part two/part three storey terraces are located towards the street frontages with the taller 4 storey and 6 storey buildings located towards the centre of the site fronting the new north-south oriented Street 1 and the new east-west oriented Street 2. This graduation in building heights and form assists in complementing the Heritage Conversation Area to the west, and provides a transition in building scale towards the larger Mungo Scott building and silos to the east which are proposed to be converted into residential apartments and adaptively reused in future stages. It also allows for view sharing from within the site.

A strong built edge is formed along surrounding existing and proposed streets with perimeter block development aligned along the streets. This is consistent with the principles established in the approved Concept Plan. The proposal also includes clear pedestrian and through-site links that extend from the existing street network into the Stage 1 site and through the wider former Allied Mills site towards the light rail stop. The alignment of the proposed street network and the east-west pedestrian cycle link complements the existing street network of the area. Overall, the Department considers the proposal is an appropriate urban design response to the site, which is consistent with the approved Concept Plan.

Height

The proposed building heights for Stage 1 are consistent with those approved in the Concept Plan Building Height Map. As outlined above, the proposal provides an appropriate graduation from the predominant building heights in the adjacent heritage conservation area to the west across Edward Street through to the higher building forms that will be developed as part of future stages of the Concept Plan, including the Mungo Scott building and silo conversions.

Density

The Concept Plan approval provides for a total GFA of 35,000-40,000m² GFA (comprising 29,500-33,500m² residential, 2,000m² retail and 3,500m² commercial). This equates to an FSR of 1.4-1.6:1 across the site and a total of 280-300 residential apartments and terrace houses. The indicative staging proposed in the Concept Plan provided for 35-36 dwellings, 250-400m² of commercial floorspace and 500-675m² of retail in Stage 1.

The Project Application is seeking approval for 44 dwellings and 443m² of commercial/retail space. This is a minor exceedence over that proposed for Stage 1 in terms of residential dwelling numbers, however, the Department notes that the development yield for the staging is indicative only and therefore the Stage 1 development yield is considered to be generally consistent with the proposed density of development approved in the Concept Plan.

Parking Provision

The car parking rates approved in the Concept Plan and the proposed Stage 1 Provision are as follows:

Building Type / Use	Stage 1 Provision	Complies
1 space per 4 studio / 1 bedroom units	0.25 x 3 = 0.75	
1 space per 2 / 3 bedroom units	1.0 x 37 = 37	
1.5 spaces per 4 bedroom townhouses/ terraces	1.5 x 4 = 6	
1 visitor space per 10 units	0.1 x 44 = 4.4	
1 space per 80m ² for retail and commercial uses	443/80 = 5.5	
Total	53	Yes

The car parking rates in the Concept Plan approval are specified as *maximum* rates consistent with the PAC's assessment that the site has excellent access to public transport and reduced parking rates will encourage its use and minimise traffic generation from the proposed development.

Based on the unit mix and retail/commercial GFA proposed in the Project Application, the maximum car parking allowable on the site is 53.65 spaces. The Project Application proposes 53 spaces which is within the maximum required by the rates specified in the Concept Plan.

In addition to the car parking provided in the basement area for the development, 13 public car parking spaces are proposed to be created on the new internal streets to be dedicated to Council. Of these 13 spaces, 2 are reserved for car-share scheme parking.

The proposed car parking provision is therefore consistent with the approved Concept Plan.

Open Space Provision

The Concept Plan approval included a range of open space treatments for the Stage 1 area. These include:

- public streets to be dedicated to Council;
- public open space proposed to be dedicated to Council, principally associated with the through site link to the light rail corridor;
- other areas of open space that would be privately owned but publicly accessible; and
- private communal open space forming an internal courtyard within the residential component.

The location, extent and type of open space provision proposed within the Stage 1 Project Application is generally consistent, with a few minor variations, to that proposed in the Concept Plan. The key variations are a reconfiguration of the central communal courtyard within the

residential components of the development and minor adjustments in terms of future tenure of open space in the corridor linking to the light rail station.

In terms of the communal open space, the Concept Plan assessment noted that the overall provision did not meet the RFDC recommended 25% of site area. Notwithstanding this, the significant provision, particularly given that 44% of this total open space area will be deep soil planting, of publicly accessible open space to be provided and / or dedicated across the site (52%) adequately compensated. The Department's assessment of the Concept Plan also noted that all apartments in the development included private open space in the form of balconies or courtyards.

The proposed communal open space area proposed in the Stage 1 Project Application will total 560m² in area and be located as a courtyard surrounded by the residential buildings. The area of this communal open space is slightly reduced from the Concept Plan approval and it no longer directly links east to the new internal street with the addition of two private courtyards to units 4A G.1 and 4B G.2. Notwithstanding this, the Department considers the communal space would still maintain its role to provide building separation and outlook as well as activation of the ground level of the precinct.

The proposed tenure of public open space in the Stage 1 development area is discussed in **Section 5.2** below.

5.2 Pedestrian Link to the Light Rail

There was significant concern raised in submissions from public authorities (including Ashfield Council) and the community regarding the proposed provision of a pedestrian /cycleway linking through the development to the light rail station. In particular, concerns were raised with the 3 metre width of the proposed land to be publicly dedicated as part of Stage 1.

The exhibited Stage 1 EA included an open space through-site link connecting the light rail station to the proposed internal street linking Smith and Edward Streets. The proposed link is consistent with the Concept Plan and varies in width, however is generally a minimum of 8 metres wide and is in places contiguous with other proposed open space to be provided as part of Stage 1 and future stages. Within this overall corridor, a 3 metre wide marked pedestrian/cycle link is proposed. The proposed through site link is shown in **Figure 7** below.

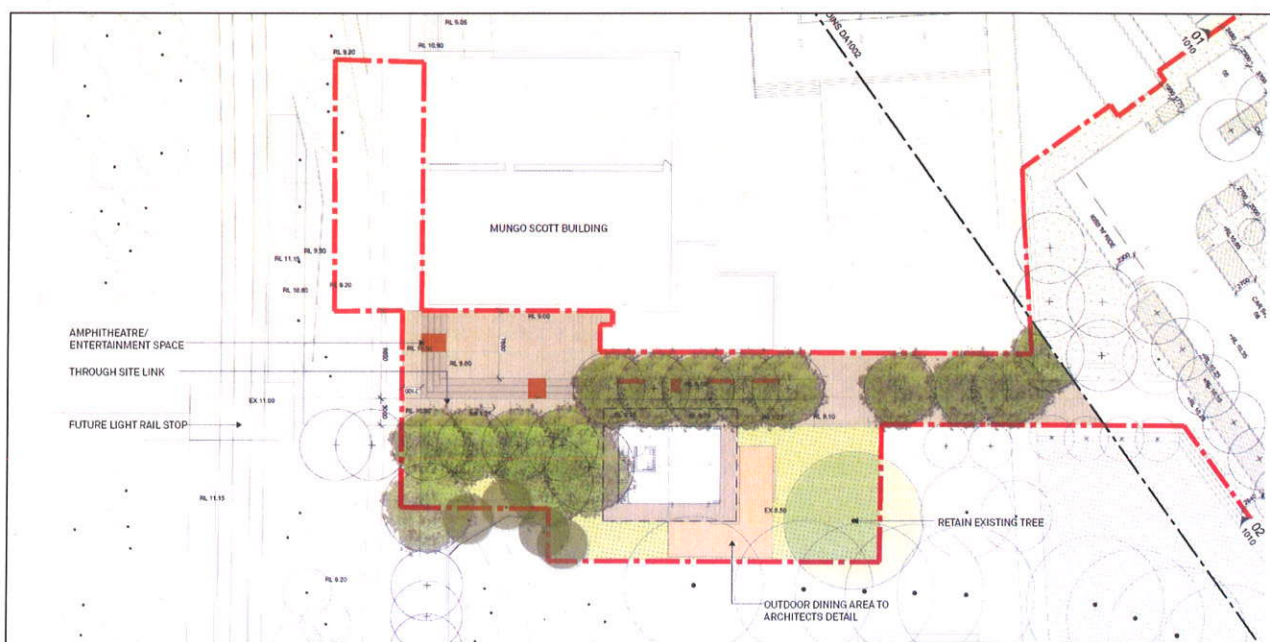


Figure 7: Proposed through site link (Source: Proponent's EA)

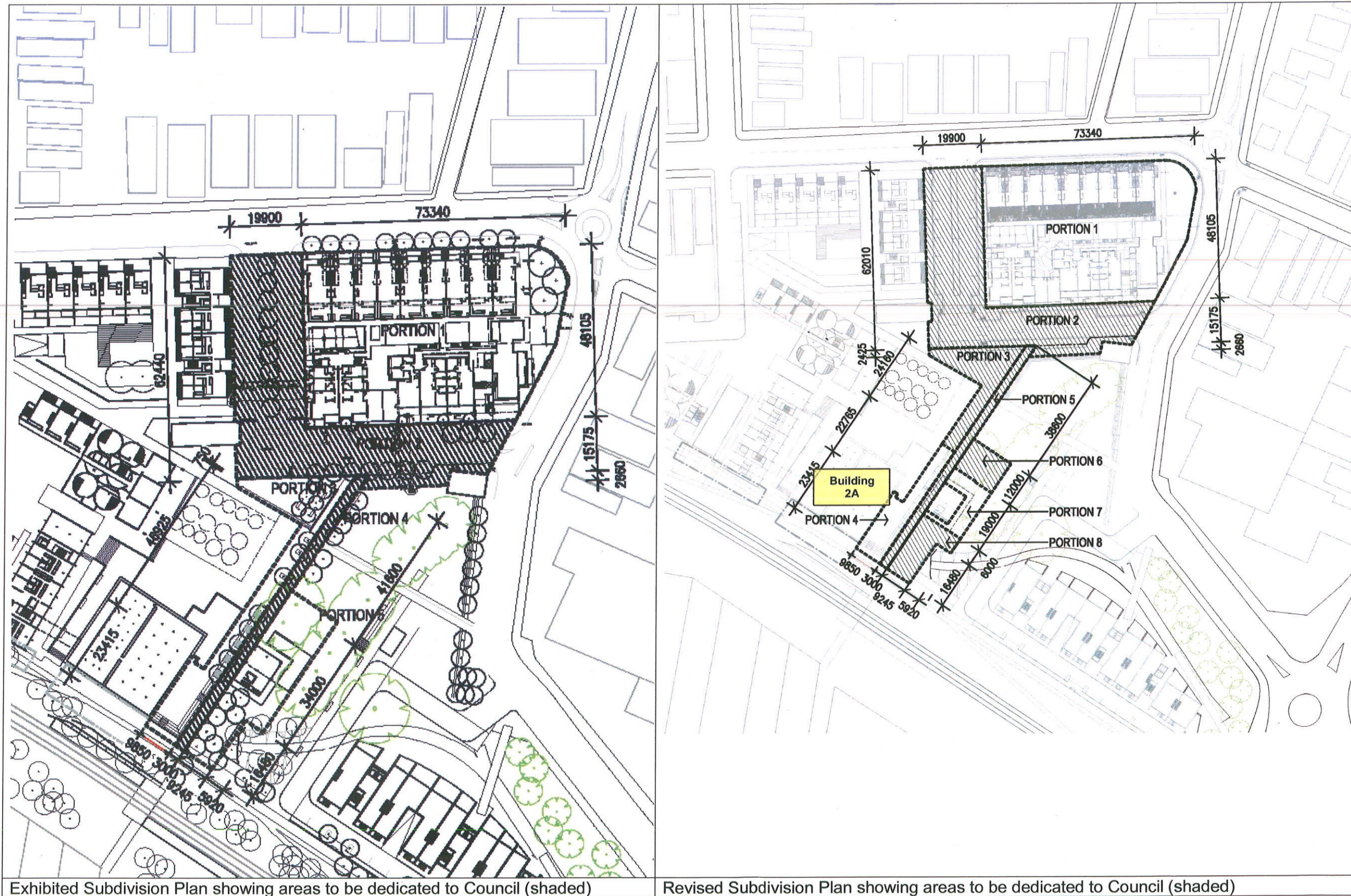


Figure 8: Revised Indicative Stage 1 Subdivision Plan (Source: Proponent's EA / RtS)

The indicative subdivision plan in the Proponent's exhibited EA (Drawing DA-012) proposed that only the 3 metre wide pedestrian/cycle link connection be dedicated to Council as part of the Stage 1 subdivision (in addition to the internal streets). The proposed land to be dedicated was identified as 'Portion 4' in the subdivision plan. The Concept Plan (Proposed Dedication Plan (Plan 03)) however, proposed the dedication to Council of a larger area in this vicinity, including parts of "Portion 3" adjacent to the new internal street. The Concept Plan approval (Future Assessment Requirement 26) however, did not specify the width of the proposed pedestrian/cycle access rather that it be determined in consultation with Council and Transport for NSW.

The RtS prepared by the Proponent provides clarification with regard to the proposed link through the site. The minimum 3 metre wide pedestrian/cycle link forms part of a wider open space corridor linking the proposed internal street with the light rail station. The overall corridor width in Stage 1 is proposed to be a minimum of 8 metres wide and includes areas proposed to be dedicated to Council, and other open space areas that will remain privately owned but publicly accessible. The RtS provided a revised indicative subdivision plan that includes additional portions to be dedicated to Council as part of Stage 1, including areas that had previously been proposed to be dedicated in the Concept Plan approval. These areas are now proposed to be dedicated to Council in Stage 1 total 3,166m², which is an increase from the 2,100m² proposed in the exhibited EA. The additional areas to be dedicated are adjacent to the pedestrian / cycleway within the overall through site corridor. The revised indicative subdivision plan showing proposed areas to be dedicated to Council is in **Figure 8** above.

The area to be dedicated for pedestrian/cycle access will be marked appropriately with good sight lines and is considered to be consistent with the guidance provided in *Pedestrian Cyclist Information Note No 5 – Infrastructure Design* (Austroads 2006) which proposes an overall width of 3 metres for this type of path purpose.

Ashfield Council raised concern in its submission with regard to the proposed subdivision of the site into a number of parcels. Council's key concerns related to the potential for the site to be fragmented into multiple ownership, particularly during the development phase and the potential for the Concept Plan development, as approved to be compromised. Council has also previously expressed this concern in its submission on the Concept Plan as a whole.

With regard to fragmentation into multiple ownership, the revised subdivision plan now proposes that a significantly larger area of land adjacent to the pedestrian/cycle link to the light rail station be dedicated to Council ownership as shown in Figure 4 above. The additional land proposed to be dedicated to Council is split into 4 small separate portions. Given all 4 portions are proposed to be dedicated, the Department is of the opinion that they should be subdivided and dedicated as a single portion of land and not fragmented. Ashfield Council and GreenWay, made particular representations regarding the area covered by Portion 4 in revised subdivision plan and requested that it also be dedicated to Council rather than remain privately owned. The reason given was that dedication of this area would retain the integrity of the minimum 8 metre open space corridor width for the light rail link.

The Department has carefully considered the merits of this issue. The area in question (Portion 4 on the Revised Subdivision Plan) forms the curtilage of Building 2A which will be developed as part of Stage 3 in the future and, at ground level, be used as retail space such as a café. Retaining this area as publicly accessible open space is considered reasonable as it would facilitate use of this curtilage in connection with the retail use in Building 2A and not create future land tenure issues. This area will also be at a lower level (separated by steps) than the pedestrian/cycle accessway which at this point will rise in elevation to connect to the light rail station. The total width of the dedicated open space corridor at the connection with the light rail station will still be a minimum 8 metres, even if this area is not included in the dedication. Condition No. C2 has been recommended that will require consolidation of all areas proposed to be dedicated as open space in Stage 1 into one portion.

Open space areas, not proposed to be dedicated to Council will still be subject to development in accordance with any Project Approval for Stage 1, irrespective of the ultimate land owner. Should future land owners seek to change development plans, they will be required to seek a modification to relevant approvals covering their land and be subject to merit assessment. Council has requested that rights of public access to all publicly accessible areas be imposed in any Conditions of Approval. Conditions relating to "restriction on user" will be required to be placed on all relevant land titles through conditions of approval including Portions 4 and 7 shown in Figure 8 above.

Ashfield Council also raised concern that, notwithstanding that the Concept Plan approval required that the Proponent consult with Council regarding pedestrian/cycle accessway through the site to the light rail station, no such consultation had occurred. Condition No. C5 is recommended that requires the Proponent to obtain the approval of Ashfield Council for proposed landscape and embellishment works to be undertaken on land proposed to be dedicated to Council. Subject to this recommended condition, the Department considers that the proposed open space arrangements associated with the pedestrian / cycle accessway to the Lewisham West light rail station area appropriate. The proposals for both dedicated and publicly accessible open space are generally consistent with the Concept Plan, and will achieve a minimum 8 metre wide accessway through the site. The detailed design of the open space and associated embellishment works will require consultation with Council.

5.3 Residential Amenity

The proposed Stage 1 development has been assessed against the relevant policies including the *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

Building Separation

The RFDC recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale of buildings. In the context of the Stage 1 Project Application, there is only 1 building above 4 storeys so the building separation distances only apply for buildings up to 4 storeys. Therefore, the following building separation distances are applicable:

Building Height	Minimum separation (metres)		
	Habitable	Habitable rooms and non-habitable rooms	Non habitable Rooms
Up to 4 storeys (12 metres)	12	9	6

Table 2: Relevant RFDC Building Separation Distances

Ashfield Council raised concern in its submission with regard to the building separation distance between the access gallery areas connecting on the western side of Building 4A and the habitable rooms in building 4C across the central common courtyard. While the separation distance from habitable room to balcony across this space is well in excess of 12 metres, the separation distance between the accessway stairs and the opposite balconies on level 1 is 10.9 metres. For the purposes of SEPP 65, the stairs to the accessway are not considered to be habitable rooms or balconies. Therefore the design is considered to comply with the SEPP 65 control and does not require any form of privacy screening in this context.

The separation distance between the western wall of Building 4B and the eastern balconies on Building 4C is 5.15 metres. This distance does not comply with the required separation distance of 12 metres between habitable rooms. This particular building separation issue principally affects Units 1.3 and 2.3 in Building 4B and Terraces 1 and 2 in Building 4C. Units

1.3 and 2.3 have habitable rooms orientated toward their north and south facing balconies rather than toward the terraces to the west. The western façade of these units however, is punctuated by a series of floor to ceiling slot windows which have the potential to overlook habitable rooms in the nearby Terraces 1 and 2. These slot windows will be required to have privacy screening attached to them to prevent potential impacts on the adjoining terraces. Condition No. C1 requires a design modification to this effect to ensure that privacy between the units and terraces is maintained.

Overshadowing

A sun study for the proposed Stage 1 development was submitted with the EA. The study demonstrates that the proposed development will not overshadow any adjoining residential properties. The study also demonstrates that the proposed development will be consistent with the Concept Plan analysis which found that the development has been designed to ensure that greater than 50% of the proposed open space will achieve solar access at all times of the day and all open space will achieve at least 2 hours of solar access for mid-winter as well as the Spring, Summer and Autumn Equinoxes.

Solar Access

The RFDC Rules of Thumb recommend that at least 70% of units achieve a minimum three hours direct sunlight in living rooms and private open spaces in mid-winter. The proposed development will achieve a minimum 3 hours solar access all year round to all but one dwelling, being the southern-most terrace (Terrace 4C-1). This equates to 98% of units which is considered to provide an exceptional level of solar access to units.

Cross Ventilation

The RFDC Rules of Thumb recommend that 60% of units be naturally cross ventilated. All units in the Stage 1 development achieve cross-ventilation.

Ground Floor Apartments

The RFDC provides recommendations on the special treatment required for ground floor apartments to contribute to streetscapes and increase residential amenity. In particular, the RFDC recommends that where appropriate, ground floor apartments should be provided with individual entries and private courtyards.

Given the proposal's perimeter block arrangement and the fact that these buildings will address existing Council streets of Smith Street and Edward Street in addition to the two new streets, it is considered that the RFDC objectives are met, as follows:

- the nine terraces all have individual Edward Street entry and rear courtyards with access to the internal communal open space; and
- all ground floor units in Buildings 4A and 4B have courtyards with street access.

Open Space and Deep Soil Planting

Open space provision and deep soil planting has also been addressed in **Section 5.1** above with regard to consistency with the approved Concept Plan and the provision of communal open space and deep soil planting zones. In total, 52% of the overall Concept Plan site will be open space with 44% of this area being available for deep soil planting. This provision significantly exceeds the RFDC Rules of Thumb which recommend 25% of the site be open space with 25% of that area being available for deep soil planting. Notwithstanding this, approximately 30% of the Stage 1 area (2,019m²) will be dedicated to Council as public open space as part of the Stage 1 development.

Deep soil planting zones will be provided on Edward and Smith Streets. Further deep soil zones are able to be provided within the proposed open space areas adjacent to the pedestrian/cycle accessway linking to the light rail station. These areas will ultimately form part

of a larger parkland area that retains significant existing trees that will be developed as part of Stage 2 of the development.

Conclusion

The Department's review of the proposed Stage 1 development against SEPP 65 and the RFDC Rules of Thumb has found that the proposed development will provide a good level of internal amenity for future residents. There are a number of small areas of non-compliance that can either be resolved through an alternative design solution (privacy screens on Building 4C) or where compliance is achieved when the design benefits of the overall Concept Plan are taken into account (open space provision). The Department is satisfied that the proposed Stage 1 development meets the objectives and guidance of the relevant policies.

5.4 Flooding and Stormwater Management

Flooding and stormwater management was dealt with in detail in the Department's assessment and approval of the Concept Plan. Sydney Water, which has ownership and responsibility for stormwater management in the Hawthorn Canal catchment, raised considerable concern at that time with the proposed intensification of development on the site without appropriate provisions for the management of local flood risk. The Department commissioned an independent review of the Proponent's flood assessment by Evans and Peck to consider Sydney Water's concerns. The review found that the proposed mitigation and management measures proposed in the Concept Plan substantially addressed the issues of concern raised by Sydney Water through a range of mitigation measures including elevating areas of public access and the allowance for a box culvert under Building 1A to accommodate a connection from the light rail corridor to the Hawthorne Canal. The Department's assessment concluded that there was a sufficient degree of certainty provided with respect to the Concept Plan assessment (including supplementary requirements by Evans and Peck) that flood risk, including impacts as a result of climate change, and infrastructure issues could be appropriately managed through the detailed design and management of future stages.

For the Stage 1 development, the Proponent undertook 2-D flood modelling of the entire Concept Plan development as required in the Concept Plan approval and in conjunction with Sydney Water. The modelling was undertaken to demonstrate that the proposed management of Stormwater as a result of the Stage 1 development does not adversely impact on surrounding properties and that such flows can be managed by the Hawthorn Canal.

The Proponent's flood assessment identifies a number of flood mitigation measures to be incorporated into future development in the light rail corridor. These flood mitigation works are not proposed to be undertaken by the Proponent but by other authorities as part of the light rail development. These proposed measures include:

- elevating the section of the accessway connecting the site to the light rail station; and
- lowering the western side of the of the rail corridor to reduce flood levels and allow the flood waters to pass under the elevated accessway.

Within the Stage 1 development area itself, the following measures are proposed:

- designing residential floor levels and basement driveway crests in the development to have a minimum freeboard of 500mm above the 100yr ARI flood level;
- the inclusion of additional stormwater drainage in Edward and Smith Streets; and
- preparation of a draft Emergency Flood Response Plan for the entire Concept Plan site, including Stage 1 up to the Probable Maximum Flood (PMF) level.

Sydney Water, in its submission, stated that it had no objection to the construction of the proposed Stage 1 development buildings ahead of the implementation of agreed flood mitigation works proposed to be located within the adjacent rail corridor.

Transport for NSW (TfNSW) in its submission, advised that while it had yet to agree to the proposed flood risk management and mitigation measures within the light rail corridor, discussions were on-going between the parties with a view to agreement on the location and scope of the works. Accordingly Condition No. C3 is recommended requiring that the approval of TfNSW be obtained for the proposed works within the light rail corridor prior to construction of the accessway.

Ashfield Council and submissions from the public raised concern as to the proposed works within the light rail corridor. The concern stems from proposed lowering of the ground levels and elevated footbridge connection potentially impeding any future pedestrian link running north south along the corridor as part of future GreenWay development. While the Department acknowledges these concerns, future development within this corridor is not the Proponent's responsibility, nor does it form part of the Concept Plan area. Works within this corridor, including the proposed flood mitigation works will be undertaken by other authorities.

The Department is satisfied that flooding and stormwater management issues have been adequately addressed and are consistent with the requirements outlined in the Concept Plan approvals. Conditions of consent are recommended to ensure that proposed stormwater and flooding infrastructure and mitigation measures are designed in consultation with and to the satisfaction of Sydney Water and TfNSW.

5.5 Traffic and Transport

The Proponent submitted a Traffic and Transport Assessment prepared by ARUP as part of the EA documentation for the overall Concept Plan. It recommended a number of local road network improvements to manage the staged development of the overall concept plan development. Local road and transport improvements relevant to Stage 1 of the development are:

- the construction of a roundabout at the intersection of Edward and Smith Streets to provide local vehicle circulation; and
- a range of pedestrian improvements in the locality, particularly between the site and Summer Hill rail station including pedestrian crossings, signage, re-alignments and upgrading and new kerb ramps.

The assessment undertaken by the Proponent was subject to peer reviews undertaken by Halcrow on behalf of the Department and Colston Budd Hunt and Kafes on behalf of Ashfield Council. The independent reviews generally found the proposed development acceptable from a traffic perspective, notwithstanding that the local road network is already performing poorly. This is on the basis of the site's close proximity to existing and planned public transport infrastructure. The Department concurred with this findings and the proposed local road network improvements which were incorporated into the Concept Plan approval conditions.

The proposed Stage 1 development, addresses the actions required in the Concept Plan approval:

- the preparation of an Infrastructure and Traffic Management Plan to include the timing for proposed traffic infrastructure upgrades. The plan is to be approved by RMS in consultation with Ashfield and Marrickville Councils;
- provision of concept designs of the of the proposed roundabout at the intersection of Edward and Smith Streets; and
- details of the pedestrian/cycle improvement works surrounding the site and to Summer Hill rail station.

The Stage 1 development also incorporates the construction of an L shaped internal street that runs north-south from Smith Street and east-west from Edward Street. The street is required to be constructed to Council standards and dedicated at no cost to Council. Car parking provision

within the Stage 1 development is consistent with the maximum rates specified in the Concept Plan approval.

The Roads and Maritime Service advised in a letter dated 18 March 2013 that it raised no objection to the Project Application, however has yet to endorse the Infrastructure and Traffic Management Plan. The Proponent referred the Plan to Ashfield and Marrickville Councils in May 2013. Councils are still considering the plan and have yet to provide comment.

The Department is satisfied that the proposed Stage 1 Project development is consistent with the built form and density proposed in the Concept Plan and therefore the proposed Stage 1 measures are appropriate for managing traffic impacts from the development. The recommended instrument of approval will require that the Infrastructure and Traffic Management Plan be approved by the RMS prior to the issue of a construction certificate for development on site.

5.6 Proposed Tree Removal

The Department sought clarification from the Proponent regarding the extent of proposed tree removal as part of the Stage 1 development. The landscape plans submitted with the exhibited EA had indicated removal of two trees (*Callistomom viminalis* (Weeping Bottlebrush) and *Ulmus parvifolia* (Chinese elm)) located at the north west corner of the site on Smith Street. The Chinese Elm is included as an identified inter-war planting species that is listed as significant in the heritage assessment undertaken for the Concept Plan. Future Environmental Assessment requirement No.21 of the Concept Plan approval requires that future applications require measures to ensure the retention of existing inter-war planting. The submission from the Ashfield and District Historical Society also raised concern regarding the removal of trees on the basis that they were significant visual landscape element with heritage significance. A number of other trees exist on the site which would be removed during the proposed development but were not accounted for in the assessment.

The RtS submitted by the proponent included a Tree Assessment prepared by a qualified Arborist and Landscape Architect. The assessment identified 41 trees within the Project Application area. A Safe Useful Life Expectancy (SULE) assessment for each tree was undertaken, on the basis of which 34 trees are proposed to be removed to accommodate the development and 7 are proposed to be retained. The trees to be retained are exclusively street trees located along the Edward Street frontage of the development. Of the trees to be removed, 15 form part of a single Bhutan Cypress hedge row located along the southern boundary of the Stage 1 and Stage 2 development areas.

The Tree Assessment specifically examined the Weeping Bottlebrush and Chinese Elm located at the corner of Smith and Edwards Streets. The Chinese Elm tree was assessed as being in average condition and showing signs of approaching over-maturity. Further, the impacts of the proposed development on the Tree Protection Zone and Structural Root Zone would be major and result in the demise of the tree. Given the tree's age and condition, and the fact that it is isolated from the other inter-war plantings represented on the site, the Department considers it is reasonable for the tree to be removed and replaced with a new tree in this location.

5.7 Other Matters

Works within the GreenWay Corridor

A number of submissions, including those from Ashfield Council and residents made comments regarding works in the adjacent GreenWay corridor. Ashfield Council requested that the Proponent be required to design and construct the Greenway Corridor pedestrian pathway within the RailCorp land between Longport Street and Old Canterbury Road, with the design approved by Transport for NSW in consultation with Council. This issue was considered and addressed as part of the assessment and approval of the Concept Plan. In its assessment and

approval of the overall Concept Plan, the PAC made specific comment with regard to this issue. The PAC noted that the proposed GreenWay project had been deferred and that there was no current funding for its implementation nor agreement among relevant parties. The corridor is also outside of the Concept Plan area. Accordingly the PAC found it to be premature and unreasonable to impose a requirement for the Proponent to undertake partial construction of the GreenWay.

Contamination

SEPP 55 requires a planning authority to be satisfied that contaminated land will be suitable for its proposed use or can be remediated for its proposed use. As such, there needs to be a sufficient degree of certainty about the nature and location of the contaminants; and the feasibility of remediation.

The Proponent submitted a Remediation Action Plan (RAP) with the EA which sets out the works required to be undertaken to remediate the site so that it is suitable for its proposed use. The Office of Environment and Heritage has advised that it had no concerns with the development, including the submitted RAP. Condition No. B1 will require a site audit report and statement to be prepared by an accredited site auditor verifying that the land is suitable for the proposed use will be required to be signed off by the PCA prior to the issue of an occupation certificate.

Groundwater

The Office of Water and the Department sought clarification from the Proponent with regard to groundwater levels across the Stage 1 site. The EA indicated depths of perched groundwater at between 2-2.5 metres and the unconfined aquifer standing at below 5 metres. The EA also indicated that the basement level of the development is founded at a depth of at most 3 metres below ground surface with an average depth of 2.5 metres.

Further advice from the Proponent's groundwater specialists has clarified that no groundwater was encountered in any boreholes within the proposed basement areas of the Stage 1 development.

Visual Character / Building Form

A number of submissions from the public objected to the proposed development on the basis of the building form and its impact on the visual character of the locality. Concern was expressed regarding the heights of buildings within the Stage 1 development which are proposed to be up to 6 storeys in height and the impact this will have on the predominantly free standing one and two storey dwellings on the opposite side of Edward Street. Concern was also expressed that the proposed modern architectural character of the development will detract from the current appeal of the residences in the locality.

The proposed building form and layout is generally consistent with the Concept Plan Approval. Building heights across the Stage 1 area and wider Flour Mill site were established in the Concept Plan assessment. Building heights designed to provide a transition in height from Edward Street (2/3 storey terraces) to the residential flat buildings at the rear of the Stage 1 residential precinct (6 storey). The proposed building forms were assessed as having no significant visual or overshadowing impact. The density of the proposed development was assessed as appropriate for an infill mixed use development with good access to public transport.

With regard to the architectural character, the proposed development will be of modern architectural design (**Figure 9**) however the Proponent argues that the mix of building materials including face brickwork, concrete and timber provide acknowledgement to the industrial heritage of the site and the heritage buildings to be retained.



Figure 9: Photomontage of proposed terraces viewed from the corner of Edward and Smith Street (Source: Proponent's EA)

The Department considers that the architectural treatment of the proposed Stage 1 development is appropriate in its surrounding context. The modern terrace form of the Edward Street buildings with masonry elements and undulating roof form reflects, but does not mimic the varied architectural styles of dwellings opposite the street. The style of building and materials transitions eastward through the site towards the larger scale industrial buildings in future stages. These buildings include elements of concrete, timber cladding, masonry and metal and will integrate with the architecture of the large industrial structures including the masonry mill buildings and the concrete silo structures.

The Department therefore considers this aspect of the proposal to be acceptable.

6. CONCLUSION

The Department has assessed the merits of the Stage 1 Project Application taking into consideration the issues raised in submissions and is satisfied that the impacts have been addressed in the RtS, the Revised Statement of Commitments and by the recommended conditions of approval.

The Department is satisfied that the changes to the proposed development both in the RtS and required by the recommended conditions address the key issues raised during the assessment process. The Department notes the following key findings:

- The proposal offers a desirable opportunity to provide the first stage of a higher density residential development that benefits from existing and proposed public transport connections as well as high amenity areas including the Summer Hill and Lewisham villages;
- The proposal is generally consistent with the built form parameters established by the approved Concept Plan in terms of height and represents an appropriate urban design response. The density of residential dwellings addressing Smith and Edward Streets is appropriate and sympathetic to the urban grain of surrounding development with taller elements located towards the centre of the former Allied Mills site. This graduation in building heights provides an appropriate transition in building scale, particularly in the context of the adjoining heritage conservation area;

- The RtS responds to key issues and comments raised by key stakeholders and in public submissions;
- The proposal benefits from a range of sustainable transport measures including a direct site frontage to a new light rail stop, being located within walking distance of two rail way stations of the City's Inner West Rail Network, resident parking scheme restrictions that are consistent with the rates of provision approved under the Concept Plan, provision of 1-2 GoGet Car Share spaces and provision of a bicycle to each unit with 2 bedrooms or more; and
- There is sufficient capacity within the local road network to accommodate the traffic generation of the proposed development, subject to the provision of a roundabout being provided at the corner of Smith Street and Edward Street.

The proposal is also considered to be in the public interest for the following reasons:

- provision of additional dwellings to the Inner West sub-region to meet dwelling targets;
- the creation of public domain areas, including publicly and privately accessible areas of open space, pedestrian footpaths and through site links;
- dedication of public streets and other components of the public domain;
- the commitment to providing the east-west pedestrian cycle link to facilitate and support movements to and from the development and wider locality, as well as upgrading of the existing Edward Street/Smith Street intersection to ensure traffic impacts are minimised; and
- employment opportunities through the construction and operational phase of the development.


The Stage 1 Project Application is considered to be consistent with the approved Concept Plan which establishes the vision and planning and development framework for future development proposals within the site.

7. RECOMMENDATION

It is recommended that the Executive Director of Development Assessment Systems & Approvals, as delegate of the Minister for Planning and Infrastructure:

- (a) **note** the information provided in this report and the recommendations of this report;
- (b) **approve** the Major Project Application, subject to Conditions; and
- (c) **sign** the attached Instrument of Approval (**Appendix E**).

Endorsed by:

 28.6.13.

Ben Lusher
A / Director
Metropolitan & Regional Projects South

Approved by:

Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4289

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4289

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4289

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Ecologically Sustainable Development (ESD)

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – The proposal to replace disused industrial buildings on the site with a high density residential flat development is underpinned by an EAR and suite of technical supporting documents which demonstrate there are no irreversible or serious environmental impacts anticipated. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats. The expected environmental impacts are considered minimal and can be successfully mitigated and/or managed through the mitigation measures outlined in the Proponent's Statement of Commitments and/or the recommended conditions of approval.
- **Inter-Generational Principle** - The proposal achieves key social and economic sustainable outcomes as it will result in the redevelopment of an existing and arguably underutilised brownfield site for higher density residential purposes in a middle ring suburb of Sydney. The efficient and orderly development of the site provides the opportunity to contribute to the draft Inner West Subregional Strategy's dwelling targets, utilise existing infrastructure, and contribute to local and subregional economic growth through the creation of future construction employment opportunities. In addition, the proposal incorporates a range of ESD principles and environmental management practices to ensure that the environment is protected for future generations.
- **Biodiversity Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats.
- **Valuation Principle** – The valuation principle is more appropriately applied to strategic planning decisions rather than the scale proposed by this proposal. The principle is therefore not considered to be relevant to this particular proposal.

The Department considers the proposal satisfactorily satisfies ESD principles. The Proponent's Statement of Commitments, the recommended conditions of approval, and the ongoing requirement of environmental planning instruments such as SEPP BASIX to address ESD controls will ensure the proposal continues to satisfy and deliver ESD outcomes on the site. Consequently, the Department is satisfied that the proposal is consistent with the principles of ESD.

Section 75I(2) of the Act / Clause 8B of Regulations

Section 75I(2) of the Environmental Planning and Assessment Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the department's response are set out below:

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any Response to Submissions;	The Proponent's EA is at Appendix A and Response to Submissions Report Appendix C .
Any advice provided by public authorities on the project;	A summary of the advice provided by public authorities on the project is set out in Section 4 of the report.
Copy of any report of a panel constituted under Section 75G in respect of the project;	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project;	Each relevant SEPP that substantially governs the carrying out of the proposal is identified below, including an assessment of the proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division,	An assessment of the proposal against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate;	The environmental assessment of the Project Application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.
Clause 8B criteria	Response
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in Section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest/public benefits are discussed in Sections 2 and 5 of this report.
The suitability of the site for the project	The suitability of the site for the project was addressed in the assessment and approval of the concept plan for the development MP10_0155. The site is a vacant industrial site suitable for the proposed development as it is relatively large and environmentally unconstrained. The proposal will provide medium to high density residential housing with good access to public transport infrastructure in a middle ring suburb of Sydney, consistent with strategic housing delivery objectives.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in Section 4 of this report.

State Environmental Planning Policy (Major Development) 2005

The Project remains a Part 3A project under the former provisions of Schedule 1, Clause 13, Group 5 of the Major Projects SEPP, "residential, commercial or retail projects" as DGRs were issued prior to 8 April 2011. The project has a capital investment value (CIV) of more than \$100 million and has been determined as an important project in achieving State and regional planning objectives.

State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The Proponent submitted a Remediation Action Plan (RAP) with the EA which sets out the works required to be undertaken to remediate the site so that it is suitable for its proposed use. The Office of Environment and Heritage has advised that it had no concerns with the development, including the submitted RAP. Condition No. B1 will require a site audit report and statement to be prepared by an accredited site auditor verifying that the land is suitable for the proposed use will be required to be signed off by the PCA prior to the issue of an occupation certificate.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 requires that relevant public authorities be consulted in relation to certain development during the assessment process or prior to development commencing. As such, the RMS has been notified and given the opportunity to make representations in respect of the proposed development. **In its submission, RMS raised no objection to the development.** The Department will also notify the RMS of its determination of the subject proposal.

State Environmental Planning Policy No. 65 (SEPP 65 – Design Quality of Residential Flat Buildings)

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. A Design Verification Statement has been provided by Hassell (refer to Attachment2 of the EA), which concludes that the proposal satisfies the relevant requirements of SEPP 65's design quality principles.

The Department has undertaken its own assessment against the SEPP 65 principles, as detailed in the below table.

Key Principles of SEPP 65	Department Response
Principle 1: Context	It is considered that the proposal responds and contributes to its context adjacent to the planned Lewisham West light rail stop. The proposed building heights complement existing former milling buildings to be retained. The proposed publicly dedicated and accessible open space will provide access to the light rail stop and will contribute to the identity of the area.
Principle 2: Scale	The scale of the proposal is discussed in Section 5.1 . The proposed heights provide a transition from the surrounding low density residential area up to the light rail corridor.
Principle 3: Built Form	The proposed building form and layout is generally consistent with the Concept Plan Approval. Building heights across the Stage 1 area and wider Flour Mill site were established in the Concept Plan assessment. Building heights designed to provide a transition in height from Edward Street (2/3 storey terraces) to the residential flat buildings at the rear of the Stage 1 residential precinct (6 storey). The proposed building forms were assessed as having no significant visual or overshadowing impact. The density of the proposed development was assessed as appropriate for an infill mixed use development with good access to public transport.
Principle 4: Density	The proposed density is consistent with the approved Concept Plan and is appropriate for the site's location with good public transport access as discussed in Section 5.1 .
Principle 5: Resource, Energy and Water Efficiency	The site has a low level of environmental sensitivity and has not been identified as being of high resource value. Energy sustainability for the

	<p>proposal focuses on reducing the demand for energy through the efficient design of the future built form and water supply conservation targets. Energy and water efficiency targets will also be achieved through BASIX requirements.</p> <p>Units enjoy good solar access and cross-ventilation.</p>
Principle 6: Landscape	52% of the Concept Plan development site will be open space. Of this area, 44% will be available for deep soil planting. The proposal includes a satisfactory landscaping response, and achieves the minimum landscaped area and deep soil zones recommended by SEPP 65.
Principle 7: Amenity	The proposal generally complies with the requirements of SEPP 65 and the recommended standards of the RDFC in terms of achieving satisfactory residential amenity. Non-compliances have been discussed further in Section 5.3 . Good levels of solar access, natural ventilation and privacy are achieved in the Stage 1 units.
Principle 8: Safety and Security	A CPTED assessment has been undertaken of the proposed Stage . The buildings allow for passive and active surveillance of the surrounding area including streets. The development includes clear sight lines and delineation between public and private open space areas. Ground floor entries are secure.
Principle 9: Social Dimensions and Housing Affordability	<p>The proposal provides for a mix of dwelling sizes and includes 4 adaptable dwellings. An Access Report prepared by Accessibility Solutions has been prepared for the development (Attachment 8 of the EA).</p> <p>The proposed development will facilitate access for residents of the development as well as from areas to the west to obtain good, safe access to the Lewisham West light rail station..</p>
Principle 10: Aesthetics	The Department considers that the architectural treatment of the proposed Stage 1 development is appropriate in its surrounding context. The modern terrace form of the Edward Street buildings with masonry elements and undulating roof form reflects, but does not mimic the varied architectural styles of dwellings opposite the street. The style of building and materials transitions eastward through the site towards the larger scale industrial buildings in future stages. These buildings include elements of concrete, timber cladding, masonry and metal and will integrate with the architecture of the large industrial structures including the masonry mill buildings and the concrete silo structures.

Residential Flat Design Code

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail desirable performance requirements for residential flat development that would ensure the development complies with the intent of the Code.

	RDFC requirement	Proposed	Complies?
Part 1 Local Context			
Building Separation (habitable rooms & balconies)	<p>Up to 4 storeys: 12 metres between habitable rooms/balconies</p> <p>Above 5 storeys: 18 metres between habitable rooms/balconies;</p>	See Section 5.3	<p>Y</p> <p>A condition has been included requiring additional screening to windows of two units where separation distances are less than RDFC Requirements.</p>
Street Setbacks	Compatible with desired streetscape character	See Section 5.1	Y
Part 2 Site Design			
Deep Soil Landscaping	Min 25% of open space	See Section 5.3	Y
Fences	Provide privacy and security Contribute to public domain	Able to comply, in detailed design phase for the site	Y

Communal Open Space	Larger and brownfield sites potential for >30%	See Section 5.1	Y The Concept Plan approval allows for less than the RFDC requirement on the basis of the generous public open space to be provided throughout the development.
Private Open Space (ground floor)	25m ² with minimum width of 4m		Y
Part 3 Building Design			
Building Depth	Max 18m	<14 metres	Y
Acoustic Privacy	Separate noisier spaces from quieter spaces		Y
Solar Access	70% of living rooms & private open space to achieve 2hrs (for dense urban areas) sunlight between 9am-3pm on 21 June (Winter solstice)	98% of units comply	Y
Single aspect units	Limit those with southerly aspect to no more than 10%	No units have single aspect.	Y
Naturally cross ventilated	Min 60% of apartments cross ventilated	All units are cross-ventilated	Y
Kitchens with natural ventilation	Min 25%	>25%	Y
Max No. of apartments off a circulation core	Max 8 apartments per lift core	Maximum of 5	Y
Apartment Size (min)	1 bed cross through= 50m ² 2 bed= 89m ² 1 bed single aspect= 63 ² 2 bed corner= 80m ² 2 bed cross over= 90m ²		Y
Balcony Depth	Min 2m	>2m	Y
Floor to ceiling heights	≥2.7m	2.8m	Y

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX requires all new residential dwellings in NSW to achieve the following sustainability targets depending on the geographical location of the proposed dwellings: 20% reduction in energy use and 40% reduction in potable water. More specifically, SEPP BASIX requires residential flat buildings such as those proposed on the subject site to achieve the following energy targets:

- 35% for 3 storey residential buildings;
- 30% for 4-5 storey residential buildings; and
- 20% for buildings 6 or more storeys.

BASIX Certificates have been submitted with the Stage 1 Application (Attachment 5 of the EA) that demonstrates compliance.

Ashfield Local Environmental Plan 1985

As stated in **Section 3.4**, Ashfield LEP 1985 applies to the site. The proposed development is prohibited in the current 4B Light Industrial Zone. LEPs are not required to be strictly applied in the assessment or determination of Major Projects under Section 75R of the EP&A Act. Notwithstanding, the Department has considered the relevant LEP in the assessment of the proposal.

Primary Development Control	Department's Comment
Objectives This plan aims to:	
(a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment.	The proposed development forms the first stage of an adaptive re-use of a former industrial site for an residential mixed use development. The site is well located in terms of public transport and is accessible to retail and employment areas. The site has low environmental sensibility.
(b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres	The proposed development will form the first stage of a major adaptive re-use of a former landmark industrial site that will retain significant heritage items and structures. Development on the site will transition in scale and building form across the site providing a compatible terrace interface with the low rise existing residential development to the west.
Permissibility	
Zone 4B Light Industrial	The proposed development is prohibited in the zone however is made permissible under the Concept Plan approval.
Floor Space Ratio	
Maximum 1:1	The proposed Concept Plan development will have an FSR of 1.2-1.4:1. While not compliant, the current LEP FSR reflect an industrial land use. The approved FSR is considered to be appropriate for an urban infill site with good access to public transport.

APPENDIX E RECOMMENDED CONDITIONS OF APPROVAL
