

Planning Services

Gateway Determination Report

LGA	Inner West Council
RPA	Department of Planning and Environment
NAME	Planning proposal to amend the Ashfield LEP 2013 to rezone part of 120C Old Canterbury Road, Summer Hill and to increase the height of buildings and floor space ratio development standards over the whole site.
NUMBER	PP_IWEST_015_00
LEP TO BE AMENDED	Ashfield LEP 2013
ADDRESS	120C Old Canterbury Road, Summer Hill
DESCRIPTION	Lot 1 DP 817359 Lot 100 DP 875660
RECEIVED	10 October 2017
FILE NO.	17/14615
QA NUMBER	A420543
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of Planning Proposal

This planning proposal is seeking to amend the Ashfield Local Environmental Plan 2013 (Ashfield LEP 2013) in relation to 120C Old Canterbury Road (the site).

The site includes two lots - Lot 1 DP 817359 and Lot 100 DP 875660. The planning proposal seeks to rezone part of the site and amend the development controls relating to the maximum building height and floor space ratio for the whole site.

The intent of this planning proposal is to facilitate the development of a 5 storey mixed use development to Old Canterbury Road.

The current and proposed zoning and development standards for the site under the Ashfield LEP 2013 are summarised in Table 1:

Control	Current / Proposed	Lot 1 DP 817359	Lot 100 DP 875660
Zone	Current	SP2 Infrastructure	B4 Mixed Use
	Proposed	B4 Mixed Use	B4 Mixed Use
Height	Current	Not specified	20m
	Proposed	RL 38m	RL 38m
FSR	Current	Not specified	1:1
	Proposed	2.5:1	2.5:1

Table 1. Current zoning and development standards for Lot 1 DP 817359 and Lot 100 DP 875660. Where FSR is an acronym for floor space ratio and RL is an acronym for Reduced Level.

Site Description

The site, known as 120C Old Canterbury Road, Summer Hill is part of the former Ashfield Local Government Area (LGA) and borders the former Marrickville LGA. The site is adjacent to land in the McGill Street Masterplan which was prepared by Marrickville Council (see 'McGill Street Masterplan' in the local strategies section below).

The site comprises two lots with a combined area of approximately 1,957m² and is generally rectangular (Figure 1). The site measures 26m wide (east-west) and up to 96m long (north-south). The site is vacant except for several shipping containers on the western boundary. Vegetation in the form of mature trees dominate the northern and western boundaries of the site. The site falls from Old Canterbury Road to the northern end by approximately 10 metres from a maximum reduced level (RL) 18.72 to a minimum RL8.5.

The site addresses Old Canterbury Road and vehicle access is from McGill Street via a right-of-way through 120B Old Canterbury Road. The final part of the right-of-way is a bridge over an open water canal.

The canal is on the eastern boundary of the site at Old Canterbury Road and extends to its northern boundary. According to the Inner West Council report, the Sydney Water owns the canal which receives stormwater from the surrounding area.

The site is flood prone with a freeboard floor level (FFL) minimum of RL12.8. According to the Inner West Council report (p67), no building is permitted below RL12.8 with the exception of supporting columns.

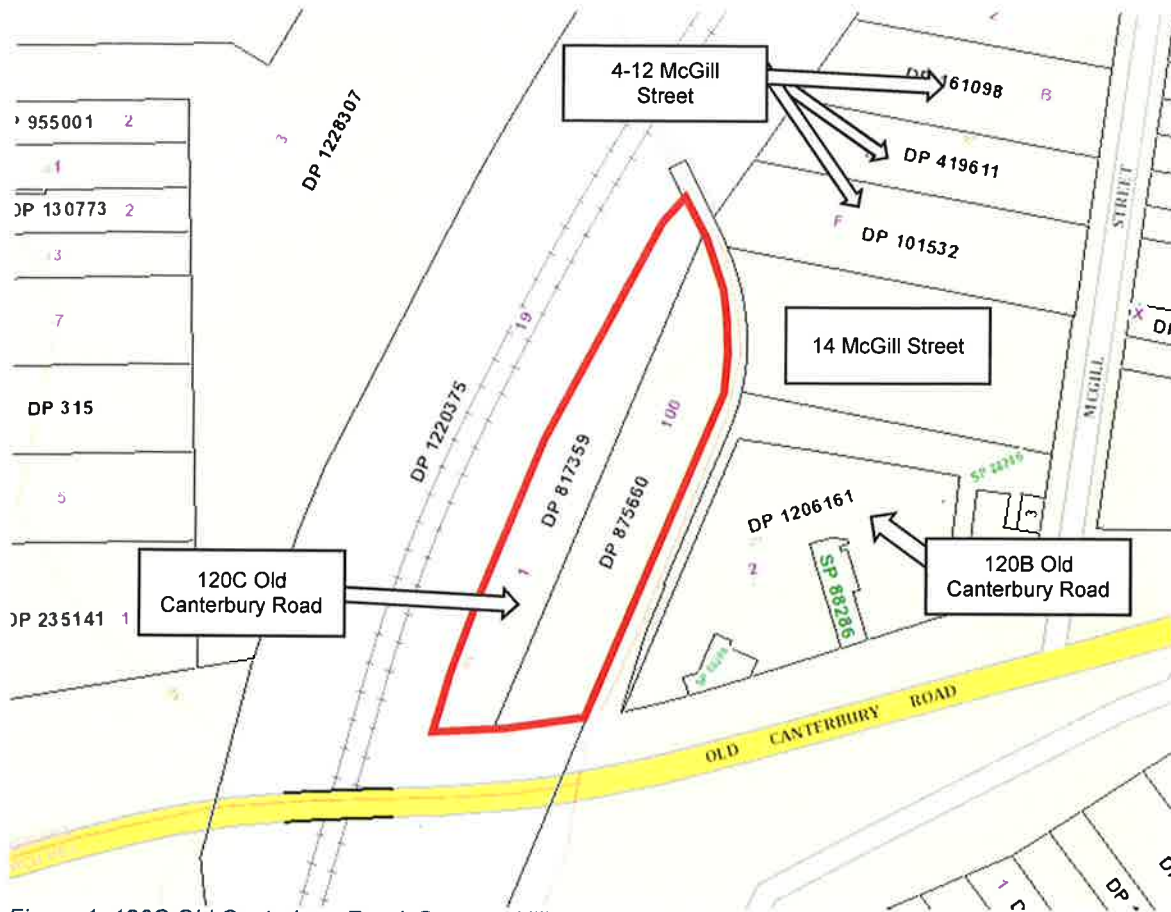


Figure 1. 120C Old Canterbury Road, Summer Hill.

Surrounding Area

The site is bounded by Old Canterbury Road to the south, Sydney Light Rail to the west, a 5-storey mixed use building to the east and residential flat buildings to the north (Figure 1). The area around the site is part of the Lewisham industrial area which is undergoing transition with light industrial developments being replaced with mixed uses.

A recent 5-storey mixed use building is immediately east of the site (120B Old Canterbury Road), new residential developments are north of the site and recent residential developments dominate McGill and Hudson Streets.

According to the Inner West Council report, the development on 120B Old Canterbury Road is a 5-storey apartment building with a ground level child care centre. On 4-12 McGill Street, immediately north of the subject site construction is underway for a 7-storey apartment building. At 14 McGill Street, a DA is approved for 65 apartments over 7-storeys (Figure 1).

The site is approximately 120m south of the Lewisham Light Rail stop and several bus stops (within 250m of the site) are along Old Canterbury Road (Figure 2). Lewisham Centre is about 750m south east of the site (Figure 2).



Figure 2. Site context.

Summary of Recommendations

The proposed changes to the planning controls on the site will facilitate the redevelopment of the site for a mixed use development that will provide 62 new dwellings and 3 jobs employment from commercial uses. This is consistent with the NSW Government's objectives to improve housing supply and diversity within locations that are close to existing services and public transport.

This planning proposal is supported subject to conditions. These conditions are:

- demonstrate consistency with the Draft Greater Sydney Region Plan 2017.
- demonstrate consistency that the planning proposal is justifiably inconsistent with Section 117 Direction 4.3 - Flood Prone Land by ensuring that the plans have regard for the Flood Certificate by WMA Water and a detailed flood study is exhibited with the planning proposal.

The Flood Certificate indicates that the subject site is on flood prone land; particularly with regard to potential flood impacts both on and off the subject site.

- compliance with State Environmental Planning Policies (SEPP) 55 – Remediation of Land.

As the planning proposal is seeking a change of land use and the site has a history of industrial use, SEPP No 55 - Remediation of Land applies. A Phase 1 Site Assessment is to be submitted prior to community consultation.

PROPOSAL

Objectives or Intended Outcomes

The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend the Ashfield LEP 2013 to facilitate a mixed use development over the site.

Explanation of Provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The planning proposal intends to amend the Ashfield LEP 2013 in the following manner:

- For Lot 1 DP 817359, rezone the land from SP2 Infrastructure to B4 Mixed Use, apply a maximum building height of RL38 based on the Australian Height Datum (AHD) where no height currently applies and apply a maximum floor space ratio (FSR) of 2.5:1 (no FSR currently applies).
- For Lot 100 DP 875660, increase the maximum building height from 20m to RL 38 AHD and increase the maximum FSR from 1:1 to 2.5:1. The existing B4 Mixed Use zoning remains unchanged.

Mapping

The planning proposal contains maps which adequately show the current and proposed controls. These maps are considered adequate for public exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

The Ashfield Urban Planning Strategy 2010 was prepared by Ashfield Council to assist in the preparation of the Ashfield LEP 2013. The strategy identifies an area for urban renewal to provide for new housing and employment. This area, the Flour Mill site, is about 50m north west from the subject site.

This planning proposal has been prepared to respond to the objectives for the urban renewal of the former Mungo Flour Mill site. As such, the objectives and strategic planning framework are relevant to the site. The planning proposal is the best means of achieving the intended outcomes as a rezoning is required to facilitate a mixed use development on the site.

STRATEGIC ASSESSMENT

State

A Plan for Growing Sydney

The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability including the delivery of housing, employment, infrastructure and open space. The proposal is generally consistent with the goals and guiding principles relating to growth and development of strategic centres outlined in 'A Plan for Growing Sydney'. Specifically, the planning proposal is consistent with the following objectives of the plan:

- Goal 2 – A city of housing, with homes that meet our needs and lifestyles
 - Direction 2.1: Accelerate housing supply across Sydney

- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs
- Direction 2.3: Improve housing choice to suit various needs and lifestyles

The planning proposal will increase local housing supply and choice near jobs and public transport. The proposal will facilitate urban infill and increase housing production near a local centre, transport corridors and public transport access points.

- Goal 3 – a great place to live with communities that are strong, healthy and well connected
 - Direction 3.1: revitalise existing suburbs
 - Direction 3.3: create healthy built environments

The proposal will help to revitalise the existing suburb of Lewisham. It provides the potential for mixed use development within the Inner West LGA that benefits from its proximity to transport, services and rail. The proponent has also identified public domain improvements to link with the Sydney Light Rail corridor and the Cooks River Greenway development.

- Sydney Subregions – Central Subregion

The subject site falls within the Sydney Central Subregion. The proposal will facilitate housing intensification around an established centre and along a public transport corridor. It will also offer housing close to jobs and near the Lewisham Centre.

Draft Greater Sydney Region Plan 2017

The draft Greater Sydney Region Plan is based on the vision that the people of Sydney will live within 30 minutes of their jobs, education and health facilities, services and great places. Ten directions are proposed to deliver and monitor the Plan. Of these directions, four are relevant to the proposal. These directions include; 'A city supported by infrastructure', 'Housing the city', 'A city of great places' and 'A well connected city'.

The proposal supports the draft Sydney Regional Plan as it will increase housing supply with 62 new dwellings in an area that is in the vicinity of the Sydney Light Rail, train and bus services. The proposal is also near the local centres of Summer Hill and Petersham; representing excellent opportunities for walking.

District Plan

Draft Central District Plan

The draft Central District Plan identifies the priorities for the District, which should be considered when preparing planning proposals.

Liveability Priorities and Actions – Key relevant priorities include:

- Improving housing choice
- Improving housing diversity and affordability
- Creating great places

The draft Plan establishes a housing target for the Inner West Council to provide an additional 5,900 dwellings by 2021. The additional densities sought as part of this planning proposal will assist Council to meet this dwelling target, while increasing housing diversity

near a local centre (Lewisham) and public transport, being Lewisham light rail station and bus routes along Old Canterbury Road.

The concept plans submitted with the planning proposal were reviewed by Council's Architectural Excellence Panel who are generally supportive of the proposed scheme. The proponent has identified public domain improvements to link with the Sydney Light Rail corridor and the Cooks River Greenway development.

Local

Ashfield Urban Planning Strategy 2010

The Ashfield Urban Strategy supports the aim of locating additional residential and mixed use development with good access to existing centres, public transport and services. In particular, the Strategy identifies the Former Mungo Flour Mills site, Summer Hill and adjoining Industrial Land as an area for urban renewal. The subject site is about 50m south east of the former Flour Mills site, and is adjacent to the Sydney Light Rail line that the Flour Mills Site adjoins. Therefore, it is not unreasonable to consider the site as a candidate for urban renewal in a similar context to the Flour Mills site.

Indeed, the Ashfield Urban Planning Strategy (2010, p32) states that:

"The industrial areas at Summer Hill, including the Mills site, are strategically located a short distance (around 500m) from Summer Hill Rail Station (and) would be adjacent to a potential light rail station. The characteristics of these sites, in particular, their proximity to Summer Hill Village, landscape and built form qualities, high land value and the relatively limited demand for 'lower order' industrial land in the Inner West, suggests that a wider range of land uses, including commercial and residential uses, could be accommodated on these sites in order to provide a better planning and heritage outcome as well as more realistic employment opportunities."

The planning proposal is consistent with the above strategy given it seeks a combination of commercial and residential land uses with an increase in residential density.

Ashfield Community Strategic Plan, Ashfield 2023

The Ashfield Community Strategic Plan includes the following actions as relevant to the planning proposal:

- Encourage more local employment through diverse and mixed services and facilities
- Encourage business development which support local jobs
- Promote accessibility to public transport and active forms of transport (i.e. cycleway and pedestrian routes) for local trip

The planning proposal is consistent with the above strategy as it is located in an area with excellent public transport linkages and it seeks commercial and residential land uses.

McGill Street Masterplan

The subject site is adjacent to the McGill Street Precinct and forms part of the Lewisham Industrial Area. As the context of this proposal must consider its relationship to the surrounding development, the McGill Street Masterplan is relevant.

The McGill Street Masterplan aims to encourage redevelopment and increased densities within the precinct and support mixed uses comprising residential and/or commercial uses

of high quality and amenity. The planning proposal is aligned with the Masterplan with up to 5 storeys proposed. This proposal also aligns with the adjacent development east of the site; 120B Old Canterbury Road.

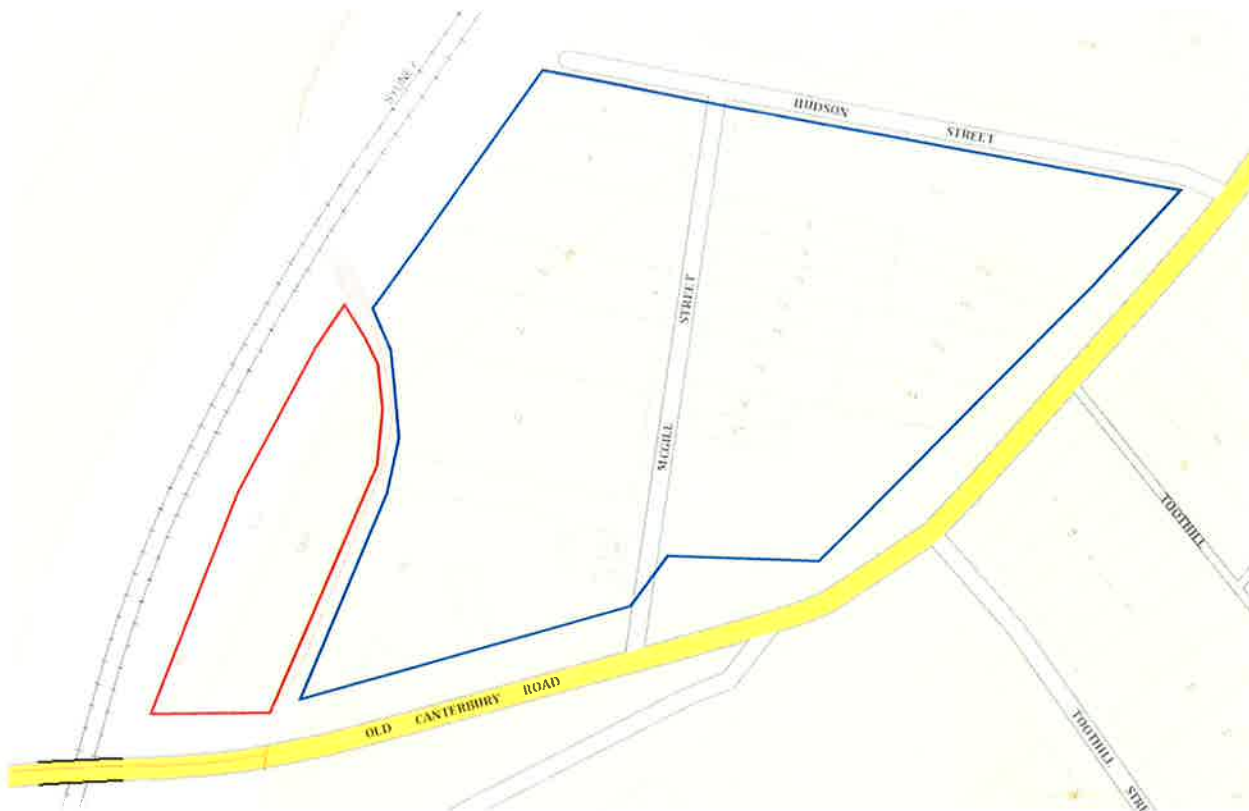


Figure 3. The McGill Street precinct outlined in blue. The subject site is outlined in red

Section 117(2) Ministerial Directions

The planning proposal is consistent with all applicable s117 Directions except for the following:

Direction 4.3 – Flood Prone Land

This Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The planning proposal states that it is inconsistent with this Direction. The Flood Certificate for 120C Old Canterbury Road issued by WMAwater identifies part of the site as a flood prone area. That is, *“it is evident that 120C Old Canterbury Road is impacted by mainstream and overland flow.”*

The Flood Certificate indicates that the subject site is on flood prone land, particularly with regard to potential flood impacts both on and off the subject site.

The Council report states that the site is flood prone with a FFL minimum of RL12.8. According to the Inner West Council report (p67), Council engineers advise that no building is permitted below RL12.8 with the exception of supporting columns. Despite this advice, the FFL of the lower ground level of the proposal is FFL11.86.

As the planning proposal seeks to amend the development standards applying to flood prone land, any development on the site will be subject to clause 6.2 of the Ashfield LEP 2013. Clause 6.2 of the Ashfield LEP 2013 contains provisions to address onsite flooding, any alterations to flood behaviour and risk to life from flood events pertaining to the site, surrounding properties and other development.

In addition, the planning proposal must demonstrate that the planning proposal is in accordance with the principles and guidelines of the Floodplain Development Manual 2005. It is recommended that the Office of Environment and Heritage is consulted prior to community consultation of the planning proposal.

Where appropriate it is recommended that the planning proposal is updated with regard to the Flood Certificate by WMA Water prior to community consultation.

State Environmental Planning Policies

The planning proposal identifies several State Environmental Planning Policies (SEPPs) that are applicable to the site. The Department's assessment considers that the proposed rezoning needs to further consider the identified SEPPs and does not contain any provisions that would contravene the operations of relevant SEPPs.

SEPP 55 – Remediation of Land

As the planning proposal is seeking a change of land use and the site has a history of industrial use, SEPP No 55 - Remediation of Land applies. It is recommended that a Phase 1 Site Assessment is prepared and exhibited with the planning proposal to verify the site can be remediated for its intended purpose.

SEPP 65 – Design Quality of Residential Apartment Development

As the planning proposal seeks to provide 62 apartments, SEPP No 65 - Design Quality of Residential Apartment Development applies.

Solar access. The planning proposal states that 71% of the proposed apartments will receive 2 hours of sunlight between 9am and 3pm on June 10th. This is 1% inside the goal of the Apartment Design Guide (ADG) for 70% of apartments to have solar access during that period. However, the shadow diagrams for the concept do not illustrate the extent of shadowing to dwellings on the site or neighbouring sites well and could be improved. For example, the impact of the Flour Mill which is about 50m north of the site but overshadowing is not clearly shown in the drawings.

Improved shadow diagrams will be required to be submitted as part of any future DA. Any future DA must also demonstrate consistency with the primary controls in the ADG. That is, building setbacks, building separation, FSR and the proposed building height control.

SEPP (Infrastructure) 2007

Under the SEPP (Infrastructure) 2007 (ISEPP), Old Canterbury Road is a classified road so Clauses 100, 101, 102 apply to the frontage of the planning proposal. These clauses control development that has frontage to a classified road, restricting access from the road and restricting residential development unless potential traffic related impacts can be mitigated.

According to the Roads and Maritime Services (RMS) traffic volume maps, Old Canterbury Road where the proposal site is located, supports an annual average daily traffic volume of more than 40,000 vehicles. Old Canterbury Road is classified as '*Mandatory under clause 102 of the Infrastructure SEPP (Freeways, tollways, transit ways and >40,000 AADT)*' (RMS Traffic Volume Map Number 15). This means that a determining authority must not grant approval unless it is satisfied that road noise is appropriately managed.

Since vehicular access to the proposal site will be from McGill Street, the safety, efficiency and ongoing operation of Old Canterbury Road will not be compromised as a result of the development. However, as the proposed development is for residential use, the following measures are required:

1. In accordance with cl. 101, measures to ameliorate traffic noise and emissions from Old Canterbury Road are required.
2. A noise impact assessment will be required as part of any future DA to determine the potential noise levels in accordance with cl. 102(3). In particular, the traffic noise along Old Canterbury Road must be evaluated.
3. If the traffic noise exceeds the specified levels in cl. 103, then noise abatement measures will be required.

It is recommended that consultation with RMS is undertaken.

SITE SPECIFIC ASSESSMENT

Social

The proposal seeks to provide opportunities for housing and employment in an area that is highly accessible to public and active transport. It is noted that the proponent provides options for public domain improvements in the form of environmental linkages with Greenway and the Sydney Light Rail line.

Environmental

Natural Environment

The site is located in an established urban area with no known significant vegetation of ecological value on site. However, as several mature trees are on the northern and western aspects of the site and the site would have an environmental linkage to the Cooks River Greenway, the conservation value of these trees and their representative habitats must be considered as part of the planning proposal. A vegetation survey to identify the tree species and their conservation status on the site is recommended.

Long-nosed Bandicoot

The site is adjacent to the Cooks River Greenway; an urban green corridor that is part of the Sydney Light Rail. This corridor serves a link for active transport and an environmental link for local flora and fauna. A colony of Long-nosed Bandicoots (*Perameles nasuta*) is known to utilise the corridor and is listed as an Endangered Population under the *NSW Biodiversity Conservation Act 2017*.

It is recommended that consultation with the Office of Environment and Heritage is undertaken to determine the presence of threatened species of trees and potential impacts on the Long-nosed Bandicoot.



Figure 4. As excerpt showing the location of the Cooks River Greenway (highlighted in green). The site is shown as a red star.

Noise

The site fronts Old Canterbury Road which is a classified State road. The planning proposal is also adjacent to the Sydney Light Rail line. It is recommended that consultation with RMS and TransDev is undertaken to verify the noise impacts to the proposal.

Flooding

The subject site is within a flood prone area and experiences more than 1m peak flood depth during 1% Annual Exceedance Probability (AEP) flood events. WMA recommend a freeboard of 0.5m in addition to the 1% AEP peak flood level. WMA conclude:

“Therefore the minimum level of 12.8 m AHD is applicable for:

- *the entry levels to the underground car park facilities (this includes the driveway entry level, the ground floor entry level of stairs or lifts that will descend into the underground area and ventilation ducts);*
- *the floor level for residential dwellings; and*
- *the floor level or if not the floor level, the level below which the building should be floodproofed with no sensitive equipment below this level for non-residential areas"*

In addition, WMA demonstrate that the site is flood prone and the site is subject to 'mainland and overland flooding' (Ashfield Interim Development Assessment Policy, Flood Control Lot Map). A future DA for the site will need to address the Ashfield Stormwater Management Policy (Part E3 Ashfield Interim Development Assessment Policy) and Ashfield Flood Development Control Policy (Part E8 Ashfield Interim Development Assessment Policy).

Council should consider preparing a flood planning map to identify land which is flood affected on land that the Ashfield LEP 2013 applies to. Irrespective, it is recommended that a detailed flood study is exhibited with the planning proposal.

Stormwater

As the Sydney Water canal adjoins the eastern and northern boundaries of the subject site, the Ashfield Stormwater Easement Policy applies (Part E3 Ashfield Interim Development Assessment Policy).

Furthermore, as the planning proposal demonstrates that solar access to the Sydney Water canal will be impacted on the eastern boundary of the site, it is reasonable to assume that anaerobic conditions will ensue and the concentration of stormwater pollutants will increase during low flow periods. Such low flow periods will potentially create offensive odours in the Sydney Water canal. Consultation with Sydney Water and the OEH is required to ascertain the likelihood of adverse odours on adjoining residential properties.

Heritage

Under the Ashfield LEP 2013, the subject site is not identified as a heritage item and is not within a heritage conservation area. However, one local heritage item (I619) is north west of the site, adjacent to the Sydney Light Railway line, and four local heritage items (HI651-654) are within the vicinity of the site in a western direction. A conservation area (C51) is also near the site.

It is recommended that consultation with the Office of Environment and Heritage is undertaken relative to any potential heritage impacts associated with the planning proposal.

Economic

An economic assessment has not been submitted with the planning proposal. However, the economic benefits of the planning proposal are that it may:

- facilitate an increase in the extent and nature of housing available in this area;
- increase the supply of housing, therefore, contributing to housing affordability;
- generate economic activity in the building and construction industry and create employment opportunities during both the construction and operational phases of the development of land; and,
- increase the population density and is likely to stimulate the local economy and increase the demand for local services.

Infrastructure

The provision and funding of State infrastructure is not a consideration in the assessment of this proposal.

CONSULTATION

Community

Public consultation will be undertaken in accordance with the Gateway Determination. An exhibition period of 28 days is considered acceptable.

Agencies

It is recommended that consultation is undertaken with the Office of Environment and Heritage for the following matters:

- s117 Direction 4.3 – Flood Prone Land;
- the potential impacts of the planning proposal on local populations of the Long-nosed Bandicoot (*P. nasuta*); and
- the potential for odour impacts from the Sydney Water canal with regard to the planning proposal.

Consultation with the following State agencies is also required:

- Sydney Water as the site is adjacent to the Sydney Water canal;
- Transport for NSW due to the site's proximity to the Sydney Light Rail line; and
- RMS is to be consulted with regard to the site's frontage on Old Canterbury Road.

TIMEFRAME

The proponent has proposed a timeframe of about 10 months to complete the LEP. A timeframe of 12 months is considered more appropriate given the nature of the proposal. A Gateway condition has been imposed to require the timeframe to be updated prior to community consultation.

DELEGATION

Council has sought delegation to carry out the Greater Sydney Commission's plan - making functions under section 59 of the *Environmental Planning and Assessment Act 1979*. Delegation is considered appropriate as the matter is of local significance.

CONCLUSION

The proposal is supported to proceed, as it:

- will facilitate residential development to accelerate housing supply and choice;
- will facilitate employment and create jobs close to existing residential areas;
- is near existing transportation infrastructure and services; and
- does not apply to land with any significant conservation value.

The proposal is generally consistent with all relevant state and local environmental planning instrument, strategies, plans and policies, and subject to appropriate design will not result in any adverse environmental or amenity impacts on the site or neighbouring land.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) Demonstrate consistency with the Draft Greater Sydney Region Plan 2017.
 - (b) Demonstrate that the planning proposal is justifiably inconsistent with Section 117 Direction 4.3 - Flood Prone Land ensuring that the plans have regard to the Flood Certificate by WMA Water and a detailed flood study is exhibited with the planning proposal.
 - (c) Demonstrate compliance with SEPP 55 – Remediation of Land
 - (d) Include a revised project timeline for the proposal to be completed within 12 months.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Transport for New South Wales
 - Roads and Maritime Services
 - Office of Environment and Heritage
 - Sydney Water
4. Consultation is required with TransDev, operator of the Sydney Light Rail.
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.


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