

Direction	Requirement	Comment
(A Plan for Growing Sydney)	Growing Sydney).	

5.3 Section C – Environmental, Social & Economic Impact

5.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not relevant. There are no critical habitats or threatened species, populations or ecological communities, or their habitats located on the site.

5.3.2 Are there any other likely environmental effects as a result of the Proposal and how are they proposed to be managed?

The Proposal does not seek to increase the intensity of uses currently at the site or the amount of floor space that is permissible.

As the site will be used for predominately the same uses, however will be given more flexibility, it has been concluded that there would be no increase in traffic generation. Therefore traffic impacts would be likely to be negligible.

The existing amenity of the surrounding area which is a mix of residential and commercial / industrial land uses would not be affected by the proposal.

5.3.3 How has the Proposal adequately addressed any social and economic effects?

The Planning Proposal is not considered to have any adverse social or economic impacts. It has been determined that the Proposal will improve the social amenity of the area by encouraging casual surveillance and activation along Smith Street to carry over from the Summer Hill Town Centre. The potential for the site to provide additional uses allows the site to continue operating as it is currently and provides opportunity for flexible uses of the building on the site which are currently vacant. This provides additional prospect for surrounding residents to visit and work on the site.

Economic effects of the Proposal would be positive as it recognises the need for the flexibility of uses on the site to host a broader range of employment generating uses. The Proposal would also allow current uses of the site to continue and provide additional employment opportunities for local residents. Some the buildings on site are currently vacant, and as such, amending Schedule 1 to include Additional Permitted Uses would improve the economic opportunity on site and provide a better social outcome for the surrounding community.

The proposed uses will improve the variability of uses within the Summer Hill Town Centre to ensure residents in the local area are provided with required services within close proximity to homes. The proposed additional uses will improve the community interaction along Smith Street and provide for a more vibrant environment for local residents. The proposal does not encourage an enclosed design and ensures uses will be visible from the street to encourage social interaction and passive surveillance from the site.

Recently, the Federal Government announced a National Innovation and Science Agenda to which \$1.1 Billion has been dedicated. The initiative encourages innovative ways to use space and generate jobs and wealth are a direct day to day need of all communities. The agenda identifies these spaces as being

provided in the immediate vicinity of residential, development and provide employment opportunities for the local community as well as community collaboration with designers and manufactures. The proposal is consistent with the intent of the National Innovation and Science Agenda in that it supports the use of space for innovative type uses.

The Proposal does not reduce the ability of the site to be developed for residential purposes in the future.

5.4 Section D – State & Commonwealth Interests

5.4.1 Is there adequate public infrastructure for the Proposal?

The proposed uses are less intensive than high density residential uses in terms of demand on infrastructure. The subject site is located within close proximity to major arterial roads (Liverpool Road) and is within walking distance to the Summer Hill Train Station, providing excellent opportunity for users of the site to use public transport.

5.4.2 What are the views of State and commonwealth public authorities consulted in accordance with the gateway determination?

Consultation was undertaken from 3 November 2015 to 4 December 2015. As a result of the consultation period components of this report have been updated to clarify the history of the sites as well as how future uses may impact on the local amenity.

This report has been updated as a result of these comments. In summary the issues comprised:

- *Whether the amenity of adjacent residential areas would be protected regarding the operation of the land uses proposed*

Response: The nature of the uses proposed will both benefit the community as well as be subject to formal development assessment. The proposed uses have been chosen based on market demand as well and compatibility with the surrounding residential areas.

Further consultation will be undertaken following gateway determination.

6.0 Part 4 – Mapping

The Planning Proposal does not seek any amendments to Sheet 1 or 2 Land Zoning Map of *Ashfield LEP 2013*.

The Planning Proposal seeks to include Additional Permitted Uses in Schedule 1 of the LEP in line with the following:

Ashfield Local Environmental Plan 2013

Schedule 1 Additional permitted uses

8 Use of certain land at 57 - 63 Smith Street, Summer Hill

(1) This clause applies to land at 55 - 63 Smith Street, Summer Hill, being Lot 13 in DP 560, Lot 1 in DP796910 and Lot 1 DP905473.

(2) Development for the purposes of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* permitted with development consent.

7.0 Part 5 – Community Consultation

A Gateway Determination would specify community consultation to be undertaken, in accordance with Section 56 (2)(c) of the EP&A Act 1979 as part of the LEP amendment process.

Community consultation would be commenced by the placing of a public notice in the local newspapers and on the website of Ashfield Council and/or the DP&E. In addition, adjoining landowners would be notified in writing.

Normal exhibition material would be made available by the relevant planning authority during the exhibition period. The community consultation process would be completed when the relevant planning authority has considered any submissions received concerning the proposed Local Environmental Plan and has forwarded those reports to the DP&E for final consideration by the Minister.

Update 04/01/2016

Community consultation was undertaken for 30 days ending on 4 December 2015. It is understood some submissions were received and the issues raised include:

- The provisions of 'Existing Use Rights' provide for the uses that are proposed by this planning proposal

Response

Part 5.1.2 of this report has been updated to include discussion around the many discussions with Council and legal advice which has determined that the majority of uses on the site are not 'light industry' or 'commercial premises' and therefore existing use rights provisions cannot be relied on.

- The operation of the land uses proposed and whether the amenity of adjacent residential areas would be protected

Response

The inclusion of these additional uses as permissible on this site will result in a number of benefits to the local community. These include the generation of employment as well as provision of services that will be of direct benefit to the local community. These uses will be subject to future assessment by Council in a detailed manner and any adverse impacts on the locality carefully considered at that stage. The size of the buildings does not facilitate large scale operations and as a result, the site will house boutique operations and businesses.

Specifically, in terms of impacts on the amenity of the adjoining neighbours, the definition of light industry is a strong indication of the restrictive nature of what is proposed in terms of allowing and facilitating uses that will benefit the community but not impact negatively on the amenity of the locality. The light industry definition is:

a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, ...:

The definition is clear in that light industry activity will not impact on the amenity of the neighbourhood. This is the intention of the planning proposal: to provide uses and employment within Summer Hill that will benefit the local community.

8.0 Part 6 – Project Timeline

This Planning Proposal provides a detailed level of information to enable the plan making process to be completed within a reasonable time.

It is anticipated the gateway determination would occur by December 2015. No studies are anticipated to be required to complete the Planning Proposal. Government agency consultation and public exhibition are proposed to occur in January, with an advertisement in local newspapers and on the website of Ashfield Council and/or the DP&E in August allowing for public exhibition for 28 days

Following public exhibition, Council will review all submissions for the Planning Proposal within 14 days.

All responses to submissions and any other queries for government agencies will be assessed and reported to Council. If no major amendments to the Planning Proposal are required following exhibition, it is expected that the Planning Proposal will be finalised by May 2016.

9.0 Conclusion

This Proposal has been prepared to enable the additional use of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* at 55-63 Smith Street, Summer Hill. The proposed LEP amendment does not seek to amend the R3 zone applying to the site but will allow for the continued use of the site for existing uses, while providing opportunity for flexibility of uses on the site. This is proposed through an amendment to Schedule 1 Additional Uses of the Ashfield LEP 2013.

The retention of existing uses at the site independent of permissible uses in the R3 Medium Density Residential zone would allow flexibility for a range of uses on the site that contribute to the local economy and provide additional amenity for residents in the surrounding area. The proposal will create employment opportunities within the context of Summer Hill Town Centre and within close proximity to residents.

The proposal will not cause any adverse impacts on the surrounding area and will contribute positively to the existing built form where some buildings on the site area currently vacant. Provision of additional uses on the site will contribute positively to the local economy and continue the character of Summer Hill urban village centre along Smith Street. The proposal will encourage an active street frontage and contribute to opportunities for casual surveillance and social interaction.

The Proposal does not reduce the ability of the site to be developed for residential purposes in the future and would not result in any land use conflicts either internal or external to the site.

It is therefore recommended that this Proposal be favourably considered by Council and that they resolve to forward it to the DP&E for a Gateway determination in accordance with the *Environmental Planning and Assessment Act 1979*.

Application

This Guideline applies to the following development categories:

- Development at 55- 63 Smith Street Summer Hill.

Using this Guideline

In using this Guideline reference should also be made to **Section 1—Preliminary** at the front of this DCP.

The Guideline is performance based. In this role, it is intended to provide both a level of certainty for applicants, Council and the community while also enabling consideration of high quality, innovative design. This is appropriate as given the complexity of the LGA urban environment, it is not possible or desirable in all instances for council to specify quantitative, pre-determined criteria that development must achieve. Rather, in such setting an appropriate design emerges from a well-considered site analysis that explores and responds to the characteristic of the site, adjoining properties, the streetscape and neighbourhood, as well as putting in place adequate measures to mitigate any potential negative impacts.

The Guideline comprises the Purpose, Performance Criteria and Design Solutions. Alternative Solutions to the Design Solution may also be proposed by an applicant.

The Purpose and Performance Criteria identify the performance outcomes that must be achieved for council to consider granting development consent to a development application. Council will not approve a development application that cannot meet all parts of the Purpose or all Performance Criteria, where relevant.

Design Solutions provide a guide for achieving the Performance Criteria, and by association, the Purpose.

Through the development application process, an applicant may propose an Alternative Solution to the Design Solution. Council will consider the Alternative Solution against the Performance Criteria and Purpose. If sufficient justification exists, largely informed by a site analysis and argued against sound urban planning and design grounds, council may consider accepting an Alternative Solution to the Design Solution.

Purpose

- To produce controls which are specific to development at 55 – 63 Smith Street, Ashfield where non-residential uses are proposed, in order to protect the amenity of adjacent and nearby residents.
- Provide guidelines for non-residential uses of the site which suit and reflect the design and configuration of existing buildings.
- To enhance the character of the neighbourhood by maintaining existing buildings and enabling adaptive reuse principles for building sustainability.
- Ensure design considerations and site use are holistic and takes into account all existing building uses on the site at any one time.

Performance Criteria and Design Solutions

Performance Criteria	Design Solution
General	
PC1. Development: Development Applications are to be holistic by taking into consideration all the uses on the site and ensuring that the use of the premises causes no adverse impacts for adjacent and nearby properties.	DS1.1 Any future development application for each building compartment will need to document the building operations for the entire site, to ensure that the requirements of a DCP are met, including car parking and servicing, waste management, and any relevant operational matters. Documentation shall include plans which are drawn accurately and at scale which is adequate to describe various components of the site. Any building works, are to be carried out entirely within the subject site
Operation of land	
PC2. No nuisance caused to adjacent and nearby residential properties, including controlling hours of operation, and noise attenuation.	DS2.1 Hours of Operation are limited to Monday to Friday 7 am to 7 pm Saturday 7am to 5 pm Sunday 8 am to 12 Midday Justification for any Variations to these hours will only be approved by Council if it is demonstrated that there will not be adverse impacts on adjacent and nearby residents. DS2.2 All machinery in use on the site will be soundproofed to reduce the emissions of noise external to the site in compliance with the Protection of the Environment Act 1997 and EPA noise control guidelines, with details submitted at Development Application stage. DS2.3 The site will operate in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008. DS2.4 Details of building fabric components shall be submitted with a Development Application showing that there the premises are adequately acoustically insulated so as to not cause any noise nuisance for adjacent and nearby residences. This includes use of entry airlocks where necessary, and documenting the types and thicknesses of window and door glazing. DS2.5 Security or other lighting shall not cause light overspill to adjoining property owners occupiers or residents DS2.6 There will not be any fume emissions from the site which would affect adjacent or nearby residences. Where applicable, mechanical engineers details will be submitted with a Development Application showing how