

Subject Development Application: 10.2014.70.1
 2-32 Smith Street SUMMER HILL
File No 10.2014.70.1
JRPP REF: 2014SYE055
Prepared by Philip North, Specialist Planner
Prepared for: Sydney East Joint Regional Planning Panel
Date 15 September 2014

Overview of Report

1.0 Description of Proposal

Stage 2 of approved concept plan for Flour Mills development comprising:

Demolition of buildings (including the substation) except the 6 silos, the Mungo Scott Building and former amenities building; conversion and additions to the silos to create a 11 level Building (5A) comprising 45 dwellings and 216m² of commercial floor space; construction of a 7 level Building (5B) comprising 14 dwellings; construction of a 2 level (with attic) terrace Building (5C) comprising 6 dwellings; construction of a part 3 and part 6 level Building (5D) comprising 18 dwellings; conversion of a 2 level Building (5E) to commercial use comprising 244m² of floor area; 108 car space basement car parking, construction of new road from Edward Street providing access to basement and future stage 3 and land dedication to Council.

New work will include the following primary elements:

Location	Level	Use	Area/Gross Floor Area	Total Area/Gross Floor Area
Building 5A (original silos)	Ground	Retail	216m ²	3,750m ²
	1-10	Residential flat building: <ul style="list-style-type: none"> 20 x studio/1 bedroom; 25 x 2 bedroom 	3,534m ²	
Building 5B	Ground - 6	Residential flat building and multi-dwelling housing: <ul style="list-style-type: none"> 14 x 2 bedroom (incl. 8 adaptable); 	1,268m ²	1,268m ²
Building 5C	Ground - 2	Multi-dwelling housing: <ul style="list-style-type: none"> 4 x 3 bedroom; 2 x 4 bedroom 	1,039m ²	1,039m ²
Building 5D	Ground - 5	Residential flat building and multi-dwelling housing: <ul style="list-style-type: none"> 15 x 3 bedroom; 3 x 4 bedroom 	2,131m ²	2,131m ²
Building 5E	Ground - 1	Commercial	224m ²	224m ²

Total Building Gross Floor Area			8,412m ²	8,412m ²
Basement	2 levels	<ul style="list-style-type: none"> Car parking for 112 cars; and Services 		
Southern Roadway off Edward Street	Ground level	Lot 1: Public access road to be dedicated to Council: <ul style="list-style-type: none"> 5 on-street car parking spaces 	671m ²	671m ²
Public Open Space Areas	Ground level	Lot 3: Urban Plaza	789m ²	3,344m ²
		Lot 4: Public Park	2,555m ²	

Total accommodation in Stage 2 will comprise:

Type			No.
Residential			
1 bedroom/studio dwellings			20
2 bedroom dwellings			39
3 bedroom dwellings			19
4 bedroom dwellings			5
Total Dwellings			83
Commercial			
Retail			216m ²
General Commercial			224m ²
Total Commercial			440m²
Basement Car Parking			
Resident spaces	Standard	86	94
	Disabled	8	
Visitor spaces	Standard	7	8
	Disabled	1	
Retail spaces	Standard	5	6
	Disabled	1	
Total Basement Car Parking Spaces			108

Subdivision is proposed to create five (5) lots comprising:

Lot No.	Primary development proposed on lot	Future Ownership	Area
Lot 1	New public road	Dedicated to Council	671m ²
Lot 2	The mixed use residential and commercial development	Private	4,404m ²
Lot 3	Urban plaza	Dedicated to Council	789m ²
Lot 4	Public park	Dedicated to Council	2,520m ²
Lot 5	Existing substation	Private	67m ²
TOTAL AREA			8,451m²

The proposed development has a capital investment value (CIV) of \$33million and as such the Joint Regional Planning Panel is the consent authority.

Background

2.0 Summary Recommendation

This application seeks development consent for Stage 2 of the Concept Plan approval issued for the site under the State Environmental Planning Policy (Major Development) 2005. As such, the primary matter for consideration is the consistency of the application with the terms of the approved Concept Plan. Where that is silent, however, Council's controls and other relevant environmental planning instruments apply.

Compliance of the proposal with the approved Concept Plan is generally satisfactory. The application also performs adequately when assessed against both Council's controls and the relevant EPIs to the extent that they apply.

A particular aspect of the application which raises significant concern, however, is the dedication of two particular portions of publicly accessible open space to Council; these consist of the plaza in front of Building 5A (notated as Portion 3 on the plans) and the open space adjacent Smith Street (notated as Portion 4 on the plans). Not only was Portion 3 not identified for dedication to Council under the approved Concept Plan, but Council officers see little benefit in the acquisition of either parcel of land and consider that both would be more appropriately administered if they were to remain in private ownership but accessible to the public by virtue of a public right of way for access. This matter is addressed by way of condition of consent.

A further matter of concern is the lack of provision for on-site detention in the stormwater concept plans provided. This is considered a necessary provision but can also be addressed by way of condition of consent.

The applicant also proposes to demolish the electrical substation (Building 2C) to the north-western corner of the site. The approved Concept Plan proposes the retention of this building for ground floor commercial uses and rates it as having moderate heritage significance suitable for adaptive re-use. Its removal is further not supported by Council's heritage officer. Nevertheless, retention of the building gives rise to a number of issues; in particular, it is not well located for future commercial use due to the topography of the surrounding land, it would hinder the accessibility of the site by narrowing the footpath of the new internal road (already approved), further separate the park from Smith Street and compromise safety by blocking sight lines. Given this, it is considered that the proposal for its demolition is acceptable when balanced against the broader planning considerations for the site and is supported.

Although there are a number of other minor issues which have not been completely addressed in the application documents, these can be readily addressed by way of conditions of consent.

These matters aside, the proposal is considered to be positive contribution to the locality which successfully balances the appropriate adaptive re-use of this heritage listed site with residential, retail and commercial uses, ready access to public transport, public open space and the amenity of the existing surrounding population.

The development is recommended for conditional approval.

3.0 Application Details

Applicant : EG Funds Management
 Owner : Australian Executor Trustees Ltd
 Value of work : \$33 million
 Lot/DP : See lot schedule below
 Date lodged : 10/03/2014
 Date of last amendment : 29.07.2014
 Application Type : Local
 Construction Certificate : No

4.0 Site and Surrounding Development

The site of the approved Concept Plan (MP_0155) is located on a large area of land of 24,738m² bounded by Smith and Longport Streets to the north, Edward Street to the west, the Inner West Light Rail line to the east and Old Canterbury Road to the south. The land straddles the Hawthorn Canal and is located primarily in Summer Hill in the Ashfield local government areas but the small portion of the site to the east of the canal is located in Lewisham in the Marrickville local government area.

Surrounding development to the west is primarily low density residential with a small amount of light industrial development to the north and south west of the site. Refer to **Attachment 1** for a locality map.

Stage 2 of the development which is the subject of this application consists of two separate portions of land stretching from the Edward Street at the south west of the site and roughly bisecting the site to connect to Smith Street in the north. It extends over 9 existing individual lots of land but does not generally align to their existing boundaries. See the table below:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area
2-32 Smith Street	Part of 100	221222	Torrens	N/A
2-32 Smith Street	Part of 1	73521	Torrens	N/A
2-32 Smith Street	14	315	Torrens	N/A
2-32 Smith Street	13	315	Torrens	N/A
2-32 Smith Street	A	302421	Torrens	N/A
2-32 Smith Street	B	302421	Torrens	N/A
2-32 Smith Street	11	315	Torrens	N/A
2-32 Smith Street	1	955001	Torrens	N/A
2-32 Smith Street	1	951124	Torrens	N/A
TOTAL SITE AREA (STAGE 2)				8,451m²

The application also appears to propose landscaping over a portion of Lot 1, DP 1140415 which is a very small parcel of land (about 2m x 14m) owned by Sydney Water which is associated with the Hawthorne Canal and pierces the north-eastern horn of the site near Smith Street. As no owner's consent has been provided in respect of this parcel, no consent can be granted in respect of any part of the development proposed over this land. This is unlikely to result in any material impact on the development.

5.0 Development Application History

Previous building and development applications submitted to Council for the subject site include:

No.	Determination Date	Proposal	Determination
MP10_0155	07.12.2012	Concept Plan Approval: Mixed use residential and commercial development. This consent forms the basis for the assessment of the subject application.	Approved
MP10_0180	11.07.2013	Stage 1: Mixed use residential and commercial development	Approved
10.2014.154	Pending	Marketing/sales office	Pending
MP10_0155 (amendment)	Pending	Proposed amendment of the Concept Plan Approval including (within the Ashfield LGA): <ul style="list-style-type: none"> • Unit numbers: Increase from 300 to 380; • GFA: Increase from 33,500m² to 34,500m²; • Maximum retail: Decrease GFA from 2,500m² to 1,500m²; • Building 5B: Increase maximum height of southern tower by 1 storey; • Building 5C: Increase maximum height of by 1.45m and 0.45m. Given that this application has not yet been determined, it has no bearing on the subject application (though it may impact upon the development applications for future stages).	Pending

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
17.12.2013	Provisional Development Application submitted. Applicant advised of significant issues and questions relating to flooding and flood affectation.	17.2013.374
13.03.2014	Development Application lodged.	10.2014.70.1
29.07.2014	Documentation provided addressing flooding issues. This involved the provision of a flood barrier on the boundary of the site with Inner West Light Rail corridor. Ordinarily this barrier would have been part of the Stage 3 works but its inclusion in the work for Stage 2 is necessary to ensure that flood levels are compatible with the habitable floor levels proposed.	10.2014.70.1
09.09.2014	Sydney East Joint Regional Planning Panel Briefing	2014SYE055
07.10.2014	Sydney East Joint Regional Planning Panel Meeting	2014SYE055

6.0 Zoning/Permissibility/Heritage

- The site is zoned IN2-Light Industrial under the provisions of Ashfield LEP 2013.
- The property is a heritage item.
- The property is located within the vicinity of a heritage conservation area.
- The property is the subject of Concept Approval MP 10_0155 issued by the NSW Department of Planning and Infrastructure on 7 December 2012 under the transitional provisions of Part 3A of the Environmental Planning and Assessment Act 1979.

Although the proposed works are prohibited on the site, they are permissible by virtue of the operation Concept Approval MP 10_0155 under the provisions of State Environmental Planning Policy (Major Development) 2005.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone IN2 Light Industrial	Residential Flat Buildings	No
			Multi Dwelling Housing	No
			Retail Premises	No
			Business Premises and/or Office Premises	Yes
			Roads	Yes
4.1	Minimum subdivision lot size	N/A	8,451m ²	N/A
4.3	Height of buildings	10m	39.77m	No
4.4	Floor space ratio	1:1	1:1	Yes
4.6(3)	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	No written request submitted. Despite this, these provisions are inconsistent with the approved concept plan for the site (MP10_0155) and, under clause 3B(2)(f), Schedule 6A of the Environmental Planning and Assessment Act 1979, these provisions do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan. Given this, the provisions of the LEP with which the proposal does not comply have no effect and consequently no contravention exists. As such, no variation request under this clause is required.	N/A
5.10	Heritage Conservation	Listed as: • Heritage Item I619 Located adjacent: • Quarantine Ground Conservation Area C51		

5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This sub-clause applies regardless of whether a heritage management document is prepared under sub-clause (5) or a heritage conservation management plan is submitted under sub-clause (6).	Heritage management document has been submitted.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Heritage management document has been submitted. Assessed as satisfactory by Council's Heritage Adviser except for the demolition of Building 2C (the substation). Nevertheless, on balance, it is considered that the removal of this building is appropriate in the broader planning context of the site.	Acceptable

As demonstrated in the above table, significant elements of the proposed development (i.e. the residential uses) are prohibited under ALEP 2013. In addition, the proposal significantly exceeds the maximum height limit for the site of 10m. Despite this, these provisions are inconsistent with the approved concept plan for the site (MP10_0155) and, under clause 3B(2)(f), Schedule 6A of the Environmental Planning and Assessment Act 1979, these provisions do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan. Given this, the proposal is consistent with the remaining applicable provisions of ALEP 2013.

7.1.2 State Environmental Planning Policies

State Environmental Planning Policy (Major Development) 2005

The application has been prepared under the provisions of SEPP (Major Development) 2005 and the approved Concept Plan for the site No. MP 10_0155.

State Environmental Planning Policy (Major Development) 2005 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies

2A(1)	Application of Policy—transitional Part 3A projects	On the repeal of Part 3A of the Act, this Policy is subject to Schedule 6A to the Act.		Yes
Schedule 6A	Environmental Planning and Assessment Act 1979			
2(1)(b)	Schedule 6A Transitional arrangements—repeal of Part 3A	The following are, subject to this Schedule, transitional Part 3A projects : (b) a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),	The project is the subject of an approved Concept Plan under Part 3A. This is thus considered to be a Transitional Part 3A Project.	Yes
3B(2)	After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P (2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:			
3B(2)(c)		Any development standard that is within the terms of the approval of the concept plan has effect,		Noted
3B(2)(d)		A consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan, (See assessment table below)	It is considered that the development is generally in accordance with the terms of the concept plan approval.	Yes
3B(2)(f)		The provisions 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 the concept plan,	The concept plan displays multiple inconsistencies with provisions of Ashfield Local Environmental Plan 2013. However, under the provisions of this clause, those provisions have no effect and the approved concept plan prevails.	Noted
5	Relationship to other environmental planning instruments	Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.	Noted	Noted

State Environmental Planning Policy (Major Development) 2005

Assessment under cl. 3B(2)(d)

a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan

Concept Plan Approval MP10_0155:

Schedule 2: Part A – Terms of Approval

Clause No.	Clause	Standard	Proposed	Complies
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A1	Development Description	Adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes.	Generally consistent with concept plan, however, demolition proposed of Building 2C – substation.			Generally complies
		Staged construction over four stages.	Four stages are proposed. Their boundaries are slightly different from the 'Indicative' boundaries in the approved concept plan but are generally consistent.			Yes
		280-300 dwellings (29,500-33,500m ² GFA)	Stage	Dwellings	GFAm ²	
			1	44	4,682	Noted
			2	83	7,972	Yes
			3 & 4	153-173	16,846-20,846	Noted
			Total	280-300	29,500-33,500	Noted
		3,500-4,000m ² commercial floor space	Stage	GFA		
			1	186		Noted
			2	224		Yes
			3 & 4	3,090-3,590		Noted
			Total	3,090-3,590		Noted
		2,000-2,500m ² of retail floor space	Stage	GFA		
			1	257		Noted
			2	216		Yes
			3 & 4	1,527-2,027		Noted
			Total	1,527-2,027		Noted
		FSR: 1.4:1 – 1.6:1	Stage	FSR		
			1	0.72:1		Noted
			2	0.99:1		Yes
			3 & 4	2.34:1-2.88:1		Noted
			Total	1.4:1 – 1.6:1		Noted
		Up to 2 levels of basement car parking and 63 on-street car parking spaces.	Stage	Spaces		
			1	13		Noted
			2	5		Yes
			3 & 4	32		Noted
			Total	50		Noted
		4,806m ² of public space to be dedicated to Council.	Stage	Area		
			1	1,112		Noted
			2	3,309 proposed; 0 by condition		Yes
			3 & 4	677 proposed; 3,694 by condition		Noted
			Total	4,806		Noted
		5,287m ² publicly accessible private open space.	Stage	Area		
			1	1,345		Noted

			2	0 proposed; 3,309 conditioned	Condition
			3 & 4	3,942 proposed; 633 conditioned	Condition
			Total	5,287	Noted
		New local streets serving the development.	Part of one new street is provided as part of the development		Yes
		Road works including a roundabout at Edward Street and Smith Streets as part of Stage 1.	Not part of Stage 2		N/A
		Off-site pedestrian upgrade works in the surrounding area and to Summer Hill Village.	Addressed in Stage 1 approval		N/A
A2	Plans & Documentation	The Environmental Assessment dated 6 May 2011 prepared by SJB Planning, except where amended by the Preferred Project Report dated 26 March 2012 and additional information submitted on 20 June 2012 and 20 July 2012 and including all associated documents and reports.	Appears to be generally consistent except as noted in the body of this report. Where not consistent, compliance will be conditioned.		Condition
		The Statement of Commitments prepared by SJB Planning	See assessment below.		
		The approved Plans:	Generally consistent except as noted in this report		
A3	Inconsistencies Between Documentation	In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.			Noted
A4	Building Envelopes	Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams except where amended by the Modifications in Part B of this approval.	Building 5C exceeds the approved concept plan height by 0.45m. This is due to the provision of 'butterfly' roof forms which exceed the height limit with relatively minor wedges of roof at the point where this roof form thrusts upwards at its edges. Conversely, the majority of these roof forms sit well under the approved height. Given that the roof forms only incidentally exceed the height limit, are on average consistent with it, and also that they achieve a higher quality aesthetic outcome, it is considered that they are acceptable.		Acceptable

A5	Maximum Gross Floor Area	The maximum GFA for the development shall not exceed 40,000m ² comprising a maximum of:	The GFA proposed at this stage is on target to be within the maximum.	Yes
A6	Maximum Number of Residential Units	The maximum number of residential dwellings shall not exceed 300 units.	The dwelling numbers proposed at this stage are on target to be within the maximum.	Yes
A7	Lapsing of Approval	Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.	Development Consent granted for Stage 1 works on 11 June 2013.	Noted

Schedule 2: Part B – Modifications

Clause No.	Clause	Standard	Proposed	Complies
B1	Building Height	The plans shall be modified to provide a maximum height of RL 57.5 to Building 3C inclusive of plant, lift overrun structures and the like.	Part of Stage 3. Not applicable at this stage.	N/A
B2	Building Height	The plans shall be modified to provide a maximum height of RL 45.4 to Building 5A excluding the existing lift and blower structure. Plant, lift overrun structures and the like may exceed this height if wholly accommodated within the envelope of the existing lift and blower structure.	Heights are consistent with this requirement.	Yes
B3	Building Separation	The plans shall be modified to provide a minimum 12m separation between the 9 and 10 storey components of Building 1A.	Part of Stage 4. Not applicable at this stage.	N/A

Schedule 3: Future Environmental Assessment Requirements

Clause No.	Clause	Standard	Proposed	Complies
1	Residential Amenity	Compliance with SEPP 65 except where modified by Concept Plan approval.	Generally considered compliant with the provisions of the SEPP.	Yes
		70% of apartments to receive a minimum of three (3) hours solar access in mid-winter.	83% (69) of apartments in Stage 2 receive three (3) hours of solar access in mid-winter.	Yes
		Minimum of 60% of apartments are to be natural cross ventilated.	100% of apartments in Stage 2 are cross ventilated.	Yes
2	ESD	Applications to demonstrate incorporation of ESD principles.	The ESD statement prepared by ARUP demonstrates compliance. A BASIX certificate also accompanies the application.	Yes

3	Car Parking	<p>Maximum Parking Rates:</p> <ul style="list-style-type: none"> Resident Parking: <ul style="list-style-type: none"> Studio/1 bed dwellings – 0.25 space (5 spaces) 2/3 bed dwellings - 1 space (58 spaces) 4+ bed dwellings – 1.5 spaces (8 spaces) TOTAL: 71 spaces Visitors – 1 space /10 dwellings (8 spaces) Commercial/retail – 1 space/80m² (6 spaces) 	<ul style="list-style-type: none"> Residents: 71 spaces + 23 spaces to service future stage 3 Visitors: 8 spaces Commercial/retail: 6 spaces 	Yes
4	On Street Parking	50 on-street car parking spaces are to be provided.	Stage 1 contributed 13 spaces. Stage 2 proposes another 5. The remaining spaces are to be provided in Stage 3.	Yes
5	Bicycle Parking	54 spaces required.	Basement space adequate for this number has been provided. Conditions will be applied to any consent to ensure adequate number of stands.	Yes & condition
6	Car Share	2 dedicated car share spaces to be provided in future applications.	The two (2) required on-street car share spaces were provided in Stage 1.	Yes
7	Retail Tenancies	No single retail tenancy shall exceed 500m ² .	The two retail tenancies have a total area of 216m ² and 224m ² respectively.	Yes
8	Heritage	A CMP shall be prepared for stage 3.	Not applicable at this stage.	N/A
9	Heritage	Future applications for adaptive re-use and modification of Buildings 2A and 5E shall be accompanied by measured drawings and photographic record for archival purposes.	Not applicable to Building 2A at this stage but Building 5E requires documentation that has not yet been provided. This will be a condition of development consent.	Condition
10	Heritage	Applications for demolition of structures shall include a photographic record of the structures to be demolished and details of salvaging building materials and objects identified as having heritage significance. Where reuse is not practicable, details shall be provided of how these materials/objects are being interpreted off the site.	A Statement of Heritage Impact has been prepared for the structures to be demolished. No measured drawings or records have as yet been provided. These will be required by way of condition of consent.	Condition
11	Local Street Design	Provide for design of two new local streets in the western portion including road, carriageway, footpath and tree planting) to the satisfaction of Council in accordance with Council's engineering guidelines/standard designs for local roads. The design shall provide for traffic calming and pedestrian safety measures where appropriate	These roads have been identified, laid out generally and nominated for dedication to Council. Nevertheless, no detail design has been provided and this will be required by condition of consent.	Yes & Condition

		to provide a slow speed safe environment for pedestrians. The roads shall be dedicated to Council at no cost to Council.		
12	Local Street	Applies to Building 1A in Stage 1 only – not applicable to Stage 2.	Not applicable.	N/A
13	Edward Street Footpath	Upgrade of the footpath in Edward Street (at the relevant Stage) including the provision of street tree planting for the full frontage of the site to Edward Street.	Included in proposal but will be conditioned to provide certainty.	Yes & Condition
14	Service vehicle access	Application shall provide details of all servicing, including waste collection, removalist vehicles, and all loading/unloading operations and appropriate design of those locations.	Not adequately addressed in documentation. A detailed waste management and service vehicle access report will be required by way of condition of consent.	Condition
15 - 18	Road Infrastructure Upgrades		Not applicable to Stage 2.	N/A
19	RMS Requirements	Applies to Stage 3 only.	Not applicable to Stage 2.	N/A
20	Workplace Travel Plan	Applies to Stage 3 only.	Not applicable to Stage 2.	N/A
21	Landscaping	Future applications shall identify and include measures to ensure the retention of the existing interwar and other plantings including brushbox, ficus hillii, palms, moreton bay figs and the chinese weeping elms on the site.	Provided for in the landscape plans.	Yes
22	Landscaping	Future applications for landscape works shall include indigenous plant species endemic to the area and take account of bio-links and diversity.	Provided for in the landscape plans.	Yes
23	Open Space/Public Access	Future applications shall provide for the embellishment and dedication of a minimum of 4,806m ² of public open space to Council.	Stage 2 proposes the embellishment and dedication of 2,520m ² of public open space. This is part of the larger open space parcel referred to in the concept plan approval. While the dedication of open space to the Council was supported at the concept plan stage this was on the basis that the land was unencumbered with other uses (such as the proposed cafe/kiosk) and it was of an appropriate quality and standard. Since the further refinement of the proposal it has emerged that this space no longer meets these criteria and its dedication to Council is no longer supported (refer to further comments below).	Yes - however, dedication no longer supported. Condition.
24	Open Space/Public	Future applications shall	Part of this publicly	No -

	Access	provide for the embellishment of a minimum of 5,287m ² of publicly accessible open space to be maintained in private ownership by the future body corporate.	accessible private open space (789m ²) is now proposed to be dedicated to the Council as public open space. This is not consistent with the concept plan approval and not supported (refer to further comments below).	Condition
25	Public Access	Future applications for each relevant stage shall clearly set out the mechanism for creating rights of public access with the relevant instruments to be executed prior to the commencement of the use/occupation of the development:	No details provided.	No - Condition
		<ul style="list-style-type: none"> Private roads 	No details provided. May be addressed by way of rights of way.	Condition
		<ul style="list-style-type: none"> All publicly accessible areas of open space and through site links 	No details provided. May be addressed by way of rights of way.	Condition
26	Light Rail Access	Stage 1 shall provide for pedestrian/cycle access through the site to the Lewisham West light rail stop.	Addressed in Stage 1.	N/A
27	Flora and Fauna	Future applications shall incorporate specified measures to protect potential long-nosed bandicoot population within the local area.	Suitable conditions will be applied to any consent.	Condition
28	S94 Contributions	The amount of contributions will be in accordance with Council's s94 Plan.	Contributions of \$1,596,056.12 will be levied on Stage 2 of the development.	Noted
29	Noise and Vibration	Future applications, where applicable, shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from the Western Suburbs Railway, Old Canterbury Road, and Longport Street.	Not applicable - Stage 2 does not include dwellings within close proximity to the light rail line or high traffic volume roads.	N/A
30	Adaptable Housing	A minimum of 10% of apartments (excluding townhouses) shall be provided as adaptable housing as per AS 4229-1995.	A total of 71 apartments (excluding townhouses) are proposed, requiring seven (7) adaptable dwellings. A total of eight (8) are proposed to be adaptable.	Yes & condition
31	Flooding	Future applications shall clearly document flood levels, associated flood hazards and management measures within each stage and will be based upon detailed reviews, and where necessary, updates of flood study results that account for works approved or undertaken in the adjoining light rail corridor, the McGill Street Precinct and/or the	Current stage adequately addressed (as advised by WMA Water).	Yes

		subject site and the Hawthorne Canal.		
32		Future applications shall ensure appropriate levels are provided, in particular:	Yes (as advised by WMA Water).	
32(a)		At least 500mm freeboard above the adopted 100 year ARI design flood level for residential floors and basement entry crests; and	Yes (as advised by WMA Water).	
32(b)		A flood study shall clearly identify the flood levels control(s) and the sensitivity of flood level estimates to assumptions regarding climate change and blockage of the Longport Street culvert and land levels along the light rail alignment under Longport Street.	Yes (as advised by WMA Water).	
33		The future application for Stages 1 and/or 4 (as relevant) shall provide details relating to piping of the existing Smith Street flows through the development site to the Hawthorne Canal. Documentary evidence of consultation with Sydney Water shall be provided with this design including any specific amendments to accommodate Sydney Water requirements.	Due to the change in the Stage boundaries, the park area which was originally in Stage 4, is now in stage 2 and as such, this condition becomes relevant. Nevertheless, no details provided.	Condition
34		Future applications shall be provided with a draft Flood Emergency Response Plan. The draft Flood Emergency Response Plan should justify the adopted alarm level (10.8m AHD) and demonstrate that they are available within each building to all the proposed response.	<i>Applicant must provide information to demonstrate that places of refuge exist in proposed Stage 2 buildings above PMF levels and include proposals for signage and clear posted directions in each building.</i> (as advised by WMA Water)	Condition
35		The future application for Stage 4 shall ensure an allowance within the foundation space of Building 1A (as referred to in AWP Drainage/Water Management Flooding/Utilities report dated March 2011 submitted with the EA) for a box culvert or equivalent to accommodate a possible stormwater drainage connection from the light rail corridor to the Hawthorne Canal. Evidence of consultation with Sydney Water (and consideration of Sydney Water's requirements) in this regard is to be provided with the application for Stage 4.	Not applicable to Stage 2.	N/A
36		Future applications shall provide documentary evidence of consultation with Transport NSW in regards to flood	No details provided.	Condition

		mitigation works including any specific amendments to the project design to accommodate TNSW comments regarding light rail, including consideration of any flood impacts resulting from the design of the light rail station.		
37		No wall shall be approved on the rail corridor boundary adjacent to Building 2A (as referred to in APP Drainage/Water Management Flooding/Utilities report dated March 2011 submitted with the EA) unless a flood study demonstrates that the wall does not have any unacceptable impact in terms of flood levels and flow velocities within the light rail corridor or neighbouring property.	No walls are proposed on the rail corridor boundary adjacent Building 2A.	N/A
38		Future applications shall provide documentary evidence of consultation with Sydney Water in regard to any measures that might affect the entry of floodwater into the Hawthorne Canal and measures, such as fencing, to protect the public against exposure to areas of high flood hazard.	No details provided.	Condition
39	Sydney Water Requirements	Future applications shall address Sydney Water's requirements in relation to:		
39(a)		Water supply and waste water connections as set out in Sydney Water's letter dated 23 August 2011; and	No details provided.	Condition
39(b)		<p>A Water Sensitive Urban Design Strategy and stormwater treatment plan which demonstrates:</p> <ul style="list-style-type: none"> i. A 90% reduction in the post development mean annual load of total gross pollutant loads; ii. A 85% reduction in the post development mean annual load of total suspended solids; iii. A 60% reduction in the post development mean annual load of total Phosphorus; and iv. A 45% reduction in the post development mean annual load of Total Nitrogen. <p>Details shall be submitted with future applications in accordance with Sydney water and Council requirements.</p>	The report from NPC confirms the WSUD treatment plan achieves the required pollution and nutrient load reductions in stormwater runoff.	Condition
40		Future applications shall provide for the treatment of stormwater prior to discharge	The report from NPC confirms the WSUD treatment plan achieves the	Condition

		to surface water and/or groundwater sources	required pollution and nutrient load reductions in stormwater runoff.	
41	Groundwater	Future applications shall provide for the treatment of ground water, including the need for licences in relation to taking or interfering with ground water and dewatering.	To be investigated to the satisfaction of Council as per the recommendations of the report by Aargus dated 22 August 2013.	Condition
42	Contamination	Future applications shall include details of the remedial/management strategy for the site and the proposed Remedial Action Plan to remediate parts of the site which have been identified as contaminated/potentially contaminated with the Aargus Environmental Site Assessment dated June 2008.	A Remediation Action Plan dated 5/9/2013 has been prepared by Aargus for the Stage 2 development area. Its recommendations are included as consent requirements.	Condition
43	Railcorp Requirements	Drainage: Future applications shall include a stormwater concept plan which demonstrates how stormwater drainage from the site will be appropriately managed. Any discharge into the rail corridor requires Railcorp approval.	No discharge of stormwater into the light rail corridor is proposed. This will be confirmed by way of condition.	Condition

Schedule 4: Statement of Commitments (SJB: 27.11.2012)

No.	Item	Commitment	Timing	Proposed	Complies
1	Construction Management	The proponent will ensure that a Construction Management Plan is prepared including, but not limited to the methods of soil and sedimentation protection, restriction of public access, vegetation protection, construction, traffic management, crane height and location details and the like.	A Construction Management Plan will be prepared prior to the issue of any Construction Certificate for work on the site.	To be conditioned.	Condition
2	BCA Compliance	All buildings will be designed in accordance with the Building Code of Australia.	BCA compliance will be documented at the Development Application stage of the project	BCA Report has been provided confirming that BCA compliance is possible at CC stage.	Condition
3	Augmentation of Utilities	The approval for connection to existing utility service will be obtained, and any required augmentation works will be undertaken.	Any required augmentation of utility services will be detailed at the Project Application or Development Application stage of the proposal.	The application is identified as capable of being serviced as detailed with the Flooding, Stormwater and Utilities report (Attachment 3).	Condition
4	Section 94	Section 94 Contributions relevant to the proposal will be made in accordance with the Section 94 Contribution Plans for Ashfield and Marrickville Council as applicable, consistent with the rates detailed in the Environmental Assessment.	Any required Section 94 Contributions will be paid prior to the issue of any Construction Certificates for the erection or conversion of buildings that	Contributions of \$1,596,056.12 are required prior to the issue of any Construction Certificate for this stage.	Condition

			generate a demand for services.		
5	Public Domain	Public Domain: Public access will be provided through the site providing access over and through the open space from Smith Street affording access to the Lewisham West light rail stop. The access will include the use and enjoyment of the open landscaped areas off Smith Street and the proposed urban plazas around the reused buildings that are to provide ground floor active uses.	The treatment of these public domain areas consistent with the Landscape Open Space and landscape Concept themes in the Concept Plan will be documented at the Project Application or Development Application stage of the proposal and will be implemented prior to occupation of the relevant stage.	The proposal nominates the area of open space between the light rail access way and Smith Street as well as the plaza in front of Building 5A to be embellished.	Yes
6	Remediation of Land	If necessary a Remedial Action Plan will be prepared and audited upon implementation for each relevant stage.	If required, details of remediation of the site will be detailed at the Project Application or Development Application stage of the proposal.	A Remedial Action Plan has been prepared for Stage 2.	Yes
7	Transport Management	The relevant intersection and traffic management upgrades identified in the Traffic and Transport assessment prepared by ARUP (Attachment 4 to the PPR) attributable to the development will be implemented as required by detailed staging assessment	Traffic management and upgrade measures will be implemented and be documented at the Project Application or Development Application stage of the proposal. Each stage will determine the staging of the implementation of the traffic management measures to be undertaken. Specifically the new internal street connecting Edward and Smith Streets and associated left in left out traffic measures and the new roundabout at Edward and Smith Street will be provided as part of stage 1. The Pedestrian upgrades in the surrounding area will also be provided as part of stage 1 facilitating access to the new light rail stop. Prior to the lodgement of any Development	No upgrades are required as part of the Stage 2 development.	N/A

			Application for Stage 3, a TMP will be prepared addressing the proposed design and installation of the traffic lights and intersection upgrades for the Edward Street and Old Canterbury Road intersection. Prior to the occupation of stage 3 the new lights to the Edward Street and Old Canterbury Road intersection will be provided.		
8	Car Share	At least two parking spaces will be made available for use by car share scheme vehicles.	Any car share space will be identified in the Project Application or Development Application drawings for Stage 1 and will be noted on the title.	Applies to Stage 1 only.	N/A
9	Bicycle Facilities	Bicycle facilities and storage in accordance with Council's standards will be provided on-site.	Bicycle facilities will be documented at the Project Application or Development Application stage of the proposal.	Bicycle parking is provided within the proposed basement parking area detailed in the architectural plans	Yes
10	Ecologically Sustainable Development (ESD)	ESD principles and strategies will be implemented for the project consistent with the ESD Strategy prepared by ARUP (Attachment 10 of EA).	ESD principles and measures will be documented at the Project Application or Development Application stage of the proposal.	The application is supported by an ESD Statement and BASIX certificate.	Yes
11	Water Sensitive Urban Design (WSUD)	WSUD measures will be implemented in accordance within the Drainage/Water Management/Flooding/Utilities report prepared by APP (Attachment 6 of the EA and Attachment 6 of the PPR).	WSUD measures will be documented within each Development Application for each stage of the proposal.	WSD principles are detailed with the Flooding, Stormwater and Utilities report. These will be conditioned in any consent.	Yes & Condition
12	Flood Management	The flood management measures will be implemented in accordance with the Drainage/Water Management/Flooding/Utilities report prepared by APP (Attachment 6 EA). The flood management measures will be based upon reviews of, and where necessary, updates of flood study results that account for works approved or undertaken in the adjoining light rail corridor, on the McGill street Masterplan site and within the subject site. All residential buildings will	Flood management measures will be documented within each Development Application for each stage of the proposal.	Flooding addressed above. Transport NSW liaison required at Stage 3 and 4.	Yes

		<p>be provided with floor levels above the 100 year ARI level with appropriate allowances for climate change, blockages and freeboard, identified in the required flood study/ies. Any non-residential buildings and open spaces that include floor levels or ground levels below the 100 year ARI level will be subject to an emergency response plan to appropriately manage the risk to personal safety during severe flood events. Any non-residential building with floor levels below the 100 year ARI level will be flood proofed up to the 100 year ARI level plus 0.5m freeboard to minimise potential flood damage and be provided with appropriate evacuation connections. The objective of all proposed measures and strategies will be to manage and where possible minimise the potential flood hazard posed by flood waters from the Sydney Water culvert that traverses beneath the adjoining light rail corridor. The detailed design of Building 1A foundation space will incorporate allowance for the inclusion of a 3.0m wide x 1.5m high box culvert or equivalent to be concrete encased (no maintenance or replacement required) from the southern boundary of the site to the Sydney Water Corporation channel at the eastern end of the building. The wall height on the rail corridor boundary to the west of Building 2A will be adjusted at the detailed design stage to prevent the potential inflow of floodwaters from the rail corridor into the site. During detailed design stage of the proposed development, liaison with Transport NSW will be undertaken to ensure that the proposed site design complements the design aspects of the light rail project which will address and manage flooding issues form within the light rail corridor.</p>			
13	Noise Mitigation	Noise and vibration mitigation measures will be implemented in accordance with the Noise and Vibration Assessment undertaken by	Noise and vibration mitigation measures will be detailed at the Project Application or	Relevant acoustic treatments have been detailed with the BCA compliance report.	N/A

		Atkins Acoustics (Attachment 9 of the EA)	Development Application stage of the proposal.		
14	Aboriginal Archaeology	The recommendations and requirements of the Aboriginal Archaeology assessment undertaken by AHMS (Attachment 14 of the EA) will be implemented.	Any required permits or approvals relating to Aboriginal Archaeology will be obtained prior to the commencement of work on the site that requires the issue of a Construction Certificate.	Will be provided in later stages.	N/A
15	Affordable rental housing	The provision of ten (10) 1 or 2 bedroom dwellings as affordable rental accommodation for a period of ten years for each dwelling, from the date of relevant occupation certificate.	To be provided in stages 2, 3 or 4.	To be provided in Stage 4	N/A

Open Space Dedication

When the concept plan was considered by the Council the intention was for the open space along the Smith Street frontage of the site to be dedicated as public open space (refer to plans in **Attachment 4**). In the advice provided to the Planning Assessment Commission, the dedication of this land was conditional upon it being unencumbered - i.e. no cafe/kiosk located within it and with clearly identifiable boundaries. It was also anticipated that the land would be of an appropriate standard and suitable as public open space. Since the concept has been refined to a higher level of detail through the development application process it has emerged that this area of the site will also function as an drainage overland flow path and its configuration i.e. fragmentation will make it more difficult to establish clearly defined public/private boundaries. Consequently, it is more appropriate for this land to be retained within the development site for principal use by site residents. This is likely to be of more significance and relevance if the applicant's proposal to increase dwelling numbers by 80 is supported by the Planning Assessment Commission.

Given the above, consent conditions have been included in the recommendation which do not require the land to be dedicated to the Council as public open space but still require the land to be publicly accessible.

State Environmental Planning Policy No. 55 - Remediation of land

A Remediation Action Plan (RAP) has been prepared for the Stage 2 works and identifies that the site can be rendered suitable for the proposed development. Compliance with the requirements of the RAP will be conditioned in any development consent.

State Environmental Planning Policy No. 65 - Design Quality Of Residential Flat Development

The proposed development includes a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and 4 or more self contained dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is

accompanied by a suitable Design Verification Statement as required by The Regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	Standard	Proposed	Complies
30	Determination of Development Applications		
30(1)	After receipt of a development application for consent to carry out residential flat development (other than State significant development) and before it determines the application, the consent authority is to obtain the advice of the relevant design review panel (if any) concerning the design quality of the residential flat development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes
30(2)	In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):		Yes
30(2)(a)	the advice (if any) obtained in accordance with sub-clause (1),	Generally supported.	Yes
30(2)(b)	The design quality principles		
1.	<p>Principle 1: Context</p> <p><i>Good design responds and contributes to its context.</i></p> <p><i>Context can be defined as the key natural and built features of an area.</i></p> <p><i>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</i></p>	<p>The building types proposed are sensitive to the character of the local area and mediate between the low density scale on Edward Street and the larger scale industrial buildings on site. In particular, low rise terrace houses are proposed along Edward Street while higher residential flat buildings are proposed in the vicinity of the silos. The proposed new street pattern is formal and reinforces the pattern of the existing road network without compromising the historical values of the site.</p> <p>The uses proposed on the site include a mix of commercial, residential and retail along with public open space to create a vibrant mixed use environment in close proximity to an important public transport node.</p>	Yes
2.	<p>Principle 2: Scale</p> <p><i>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</i></p> <p><i>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</i></p>	The scale of the development modulates to relate appropriately to the surrounding context. It rises from the lower scale of 2/3 storeys at Edward Street where it relates to the low density streetscape to the 11 storey scale where it attaches to the tall silo structures.	Yes
3.	<p>Principle 3: Built form</p> <p><i>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	The built form of the development successfully moderates between the sometimes conflicting requirements of the public domain, private residential uses, commercial activities and the heritage values of the site.	Yes

4.	<p>Principle 4: Density</p> <p><i>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</i></p> <p><i>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality</i></p>	<p>The density of Stage 2 at 1:1 is consistent with the approved density for the site overall of up to 1.6:1. This is appropriate for a mixed use development adjacent a transit link. Notwithstanding this density, the site successfully provides adequate private open space along with suitably proportioned public open space areas.</p>	Yes
5.	<p>Principle 5: Resource, energy and water efficiency</p> <p><i>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</i></p>	<p>The proposal includes extensive measures in response to this principle:</p> <ul style="list-style-type: none"> • It involves the adaptive reuse of disused industrial buildings thus preserving their embodied energy. • It complies with BASIX in respect of energy and water efficiency. • The site is planned along the principles of water sensitive urban design. • Solar access and cross ventilation has been optimised. • The adoption of a mix of residential and commercial uses in a high density development encourages a walkable environment and reduction in transport emissions. • The location of high density adjacent a public transport node encourages public transport use and reduces private vehicle emissions. • The proposal includes rainwater re-use, photovoltaic panels and a solar hot water system. • Landscaping includes low water tolerant species selection. 	Yes
6.	<p>Principle 6: Landscape</p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</i></p> <p><i>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</i></p> <p><i>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</i></p>	<p>The site is interwoven with both public and private landscaped areas which satisfy a variety of functional requirements including private open space for individual dwellings, open space for groups of dwellings, public parks for recreation and a public square to act as a communal focal point. These spaces also link the site to the broader neighbourhood by way of landscaped streets and a landscaped park which successfully interconnects the interior of the site with Smith Street. A cross site link further connects both the site and the surrounding residential area with the light rail station. The landscape design increases the vegetation cover on the site with the use of native and endemic species to increase local biodiversity. It also utilised species which are tolerant of dry conditions.</p>	Yes

7.	<p>Principle 7: Amenity</p> <p><i>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</i></p>	<p>Solar access and cross ventilation to dwellings are maximised by way of optimised orientation given the site constraints and the use of primarily dual aspect apartments.</p> <p>Privacy is maintained by way of site planning and screening devices where necessary. Ground level apartments are generally elevated to provide privacy from street level activities. Apartments are suitably sized, functionally laid out and feature generously proportioned balconies.</p>	Yes
8.	<p>Principle 8: Safety and security</p> <p><i>Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</i></p>	<p>Safety and security</p> <p>Is optimised on the site by way of:</p> <ul style="list-style-type: none"> • Building layouts which ensure passive surveillance of communal spaces, including the local streets as well as the public plaza and the park area which are overlooked by not only retail spaces but also the balconies and living areas of multiple apartments. • Clear definition of public/communal/private spaces through appropriate design and detailing, access, planting, signage and fencing. • Clear sightlines through the residential buildings to all entry/exit points and private communal areas; • Clear sightlines across all the public spaces including the park, the plaza and the light rail access. • Secured entrances to the lobbies of residential apartments. • Restricted and secured access to the basement car parking and open communal courtyards. 	Yes
9.	<p>Principle 9: Social dimensions and housing affordability</p> <p><i>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</i></p> <p><i>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</i></p>	<p>The proposal includes a broad mix of uses to cater for a variety of occupancies on the site – both commercial and residential.</p> <p>A diverse range of residential accommodation is provided to cater for a variety of ages and social groups:</p> <ul style="list-style-type: none"> • Multi-dwelling housing □(6) • studio/one bedroom apartments (20) • two bedroom apartments (39) , and • three bedroom apartments (15) • four bedroom apartments (3) <p>Retail/commercial facilities are provided at ground level along with a large amount of open space for active recreation to service both the residents on site and the surrounding community. Eight of the two bedroom apartment units within the Stage 2 development have been designated for use as Adaptable Housing.</p>	Yes
10.	<p>Principle 10: Aesthetics</p> <p><i>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing</i></p>	<p>The adopted aesthetic successfully responds with some sophistication to the industrial heritage of the site while providing a quality environment suitable for a contemporary context.</p> <p>The material selection includes a range of natural and industrial materials which are utilised to not only express their</p>	Yes

	<i>streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</i>	own character aesthetically but also to provide low maintenance and sustainable building fabric.	
30(2) (c)	Residential Flat Design Code		
	The various rules of thumb provided by the code have been adequately addressed in the design.		Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the SEPP requires referral of the application to the Roads and Maritime Services as traffic generating development given that:

- It is located within 90m of a classified road and consists of 75 or more dwellings.

The application has duly been referred to the RMS for comment but no response has been received to date.

It should also be noted that the proposal was referred to the Roads and Traffic Authority during the exhibition of the Concept Plan. The RMS requirements have been duly incorporated into the terms of the Concept Approval.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the land.

7.3 The provisions of any Development Control Plan.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. Specifically to the following Parts:

C1	ACCESS ADAPTABILITY AND MOBILITY	Not applicable to proposal as it is not located within any of the zones to which this part applies. Nevertheless, the proposal includes adaptable units and the majority of units are accessible (with the exception generally of the terrace houses and units with ground level access due to the required elevated RLs for their ground floors to avoid flooding impacts).
C10	HERITAGE CONSERVATION	Assessed as satisfactory by Council's Heritage Adviser except for the demolition of Building 2C (the substation). Nevertheless, on balance, it is considered that the removal of this building is appropriate in the broader planning context of the site.
C11	PARKING	Parking standards are nominated in the Concept Plan approval. Compliance with the relevant Australian Standards will be conditioned in any consent.

C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The application was notified in accordance with this part.
D1	PLANNING FOR LESS WASTE	<p>Complies.</p> <p>Bin Numbers: Required: Residential (83 dwellings):</p> <ul style="list-style-type: none"> • 1 x 240L garbage bin/2 dwellings=42 bins • 1 x 240L recycling bin/2 dwellings=42 bins • TOTAL: 84 bins <p>Commercial (440m²):</p> <ul style="list-style-type: none"> • 1 x 240L garbage bin/69m²=6 bins • 1 x 240L recycling bin/69m²=6 bins • TOTAL: 12 bins <p>Provided: Residential (83 dwellings):</p> <ul style="list-style-type: none"> • TOTAL: 87 bins <p>Commercial (440m²):</p> <ul style="list-style-type: none"> • TOTAL: 10 bins <p>There is slightly excess capacity for storage of bins which is considered appropriate.</p> <p>There is also a basement bin storage area in close proximity to the retail area to cater for retail waste.</p> <p>Garbage Truck Access/Bin Presentation:</p> <ul style="list-style-type: none"> • It is proposed to line the residential bins up in the new road (the continuation of Wellesley Street. This would require a linear space of at least 50m which could not be all accommodated in this area. Despite this, there is also ample space available in Edward Street for bin presentation if required. • The collection of commercial waste is to be arranged by way of private contractors.

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the IDAP 2013.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. Although subject to flooding and impacted by minor contamination

issues, suitable engineering and remedial measures will be implemented to mitigate potential adverse impacts. The proposed development is consequently considered suitable in the context of the locality.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants (327 letters) and Councillors from 6 May 2014 until 30 May 2014. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

No submissions were received.

7.8 The public interest

The proposal allows for urban renewal through the adaptive re-use of a disused heritage listed industrial site in a manner which preserves the historic significance of the site while creating a useful contemporary addition to the urban fabric. In particular, it will contribute positively to the local area with the provision of mixed use residential, retail and commercial facilities alongside high quality public open space in close proximity to a public transit node and will serve to improve its integration into the existing urban framework. It has also been configured with regard to environmental sustainability, not only by way of sustainable building technology, but also by providing a high density walkable neighbourhood adjacent a public transport node to minimise private car use. Finally, it provides significant benefits to public safety by providing excellent passive surveillance and clear sight lines through the development. Adverse impacts upon the existing residential neighbourhood are avoided by way of careful site planning which centres the larger scale elements around the existing industrial structures and away from the existing lower scale development nearby. Given these considerations, it is considered that the proposal provides significant public benefit.

8.0 Referrals

8.1 Internal

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions of consent.	Yes
Traffic Engineer	Supported subject to conditions of consent.	Yes
Drainage Engineer	Supported subject to application of conditions requiring OSD.	Yes
Heritage Adviser	Does not support demolition of Building 2C (Substation). Otherwise, supported subject to conditions of consent.	Generally supports except for sub-station demolition
Environmental Health Officer	Supported subject to conditions of consent.	Yes
Tree Officer	Does not support dedication of the Plaza (Portion 3) to Council. It's retention as publicly accessible space in private ownership will be conditioned in any consent.	Yes

	Otherwise, supported subject to conditions of consent.	
SEPP 65 Advisor	No objection raised. Comments included in body of report.	Yes
Flood Consultant (WMA Water)	No objection raised. See attached report.	Yes
Greenway	<p>Consideration of the following matters where possible:</p> <ul style="list-style-type: none"> the need to consult with Council re use of public art/environmental art and adoption of quality landscaping, lighting, street furniture finishes etc. to maximise public domain design quality and amenity during the day and at night. placement of at least 10 cycle racks in the plaza and/or activated parts of the development (eg ground floor commercial and retail areas) consideration of opportunities for composting and potentially community vegetable growing on site (I appreciate this may not be practicable when contemplating draft consent conditions, but thought I'd mention it). development and implementation of appropriate heritage interpretation and wayfinding signage (in consultation with Council and TNSW/light rail). 	Yes

8.2 External

External Referrals		
Referral Body	Comments	Support
Roads and Maritime Services	Response pending at the time of preparation of this report. The proposal was reviewed by RMS at Concept Plan stage and as such it is not expected that any fundamental issues will arise at this stage. It is anticipated that RMS will simply provide conditions of consent and these will be included with final advice to the JRPP on the proposal.	Pending
Ashfield Police	Supported subject to conditions. These will be included in any conditions of consent where they do not conflict with the Concept Plan approval. In particular, it should be noted that the Police has recommended that the parking numbers be increased from 84 to 156 which is contrary to the approved Concept Plan.	Yes

9.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

Financial Implications

Should the application be approved, it will be subject to the following section 94 contributions:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$19,061.46
Local Public Transport Facilities	\$74,428.75
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$1,362,538.95
Local Community Facilities	\$78,124.12
Plan Preparation and Administration	\$61,902.84
TOTAL	\$1,596,056.12

Other Staff Comments

See 8.0

Public Consultation

See 7.7

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is considered to be positive contribution to the locality which successfully balances the appropriate adaptive re-use of this heritage listed site with residential, retail and commercial uses, ready access to public transport, public open space and the amenity of the existing surrounding population.

A number of issues stand out, however, in respect of land dedication, provision of on-site detention and various other minor issues, all of which can be addressed satisfactorily by way of conditions of consent.

The proposal is generally acceptable and is recommended for conditional approval.

Attachments

Attachment 1 – Plans of the Proposal
Attachment 2 – Locality Map
Attachment 3 – Heritage Comments
Attachment 4 – Open Space Dedication Plans
Attachment 5 – NSW Police Conditions
Attachment 6 – Conditions

Recommendation

- A** That Council as the consent authority pursuant to Clause 80(1) of the Environmental Planning and Assessment Act 1979 (as amended) grant consent to Development Application No. 10.2014.70.1 for demolition of buildings except the 6 silos, the Mungo Scott Building and former amenities building, conversion and additions to the silos to create an 11 level Building (5A) comprising 45 dwellings and 216m² of commercial floor space; construction of a 7 level Building (5B) comprising 14 dwellings; construction of a 2 level (with attic) terrace Building (5C) comprising 6 dwellings; construction of a part 3 and part 6 level Building (5D) comprising 18 dwellings; conversion of a 2 level Building (5E) to commercial use comprising 244m² of floor area; 108 car space basement car parking, construction of new road from Edward street providing access to basement and future stage 3 and land dedication to Council and associated works on Lot 1, DP 951124, Lot 1, DP 955001, Lots 11, 13 & 14, DP 315, Lots A & B, DP 302421, part Lot 1, DP 73521, and part Lot 100, DP 221222, known as 2-32 Smith Street, Summer Hill, subject to the following conditions:

