



7 December 2012

CONCEPT PLAN - FORMER ALLIED MILLS FLOUR MILL SITE 2-32 SMITH STREET SUMMER HILL

EXECUTIVE SUMMARY

This Concept Plan application seeks approval for a mixed use development at the former Allied Mills Site at 2-32 Smith Street, Summer Hill. The application was referred to the Planning Assessment Commission for determination as it meets Ministerial delegation.

Following careful consideration of the views expressed at the public meeting, the Department's Assessment Report as well as public and agency submissions, the Commission generally agrees with the Department's assessment that the proposal should be approved. However, the Commission has sought to strengthen the terms of the approval in response to issues raised in particular for: car parking; traffic; heritage; landscaping and affordable housing.

In summary, the Commission has amended the Concept Plan by:

- Requiring an infrastructure and traffic management plan to be prepared by the Proponent and approved by the RMS in consultation with Councils to clearly articulate the timing for the required transport infrastructure upgrade works covering all proposed development stages;
- Provision of a conservation management plan as part of the future applications for the development of Stage 3;
- Increasing the car parking rate for 4 bedroom townhouses/terraces from 1 space to 1.5 spaces per dwelling; and
- Requiring the retention of nominated plantings on the site and landscaping works to include native plant species endemic to the area having regard to bio-links and biodiversity.

Having regard to the changing context of development in the precinct, the Commission has approved the vertical extension to the 4 pack silos to retain the landmark status of the structure in Summer Hill and surrounding precincts.

Following the public meeting the Commission requested the Proponent to address further the issue of affordable housing. The Proponent responded by amending their statement of commitments to provide 10 one or two bed affordable housing units for a period of 10 years.

The report below provides further detail on the Commission's decision making process and outlines the reasons for the amendments made to the recommended approval.

PROPOSAL

This application seeks Concept Plan approval for a mixed use development at the former Allied Mills Flour Mill site at 2-32 Smith Street, Summer Hill. The site lies approximately 6 kilometres west of the Sydney CBD. Lewisham and Summer Hill railway stations are located within 500 metres walking distance of the site. The site lies within both the Ashfield and Marrickville Local Government Areas (LGA). The majority of the site lies within the Ashfield LGA.

The site is located adjacent to the approved Lewisham West light rail stop and the recently approved Lewisham Estate Concept Plan at 78-90 Old Canterbury Road.

The site is currently occupied by buildings and structures associated with the former flour mill, including the Mungo Scott Mill building, two concrete silo structures (known as the 4 pack and 6 pack silos) and administration buildings. Existing buildings on the site are not heritage listed.

The main activities associated with the Concept Plan include:

- Building envelopes including adaptive reuse of 6 buildings, vertical extensions to the silo structures and 12 new building envelopes up to 11 storeys;
- Total GFA: 35,000 – 40,000m² (comprising Residential: 29,500 – 33,500m², Retail: 2,000 – 2,500m² and Commercial: 3,500 – 4,000m²) with an FSR of 1.4 - 1.6:1.
- 280-300 residential apartments and terrace houses
- A total of 436 – 464 car parking spaces;
- Open space and landscaping;
- Infrastructure and public domain works; and
- Indicative staging.

The proposal is prohibited under the sites existing zoning, however the authorisation of a concept plan allows the Minister or his delegate to grant approval for prohibited land uses.

The Proponent for this application is EG Funds Limited.

DELEGATION TO THE COMMISSION

The project was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011 as Ashfield Council objects to the application and 1120 public submissions were received during the public exhibition of the proposal.

Mr Garry Payne AM, Ms Jan Murrell and Ms Annabelle Pegrum AM were nominated as the Commission members for the project. Mr Garry Payne AM chaired the Commission.

DEPARTMENT'S ASSESSMENT REPORT

On 11 October 2012, the Commission received the Director-General's Environmental Assessment Report. The report provided a detailed assessment of key issues including:

- strategic context and land use;
- traffic;
- height and density;
- flooding;
- open space; and
- residential amenity.

The report also considered heritage impacts, flora and fauna, retail impacts, community consultation, staging, contamination, affordable housing, noise and vibration, and impact on community facilities.

Eight submissions were received from public agencies in response to the EA and a further seven submissions in response to the PPR. Submissions were received from Ashfield Council, Marrickville Council, Leichhardt Council, Sydney Water, Transport for NSW (TfNSW), Roads and Maritime Services, RailCorp and the Office of Water.

The Department received a total of 1120 public submissions on the project comprising 1067 form letters and 36 individual letters of objection. A further 17 individual submissions raised concerns regarding the proposal.

The key areas of concern included:

- traffic generation;

- height;
- character;
- cumulative impacts with the Lewisham Estate Concept Plan;
- density;
- lack of open space;
- community facilities and amenities;
- insufficient consultation;
- retail impacts on Summer Hill Village; and
- heritage impacts.

In summary, the Department's assessment report concluded that, the application should be approved subject to recommended modifications and future assessment requirements. The Department was satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The Department also considered that the proposal offers an excellent opportunity to provide higher density residential development immediately adjacent to existing and planned public transport.

COMMISSION MEETINGS

As a part of its consideration of the proposal, the Commission met with the Proponent, Ashfield, Marrickville and Leichhardt Councils. The Commission also met with officers from the Department of Planning and Infrastructure.

The Commission members visited the site individually.

Proponent

On 14 November 2012, the Commission met with the Proponent to discuss the proposal. The discussion focused on:

- the height of the silos;
- car parking provision;
- open space provision;
- conservation of existing buildings;
- scale of commercial, retail and residential uses;
- transport and traffic management plan,
- cumulative impacts;
- waste collection; and
- infrastructure management.

Council Meetings

On 14 November 2012, the Commission met separately with officers from Ashfield, Marrickville and Leichhardt Councils to discuss the application. The key issues raised by each Council are outlined below.

Ashfield Council

Council advised that it does not oppose residential development on the site. However, its key concerns related to urban design, bulk and scale and integration with adjacent areas. Other issues discussed included:

- Building height within the context of the surrounding single and two storey residential development;
- Landscaping capability along Edwards Street and plant species selection on the site;
- A request that the proponent provide 5% affordable housing;
- Access;
- Requirements for future buildings to respect the heritage of the site and the need for a conservation management plan;
- Infrastructure and timing of road upgrade works;
- Flooding;

- Lack of on-site car parking;
- Open space and dedication;
- The GreenWay;
- Place making; and
- Waste collection points.

Marrickville Council

- Affordable housing noting that the Lewisham Estate concept plan approval includes the provision of affordable housing and requested similar consideration for this development.
- Infrastructure contributions with reference to the current Council s94 contribution rate being prepared for infill development rather than the overall redevelopment and requested a VPA for infrastructure to cost share for the provision of a cycle and pedestrian way.
- The GreenWay requesting that the Commission require the Proponent to fund the associated infrastructure for the section adjacent to the site and negotiate with TfNSW for the community's benefit.

Leichhardt Council

- Requested that some affordable housing should be provided on the site;
- The traffic study nominating that about 25% would go into the Leichhardt area and impact on the network north of the site;
- Cumulative construction traffic impacts from the light rail, Lewisham Estate and the Allied Mills site;
- The proposed local open space provision being considered insufficient when compared with the Leichhardt Council's standard;
- The height of the silos in terms of potential overshadowing; and
- The GreenWay being properly landscaped for the residents and community use.

Department of Planning and Infrastructure

On 20 November 2012, the Commission was briefed by officers from the Department of Planning. The key issues discussed at the meeting included:

- the rationale for the recommended reduction in building height;
- Flooding potential, particularly in and around the proposed light rail station and implications on the proposed development;
- The recommended car parking rate;
- Affordable housing;
- The GreenWay concept and the implication of deferment of its implementation;
- The need for a whole of site traffic management plan before development commencing; and
- The need for a conservation management plan (CMP) for buildings with heritage value.

Public Meeting

The Commission conducted a public meeting on 20 November 2012 to hear the public's views on the Department's assessment report and recommendation. 11 people addressed the Commission meeting (see Appendix 1). Issues raised at the meeting included:

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| • Traffic generation; | • Site to be retained as light industrial; |
| • Lack of onsite car parking; | • Overshadowing of GreenWay; |
| • Lack of open space; | • Need for a conservation management plan; |
| • Developer contributions towards and/or build share of GreenWay; | • Public Transport being overcrowded during peak hours and too infrequent outside peak hours to cater for the proposal; |
| • Lack of affordable housing; | • Aboriginal heritage impacts; |
| • Pedestrian and cycle infrastructure; | • Lack of community benefits; |
| • Infrastructure and services; | |
| • Need for a VPA for local infrastructure and services; | |

- Fauna impacts with particular reference to the Long-Nosed Bandicoot;
- Protection of existing trees;
- Landscaping to incorporate natives;
- Building density and height;
- Heritage impacts;
- Retail impacts;
- On-street car parking;
- Cumulative impacts particularly traffic impacts;
- Open space to be incorporated as a part of stage 1;
- Overdevelopment of the site;
- Lack of comments and consultation with the Department of Environment and Heritage;
- Ashfield capacity to meet modest dwelling targets without the proposed development;
- Potential negative social impacts;
- Need to increase car share spaces;
- Potential flooding/climate change impacts;
- Sustainability of the development;
- Privacy impacts;
- Road capacity improvement works potentially leading to rat running through surrounding streets;
- Alleged flawed/discredited Part 3A process;
- Alleged errors in assessment reports;
- Alleged DGR noncompliance;
- Comparisons with the Harold Park development; and
- Need to maximise connectivity and place making within the development.

Some speakers at the public meeting also expressed support for aspects of the proposal and the Department's recommendation, particularly regarding connectivity, provision of open space and reduced on-site car parking because of the sites proximity to public transport.

COMMISSION'S COMMENTS

The Commission considers that the Department's assessment report and recommendations adequately address the majority of issues raised at the public meeting. Further, many of the detailed design issues raised at the public meeting will be considered during the assessment of future development applications by the relevant Council.

Notwithstanding, the Commission gave further consideration to the following issues:

- Height of the 4 pack silo;
- Car parking;
- Traffic;
- Affordable housing; and
- Other issues.

Height of 4 Pack Silo Structure

The proposal seeks to retain the 4 pack silo structure and convert it into residential apartments. The existing silo structure consists of two key building elements comprising the main cylindrical silos and the lift and blower structures sitting above the silo. The proposal seeks to remove the projecting lift/blower structures from the silos and add 3 levels of apartments and associated plant.

The Commission notes that the Department does not support the extension of the 4 pack silo structure on the basis of the visual impact on the surrounding area. The Department recommended that the height of the apartment storeys be reduced to the existing height of the cylindrical silos whilst still providing for 'plant, lift overrun structures and the like' within the envelope of the existing lift and blower structures.

After careful consideration of the urban design and contextual issues, the Commission has formed a different view from that of the Department and considers that the vertical extension to the 4 pack silos should be approved. The rationale for the Commission's decision is as follows:

- Reducing the height of 4 pack silo would diminish the landmark status of that structure within the area, having regard to the context and relative mass and height of the:

- surrounding proposed building envelopes on the site,
- the recently approved Lewisham Estate development and
- the planned redevelopment of the McGill Street precinct.
- the proposed extension remains within the overall height of the existing structures (to the top of the lift and blower plant);
- the 4 pack silo is located deep into the site adjacent to the light rail and approximately 60m from Edward Street and 70m from Old Canterbury Road; and
- the proposed height would not lead to unreasonable overshadowing or significant additional privacy impacts on the surrounding area, given the separation distance from neighbouring properties.

From an urban design perspective the Commission considers that the height of the 4 pack silo should be extended to maintain the landmark status of the structure within the Summer Hill locality. The silos are iconic features and their retention and extension will retain their significance in the urban context. For these reasons, the Commission supports replacing the existing lift and blower plant on the 4 pack silo with apartments to the existing overall height of RL 57.5.

The Commission requires that any plant or similar structures to be included in this envelope. Further, the Commission would not support any future modification application to include roof top plant beyond RL 57.5.

Car Parking

Concern was raised at the public meeting regarding the car parking rate recommended by the Department. Many speakers considered that the car parking rate was too low and would lead to increased on-street car parking. The Proponent also expressed concern regarding the recommended car parking rate and requested that it be increased.

Councils have opposing views regarding car parking rates with Ashfield Council arguing for a higher rate and Marrickville Council arguing for a suppressed rate.

The Department recommended adopting the Marrickville DCP 2011 car parking controls, across the entire site which prescribes a lower car parking rate than the Ashfield DCP 2007 car parking controls for the proposed redevelopment.

The Commission has carefully considered the proposed car parking rate and in general accepts the Department's assessment that the Marrickville DCP 2011 controls provide the most appropriate car parking controls for the site and the wider precinct.

In reaching this conclusion, the Commission notes that:

- the site has excellent access to existing and planned public transport, linking the site with other centres and the city;
- reduced on-site parking will minimise traffic generation from the proposed development;
- the Commission approved the adjoining Lewisham Estate Concept Plan in accordance with the Marrickville DCP 2011 car parking requirements; and
- TfNSW and RMS both encourage reduced car parking rates.

The Commission has determined that the only variation to the Department's recommended car parking rates is for the proposed 4 bedroom terraces which should be increased from 1 space per dwelling to 1.5 spaces. This will effectively provide 2 car parking spaces for every other dwelling. The Commission considers that the increased rate provides a more reasonable car parking rate for the larger 4 bedroom terraces. This will result in a minor increase in the total car parking provision of between 5 to 12 spaces.

Overall, subject to the above amendments, the Commission supports suppressed car parking for this highly accessible public transport orientated development.

Traffic

Concern was raised regarding increased traffic generation from the proposed development and the cumulative traffic impacts of the proposal, the recently approved Lewisham estate redevelopment and the planned McGill Street precinct.

The Commission notes that the Department engaged an independent consultant to undertake a review of the proponent's traffic assessment and an independent assessment of cumulative traffic impacts. In summary, the independent assessment supported the increased density at the site and concluded that subject to recommended conditions, the proposal should be approved.

Consistent with the report's recommendations, the Department has recommended future assessment requirements that necessitate:

- a roundabout at the intersection of Edward and Smith Streets as part of Stage 1;
- pedestrian upgrades to the surrounding area and access to the new light rail stop as part of Stage 1; and
- traffic signals at the intersection of Old Canterbury Road and Edward Street as part of Stage 3.

Further to the above requirements, the Commission considers that an Infrastructure and Traffic Management Plan should be prepared by the Proponent and approved by RMS in consultation with Ashfield and Marrickville Councils. The Infrastructure and Traffic Management Plan should include timing for the required traffic infrastructure upgrade works and cover all proposed development stages.

Concern was also raised regarding the proposal's impact on the wider traffic network. However, the Commission considers that given this project has a limited impact on the current wider congestion issues facing the area, it is outside the scope of this project. Notwithstanding this, by only allowing reduced parking, trip generation within the area will also be reduced.

Overall, the Commission accepts the Department's assessment in relation to traffic impacts and considers that the recommended conditions of approval (as modified) will manage these impacts appropriately.

Affordable Housing

A key issue raised at the public meeting and by all three Council's was the lack of affordable housing being provided by the developer.

The Department's assessment notes that there is currently no statutory requirement or policy mandating affordable housing provision. Further, the Department noted that the development has a range of dwelling types providing more affordable housing options in the area.

However, the Commission notes that the inclusion of affordable housing was a key issue raised throughout the assessment process. Further, a commitment to provide affordable housing was made for the adjacent Lewisham Estate Concept Plan approval.

Following the public meeting, the Commission requested the Proponent to address this issue further given Council and community concerns. In response, the Proponent amended their statement of commitments to provide 10 one or two bedroom dwellings as affordable rental accommodation for a period of ten years. The Commission is satisfied that the provision of 10 affordable housing units (about 3%) is reasonable in the circumstances and will provide more affordable housing choices in the inner city area.

Other Issues

GreenWay

Speakers at the public meeting together with Ashfield, Leichhardt and Marrickville Council requested that the Proponent be responsible for constructing a partial 350m section of the GreenWay. Transport for New South Wales (TfNSW) also made late representations to the Commission essentially to ensure this section of pathway could be delivered if required in the future.

The Commission understands that the GreenWay project has been deferred and there is no current funding for its implementation. There is also no interim plan or planning agreement among relevant parties (the TfNSW, local Councils and the Proponent) for this section of the corridor to be implemented. Further, the GreenWay corridor is outside the concept plan application area. As such, the Commission considers it is premature and unreasonable to impose a requirement to undertake partial construction of the GreenWay at this stage.

Heritage

The Commission has sought to strengthen the approval in recognition of the heritage, landscape and environmental values of the site and to address Council and community concerns.

In summary the Commission has included the following recommendations which require:

- Provision of a Conservation Management Plan as part of the future applications for the development of Stage 3;
- future applications for the Mungo Scott warehouse/mill (building 2A) and the existing amenities building (5E) to be accompanied with measured drawings and a photographic record appropriate for archival purposes; and
- a photographic record of the structures to be adapted / demolished and details of salvaging of materials and objects identified as having heritage significance for re-use.

The Commission is satisfied that the additional requirements will provide a suitable framework for managing heritage impacts associated with the redevelopment of the site.

Landscaping

Concern was also raised at the public meeting regarding the loss of mature trees from the site and the need to use indigenous plant species within the proposed landscaping areas. In response to these concerns, the Commission has included additional future assessment requirements to address:

- the identification and retention of existing interwar and other plantings on site including Brushbox, Moreton Bay Fig, Ficus Hillii, Palms and the Chinese Weeping Elms on the site; and
- landscape works to include indigenous plant species endemic to the area having regard to bio-links and biodiversity.

Subject to the additional future assessment requirements, the Commission is satisfied that the site will be appropriately landscaped. This issue will also be further considered by Council during the assessment of future development applications.

Fauna Impacts

Concern was raised at the public meeting regarding potential impacts on fauna, particularly the Long-nosed Bandicoot.

The Department's Assessment Report notes that targeted surveys found no evidence of Bandicoots on or adjacent to the site. Further the Department consulted with the Department of Environment and Heritage (formerly the Department of Environment Climate Change and Water) for input into the Director General's Environmental Assessment Requirements who advised that they had no comments on the proposal.

Notwithstanding, to address Council and community concerns the Department recommended a suite of future assessment requirements to manage impacts on potential Long-nosed Bandicoot populations during the construction and occupation stage of the Development.

The Commission accepts the Department's assessment on this issue and is satisfied that the recommended future assessment requirements will adequately manage impacts on any potential Long-nosed Bandicoot populations found on the site.

Flooding

This issue is dealt with in detail in the Department's Assessment Report. The Commission notes the Department engaged an independent consultant to undertake a comprehensive review of the Proponent's flood assessment. The independent review contained a number of recommendations that have been incorporated into the recommended approval.

Based on the independent assessment and the recommendations contained in the approval, the Commission is satisfied that the Department's recommendation provides a suitable framework for managing flooding impacts. Flooding will also be considered further by Council during the assessment of future Development Applications.

COMMISSION'S DETERMINATION

The Commission has carefully considered the views expressed at the public meeting, the Department's Assessment Report and agency and public submissions.

Subject to the above amendments, the Commission agrees with the Department's recommendation that the proposal should be approved. The Commission notes the proposal has a relatively low site coverage with an average FSR of 1.5:1. The proposal represents an excellent opportunity to provide higher density residential development immediately adjacent to existing and planned public transport.



Commission Member



Commission Member



Commission Member

Appendix 1 List of Speakers

Planning Assessment Commission Meeting

Date & Time: Tuesday 20 November 2012, 3 pm

Place: Petersham RSL Club, 7 Regent Street, Petersham.

1. Marrickville Council
Cr Victor Macri
1. WIRES – Inner West Branch
Ms Brigette Sharp
2. Ashfield and District Historical Society
Mr David Rollinson
3. Cr Caroline Stott
4. Ms Monica Wangmann
5. Cr Alex Lofts
6. Dr Peter Phibbs
7. Mr Anthony Lawrence
8. Summer Hill Action Group
Ms Jillian Grove
9. Cycling Strategy – City of Sydney Council
Mrs Fiona Campbell
10. The GreenWay Steering Committee
Mr Nick Chapman
11. Friends of the GreenWay
Ms Jennifer Kent