

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 10 November 2014, the Planning Assessment Commission approved the modification of the Concept Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2015

SCHEDULE 1

Application No:

MP10_0155

Proponent:

EG Funds Management

Consent Authority

Minister for Planning

Land:

Former Allied Mills Site, 2-32 Smith Street, Summer Hill

Development:

Mixed use residential, retail and commercial development incorporating:

- residential, retail and commercial floor space;
- basement car parking;
- publically dedicated and accessible open space and communal open space;
- new local street and road works at the intersection of Old Canterbury Road and Edward Street and Edward Street and Smith Street; and
- off site pedestrian upgrades.

Modification No:

MP10_0155 MOD 1

Modification:

Modifications to the concept approval including:

- increase the maximum number of dwellings from 300 to 380;
- amendments building envelopes within stages 3 and 4;
- reallocation of floor space;
- changes to affordable housing provision;
- reduction in on-street parking; and
- change in the timing of the open space provision.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows (additions shown as **bold** and underlined, deletions shown as ~~struck out~~):

a) Condition A1 is amended as follows:

Development Description

A1 Concept approval is granted to the development as described below:

- adaptive re-use of the existing Mungo Scott Building, silo structures and 3 other buildings and 12 new building envelopes;
- staged construction over 4 stages;
- ~~280-300~~ **380** dwellings (~~29,500-33,500m²~~ **34,500m²** GFA);
- ~~3,500-~~ 4,000m² of commercial floor space;
- ~~2,000-~~2,500m² **1,500m²** of retail floor space;
- a floor space ratio of 1.4 - 1.6:1;
- up to two levels of basement car parking and 63 on-street car parking spaces;
- 4,806m² of public open space to be dedicated to Council and an additional 5,287m² of publicly accessible open space;
- new local streets serving the development;
- road works including a roundabout at Edward and Smith Streets as part of Stage 1 and a signalised intersection at Old Canterbury Road as part of Stage 3; and
- off-site pedestrian upgrade works in the surrounding area and to Summer Hill Village.

b) Condition A2 is amended as follows:

Development in Accordance with Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- 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, **and as amended by the Section 75W Modification prepared by SJB Planning dated April 2014 as amended by the further information received on 11 September 2014, 11 November 2014 and 20 November 2014.**
- the Statement of Commitments prepared by SJB Planning **as amended by the revised statement of commitments prepared by SJB Planning dated 11 September 2013;** and
- the following drawings:

Drawing No	Name of Plan	Drawn By	Date
	Building Identification Plan	Hassell	16 February 2012
A-010 (Rev 2)	Masterplan	Hassell	25 May 2012
A-030 (Rev 2)	Basement Plan	Hassell	5 June 2012
	Building Heights	Hassell	
	Proposed Dedication Plan	Hassell	

Proposed Open Space Plan	Hassell
Deep Soil Plan	Hassell
Access and Traffic Strategy	
Active Ground Level Uses	Hassell
Heritage and Adaptive Re-Use	Hassell
Staging Plan	Hassell

As amended by the following drawings:

<u>Drawing No</u>	<u>Name of Plan</u>	<u>Drawn By</u>	<u>Date</u>
	<u>Building Identification Plan</u>	<u>Hassell</u>	<u>7 November 2014</u>
<u>A-010 (Rev 7)</u>	<u>Masterplan</u>	<u>Hassell</u>	<u>7 November 2014</u>
	<u>Building Height</u>	<u>Hassell</u>	<u>7 November 2014</u>
	<u>Active Ground Level Uses</u>	<u>Hassell</u>	<u>7 November 2014</u>

except for as modified by the following pursuant to Section 75O(4) of the Act.

c) Condition A5 is amended as follows:

Maximum Gross Floor Area (GFA)

A5 The maximum GFA for the development shall not exceed 40,000m² comprising a maximum of:

- 33,500m² **34,500m²** residential GFA;
- 4,000m² commercial GFA; and
- 2,500m² **1,500m²** retail GFA

d) Condition A6 is amended as follows:

Maximum Number of Residential Units

A6 The maximum number of residential dwellings shall not exceed 300 **380** units.

e) Modification B3 is deleted:

~~Building Separation~~

~~B3 The plans described above in Part A – Terms of Approval shall be modified to provide a minimum of 12 metres building separation between the 9 and 10 storey components of Building 1A.~~

~~Amended plans, demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.~~

f) Future Environmental Assessment Requirement No 1 is amended as follows:

Residential Amenity

1. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:
 - (a) a minimum of 70% of apartments ~~within each building~~ **across the concept plan site** receive a minimum of 3 hours solar access to living areas and balconies mid winter; and
 - (b) a minimum of 60% of apartments ~~within each building~~ **across the concept plan site** are capable of being naturally cross ventilated.

Cumulative, and where relevant, estimated, calculations demonstrating compliance with these requirements are to provide with each application for stages 3 and 4.

g) Future Environmental Assessment Requirement No 4 is amended as follows:

4. Future applications are to demonstrate that a minimum of ~~50~~ **35** on-street car parking spaces will be provided **in addition to loading zone and drop off areas.**

h) Future Environmental Assessment Requirement No 39 is added as follows:

Design of Building 1A

39 The future Development Application for Building 1A is to include the following measures:

- (a) **a parapet height no greater than RL 45.8;**
- (b) **all roof structures, plant and lift overruns be setback from the parapet by at least 5 metres from the main building facade and 3 metres from the recessed building façade and not exceed the maximum envelope height of 48.6m; and**
- (c) **further articulation of the building to ensure an appropriate visual bulk and relationship with other buildings on site.**

h) Schedule 4 is amended as follows:

SCHEDULE 4

STATEMENT OF COMMITMENTS (Source: SJB Letter dated 27 July 2012 as amended by the Revised Statement of Commitments prepared by SJB Planning dated 11 September 2014)

Schedule 4 Statement of Commitments modifications

Existing Commitment	Revised Commitment
<p>5 Public domain</p> <p>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.</p>	<p>No changes to commitment.</p> <p>Amend timing.</p> <p>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. The land dedication and embellishment will be completed prior to the final occupation certificate for the development.</p>
<p>15 Affordable rental housing</p> <p>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.</p> <p>Timing – To be provided in stages 2, 3 or 4.</p>	<p>15 Affordable rental housing</p> <p>The dedication to Marrickville Council of four (4) dwellings comprising 2 x 1 bedroom and 2 x 2 bedroom dwellings to be owned and managed by or on behalf of Marrickville Council.</p> <p>Timing – To be provided in stage 4.</p>
<p>16 Design Guidelines Building 1A</p> <p>New commitment</p>	<p>Urban Design and Architectural Design Guidelines for Building 1A</p> <p>Building Form</p> <p>The building mass is configured in two parts, as a base and top, to relate to important heritage building, the Mungo Scott building. The base has been set to relate to the parapet height of the Mungo Scott building, while the element above relates to the upper stratum of the wider Summer Hill Flour Mill site, characterised by industrial forms and materials, typically resolved in light colours.</p> <p>As a direct response, the detailed design for Building 1A will adopt a more solid base to relate to the scale of the Mungo Scott building, and will adopt a lighter, reflective quality to the upper element.</p> <p>The centrally located circulation core proposed in Building 1A will be configured to bring a strong vertical emphasis to the building expression, and is intended to provide natural light and ventilation to the common circulation areas as well as signalling the building entry.</p>

Building Materials

To respond to the immediate site context, the base of Building 1A will utilise a deep red-coloured brick as the predominant building material in order to relate strongly to the Mungo Scott building. The new Building 1A base may also incorporate secondary architectural elements of painted render, consistent with the Mungo Scott building's parapet.

The upper portion of Building 1A will adopt a material quality consistent with other industrial elements across the Summer Hill Flour Mill site. The new building will utilise framed elements, generally in lighter colours and occasionally using reflective metallic elements and screens.

Architectural Detail

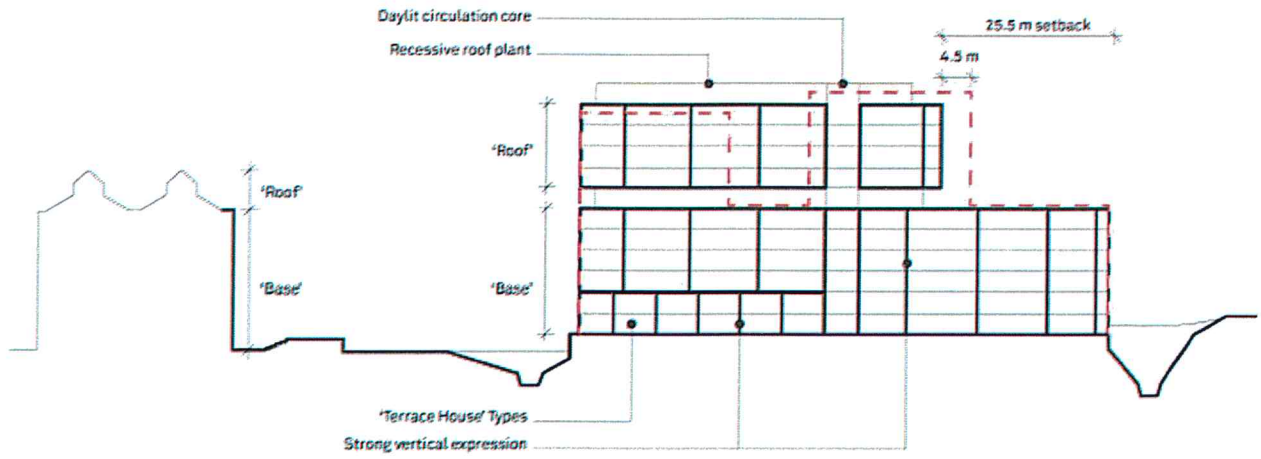
The Building 1A base will use brick as the predominant building material adopting a sense of depth and solidity consistent with the treatment of the Mungo Scott building. The secondary scaling elements within the base will strike an overall vertical emphasis within the otherwise strongly horizontal brick base.

The Building 1A top will use lighter coloured architectural elements and will adopt a framed expression. The secondary scaling elements will balance both the vertical and horizontal to maintain the intention for the building top to reflect the framed, metallic and light coloured quality of the adjacent industrial site. The top of Building 1A will also incorporate a language of screens to provide shade and shelter.

Refer to diagram below

Design Excellence

In order to achieve project continuity and maintain design excellence, the Development Application for Building 1A will be designed by the author of the approved Concept Plan. The incumbent design practice – HASSELL – has been recognised for design quality over many years of sustained output. In addition, the DA will be subject to the established design review processes at Marrickville Council and be reviewed by their Architectural Excellence Panel through the assessment stage.



End of Modifications to MP 10_0155 MOD 1