

ITEM 9 ASHMORE PRECINCT - PLANNING CONTROLS FOR COUNCIL ADOPTION

FILE NO: 2028449

SUMMARY

The Draft Ashmore Precinct Development Control Plan (DCP) has been on public exhibition from 16 February 2006 to 16 March 2006. 29 submissions were received raising issues such as building heights, traffic and parking, loss of amenity, and floor space ratio (FSR). Of the submissions, four supported the Draft DCP. The major landowner, Macquarie Goodman also made a submission raising a number of issues. These issues are discussed in the report, with appropriate responses.

These submissions have now been considered, and where appropriate minor changes to the Draft DCP have been made. These include the re-location of the retail precinct, to the intersection of Mitchell Road and the proposed extension of McDonald Road.

The Draft DCP also now includes the provision for a cycleway along the western-side of Mitchell Road that will link Erskineville Oval with Sydney Park, and enhance the 'boulevard feel' to the street.

To reduce the impacts of overshadowing and densities, particularly on existing properties on Mitchell Road the building heights have been reduced, and this work has undergone shadow testing to ensure that it meets the provisions set out in the *South Sydney Development Control Plan 1998*.

RECOMMENDATION

It is resolved that:

- (A) Council approve the Development Control Plan, shown at **Attachment A** to the subject report, pursuant to Clause 21 (1)(b) of the *Environmental Planning and Assessment Regulation 2000* as the *Part G – Special Precincts Ashmore Precinct* of the *South Sydney Development Control Plan 1997*, with its operation to commence from the date of publication of its Notice of Approval; and
- (B) Authority be delegated to the Chief Executive Officer to make any minor drafting changes that may be required as a result of Council's consideration of the Development Control Plan.

ATTACHMENTS

Attachment A: *South Sydney Development Control Plan 1997, Part G – Special Precincts Ashmore (Estate)*

Attachment B: Resolution of Council of 13 February 2006, to exhibit the Draft DCP

Attachment C: Summary table of submissions received in response to the public exhibition of the Draft *Part G – Special Precincts Ashmore Precinct of the South Sydney Development Control Plan 1997*.

Attachment D: A list of revisions made to the figures within the DCP

Attachment E: Urban Design Study and Landscape feasibility Study (by Clouston Associates)

BACKGROUND

1. The Ashmore Precinct is located in Erskineville and is bounded by Ashmore Street, Mitchell Road, Coulson Street and the Bankstown rail line. A map of the precinct appears on page 1 of the development control plan (DCP) at **Attachment A** of this report. It is land which was rezoned in 1998 by the former South Sydney Council to Zone No. 10 – Mixed Uses, which allows, in appropriate circumstances, a mixture of land uses such as residential, retail commercial, light industrial and industrial development.
2. The site is the largest industrial estate outside Green Square allocated for urban renewal. It is approximately 17.4 ha or 173, 856 sqm in area.
3. The existing estate, although predominantly used for light industrial purposes, does have a mixture of land uses including commercial, retail and residential. The estate is characterised by large scale industrial buildings on large land holdings, and includes a number of owner-occupied strata industrial units. Since 1998 there have been several development applications for residential development, and two sites have consent for residential development, granted by the former South Sydney City Council, on the former Kelly Country Site, and the Star Printers site also on Coulson St, next to the railway line (though development has not commenced on these sites).
4. In October 2003, the former South Sydney City Council commissioned Peddle Thorpe Walker (PTW) to develop a masterplan that would create a framework for development. This work was delayed through the amalgamation process but resulted in a number of technical studies being produced.
5. In February 2005, the Council resolved to re-establish the Steering Committee, and 4 Councillors were nominated to represent the City. The Steering Committee was reconvened 15 June 2005, and has met five times since.
6. Technical studies have been commissioned to inform the development of the draft controls. These studies include the following:
 - (a) Ashmore Street Estate Flood Hazard Mapping (by Cardno Lawson Treloar);
 - (b) Ashmore Street Estate Masterplan, Transport Assessment Flood Hazard Mapping, Ashmore Estate (by ARUP);
 - (c) Ashmore Industrial Estate Open Space and Urban Structure Plan (by Clouston Associates);
 - (d) Urban Design Study of the Ashmore Precinct (Prepared internally);
 - (e) Community Facilities Requirements for the Ashmore Precinct (Prepared internally); and
 - (f) Socio-economic Profile of the Ashmore Precinct (Prepared internally).

7. The Draft DCP was endorsed by Council for public exhibition for 28 days from 16 February 2006 – 16 March 2006. 30 submissions were received during this time. The submissions received during the public exhibition period are summarised in the Public Consultation section of this report, and a summary of these submissions is at **Attachment C** of this report. They have led to some changes to the DCP proposed for approval.

KEY IMPLICATIONS

8. An amended version of the Draft DCP called *South Sydney Development Control plan Amendment: Urban design 1997 – Part G Special precinct No.7 – Ashmore Precinct* at **Attachment A** is recommended for approval. Changes have been made to the Draft DCP as a consequence of its public exhibition, from 16 February 2006, to 16 March 2006. The text to be included as a result of the submissions received is shown underlined and the text to be deleted is shown in ~~strikethrough~~.
9. Thirty (30) submissions were received as a result of the public exhibition of the Draft DCP. The submissions made have been divided into the following themes as they all raised similar concerns:
 - (a) Building Height and Density;
 - (b) Traffic and Parking;
 - (c) Open Space and loss of Amenity;
 - (d) Location of the Retail; and
 - (e) Safety and Flooding.
10. A submission was also made by the major landowner, Macquarie Goodman and this has been addressed separately. A summary with responses to all the submissions is at **Attachment C** of this report.
11. The main changes to the DCP as a result of the submissions and the resolution of Council of the 13 February 2006, and are as follows;

Location of the Retail Precinct

12. Council's resolution of 13 February 2006 to investigate the proposed location of the retail precinct, led to a study being undertaken. The findings and recommendation of this study are that the retail precinct is better located at the intersection of Mitchell Road and the extension of McDonald Street. In so doing the retail area is located more centrally within the site, and, therefore, more easily serves the new community. This re-location will also help to build community interaction being adjacent to the park, by creating street activity. A copy of this study is available at **Attachment D** of this report.
13. This relocation will also help build on the 'Sense of Place' and 'village' feel that was also raised as an issue in a number of submissions. In providing retail and the associated services should, again, help to integrate the new and existing community.

Provision of a Cycleway Connection to Sydney Park

14. Council's resolution of 13 February 2006, as at **Attachment B** of this report, led to a feasibility study being undertaken, to explore the opportunities to provide significant landscaping on the western side of Mitchell Road between Sydney Park and Erskineville Oval. The study findings have show that this can be accommodated by setting the buildings back a further 3 meters on Mitchell Road, and has been incorporated into the precincts structure plan. It is anticipated that this dedication will then feed into the overall bike strategy currently being prepared by Council. The study also highlighted that some re-alignment work would need to be carried out at the Sydney Park development.

Proposed Building Heights

15. The relocation of the retail precinct, to opposite the main park, has allowed for some modification of building heights, on Mitchell Road, such that some heights have been reduced, to 4 storeys with corner blocks being 5 storeys. This is in response to a number of submissions raising concerns over the proposed 5 storey building heights and the impact they will have on sunlight access, particularly in winter. The reduction in building heights, and the additional setbacks for the cycleway on the western side will lessen the impact of the development for the existing properties on Mitchell Road. The maximum building heights are now 5 storeys, opposite Erskineville Oval, with a range of building typology from 2 storey terraces and 4 and 5 storey apartment blocks.

RELEVANT LEGISLATION

16. *Environmental Planning Assessment Act 1979*
17. *Environmental Planning and Assessment Regulation 2000.*

CRITICAL DATES / TIME FRAMES

18. The timing for the exhibition and approval for the draft Ashmore Precinct DCP is critical. The NSW Department of Planning development control plan reforms mean that the City will not be able to amend or create new DCP's after 1 May 2006.

PUBLIC CONSULTATION

19. The Draft DCP was publicly exhibited for 28 days from 16 February 2006 to 16 March 2006. 30 submissions were received, 7 from organisations, 22 from members of the community, and 1 from the major landowner, Macquarie Goodman. A summary with responses to all the submissions is at **Attachment C** of this report, but the main issues, and the proposed responses to each of these are as follows:

Building Height and Density

20. A number of submissions were made by residents of Mitchell Road, objecting to the proposed building heights of 5 storeys along part of Mitchell Road. The draft DCP has been amended to respond to this concern, with the proposed building heights reduced to a maximum of 4 storeys (14m) along Mitchell Road, with 5 storey corner blocks. The highest possible buildings are 5 storeys and are generally located adjacent to the main park and the retail precinct.
21. The density across the site is 1:1, with 1:1.25 on the land owned by Macquarie Goodman.
22. One submission was made by a resident of Ashmore Street, regarding building heights adjacent to their property and loss of privacy. After a review this has been addressed by amending the building typology from a 4 storey apartment block to 2 storey terraces.

Traffic and Parking

23. The DCP at **Attachment A** does not propose any changes to *South Sydney Development Control Plan No. 11* which specifies parking requirements. There were a number of submissions relating to the location of the retail precinct being solely based on Mitchell Road, expressing concerns that parking for residents could be problematic. This has since been resolved with the relocating the retail area within (the estate), and not focused on Mitchell Road.
24. There were also a number of objections to the additional amounts of traffic that the development would create. However the Traffic Study report shows that Mitchell Road has had a year on year reduction in traffic volumes since 2000, with traffic using Euston Road. The addition of traffic signals at the new intersection of Mitchell Road, Maddox Street, and McDonald Street will also serve to slow commuter traffic. Additionally whilst the numbers of cars would increase in the area as a result of re-development the impacts have the potential to lessen these impacts in terms of noise, pollution and nuisance, with the reduction of trucks that are currently servicing the existing Industrial Estate.
25. Concerns were also raised over the extension of McDonald Street. This new road is a strategic decision, as it will also function as an overland flowpath, as well as providing better connectivity within the estate. The intention is to incorporate water sensitive design on this road, which will result in a relatively narrow road, thus discouraging rat-running.

Open Space and Loss of Amenity

26. A number of submissions from residents of Mitchell Road relating to Building Heights also commented on overshadowing. This has now been addressed following a review, by recommending a reduction in building heights. Provision of some smaller-scale open spaces was also raised to smaller pocket parks in the precinct, however the location of the main park has not changed, as its location is also strategic to address stormwater management as well as to provide open space.

27. Figures 1, 2 and 3 provide shadow testing results for the winter solstice. The results of the testing show some residences on Mitchell Road are overshadowed at 3.00pm at the solstice, and they do receive more than 2 hours of sunlight per day stipulated in the *South Sydney Development Control Plan 1998*.



Figure 1 Impacts of Shadow at 9.00am on 21 June



Figure 2 Impacts of overshadowing at 12.00 on 21 June



Figure 3 Impacts of overshadowing at 3.00pm on 21 June

28. Impacts on city skyline views have also been tested. The modifications within the precinct of building heights will not impact on existing views to the city.
29. A number of objections raised the issue of loss of sunlight and privacy. It is considered that this has been addressed with changes in building heights on Mitchell Road. The issue of privacy has also been addressed through selected changes to the building typology. These issues will also be re-considered and addressed through the development application process.

Location of Retail

30. Concerns were raised over the viability of retail in the area, however, the proposed development will increase the local population, creating demands for services. The DCP at **Attachment A** has specified that any development application proposing retail must be supported by economic analysis, and must also demonstrate that the proposed retail will not impact on surrounding retail, but instead will complement and support existing local retail development.
31. Additionally, the heights and FSR's adjacent to the proposed retail precinct have been increased to 1.25:1, which is an additional 17 357.5 sqm of gross floor area. This recognises that the entire precinct is Zoned No. 10 Mixed Uses, so will encourage the locating of the retail precinct at the preferred location indicated in the DCP. Building heights have increased by one story in this location to assist in creating visually a "centre", but these heights are still within the site's environmental capacity, contextually, due to the proximity of the main park.
32. The FSR increase is also in response to the Metropolitan Strategy, and increased density in this location will create the demand for retail services.

Safety

33. One submission was made objecting to the creation of a lane behind Ashmore Street. The objection claimed that by having a lane the property becomes more vulnerable to burglary. A laneway already exists for approximately half of the properties in Ashmore Street, though it is not used and is within the precinct boundary. The proposal to re-open this lane, was considered carefully. The intention is for the lane to serve as an access point for residents, and may provide opportunities for vehicle parking for residents. The lane punctuated in several parts to allow for exit and entering, and has a straight alignment with uninterrupted views along the length of it. This lane will create the opportunity for a new walking route to Erskineville Road and station. The conclusion is thus that such activity will ensure that there is regular passive surveillance.
34. Additionally there were 2 other submissions welcoming the re-opening of the lane from other residents on Ashmore Street.

Macquarie Goodman Submission

35. Macquarie Goodman is the main landowner, with approximately 7ha of the site in its ownership. They had the draft DCP reviewed by a planning consultant, the results of which were attached to their submission. A summary of their submission is at Attachment C of this report. They have also supplied an alternate proposal, and will be seeking to lodge a Development Application seeking Stage 1 development consent.
36. The main matters of concern for Macquarie Goodman were;

The Draft DCP does not provide sufficient yield to encourage redevelopment of their land

37. In accordance with the Lord Mayor's Minute of 19 April 2004 "Improving Certainty and transparency in applying Planning Controls" the draft DCP has proposed an FSR of 1:1 across the site. The only exception to this is the Macquarie Goodman site which has an additional 0.25 FSR, as already discussed in points 31 and 32
38. In addition to the increased in FSR, building heights have also been increased from 9m and 12m to a maximum of 17m.
39. The site generally was a former swamp prior to development as the former Metters factory, which closed in 1973. This former use has left a legacy of contamination. It is understood that Macquarie Goodman has undertaken some preliminary investigations regarding site remediation, and that a significant cost may result from remediation. Council recognises this is a substantial cost, however Macquarie Goodman are inferring that the FSR should be set to allow them to compensate for the costs of contamination and stormwater management works. They note in their submission that their motivation as an organisation is to provide "*a good return to the unit holders of the Macquarie Goodman Trust*" which is demonstrated by their through indicative plans which are proposing an FSR of 2.0:1, and built from that will dominate the surrounding area with buildings that are up to 12 storeys (40m).
40. The main purpose of the DCP is to provide appropriate planning controls that are in context for the whole site and its surroundings. The DCP does not seek to compensate landowners who have purchased contaminated and flood prone land.

Stormwater management does not improve local flooding

41. Council has committed a substantial amount of funds into resolving the flooding issues within the estate. The results of stormwater modelling demonstrates that the DCP controls reduce the impacts of stormwater in all adjacent areas and these results are conservative as they do not take into consideration the increase in ground water absorption associated with landscaping from re-development.
42. The stormwater management works required will not resolve flooding in the area, but will reduce the impacts significantly for Ashmore Street, and will reduce the depths of stormwater for the properties at the intersection of Coulson St and Mitchell Rd. The City has supplied Macquarie Goodman with the base data, and has reviewed Macquarie Goodman's flood management proposal.

The DCP does not maximise the opportunities to build on the 'Sense of Place' and village atmosphere

43. The relocation of the retail centre as a result of Council's resolution of 13 February 2006, will improve the 'Sense of Place' within the precinct, having close proximity to the main park and being more centrally located within the precinct overall. Provision of services such as a supermarket and associated retail activity such as cafes, butchers etc will all help to create the village centre. Its location in the centre of the site will also allow for easy access for both the new and existing community promoting integration between the two communities.
44. There are also provisions which stipulate that on sites over 50 000 sqm (such as Macquarie Goodman's) that each building must be designed by a different architect, and that particular attention must be taken with the choice of materials. Such provisions will add character to the area, thus emphasising the uniqueness of the area in terms of architectural design, and ultimately increase the sense of place.
45. A peer review of the structure plan and the DCP was conducted by also reviewed and validated by Russell Olsson, a respected local architect, with his recommendations being incorporated into the DCP provisions

Potential green links are not maximised

46. Macquarie Goodman state the insufficient attention has been given to the existing open spaces of Erskineville Oval and Sydney Park. The City has commissioned an open space analysis for the area, of which some of the findings were that these two spaces were very different in character, the Oval being predominantly a sports training ground, reducing opportunities for passive use. Sydney Park again has a very different character, being in the regional scale. The main park within the DCP will provide an intimate open space that is on the immediate doorstep to the community, and is of such a scale that will encourage interaction.

The street network is not integrated

47. The DCP has provided a street pattern that “joins up” each of the fragmented land holdings yet still allows individual landowner to develop independently is looking at the entire site. Macquarie Goodman has provided no information as yet as to how its proposal will link with adjacent sites, and how its proposal addresses issues such as traffic management, or provision of overland flowpaths to manage stormwater issues.
48. Development of the DCP has been undertaken in close consultation with the Ashmore Estate Steering Committee. The committee was established to give the local community and businesses the opportunity to contribute to the process of developing planning controls for the precinct. There have been five meetings since June 2005, with regular update sessions to discuss results of the technical studies, including the objectives for the draft controls. The results of all technical studies have also been presented to the Steering Committee in order to develop the final DCP. Two submissions criticised Council for lack of community consultation, but the regular meetings with the Steering Committee did allow for the Committee to articulate their aspirations for the site.
49. The exhibition information was made available on the Council’s website, there were a total of 728 hits on the information available for downloading, during the 28 days of public exhibition.
50. The scale model of the DCP controls was also made available to members of the public at the Erskineville Neighbourhood Centre, who noted that approximately 6 people per day visited the centre to view the model and exhibition material.

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