



PLANNING PROPOSAL

To amend the Ashfield Local Environmental Plan (LEP) 2013 as it applies to

No. 120C Old Canterbury Road,

Summer Hill

8 October 2018

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1.0 INTRODUCTION

Inner West Council is the Planning Proposal Authority for processing and determining this Planning Proposal.

This Planning Proposal is for the property known as No. 120C Old Canterbury Road, Summer Hill, legally described as Lot 1 in DP 817359 and Lot 100 in DP 875660 (hereafter referred to as the “subject site”).

It is proposed that Inner West Council amend the Ashfield LEP 2013 to rezone the western portion of the subject site (Lot 1 DP817359) from SP2 Infrastructure to B4 Mixed Use as well as alter the FSR and maximum building height across the entire site. This Planning Proposal has been prepared in accordance with and responds to the criterion of the NSW Department of Planning and Infrastructure’s “*A Guide to Preparing Planning Proposals*”, as indicated in **Part 7** of this report. The subject site comprises two allotments and the LEP currently applies two different zones to each of the allotments. The eastern portion (Lot 100 DP817359) is zoned B4 Mixed Use and the western portion is zoned SP2 Infrastructure.

The Planning Proposal document was originally submitted by GSA Planning consultants acting on behalf of the site owners being “The Yard” PL. and then later revised by the applicant as reported to Council on 25 July 2017 (prior to Gateway Determination). The content and structure of that document has been used by Council, acting as the responsible Planning Proposal Authority (PPA), as the basis for this Planning Proposal document version – 8 October 2018, except for adjustments to make the necessary updating amendments including to reflect the Council resolution of 25 July 2017, Gateway Determination requirements, amendments to Environmental Planning Assessment 2018, the relevant Regional Plan (March 2018) and District Plan (March 2018), and responding to Ministerial Directions. The Department of Planning and Environment advised Council that as they were the PPA it was expected that this occur.

The applicant advises (in italics):

Our clients purchased the western allotment of the subject site from Transport for NSW at or around 2009. At the time of purchase, this land was zoned 5(b) Railway Uses and was subject to an easement in favour of Transport for NSW. This easement has now been extinguished. As part of the translation to the standard instrument, the Ashfield LEP 2013 zoned the site SP2 Infrastructure (Railway). During the preparation of the LEP, the Council resolved to revisit the sites redundant zoning as a separate process, prompting the preparation of this Planning Proposal. The resolution stated, inter alia:

“No change is recommended to the Draft LEP at this time. However, the request can be considered as part of an amendment to a future 2013 Ashfield LEP subject to a planning proposal application with adequate detail and justification being submitted for any variation to FSR.”

As the site is now in the private ownership of our clients is no longer used by a public authority for railway purposes, and is no longer encumbered by an easement for access the SP2 zoning is no longer appropriate. This is the basis to amend the zoning of Lot 1 DP817359. Public benefit will be provided by provided via a through site connection to the greenway.

In recent years, significant development has occurred in the area directly surrounding the site, resulting in a change to character and built form of the locality. This includes at least 10 residential flat buildings or mixed use developments in the vicinity comprising five to

six storeys with an FSR of 2.5-3:1. On this basis we request that Council support this Planning Proposal, which seeks the following:

- Rezone the western allotment from SP2 Infrastructure to B4 Mixed Use to apply consistent zoning to the entire site.
- Apply a maximum height of RL38.0 across the entire site (which accounts for sloping topography and flood affectation).
- Apply an FSR of 2.5:1 across the entire site.

There are compelling planning reasons to support the rezoning as well as increases in height and FSR for the subject site. These include the following: Change in Ownership; Consistency with the current Inner West (Marrickville) Planning Controls; Consistency of FSR with Height Limit; Existing and emerging Character and Context; and Site Suitability.

2.0 LODGEMENT DATE, AMENDMENTS AND RESOLUTION OF COUNCIL

The Planning Proposal was lodged on **16 December 2016**. The proposal initially sought a maximum height of RL46.50 (9 storeys above Old Canterbury Road) and an FSR of 3:1 across the entire site.

The Proposal was put on “upfront Consultation” from **1 February 2017 to 6 March 2017**, in accordance with the policy of the former Ashfield Council which applies to the Ashfield LEP 2013

In **June 2017**, in response to submissions, a revised Planning Proposal was submitted to Council and included that the proposed building height was lowered by 2 floors to a maximum RL of 41.1 and the proposed FSR was reduced to 2.75:1

In **20 July 2017**, the Planning Proposal was considered by Council who resolved to proceed with the Planning Proposal subject to further amendments indicated in the Council report. This has been incorporated into this amended document, with the proposal lowered to a maximum RL of 38.0 (6 storeys above Old Canterbury Road) and maximum FSR of 2.5:1.

Part 2.1- 2.4 of this section of the Planning Proposal provides an overview of amendments made prior to the Council meeting of 25 July 2017 as well as those made following the resolution.

2.1 Preliminary Public Exhibition and Initial Correspondence from Council to applicant prior to Gateway Determination

The Planning Proposal was placed on preliminary public exhibition from **1 February 2017 to 6 March 2017**, where residents were given the opportunity to provide feedback to Council on the proposed changes to the Ashfield LEP.

Following the conclusion of the exhibition period, Council wrote to the applicant on **4 April 2017**. Council's correspondence raised issues relating to submissions, excessive maximum building height and maximum FSR, and impact on adjacent apartment building. A number of submissions were received during the public exhibition period. The majority of submissions raised issues relating to building height and overshadowing. In addition, Council's Architectural Excellence Panel later undertook a site inspection on **6 June 2017**

and delivered a report on **19 June 2017** (their comments are found in the Council report of 25 July 2017).

A further email was received from the applicant by Council on **7 June 17** requesting that for the amended Proposal's justification be updated in terms of providing additional architectural material in particular floor plans to assist in determination of appropriate FSR, revised sections indicating relationship to adjacent buildings and plans accounting for car parking. The architectural material referred above was prepared by Fox Johnston.

The email from Council on 7 June 2017 reiterated that the Planning Proposal should respond to Inner West Council's Affordable Housing Policy.

Clarification was also requested in relation to the intent to express the building height as an RL. The applicant advised that the use of RLs to determine height is a very common practice in urban renewal areas, for example by the City of Sydney in Green Square and often relates to concept envelopes.

2.2 Applicant's Response to Preliminary Exhibition and Amendments

In response to the submissions received during the preliminary public exhibition and comments from Council and the Architectural Excellence Panel (19 July 17), the applicant chose to have the building height lowered by 2 floors to a maximum RL of 41.1 and the FSR was reduced from 3:1 to 2.75:1 for the June 2017 version Planning Proposal.

For the June 2017 version Planning Proposal the illustrative potential building envelope provided as part of the Design Concept (by Fox Johnston Architects) was also reduced and refined to demonstrate that 2 hours of solar access could be achieved to No.120B Old Canterbury Road in accordance with the Apartment Design Guide (ADG). The applicant considered that those amendments appropriately responded to the issues of height and solar access, and minimised any impact to existing dwellings located in the Lewisham Estate Conservation Areas.

The Council officer's report on 25 July 2017 recommended a further reduction in Maximum Building Height and Maximum Floor Space Ratio to respond to scale and height issues, and this was resolved by Council (refer to Council report for more detail). This is reflected in **Part 7.4 -Mapping** of the Planning Proposal.

2.3 Proposed Public Benefit Contribution and GreenWay Works

The applicant advised in the Planning Proposal (June 2017):

The Light Rail Corridor to the west of the subject site is intended to incorporate a portion of the GreenWay which is an environmental, active transport and cultural corridor extending some five kilometres from the Cooks River at Earlwood in the south, to Iron Cove at Haberfield in the north. The GreenWay corridor passes through Canterbury, Marrickville, Ashfield and Leichhardt Council areas of Sydney's Inner West and incorporates Hawthorne Canal and the Rozelle freight rail corridor.

In addition to the documentation surrounding the GreenWay proposal, Inner West Council is currently developing Public Domain Guidelines for the Lewisham West

Precinct. In part, this public domain strategy includes a connectivity diagram. This diagram indicates that the primary GreenWay Shared Path would travel north-south on the western side of the Light Rail Line with a potential secondary path being located on the eastern side of the Light Rail, adjacent to the subject site. It also shows a stairway link from this shared path up to Old Canterbury Rd, adjacent to the overpass.

A contribution could be made to these GreenWay connections to provide public benefit in the immediate locality. This contribution would be subject to a formal Voluntary Planning Agreement (VPA) process however would include the following:

- In kind contribution including construction of stair and public pathway to connect to greenway along the length of the subject site.
- Provision of a secondary through site link from McGill Street, via the access handle, to the GreenWay. This will incorporate public domain and landscape improvements in a 'pocket park' configuration.
- Further monetary contribution of up to \$500,000 towards construction of the GreenWay secondary shared path adjacent to the subject site.

These matters are subject to a formal VPA process and detailed discussions with Council Officers at a later stage. An indicative layout of the proposed linkages has been prepared by Fox Johnston in their Design Concept document and is separately submitted. This is extracted in Figure 1.



Figure 1: Floorplan Showing Through Site Link from McGill St

Note - the means of access from McGill Street to the subject site is only available through a vehicular laneway located on 120 B Canterbury Road for which the applicant has a right of way.

2.4 Inner West Council Affordable Housing Policy

On **28 March 2017**, Council adopted the Inner West Council Affordable Housing Policy. The policy aims to value capture from planning proposals seeking increased height or density. In respect of timing and the application of the policy to Planning Proposals lodged prior to the Affordable Housing Policy coming into effect, the policy states, inter alia:

“Timing - in consideration of reasonableness and equity, the value capture requirement should apply to land that is subject to a proposal for a rezoning or variation to planning controls where that application is received after the Policy is approved by Council. For applications that have been made or are under consideration prior to the Policy’s approval, this Policy will provide guidance as to the quantum of affordable housing contribution that is considered to be appropriate.”

The applicant advised in August 2017:

As noted in Section 7.0 of the Council Officer’s Report of 25 July 17, the subject Planning Proposal was lodged before the Affordable Housing Policy was adopted by Council and as such, the policy applies as a guide only. Notwithstanding this, affordable housing will be negotiated via a Voluntary Planning Agreement (VPA) following Gateway determination in accordance with Council’s resolutions.

A Voluntary Planning Proposal for the provision of affordable housing is being considered by Council separately to this Planning Proposal.

3.0 RESOLUTION OF COUNCIL 25 JULY 2017

Inner West Council considered a report on the Planning Proposal at its meeting of 25 July 2017. The Council resolved to support the proposal subject to amendments stating the following, inter alia:

“Council on the 25 July 2017 considered Item No. C0717 Item 7 (Council report) and resolved as follows:

- 1/6 The Planning Proposal be amended to Council’s satisfaction addressing the recommendations outlined in this report, including a Maximum Height of Building equating to 6 storeys relative to Old Canterbury Road and a reduced Maximum Floor Space Ratio.*
- 2/6 Council authorises the Interim General Manager to be Council’s delegate and use “the Authority” for the processing of the Planning Proposal as outlined in this report.*
- 3/6 On satisfactory completion of Resolution 1 and 2, the Planning Proposal be referred pursuant to Section 56 of the Environmental Planning and Assessment Act 1979 (the Act) seeking a Gateway Determination and for Council to be the Relevant Planning Authority, and requesting the studies identified in the report be produced.*
- 4/6 Council develop a site specific Draft Development Control Plan as outlined in this report and exhibit it concurrently with the Planning Proposal*
- 5/6 Upon receipt of the Gateway Determination the Planning Proposal and draft DCP be put on public exhibition pursuant to the Environmental Planning and Assessment Act 1979 (the Act) .*
- 6/6 Council write to the NSW Roads and Maritime Service and request that an area wide traffic network analysis be prepared for the McGill Street precinct and surrounds to determine local area traffic management opportunities that may be implemented to mitigate and better manage traffic impacts in this locality.”*

In accordance with Part 1 of the recommendation, the Planning Proposal has been updated to reflect a six (6) storey building height to Old Canterbury Road at a maximum RL of 38m, and a reduced FSR of 2.5:1, which is the subject of the Planning Proposal Exhibition. Additionally, changes have been made to address the LEP Making and Planning Proposal Guidelines outlined in Table 5 of the Council report. These matters are discussed throughout the remainder of this document.

4.0 SITE ANALYSIS

4.1 The Site

The subject site is located on the northern side of Old Canterbury Road. It is legally described as Lot 1 in DP 817359 and Lot 100 in DP 875660. The subject site is approximately 7km from the Sydney CBD and is within the Local Government Area (LGA) of Inner West Council (see Figure 2).

The site is affected by the Ashfield LEP 2013, is within the boundary of the former Ashfield LGA and affected by the Ashfield Urban Planning Strategy 2010.

The site is irregular in shape with a total area of 1,956m², excluding the right of way (see Figures 3 and 4 on the following page and survey plan separately submitted). The southern end of the site is a steeply sloping site with a fall of approximately 9.83m from Old Canterbury Road. Accordingly, from the opposite side of Old Canterbury Road only the timber boundary fence is visible (see Photographs 1 - 3 on page 7).

Due to the steeply sloping nature of the site, vehicular and pedestrian access is only available via a right of way which forms part of No. 120 Old Canterbury Road. This right of way is accessed from McGill Street, via a bridge over the existing stormwater channel. This bridge was constructed in accordance with DA 283/2013 and Sydney Water's predicted flood levels (see Photograph 4 on page 7). The site is currently vacant, except for a number of shipping containers along the western boundary.

The site was previously burdened with a right of way access easement in favour of Transport for NSW, however this easement has now been extinguished.

The site is within a flood affected zone.

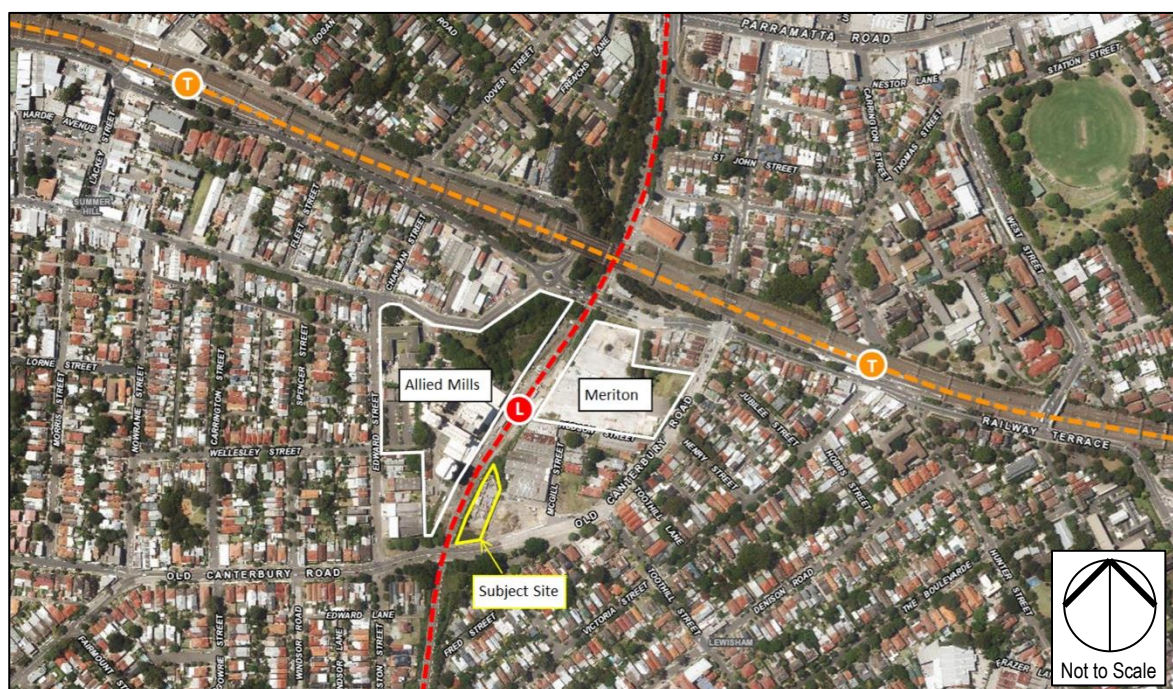
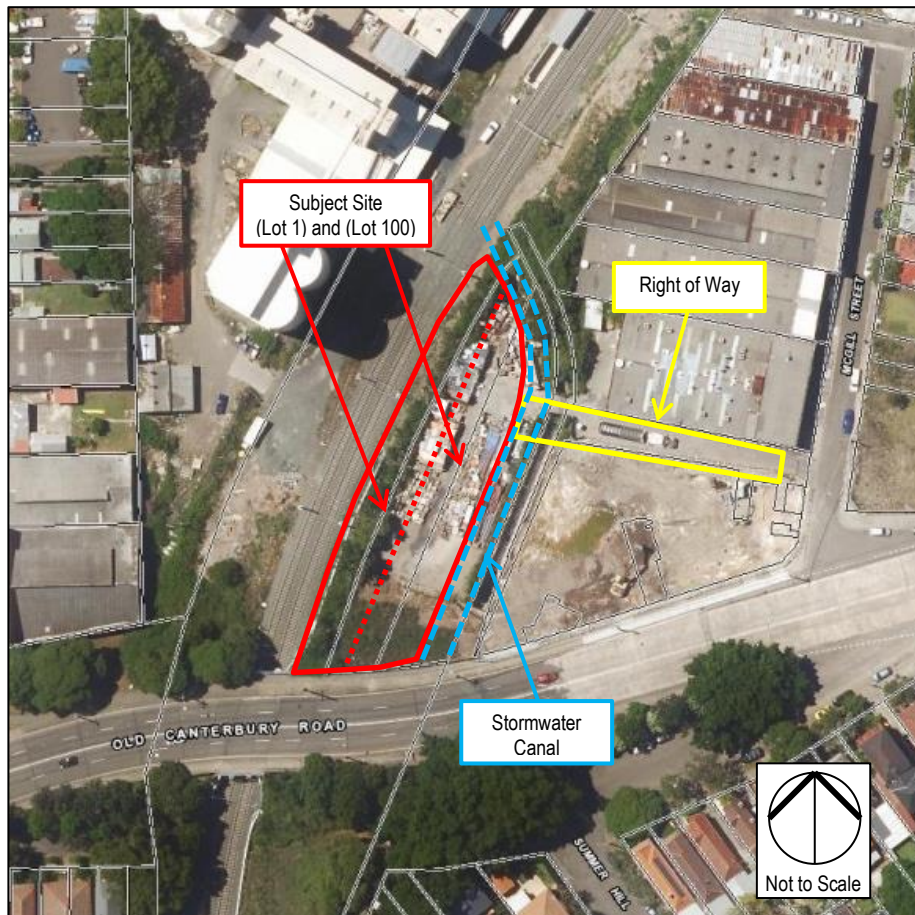


Figure 2: Context Map



(Source: SIX Maps, 2016 – Image dated 6/1/14)

Figure 3: Location Plan

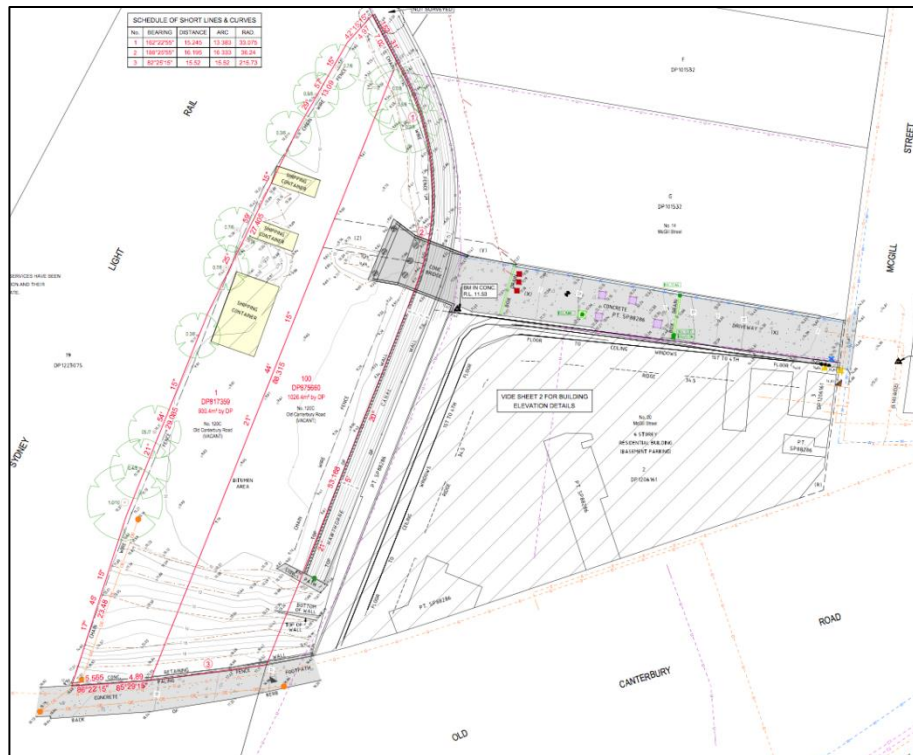


Figure 4: Survey Plan Extract



Photograph 1: The subject site as viewed from Old Canterbury Road



Photograph 2: The subject site looking towards the south



Photograph 3: The subject site as viewed from Old Canterbury Road, with the storm water channel to the east



Photograph 4: Right of way providing access to the subject site

4.2 The Surrounds and Context

The subject site is constrained by a storm water channel to the east, Old Canterbury Road to the south and the Inner West Light Rail Line to the west. The subject site is bounded by former industrial sites to the north and east which is known as the McGill Street Precinct. The majority of these sites have now been approved for residential flat buildings and mixed use developments, with a number of these completed or under construction.

The built form in the surrounding area is changing rapidly and currently comprises a mix of industrial, commercial and newly constructed residential development. More established residential development is evident on the opposite side of Old Canterbury Road. The built form of recently approved developments generally comprises multi storey developments above basement level car parking. The subject site is in close proximity to the Summer Hill Local Business Centre and adjoins Old Canterbury Road, which is serviced by public transport.

Development to the North

To the north are a number of former industrial buildings which form part of McGill Street Precinct (see Photograph 5 on the following page) within the former Marrickville Council area. No. 14 McGill Street, on the opposite side of the right of way, has development approval for a seven storey residential flat building comprising 65 apartments and four levels of basement parking (see Photograph 6 on the following page). The site is

currently under construction.

Further to the north is Nos. 4-12 McGill Street which has development approval for a six storey mixed use building fronting McGill Street and a five storey mixed use building fronting the light rail line. These buildings will comprise 80 apartments, one commercial tenancy to be used as an art and education space.

Further to the north is Nos. 78-90 Old Canterbury Road, also known as 'Luna Lewisham' which is currently being developed by Meriton and nearing completion (see Photograph 6). The site will comprise seven multi storey towers between four to ten storeys which contain 314 dwellings and two levels of basement car parking.



Photograph 5: McGill Street to the north, with various sites either approved for or currently undergoing redevelopment



Photograph 6: Further to the North at Nos. 78-90 Old Canterbury Road, looking north-east from the Light Rail Corridor

Development to the East

To the east is the rear of Nos. 120A and 120B Old Canterbury Road. The recently constructed six storey mixed use development at 120B Old Canterbury Road is reflective of the scale and contemporary style of development in the area surrounding the subject site (see Photograph 7) within the McGill Street precinct.

Further to the east is No. 118 Old Canterbury Road which comprises a recently completed five storey mixed use development comprising 21 apartments (see Photograph 8).



Photograph 7: Six storey mixed use development at Nos. 120A & 120B Old Canterbury Road with an FSR of 2.95:1, as viewed from Old Canterbury Road.



Photograph 8: 5 storey mixed-use development under construction at No. 118 Old Canterbury Road with an FSR of 2.67:1, as viewed from Old Canterbury Road.

Development to the South

To the south is Old Canterbury Road. Further to the south are a number of residential dwellings, these however cannot be seen from the subject site due to dense vegetation (see Photograph 9).



Photograph 9: The opposite side of Old Canterbury Road as viewed from the subject site

Development to the West

To the west is the Inner West Light Rail Line, with Lewisham West Light Rail Station approximately 100m from the site. On the opposite side of the light rail track is the former Allied Mills site at Nos. 2-32 Smith Street Summer Hill (within the former Ashfield LGA) which has masterplan approval for 360 dwellings, 4,000m² of commercial space and 2,500m² of retail space, set within large open space comprising 25 % of the site area. The development is currently under construction. Also to the west on the opposite side of the rail corridor is No. 46 Edward Street. The site has development approval for a four storey residential flat building above two levels of basement car parking comprising 25 apartments (see Photographs 10 and 11).



Photograph 10: Inner West Light Rail Line to the west of the subject site, looking south-east towards the subject site



Photograph 11: Former Allied Mills Site

5.0 PRE-LODGEMENT BACKGROUND

As advised by the applicant:

At or about 2009, Mr. Rick Timperi and Mr. Tyron Timperi purchased No. 120C Old Canterbury Road, Summer Hill. The site comprises Lot 1 DP 817359 and Lot 100 of DP 875660. Lot 1 in DP 817359 was previously owned by Transport for NSW.

On 11 December 2012, a Development Application (DA 144/2011) was approved by Council for the redevelopment of Lot 100 DP 875660 for the purposes of a two (2) storey industrial building with associated facilities. The western portion of the site that is the subject of this Planning Proposal did not form part of the application due to the 5(a) Railway Purposes zoning.

The Draft Ashfield LEP 2012 was on public exhibition between 27 June 2012 and 21 August 2012. During this time, GSA Planning made a submission to the draft LEP, on behalf of the site owners requesting that Council consider rezoning the subject site to B4 Mixed Use as part of the draft LEP. While Council did not resolve to rezone the site as part of the draft, Council resolved to support a Planning Proposal for the subject site. The Council resolution stated the following, inter alia:

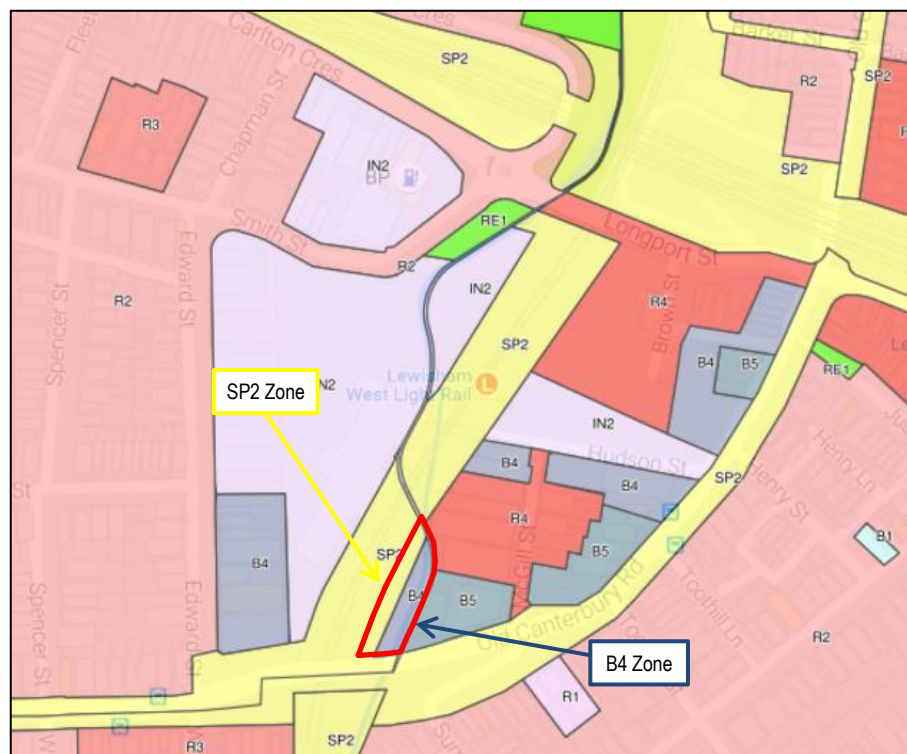
"No change is recommended to the Draft LEP at this time. However, the request can be considered as part of an amendment to a future 2013 Ashfield LEP subject to a planning proposal application with adequate detail and justification being submitted for any variation to FSR."

The applicant advised the Planning Proposal application was lodged in light of this recommendation.

6.0 STATUTORY PLANNING CONTEXT

6.1 Ashfield Local Environmental Plan (LEP) 2013

The subject site is located on the boundary of the ex-Ashfield LGA. As indicated, it comprises two allotments with different zonings. Lot 100 DP 875660 (the eastern lot), is zoned B4 Mixed Use while Lot 1 DP 817359 (the western half) is zoned SP2 Infrastructure (see Figure 5).



(Source: NSW Department of Planning and Environment 2016)


 Subject Site

Figure 5: Extract from existing LEP Zoning Maps
(Composite of Ashfield LEP and Marrickville LEP)

6.1.1 B4 Mixed Use Zone – Permissible Uses

The permissible uses for B4 Mixed Use Zone are listed, inter alia:

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Residential flat buildings; Roads; Seniors housing; Service stations; Storage premises; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water storage facilities; Wholesale supplies. Any other development not specified in item 2 or 4.

4 Prohibited

Advertisements; Agriculture; Airstrip; Air transport facilities; Animal boarding and training facilities; Boat launching ramps; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco tourist facilities; Electricity generating works; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage

establishments; Helipad; Highway service centres; Home occupations (sex services); Industries; Jetties; Marina; Open cut mining; Mooring; Mooring Pens; Mortuaries; Port facilities; Recreation facilities (major); Restriction facilities; Rural industries; Sewerage systems; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities.

6.1.2 SP2 Infrastructure Zone (Railways) – Permissible Uses

The permissible uses for the SP2 Infrastructure Zone are listed, inter alia:

2 Permitted without consent

Roads

3 Permitted with consent

Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Water recycling facilities. The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any other development not specified in item 2 or 3.

As outlined the purpose shown on the map for the subject site is 'Railways'.

6.1.3 Floor Space Ratio (FSR) and Building Height

B4 Mixed Use Zone

Under the Ashfield LEP, the portion of the site zoned B4 Mixed Use has a maximum FSR of 1:1 and maximum building height of 20 metres.

SP2 Infrastructure Zone

There is no FSR or height control which applies to the portion of the site zoned SP2 Infrastructure.

6.2 Adjacent Marrickville Local Environmental Plan (LEP) 2011

The access handle (refer **Figures 3 and 4**), which includes use as a vehicular laneway and is within the site at 120B Old Canterbury Road, located to the east is within the former Marrickville LGA and subject to the provisions of the Marrickville LEP 2011 which was gazetted on 12 December 2011. The access handle is zoned B5 Business Development under the Marrickville LEP 2011.

Surrounding sites that are subject to the Marrickville LEP 2011 are predominately zoned R4 High Density Residential, B5 Business Development and B4 Mixed Use. The site immediately to the east (which is under the Marrickville LEP) has an FSR of 3:1 and height limit of 20m. The height and FSR of surrounding sites are shown in Figures 6 and 7 on the following page.



(Source: NSW Department of Planning and Environment 2016) Subject Site

Figure 6: Diagrammatic extract from existing LEP Height Maps
(Composite of Ashfield LEP and Marrickville LEP)



(Source: NSW Department of Planning and Environment 2016) Subject Site

Figure 7: Diagrammatic extract from LEP FSR Map
(Composite of Ashfield LEP and Marrickville LEP)

7.0 PLANNING PROPOSAL

This section has been prepared in accordance with the NSW Department of Planning and Infrastructure's, "A Guide to Preparing Planning Proposals" which includes: the Objectives and Intended Outcomes; an Explanation of the Planning Provisions; a justification; and consideration of DoPE Guidelines.

7.1 Part 1 - Objectives or Intended Outcomes

This section sets out the objectives or intended outcomes of the planning proposal and comprises a statement of what is planned to be achieved, not how it is to be achieved.

The objective of this Planning Proposal is to provide for medium to high density residential development in an appropriate location.

The intended effect of this planning proposal is to amend the Ashfield LEP 2013 to apply consistent zoning, FSR and Height provisions to the land known as No.120C Old Canterbury Road, being Lot 1 in DP 817359 and Lot 100 in DP 875660.

The intended outcome is to increase the density on the subject site to provide opportunities for additional dwellings, in accordance with Council's opportunity sites and housing targets set by the NSW State Government.

By increasing the maximum height and FSR, the development potential of the site and housing opportunities also increase. Increased densities around and near transport nodes, particularly Lewisham West Light Rail Station and near Lewisham Railway Station, is consistent with good planning practise with regard to transport oriented development.

7.2 Part 2 - Explanation of the Planning Provisions

The intended outcomes will be achieved by amending the zoning, FSR provisions and maximum building heights that apply to the subject site. The Planning Proposal requests the following amendments to the Ashfield LEP:

- Amend the Land Zoning Map to apply a B4 Mixed Use Zoning to Lot 1 DP 817359;
- Amend the Height of Buildings Map to apply a maximum height of buildings of RL 38.00 across the entire site;
- Amend the Floor Space Ratio Map to apply an FSR of 2.5:1 to both lots comprising No.120C Old Canterbury Road Lot 1 DP 817359 and Lot 100 of DP 875660).

Refer to **Part 7.4** and **Annexure E** for the proposed Maps.

7.2.1 Height Limit based on RLs

As the site slopes significantly and is affected by stormwater and flooding, it is proposed that the maximum building height be represented as a maximum RL on the LEP mapping rather than a height in metres above existing ground level. This approach has been adopted and approved by the Department of Planning and

Environment in the past for sites, particularly in areas of concentrated urban renewal.

This includes Green Square, Harold Park and areas of Waterloo within the City of Sydney and the North Sydney CBD within the North Sydney LEP 2013. Similarly in the Inner West LGA, the Victoria Road Precinct Planning Proposal includes RL's as the maximum building height for some areas of the precinct.

The applicant advises that the proposal proposes a public benefit by providing a through site link to the Greenway which runs adjacent to the Lewisham Light Rail Station, by having access from McGill Street from the laneway at 120B Old Canterbury Road.

7.3 Part 3 - Consideration of NSW Department of Planning and Environment Guidelines

This section assesses the planning proposal against the matters contained in the NSW DoPE Guide to Preparing Planning proposals, in its **clause 2.3 - Part 3 – Justification**, which requires a response to specific questions indicated below.

(2.3.1) Questions to consider when demonstrating the justification

Section A - Need for the Planning Proposal

Question 1 - Is the planning proposal a result of any strategic study or report?

The proposal is not part of any strategic study or report.

The eastern allotment was formerly owned by the State Government (Sydney Trains), and later acquired by the present owners, and the easement over the property benefiting Transport for NSW was later released. The land was zoned SP2 Infrastructure in the Ashfield LEP 2013, reflecting the then Railways Corridor use. This no longer reflects the use of the land, and so this needs to be corrected.

It is also relevant that the site was considered as part of the reporting to the former Ashfield Council on the exhibition of the Draft Ashfield LEP 2012. At the time the site owners requested Council to reconsider the Land Use Zoning and Development Standards. Council resolved to receive a future Planning Proposal that would put forward suitable amendments for Council to consider.

The applicant advises:

The Planning Proposal has resulted from a recommendation of the former Ashfield Council following the exhibition of the Draft Ashfield LEP 2013. As part of the transition to the standard instrument, the Ashfield LEP 2013 zoned the site SP2 Infrastructure (Railway). A submission was made by the owner of the subject site during this transition process to rezone the western allotment. During the preparation of the LEP, the Council resolved to revisit the sites redundant zoning as a separate process, prompting the preparation of this Planning Proposal. The resolution stated, inter alia:

“No change is recommended to the Draft LEP at this time. However, the request can be considered as part of an amendment to a future 2013 Ashfield LEP subject to a planning proposal application with adequate detail and justification being submitted for any variation to FSR.”

In addition, the proposed rezoning from SP2 to B4 is compatible with the Ashfield Council Urban Planning Strategy for that area and matches the zoning of adjacent sites within the former Marrickville LGA.

Question 2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, implementation of the objectives and intended outcomes requires amendments to the Land Use zonings and Development Standards of the Ashfield LEP 2013.

The Planning Proposal facilitates the site specific changes to planning controls that have been requested without compromising the integrity of the Ashfield LEP 2013.

Section B - Relationship to Strategic Planning Framework

Question 3 - Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria

3a Does the proposal have strategic merit? Is it:

Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or

Response:

- (I)** Directions for a Greater Sydney (July 2017) . The Directions include the following:
1. A city supported by infrastructure;
 2. A collaborative city;
 3. A city for people;
 4. Housing the city;
 5. A city of great places;
 6. A well connected city;
 7. Jobs and skills for the city;
 8. A city in its landscape;
 9. An efficient city;
 10. A resilient city.

The Proposal is consistent with the Directions for a Greater Sydney, including “Housing the City”.

The Gateway Determination requires a response to the Draft Greater Region Plan 2017, noting this has now been superseded, the Proposal complies with that document.

In accordance with the Environmental Planning and Assessment Act as amended in March 2018, the following Greater Sydney Regional Plan and District Plan apply:

(ii) Greater Sydney Region Plan: “A Metropolis of Three Cities” (18 March 2018)

The Proposal is consistent with the Plan including the following Parts.

Part 4 – Liveability Housing the city	
Objective 10 - Greater Housing Supply	The proposal will provide more housing supply, in the established McGill Street precinct growth area.
Objective 11- Housing is Diverse and Affordable	A separate Voluntary Planning Agreement is proposed for provision of affordable dwellings. There will also be opportunities for a mix apartment sizes including studios or one bedroom apartments.
A city of great places	
Objective 12- Great places that bring people together	<p>The proposal’s development standards are:</p> <ul style="list-style-type: none"> - Compatible in height with the building at 120B Old Canterbury Road and being of an equal number of storeys relative to Old Canterbury Road. - Via a site specific Development Control Plan, will be able to accommodate a floor space ratio which is contained within building envelopes that provide 2hrs winter solar access to apartments 120B Old Canterbury Road. <p>The Planning Proposal creates potential to provide a linkage to the Greenway corridor, and linkage from Old Canterbury Road, as demonstrated in the illustrative Design Concept and reinforced in the site specific Development Control Plan. It will also provide surveillance of the Greenway corridor and surrounding public areas improving public safety.</p>
Part 5 – Productivity A well connected city	
Objective 14- Integrated land use and transport creates walkable and 30-minute cities	<p>The proposal is within:</p> <ul style="list-style-type: none"> - Close vicinity to the Lewisham light rail station and Lewisham train station. - 10 -15 minutes walk to the Summer Hill shopping centre - Nearby local public primary and high schools - 20 minutes walking distance of local parks.
Jobs and Skills for the city	
Objective 23 Industrial and urban services land is planned, retained and managed	The site does not have any land used for any substantial “industrial” or “urban services” land uses that would be removed, and so does not compromise this objective.

Part 6 Sustainability A city in its landscape	
Objective 28 – Scenic and Cultural Landscapes are protected	The site is parallel to the Greenway corridor. It creates potential to provide a linkage from McGill Street to the Greenway corridor, and linkage from Old Canterbury Road, as demonstrated in the illustrative Design Concept and reinforced in the site specific Development Control Plan. The Greenway corridor is part on the Eastern District's "Green Grid" indicated in the E17 of the District Plan.
Objective 31 Public Open Space is accessible, protected and enhanced, and	
Objective 32 .The Green Grid links paths, open spaces, bushland, and walking and cycling paths.	

In accordance with the amendments to the Environmental Planning and Assessment Act in March 2018, the following District Plan applies:

(iii) District Plan: "Eastern City District Plan" (18 March 2018)

The Proposal is consistent with the Plan including the following Parts.

Part 3 - Liveability	
Planning Priority E5. Providing housing supply, choice and affordability with access to jobs, services and public transport.	The proposal will provide more housing supply, in the established McGill Street precinct growth area.
Objective 11- Housing is Diverse and Affordable	A separate Voluntary Planning Agreement is proposed for provision of affordable dwellings. There will also be opportunities for a mix apartment sizes including studios or one bedroom apartments.

Part 4 Productivity	
Planning Priority E10 Delivering integrated land use and transport planning and a 30 minute city	The proposal is within: <ul style="list-style-type: none"> - Close vicinity to the Lewisham light rail station and Lewisham train station. - 10 -15 minutes walk to the Summer Hill shopping centre - Nearby local public primary and high schools - 20 minutes walking distance of local parks.

Part 5 Sustainability	
Planning Priority E16 – Protecting and enhancing scenic landscapes	The proposal has potential to contribute connectivity to the Eastern Districts Green Grid network identified in Figure 1 of Planning Priority E17 as part of the Greenway corridor.
Planning Priority E17	
Increasing urban tree canopy cover and delivering Green Grid Connections	

Consistent with a relevant local council strategy that has been endorsed by the Department; or

Response:

The Ashfield Urban Planning Strategy 2010 was approved by the Department of Planning and the B4 land use proposed for the western allotment is consistent with that Strategy since it mirrors the adjacent eastern portion land zoning.

- ***Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.***

Response:

The Planning Proposal seeks to address a change of circumstances, being that the existing SP2 Infrastructure use of the western portion of the site is now redundant, that the State Government transferred ownership chose to dispose of the land to a privately owned company, and that a new land use is required to enable orderly development of the site.

- ***There will be a presumption against a rezoning review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.***

Response:

The Ashfield LEP was gazetted in Dec 2013, and is less than 5 years old. The Planning Proposal can be considered given that Council (former Ashfield Council) resolved in 2013 to receive a future Planning Proposal that would put forward suitable amendments to the Ashfield LEP 2013. The Planning Proposal also seeks to address a change of circumstances, being that the SP2 Infrastructure use of the western portion of the site is now redundant, and a new land use is required to enable orderly development of the site.

Question 3b. Does the proposal have site-specific merit, having regard to the following:

- ***the natural environment (including known significant environmental values, resources or hazards) and***

Response:

*The site is subject to flooding and this is discussed in **Annexure B** dealing with Ministerial Directions, and which references a detailed report contained in **Annexure F**. A SEPP 55 Contamination Report is contained in **Annexure G**.*

- ***the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and***

Response:

The site has no significant building and is mostly unused at the present.

There will be an affectation to the existing apartments at 120B Old Canterbury Road, and future apartments under construction at 12 McGill Street, in terms of ensuring they receive adequate levels of solar access, and that there is adequate building separation. The Design concept demonstrates that it is possible to have building envelopes which will provide minimum winter solar access and adequate building separation in accordance with the Apartment Design Guide (SEPP 65), and that this generally corresponds with the proposed Maximum Floor Space Ratio.

- ***the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.***

Response:

There are existing water and sewerage services, and roadways for vehicular access. There are nearby primary and high schools, and public transport including bus and rail.

The applicant advises:

The proposal appropriately responds to the existing natural environment of the site, including constraints relating to flooding. This is expanded upon in the consideration of Section 9.1 directions. The existing and likely future uses of land in the vicinity of the proposal has been one of the major factors for the planning proposal, with the proposed rezoning and development standards consistent with surrounding land uses and scale of development. This is demonstrated in the Concept Architectural Plans prepared by Fox Johnson Architects and discussed further in Section 8 of this report. As noted, the proposal is in close proximity to existing light and heavy rail stations, with these facilities available to meet the transport demands arising from the proposal whilst financial arrangements for infrastructure provision are discussed in Section 2.3 of this report.

Question 4 - Is the planning proposal consistent with Council's local strategy or other local strategic plan?

The Ashfield Urban Planning Strategy sets a B4- Mixed Use land use zoning for the Edward Street area near the site, this is reflected in the Ashfield LEP 2013 for the easterly portion of the site which has a B4 zoning. Rezoning of the westerly lot to a B4 land use zoning is therefore consistent with this strategy.

With regard to contextual considerations and the maximum proposed building height, the site is adjacent to properties found in the area for the former Marrickville LGA which are affected by the following: The Marrickville Development Control Plan (DCP) 2011, Part 9.45 – McGill Street, limits building height in this part of Old Canterbury Road to 5 storeys, (that DCP technically does not apply to 120C Old Canterbury Road which is in the former Ashfield LGA). However a precedent for maximum building height has been set with the construction of 120B Old Canterbury road which has established a 6 storey scale, with the 6th storey having a building setback to Old Canterbury Road so as to present visually a 5 storey form along the road.

The applicant advises: *Yes. The Ashfield LEP 2013 has been informed by the Ashfield Urban Planning Strategy which was adopted by Council on 28 September 2010. The site is located in close proximity to the Allied Mills site which is identified as a key urban renewal site. In addition, the location of the subject site adjacent to the existing Light Rail line and proposed location of the Cooks River Greenway provides a highly connected strategic location.*

It is proposed that part of the northern portion of the site could form a pocket park adjacent to the greenway, whilst connections through to the greenway through the site would also be facilitated, in accordance with Council's Draft Greenway Program of May 2017 (see Architectural Drawings separately submitted).

The area to the west of the subject site is also identified as key employment land in the Ashfield Urban Planning Strategy. In our opinion, the proposed consistent application of a B4 Mixed Use zoning will provide additional employment opportunities, satisfying the intent of the Ashfield Urban Planning Strategy.

Question 5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies (SEPPs) that apply to the subject site which are listed in **Annexure A** where their relationship with the Planning Proposal is discussed, and the Planning Proposal is found to be consistent. This includes responding to State Environmental Planning Policy no 55 as required by the Gateway Determination.

Question 6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

There are a number of Section 9.1 directions that apply to the subject site which are listed in **Annexure B** where their relationship with the Planning Proposal is explained. The Proposal is found to be consistent with the Directions, except for :

The Proposal is inconsistent with direction "4.3- Flood Prone Land". The requirements of this Direction are explained in **Annexure B**. It explains that a Flood Risk Assessment Report (**Annexure F**) has been provided, assessed by Council Engineers and the Department of Planning and Environment, and is considered that the inconsistency is of "minor significance".

Section C - Environmental, Social and Economic Impact

Question 7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely

affected as a result of the proposal?

No. The subject site is within an established urban area and is not identified as having any ecological significance. An assessment of the environmental impacts of any future development of the site would be undertaken at development application stage.

Question 8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal will not result in any environmental impacts. Any impacts associated with the future redevelopment of the site would be considered at development application stage.

Question 9 - Has the planning proposal adequately addressed any social and economic effects?

The planning proposal would have a positive social impact in terms of providing more housing, including the potential for affordable housing in accordance with Council's Affordable Housing Policy.

The proposal will not have any adverse economic impacts-effects.

The applicant has advised:

It is our opinion that the proposal would have a positive social and economic impact. As outlined, rezoning the subject site would allow for its orderly development in accordance with the provisions of the Environmental Planning and Assessment Act 1979 as well as relevant Local and State planning policies and strategies.

Section D - State and Commonwealth Interests***Question 10 - Is there adequate public infrastructure for the planning proposal?***

The site has restricted vehicular access, with the main part of the site being approx. 7.5 - 8 metres below Old Canterbury Road.

The site relies for vehicular access on laneway on the property at 120B Old Canterbury Road, where the site owner advises he has a Right of Way enabling use of the laneway. There is a bridge structure constructed between the laneway and the site, which spans over the canal zone separating the two properties.

The applicant advises:

The subject site is currently serviced with adequate water, sewer and electricity infrastructure to service any future development. Furthermore, the proposal is located within close proximity to a variety of public transport connections including the bus network operating along Old Canterbury Road, Lewisham Railway Station and Lewisham West Light Rail Station. These would increase the transport sustainability of the proposal.

Question 11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

In accordance with the Gateway Determination, the following public authorities are to be consulted.

- Transport for New South Wales
- Sydney Water
- NSW Roads and Maritime Services
- Office of Environment and Heritage

7.4 Part 4 – Mapping

In order to give effect to the planning proposal, a number of mapping amendments are required which are contained in **Annexure E** and summarised in **Table 1**.

TABLE 1: PROPOSED MAPPING AMENDMENTS TO ASHFIELD LEP 2013	
Ashfield LEP Map Sheet Number	Proposed Amendments
Land Zoning Map Sheet LZN_002	Rezone the western portion of No. 120C Old Canterbury Road from SP2 Rail Infrastructure to B4 Mixed Use. The eastern portion will remain unaltered as B4 Mixed Use.
Height of Buildings Map Sheet HOB_002	Apply a Maximum Height of Building of RL 38.0 to the entire subject site.
Floor Space Ratio Map Sheet FSR_002	Apply a Maximum Floor Space Ratio of 2.50:1 to the entire subject site.

7.5 Part 5 – Community Consultation

The requirements for community consultation have been determined by the Gateway Determination issued by the NSW DoPE.

The Planning Proposal is to be exhibited by Council for a minimum of 4 weeks.

8.0 ADDITIONAL INFORMATION

Parts 8.1- 8.8 below, pages 29 to 42, consist of additional comments provided by the applicant's town planner in the Planning Proposal version as considered by Council in 2017. They include extracts of the Design Concept version from 2017 for illustrative purposes.

The applicant advises:

In our view, there are a number of compelling planning reasons to support the subject being considered for rezoning and associated planning control changes. The reasons include the following:

1. *Redundancy of Special Use Zone;*

2. *Consistency with the current Marrickville Planning Controls;*
3. *Consistency of FSR with Height Limit*
4. *Character and Context;*
5. *Site Suitability.*

These will now be discussed below.

8.1 Redundancy of Special Use Zone

The western portion of the subject site has been sold by Transport for NSW and has been in private ownership since around 2009. On this basis, the SP2 Infrastructure Zone is redundant.

Rezoning the site from SP2 Infrastructure to B4 Mixed Use can predominately be justified on the basis of the change of ownership. As outlined, the site is located on the western portion of the site, adjoins railway tracks and was previously owned by Transport for NSW. This particular site has been purchased outright by our clients who intend to amalgamate the lot with Lot 100 DP 875660 to the east. As the western allotment is now in freehold private ownership, an infrastructure zoning is inappropriate. The deed of release from Rail Corporation New South Wales for the previously held easement is attached as Annexure C.

As both lots will now be under the same ownership, a rezoning to provide consistency between planning controls is considered appropriate. The proposed rezoning, and application of FSR and height controls, which will be discussed below, will encourage further development to revitalise an important area in the LGA.

8.2 Consistency with Current Marrickville Planning Controls

As stated, the access handle is located in the former Marrickville LGA and subject to the Marrickville LEP 2011 and Marrickville DCP 2011. Marrickville Council has gazetted planning controls which upzone and increase the density of properties surrounding the access handle and the subject site.

More importantly, No. 120 and 120B Old Canterbury Road have both been prescribed a height limit of 20m and a maximum FSR of 3:1. These sites are also identified as Key Sites and their redevelopment for the purposes of a six storey mixed use development has recently been completed. As will be discussed, the area surrounding the subject site is currently undergoing significant revitalisation.

8.3 Consistency of FSR with Height Limit

The Ashfield LEP applies a height limit of 20 metres to the eastern portion of the subject site however applies only a 1:1 FSR. It is our submission that a 1:1 FSR for a site with a height limit of 20 metres is a planning anomaly and this should be revised. This will provide consistent built form and height along Old Canterbury Road and result in a high quality urban design outcome.

8.4 Character and Context

The surrounding development comprises predominately new residential flat buildings with some mixed-use buildings comprising commercial uses on lower floors. A small number of existing industrial uses are also still prevalent. Low density

housing is located further to the east and south.

As previously indicated, the site is in close proximity to a number of approved and proposed Major Projects. These include the Allied Mills Site; Lewisham Estate and the Inner West Light Rail.

The Allied Mills Site is located on the opposite side of the light rail track to the west and comprises approximately 380 new dwellings; 3,500 – 4,000m² of commercial space; 450 – 500 car parking spaces and 8,400m² of public open space.

The Lewisham Estate is located approximately 100m north east of the subject site. This project includes seven multi-storey towers ranging from four to ten storeys, with 314 dwellings and 113m² of retail space.

Construction of the Inner West Light Rail extension is completed and has been operating since March 2014. The extension provides light rail access from Dulwich Hill to the City via Lilyfield. The aim of the project is to accommodate for increased patronage as a result of the Metropolitan Strategy and various housing targets set out by the Department of Planning. Undoubtedly, the addition of public transportation and increased convenience to the CBD will attract a greater number of people to the locality.

As the site is in close proximity to a number of mixed use buildings, it is likely to form a nodal point for the area. A number of properties in the vicinity of the area have been approved for redevelopment. These are shown in Figure 8 and detailed in Table 2 on the following page. Images of these redevelopments are shown in Photographs 12 to 22 on pages 21-26.



Figure 8: Proximity of Approved Mixed Use Buildings
(refer to Table 2 for detailed information of each site)

	Property Address	Status	Description
A	Allied Mills Site – Nos. 2-32 Smith Street	Approved DoP 7 December 2012	Masterplan approval for 360 dwellings and up to 33,500m ² GFA; 4,000m ² of commercial floor space; 2,500m ² of retail floor space
B	Meriton Site – Nos. 78-90 Old Canterbury Road	Approved 22 December 2014, multiple s96 modifications have followed	7 multi-storey buildings, between 4 & 10 storeys, over 2 levels of basement car parking, containing 314 dwellings
C	Nos. 4-12 McGill Street	Approved JRPP 28 July 2016	6 storey building fronting McGill Street and a 5 storey building fronting the light rail line containing a total of 80 dwellings and 1 commercial tenancy
D	No. 14 McGill Street	Approved LEC, Multiple s96 modifications under assessment	7 storey residential flat building containing 65 dwellings with 4 basement car parking levels
E	Nos. 120A & 120B Old Canterbury Road	Approved 13 February 2013	6 storey mixed use development, nearing completion
F	Nos. 1-5 McGill Street and Nos. 102-106 Old Canterbury Road	Deferred commencement consent granted 15 April 2015	5 storey mixed use development consisting of 55 apartments across 3 towers
G	Nos. 7-15 McGill Street	Approved 13 May 2015	6 storey residential flat building consisting of 42 units
H	Nos. 17-21 McGill Street and Nos. 114-116 Old Canterbury Road	Deferred commencement consent granted 11 December 2014	6 storey residential flat building and 5 storey mixed use building resulting in a total of 39 units
I	No. 118 Old Canterbury Road	Approved 11 December 2013	5 storey mixed use development consisting of 21 units
J	No. 46 Edward Street	Approved 23 February 2016	4 storey residential flat building comprising 25 units

In addition to the images and montages contained in this section, supplementary photographs of development that has already occurred in the area are attached at Annexure D.



Photograph 12: A – Photomontage of former Allied Mills site at Nos. 2-32 Smith Street
Source: www.domain.com.au



Photograph 13: A – Photomontage of former Allied Mills site at Nos. 2-32 Smith Street
Source: www.domain.com.au



Photograph 14: A – Photomontage of former Allied Mills site at Nos. 2-32 Smith Street



Photograph 15: B – Photomontage of Nos. 78-90 Old Canterbury Road



Photograph 16: B – Photomontage of Nos. 78-90 Old Canterbury Road
Source: Meriton



Photograph 17: C – Photomontage of Nos. 4-12 McGill Street
Source: Tony Owen Partners



Photograph 18: D – Photomontage of No. 14 McGill Street
Source: www.domain.com.au



Photograph 19: E - Photomontage of Nos. 120A & 120B Old Canterbury Road
Source: Tony Owen Partners



Photograph 20: F - Photomontage of Nos. 1-5 McGill Street
Source: Binyan Studio



Photograph 21: G - Photomontage of Nos. 7-15 McGill Street
Source: Chanine Design



Photograph 22: H - Photomontage of Nos. 17-21 McGill Street
Source: Binyan Studio



Photograph 23: I - Photomontage of No. 46 Edward Street
Source: Town Owen Partners

It is also noted that B4 Zoned sites on Edward Street, in close proximity to the subject site, currently have an FSR of 1.5:1 under the Ashfield LEP 2013.

On this basis, the proposed rezoning, height limit and increase in density is, in our opinion appropriate for the subject site.

8.5 Site Suitability

The subject site has a total area of 1,956.8m², excluding the right of way. By virtue of its size, the subject site provides greater development potential in terms of site layout (see Figure 10 below and Figure 11 on the following page).

It is considered that zoning the entire site to B4 Mixed Use, applying a height limit of RL 38.0 and increasing the FSR to 2.5:1 will ensure that future developments provide an appropriate contextual fit with the other projects to the west and north of the subject site.

In addition, as there is a 7.52m fall from Old Canterbury Road to the mid-section of the subject site, an increase in density and height would be appropriate for the area. Any proposed development is likely to respond to the topography and not present as overly bulky in the streetscape.

Also as indicated, the subject site is in close proximity to public transport and established infrastructure and services. Increasing the density of this site is consistent with the Metropolitan, Subregional, local and masterplan Strategies and promotes sustainable and public transport oriented development. Changes to the planning controls for the subject site will provide additional housing in a transition area which will become a transport hub for the inner west.

Section 5 of The Environmental Planning and Assessment Act 1979 provides the objectives for the Act, which is stated, inter alia:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities,

towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
(ii) the promotion and co-ordination of the orderly and economic use and development of land,

The proposed planning control changes to the subject land will create a redevelopment site that is a more economic use of the land. A redevelopment site with higher densities will provide additional employment floor space close to public transportation and services. This will have social, economic, community and environmental benefits, which will assist Council in satisfying the objectives of the Metropolitan, Subregional Strategy, Urban Strategy and the Environmental Planning and Assessment Act.

Detailed modelling has been undertaken by Fox Johnston Architects for the subject site to determine an appropriate height and density. As indicated, this includes careful consideration of Apartment Design Guide compliance including separation distances and solar access to adjoining properties. This has resulted in a concept envelope with a maximum RL of 38.0 to Canterbury Road, stepping down to an RL of 31.8 at the northern end of the site (see Figures 9 to 14 on the following pages).

The subject site is adjacent to the existing Light Rail line and proposed location of the Cooks River Greenway. This is a highly connected strategic location. It is proposed provide a public benefit via the creation of a through site link to the greenway. It is proposed that part of the northern portion of the site could form a pocket park adjacent to the greenway, whilst connections through to the greenway through the site would also be facilitated, in accordance with Council's Draft Greenway Program of May 2017 (see Architectural Drawings separately submitted).

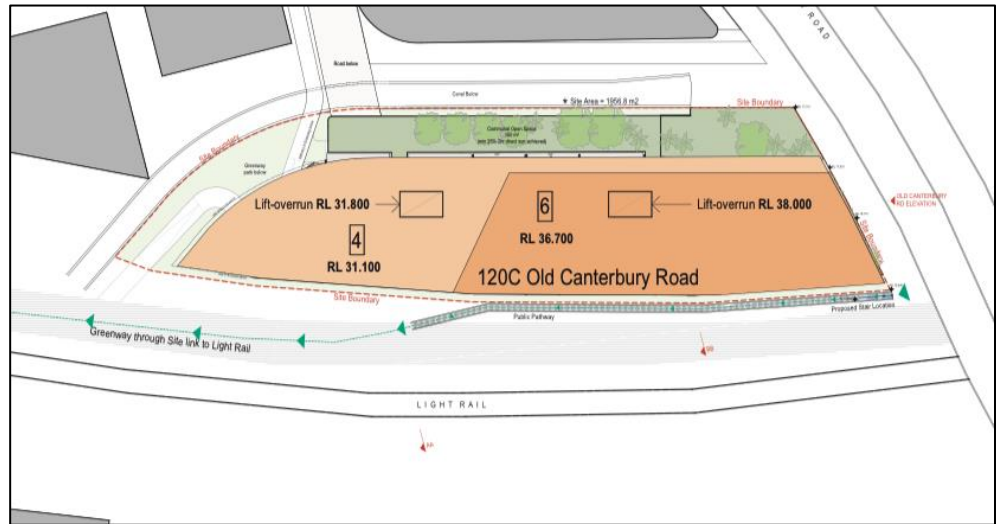


Figure 9: Indicative Building Footprint

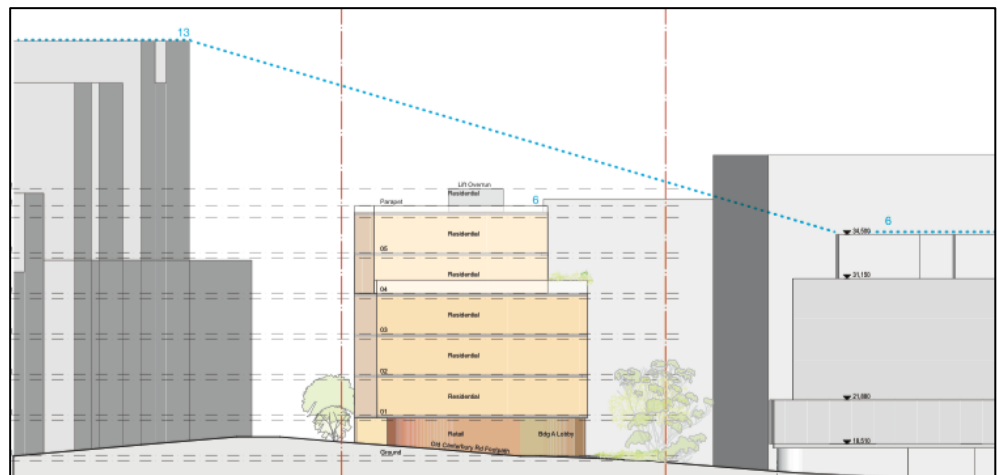


Figure 10: Indicative Elevation Viewed from Old Canterbury Rd
(Note Separation Distances and Step Down)

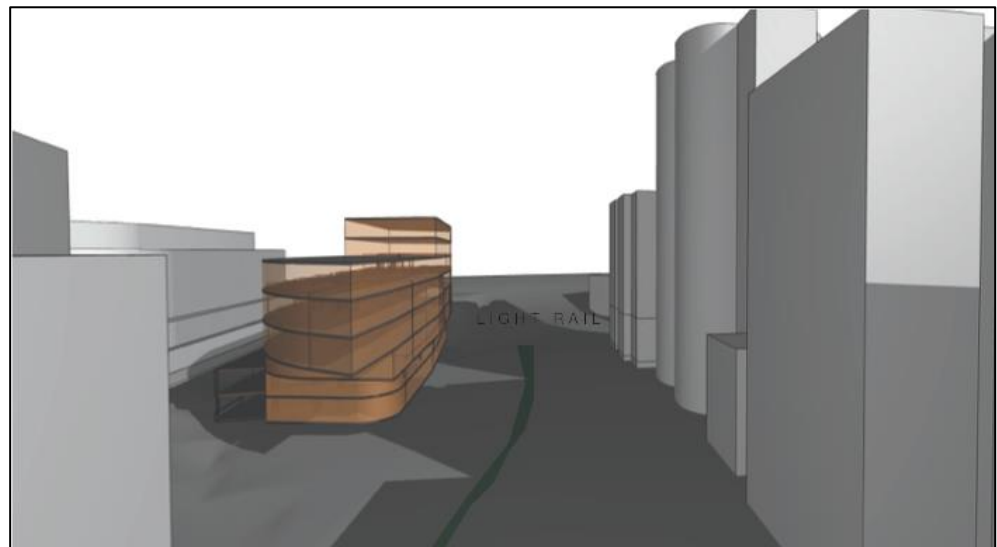


Figure 11: Building Envelope Viewed Light Rail Corridor (Rear)
(Note Separation Distances and Step Down to Rear)

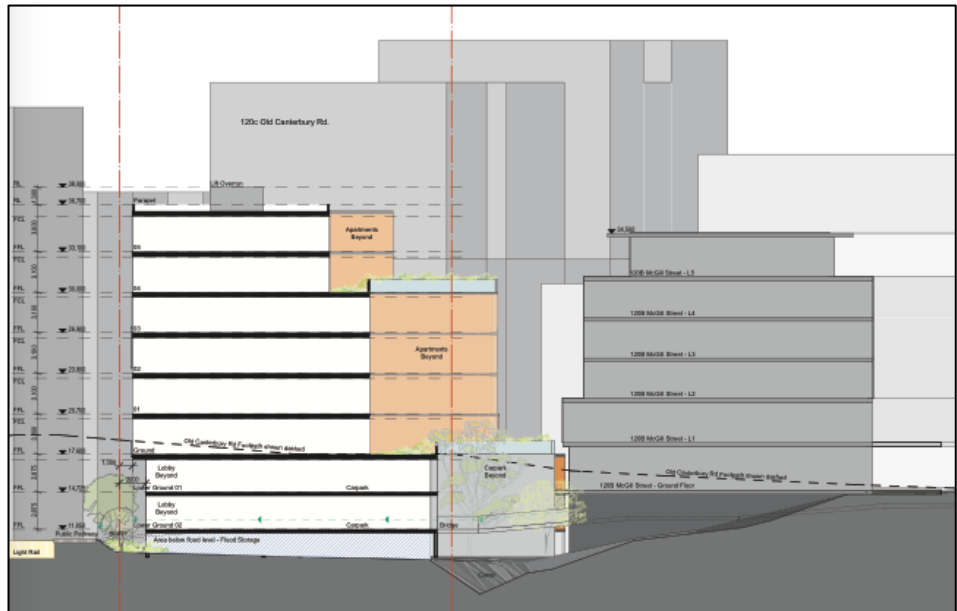


Figure 12: Indicative Section Through Building Massed to Old Canterbury Rd

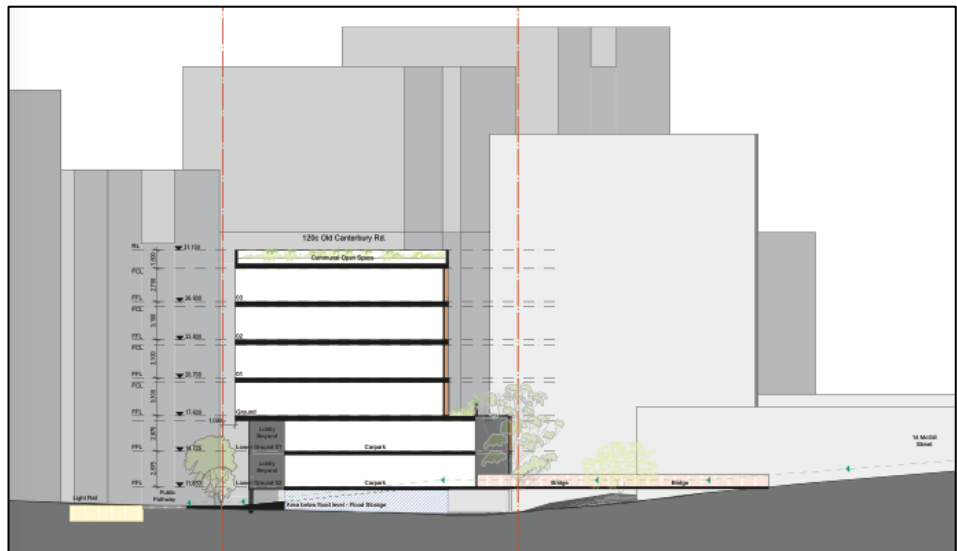


Figure 13: Indicative Section Through Northern End of Site



Figure 14: Indicative Photomontage from Old Canterbury Rd

8.6 Consideration of Architectural Excellence Panel Report

The Planning Proposal was referred to Council's AEP who undertook a site inspection on the 6 June 2017. The AEP report was received on 19 June 2017 and has made a number of recommendations which will be briefly considered below:

Urban Design Study

An assessment of the Urban Design issues in the locality has been undertaken by Fox Johnston architects and is separately submitted. As outlined throughout this report, the area has been subject to significant development activity in recent years and the subject site is now anomalous in the context of the surrounding area. The urban design study that has been prepared draws on the following key aspects:

- Providing ADG compliant solar access to neighbouring developments (including the childcare centre) and the subject site;
- Transitioning from higher western buildings to the six storey zone to the east;
- Providing a public connection to the greenway;
- Ensuring high quality façade treatment to the greenway; and
- Maintaining the street setback alignment.

As shown in the 3D Perspective below, which models the approved and constructed built forms in the locality, the proposal is clearly in context with the surrounding development pattern (see Figure 15).

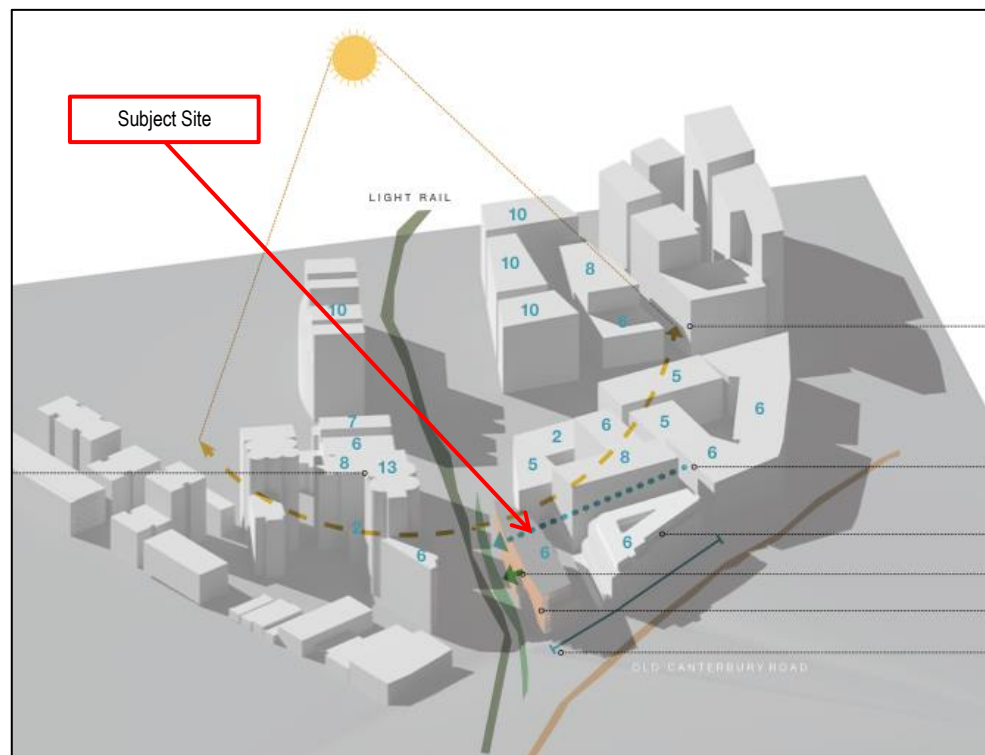


Figure 15: 3D Perspective of Urban Design Study Showing the Subject Site and the Surrounding Context

Public Benefit

Discussions have been held with Council Officers throughout the process in relation to a public benefit contribution to the GreenWay. This is discussed in detail in

Section 2 and includes construction of a stair link and public access to the secondary greenway shared path, a landscaped through site link and a monetary contribution to works.

Rail Corridor Setback and Building Treatment

The setbacks adopted from the rail corridor are based on advice from Sydney Trains and discussions with Council. As the proposal is only at rezoning stage, detailed design of this façade interface should not yet be required. This matter can be dealt with via a site specific DCP at a later stage and would be required to form part of a detailed DA documentation and VPA material. Fox Johnston are award winning architects with significant experience designing buildings to respond to highly challenging sites and they will be well placed to deliver an interface that responds to the various challenges.

Building Height

The building height has been carefully tested in terms of solar access to nearby properties and for consistency with the emerging development pattern in the locality. As set out in the urban design statement prepared by Fox Johnston architects, the revised built form (being 3 storeys lower than the original proposal) is appropriate for the subject site.

Building Separation and Alignment to Old Canterbury Rd

The panel's support of the building separations adopted and the intention to align as closely as possible to Old Canterbury Road (subject to challenging topography) is noted.

Floor Space Ratio

As indicated, the floor space ratio adopted for both the original and revised scheme is based on the methodology set out in the ADG and the ability to provide ADG compliant solar access and separation to nearby properties.

Site Specific DCP

The preparation of a site specific DCP has been foreshadowed by Council as being required at a later stage of the proposal and our clients have expressed their willingness to undertake this exercise at that time.

8.7 Car Parking Considerations and Layout

The amended concept drawings include a potential car parking layout for the subject site. As a result of the site's flooding constraints, car parking has been designed to be above flood level. This results in two car parking levels above the minimum flooding level.

The concept design results in a yield of 62 units and under the Ashfield DCP, this requires 73 car parking spaces. The proposal includes 63 spaces and therefore against the DCP controls has a shortfall of 10 spaces.

Firstly, the rate of parking required by the Ashfield DCP is unusually high, the Marrickville DCP (which applies to the McGill St properties) has a lower rate of provision and would only require 59 spaces (including retail and excluding accessible spaces) for the concept scheme. The proposal is therefore close to complying with this requirement.

The site is located within very close proximity of the Lewisham Light Rail stop. Objective 3J-1 of the Apartment Design Guide indicates that developments within 800m of a light rail stop can adopt the relevant parking rate of provision from the RMS Guide to Traffic Generating Developments.

The RMS guide requires 52 parking spaces for the residential component of the current scheme. There is no rate in RMS guide applicable for proposed retail. The Ashfield DCP gives retail rate of 1 space per 40m² and based on the 92m² in the concept scheme, this would result in a requirement of 2.3 spaces. The parking requirement based on RMS for units and Ashfield DCP for retail is 54 spaces and the scheme complies.

8.8 Conclusion

In conclusion, it is our opinion that there is compelling planning reason to support the following amendments to the Ashfield LEP 2013:

- Rezoning of Lot 1 DP 817359 from SP2 Infrastructure to B4 Mixed Use to apply a consistent zoning to the entirety of No.120C Old Canterbury Road;
- Application of a maximum building height to RL 38.0 to the entire site; and
- Application of an FSR of 2.5:1 to the entire site.

As outlined, this Planning Proposal has been prepared in accordance with the DoPE Guidelines and is consistent with the considerations contained therein. The proposal is consistent with the draft Metropolitan Strategy, the Central Sub-Regional Strategy and also the local Urban Planning Strategy.

Making the requested amendments to the Ashfield LEP would provide the potential for additional housing to be provided close to public transport. This will support the completed Inner West Light Rail and proposed redevelopment of the Allied Mills site in close proximity.

Accordingly, for the above reasons, we consider a consistent application of the B4 – Mixed Use Zone with a maximum building height limit to RL 38.0 and an FSR increase to 2.5:1 to be justified and appropriate on the subject site from a planning point of view.

The proposal will provide a public benefit by facilitating a through site link to the GreenWay which runs adjacent to the site and the Light Rail. The detail of the link would be finalised as part of detailed design however, a potential linkage is shown on the architectural drawings prepared by Fox Johnston and separately submitted.

ANNEXURES FOLLOW

ANNEXURE A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

SEPP	APPLIES/COMMENTS
SEPP No 1—Development Standards	Not Applicable Ashfield LEP 2013 is a Standard Instrument Format and includes Clause 4.6 Exception to Development Standards
SEPP No 19—Bushland in Urban Areas	Applies, however not relevant in this instance as subject site does not have bushland nor is it zoned for public open space
SEPP No 21—Caravan Parks	Applies, however not relevant in this instance as a Caravan Park is not proposed
SEPP No 30—Intensive Agriculture	Applies, however not relevant in this instance as intensive agriculture is not proposed
SEPP No 33—Hazardous and Offensive Development	Applies –proposed development is unlikely to be considered hazardous or offensive, therefore not relevant
SEPP No 36—Manufactured Home Estates	Not Applicable
SEPP No 44—Koala Habitat Protection	Not Applicable
SEPP No 47—Moore Park Showground	Not Applicable
SEPP No 50—Canal Estate Development	Applies however not relevant in this instance as Canal development is not proposed
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 55—Remediation of Land	Applies. A Phase 1 assessment report is included in Annexure G produced in accordance with the Land Contamination Guidelines. There has not been contamination found that would affect the progress of the Planning Proposal.
SEPP No 62—Sustainable Aquaculture	Not Applicable
SEPP No 64—Advertising and Signage	Applies - Matter for consideration at the time of any Signage DA
SEPP No 65—Design Quality of Residential Flat Development	Applies. A design concept has been submitted with the resultant design demonstrating the capability to comply with SEPP 65 Principles. Refer to Design Concept at Annexure H .
SEPP No 70—Affordable Housing (Revised Schemes)	Applies as at 2018, however not relevant as the required scheme has not been provided by Council.
SEPP (Affordable Rental Housing) 2009	Applies – would be addressed at DA Stage
SEPP (Building Sustainability Index: BASIX) 2004	Applies – would be addressed at DA Stage
SEPP (Educational Establishments and Child Care Facilities) 2017	Applies – matter for consideration at DA stage.
SEPP (Exempt and Complying Development Codes) 2008	Applies, however not relevant for Planning Proposal stage.
SEPP (Housing for Seniors or People with a Disability) 2004	Applies, however not relevant for Planning Proposal stage, seniors housing is not proposed.
SEPP (Infrastructure) 2007	Applies – Cl. 85 and Cl. 86 would be considered at a DA Stage due to the proximity

	to the railway corridor. Cl. 101 and Cl. 102 would also need to be considered as the subject site fronts a classified road.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applies, however not relevant as mining, petroleum production or extractive industries are not proposed uses of the site
SEPP (Miscellaneous Consent Provisions) 2007	Applies, may be relevant for temporary structures
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Three Ports) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (Urban Renewal) 2010	Applies, however not relevant as subject is not within an identified precinct
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable
SEPP (Vegetation in Non –Rural Areas) 2017	Applies but there is no significant vegetation that would be affected.
Regional Environmental Plans – Deemed SEPPS	
SREP (Sydney Harbour Catchment) 2005	Applies to the subject site, will be dealt with further at DA Stage.
SREP No 8 - Central Coast Plateau Areas	Not Applicable
SREP No 9 - Extractive Industry (No 2 – 1995)	Not Applicable
SREP No 16 - Walsh Bay	Not Applicable
SREP No 18 - Public Transport Corridors	Not Applicable
SREP No 19 - Rouse Hill Development Area	Not Applicable
SREP No 24 - Homebush Bay Area	Not Applicable
SREP No 26 - City West	Not Applicable
SREP No 30 - St Marys	Not Applicable
SREP No 33 - Cooks Cove	Not Applicable

ANNEXURE B: CONSIDERATION OF SECTION 9.1 DIRECTIONS OF EPA ACT 1979

These are Directions issued by the Minister of Planning to Planning Proposal Authorities under Section 9.1 of the EPA Act 1979.

SECTION 9.1 DIRECTIONS	APPLICABLE/NOT APPLICABLE
1. Employment Resources	
1.1 Business and Industrial Zones	Applicable (see A1.0) Refer to Part B 1.0 below for an explanation of how the Proposal is affected.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Applicable The land affected by this proposal is adequately serviced, and will increase permissible residential density.
3.2 Caravan Parks and Manufactured homes Estates	Not Applicable
3.3 Home Occupations	Not Applicable
3.4 Integrating Land Use and transport	Applicable (see A2.0)
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Applicable Refer to Part B.4 below and Annexure F containing a Flood Risk Assessment Report which explains that the proposal is not consistent with this Direction but this is of minor significance.
4.4 Planning for Bushfire Protection	Not Applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not Applicable
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance of the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable

5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
5.10 Implementation of Regional Plans	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Applicable – Proposal is consistent with Direction.
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	Not Applicable
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Not Applicable The Environmental Planning and Assessment Act as amended March 2018 makes no reference to this Plan. If the Plan were in effect the Proposal is in compliance with the objectives of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.	Not Applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.	Not Applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable

CONSIDERATION OF SPECIFIC MINISTERIAL DIRECTIONS

B 1.0 - Direction 1.1 – Business and Industrial Zones

This direction applies to all planning proposals that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial protection zone boundary). The objectives of this direction are stated, inter alia:

- (a) *Encourage employment growth in suitable locations,*
- (b) *Protect employment land in business and industrial zones, and*
- (c) *Support the viability of identified strategic centres.*

The proposal is consistent with the objectives of Direction 1.1 – Business and Industrial Zones as it will provide the potential for additional employment opportunities will not reduce or remove business lands and will support the viability of strategic centres identified in the Metropolitan Plan for Sydney 2031 through the provision of business lands.

In this particular instance, the relevant planning authority must be consistent with the direction, and therefore, a planning proposal must:

- (a) *Retain the areas and locations of existing business and industrial zones,*
- (b) *Not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (c) *Not reduce the total potential floor space area for industrial uses in industrial zones, and*

The proposed change in land use for the subject site to B4 Mixed Use will allow for the provision of more business land, whilst retaining the existing B4 zone on the eastern part of the site. The proposal demonstrates there will be no reductions in business land; instead the potential floor space for employment uses will be increased. The planning

proposal will not impact the provision of industrial land throughout the LGA. The planning proposal has considered the amended planning controls against relevant state and local planning strategies and has determined it to be consistent with the relevant aims and objectives. In summary, the proposal is consistent with this Direction.

B2.0 - Direction 3.4 – Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated, inter alia:

- (a) *Improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) *Increasing the choice of available transport and reducing dependence on cars, and*
- (c) *Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) *Supporting the efficient and viable operation of public transport services, and*
- (e) *Providing for the efficient movement of freight.*

The proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport. Lewisham West Light Rail Station, opened in 2014, is adjacent to the subject site. Lewisham Rail Station is located within walking distance of the site whilst bus services are easily accessible along Old Canterbury Road. The site's accessibility to a variety of public transport options satisfies the objectives of the direction as it reduces the dependence on cars. In addition, the provision of business lands will improve access to jobs and services through the maximisation of public transport use. The proposal is consistent with this direction.

B3.0 - Direction 4.3 – Flood Prone Land

The direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

The objectives of this direction are stated, inter alia:

Clause (1)

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The proposal is inconsistent with the Direction as it seeks to rezone special uses land which is flood prone to a mixed-use zone.

A Planning Proposal may be inconsistent with the direction if it addresses the following:

Clause (9) A Planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director – General (or an officer of the Department nominated by the Director General) that:

- (h) *the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
 - (i) *The provisions of the planning proposal that are inconsistent are of minor significance.*
-

A “Flood Risk Assessment” report (23 August 2018 - V3, by “Cardno”) has been provided in **Annexure F**. It considers that the Planning Proposal is of “minor significance” pursuant to the Direction.

Council Engineers has reviewed the Flood Risk Assessment report and consider that pursuant to Clause 9 (i) of Direction 4.3 –Flood Prone Land, the inconsistency is of minor significance including for the following reasons:

- A suitable Draft Flood Emergency Response Plan for the development has been outlined in Section 6.2
- The standard flood protection provided to residential properties is the 1 in 100 year flood level plus 500mm freeboard. All residential floors have been set at 6.45 m above the 100 year ARI flood of RL 11.8 and 4.25 m above the PMF flood of RL 14.0.
- The basement parking is protected up to the 700 year ARI flood
- If needed emergency access up to the PMF flood level is available from Old Canterbury Road; and
- The new TUFLOW modelling undertaken shows that directly adjacent to the site (at end of the western solid wall) there is a local reduction in flood levels during a 100 year ARI flood. Further there are no adverse impacts on any adjoining properties during a 100 year ARI flood and no significant adverse impacts during a PMF.
- With regard to the PMF level. The Cardno study notes that the driveway from McGill Street will become unsafe for vehicles during a 1 in 700 year flood and that the lower ground carpark will start to be inundated during a 1 in 2000 year flood. The risks are adequately addressed by Section 4 of the Cardno Report. In addition the risks associated with extreme flood events above the 1 in 100 year flood are generally managed by a Flood Emergency Response Plan. Cardno have provided a Draft in Section 6 of their report which is adequate for this stage of the planning process.

DPE’s letter to Council of 25 October 2017, required that Council *“need to obtain the agreement of the Department’s secretary to demonstrate that the planning proposal is justifiably inconsistent with Section 117 Directions Direction 4.3 Flood Prone Land. Council should ensure this occurs prior to Community Consultation”*.

The “Flood Risk Assessment” report and Council advice was referred to the Department of Planning and Environment. The delegate of the Secretary responded to Council on the 5 October 2018 that it *“agreed that the inconsistency is justified in accordance with the terms of the Direction”*, and that the Community Consultation stage could be carried out.

B4.0 - Direction 7.1 – Implementation of a Plan for Growing Sydney

The amendments to the Environmental Planning and Assessment Act March 2018 no longer require reference to the “Implementation of a Plan for Growing Sydney”. The Planning Proposal Guidelines require the current Regional and District Plans to be addressed.

If the plan were in place, the direction applies to the Inner West Local Government Area and aims to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. The proposal to change the zoning of the site to B4 Mixed Use and the relevant provision of business lands bring is consistent with the Plan for Growing Sydney as outlined within the planning proposal.

**ANNEXURE C: DEED OF RELEASE FROM RAIL
CORPORATION NEW SOUTH WALES**

Form: 01TR
Release: 3-1

TRANSFER
RELEASING EASEMENT
New South Wales
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only

(A) **TORRENS TITLE**

Servient Tenement F/I 1/817359	Dominant Tenement Easement in Gross
-----------------------------------	--

(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any Reference:	CODE TR
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(C) **EASEMENT**

Number 0315626	Nature of Easement Covenant Easement for Transmission Line var. width
-------------------	--

(D) **TRANSFEROR**

Registered proprietor of the dominant tenement Rail Corporation New South Wales ABN 59 325 778 353

(E) The transferor acknowledges receipt of the consideration of \$ 220,000.00 and, as regards the dominant tenement, transfers and releases the abovementioned easement to the transferee as registered proprietor of the servient tenement.

(F) **TRANSFEEE**

Registered proprietor of the servient tenement RICK DOMENIC TIMPERI and TYRON PAUL TIMPERI

DATE

(G) I certify that I am an eligible witness and that an authorised officer of the transferor signed this dealing in my presence. [See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:
Address of witness:

Authorised officer's name:
Authority of officer: Rail Corporation New South Wales
Signing on behalf of:

I certify I am an eligible witness and that the transferee signed this dealing in my presence. [See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the transferee.

Signature of witness: *George Parks*

Signature of transferee: *[Handwritten Signature]*

Name of witness: *GEORGE PETER POULOS*
Address of witness: *44 DONOVAN AVENUE
MAROUBRA NSW 2031*

Tyron Timperi

Form: 01TR
Release: 3-1

TRANSFER
RELEASING EASEMENT
New South Wales
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY	Office of State Revenue use only
-------------------	----------------------------------

(A) TORRENS TITLE	Servient Tenement	Dominant Tenement
	F/I 1/817359	Easement in Gross

(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE TR
		Reference:	

(C) EASEMENT	Number	Nature of Easement
	O315626	Covenant Easement for Transmission Line var. width

(D) TRANSFEROR	Registered proprietor of the dominant tenement Rail Corporation New South Wales ABN 59 325 778 353
-----------------------	---


(E) The transferor acknowledges receipt of the consideration of \$ 220,000.00 and, as regards the dominant tenement, transfers and releases the abovementioned easement to the transferee as registered proprietor of the servient tenement.


(F) TRANSFEE	Registered proprietor of the servient tenement RICK DOMENIC TIMPERI and TYRON PAUL TIMPERI
---------------------	---

DATE

(G) I certify that I am an eligible witness and that an authorised officer of the transferor signed this dealing in my presence. [See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness: 
Name of witness: VIN SINGH
Address of witness: L9, 477 Pitt Street
Sydney NSW 2000

Signature of authorised officer: 
Authorised officer's name: KEVIN SYKES
Authority of officer: GENERAL MANAGER PROPERTY
Signing on behalf of: Rail Corporation New South Wales

I certify I am an eligible witness and that the transferee signed this dealing in my presence. [See note* below]

Certified correct for the purposes of the Real Property Act 1900 by the transferee.

Signature of witness:

Signature of transferee:

Name of witness:
Address of witness:

ANNEXURE D: SUPPLEMENTARY PHOTOS OF SURROUNDING DEVELOPMENT



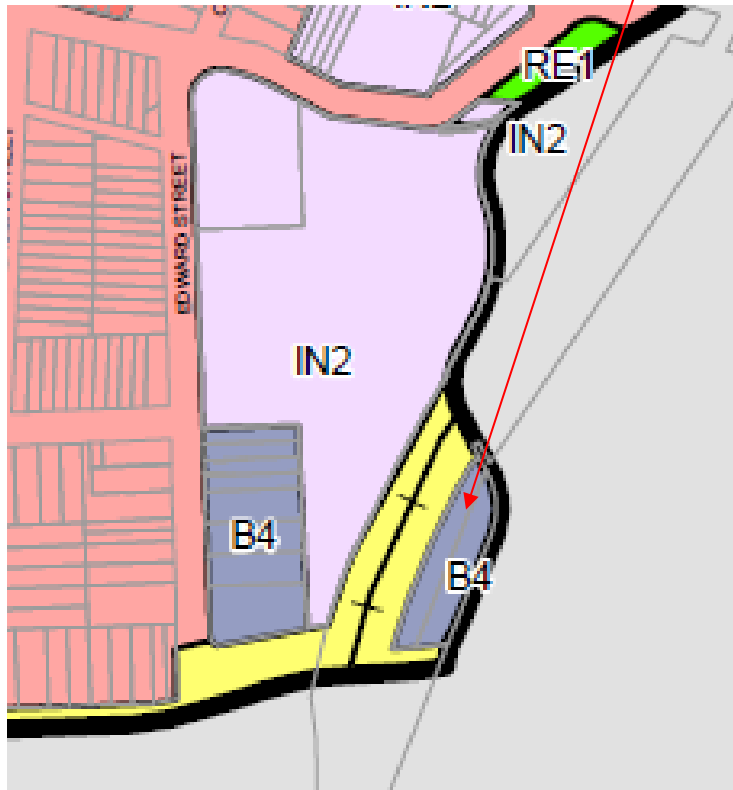




ANNEXURE E: MAPPING

Proposed Land Zoning Map

Extract of proposed Map showing affected properties at 120 C Old Canterbury Road, Summer Hill.



Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B6	Enterprise Corridor
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure

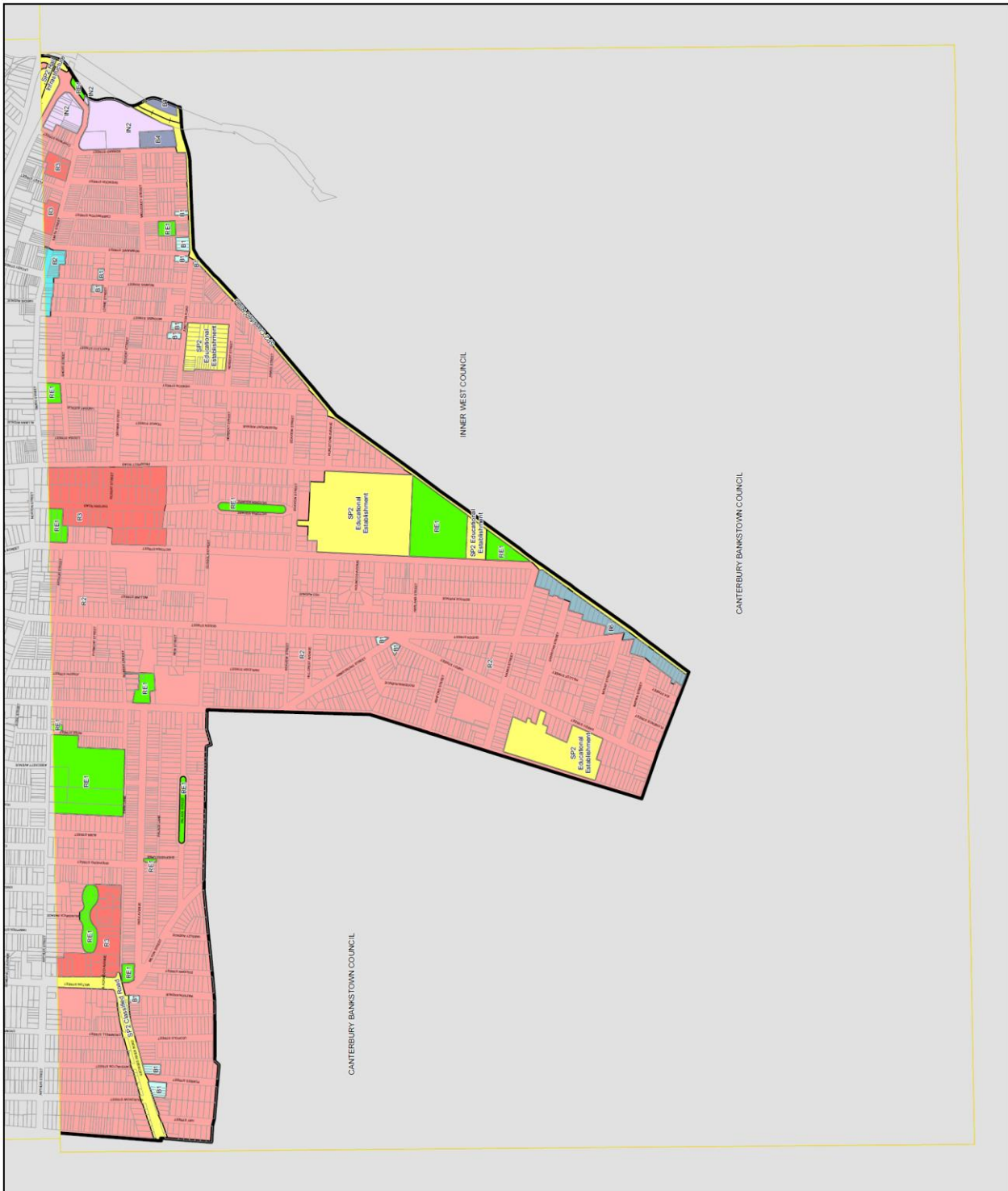
Entire proposed Map follows on next page

- Zone**
- L11 Neighbourhood Centre
 - L12 Local Centre
 - L14 Mixed Use
 - L16 Enterprise Corridor
 - L18 Light Industrial
 - L21 Low Density Residential
 - L23 Medium Density Residential
 - L25 Public Recreation
 - L27 Private Recreation
 - L29 Infrastructure
 - L31 Cadastre

Base data 27/09/2017 © Land and Property Information (LPI)

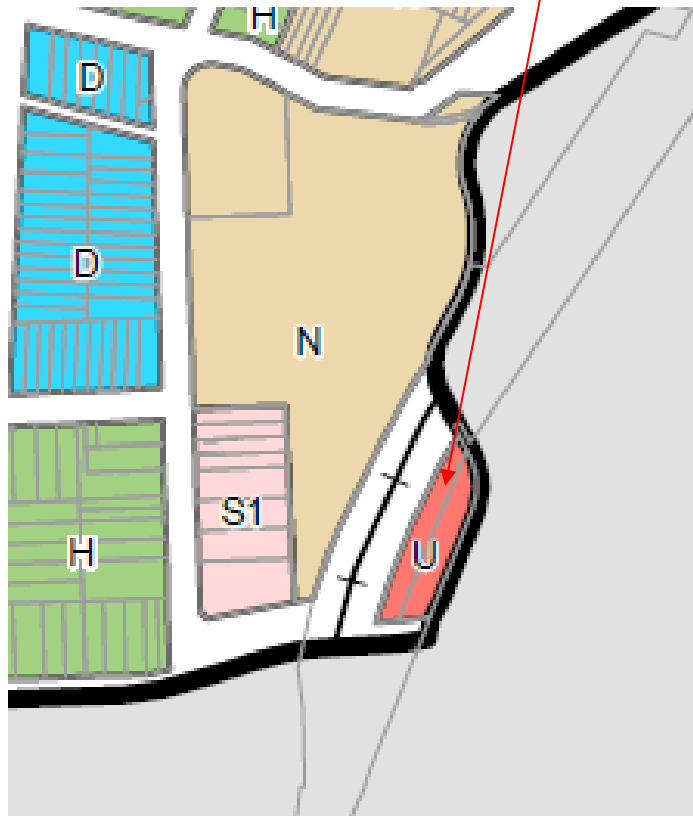


Projection: GDA 1984
 Map Identification number: 0140_COM_LZN_002_010_20170527



Proposed Floor Space Ratio Map

Extract of proposed Map showing affected properties at 120 C Old Canterbury Road, Summer Hill.



Maximum Floor Space Ratio

D	0.50
H	0.70
N	1.00
S1	1.50
S2	1.80
T	2.00
U	2.50
V	3.00

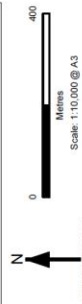
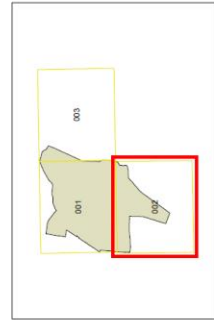
Entire proposed Map follows on next page

Maximum Floor Space Ratio (n:1)

D	0.50
H	0.70
N	1.00
ST	1.50
SZ	1.80
T	2.00
U	2.50
V	3.00

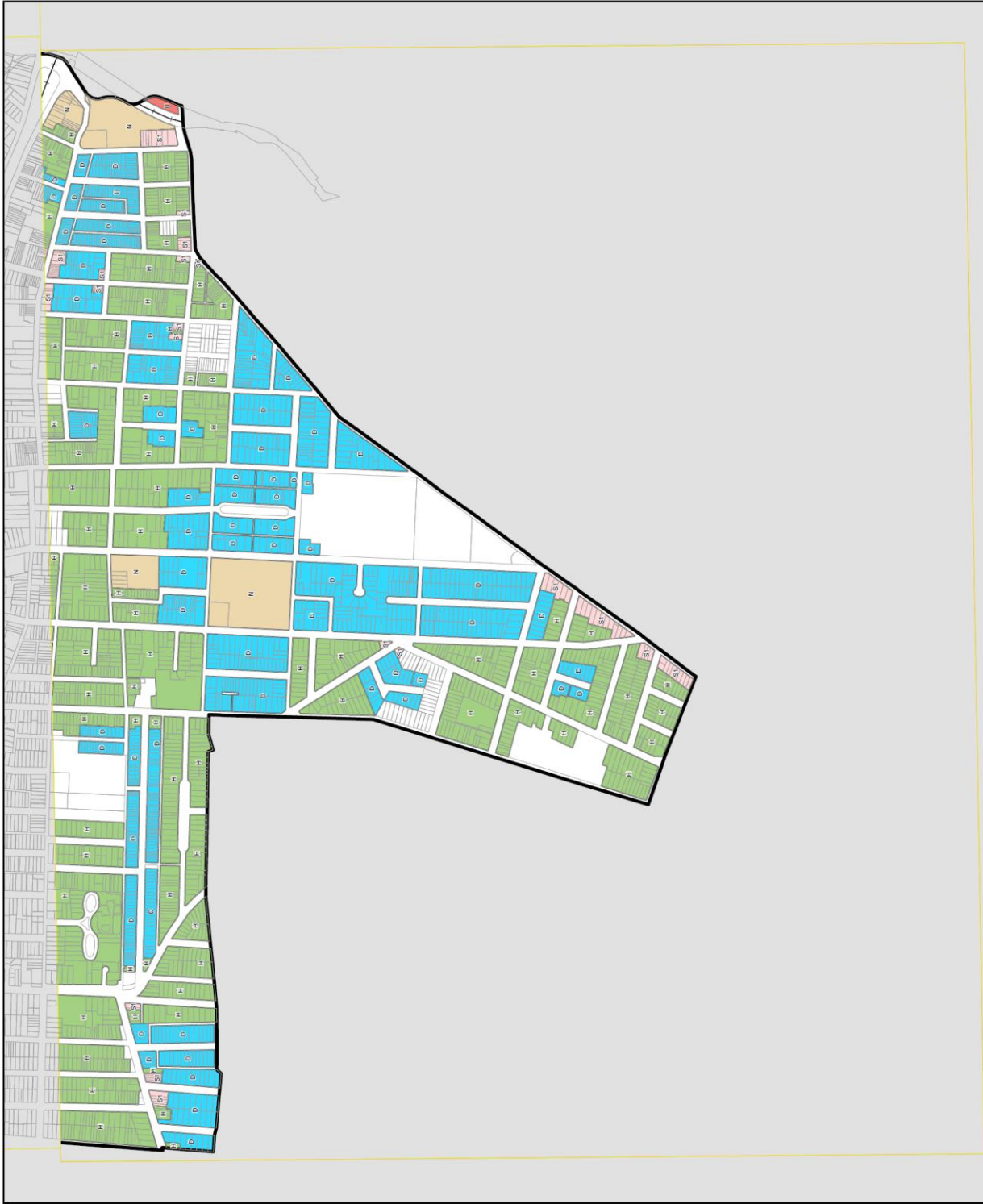
Cadastral

Base data 27/09/2017 © Land and Property Information (LPI)



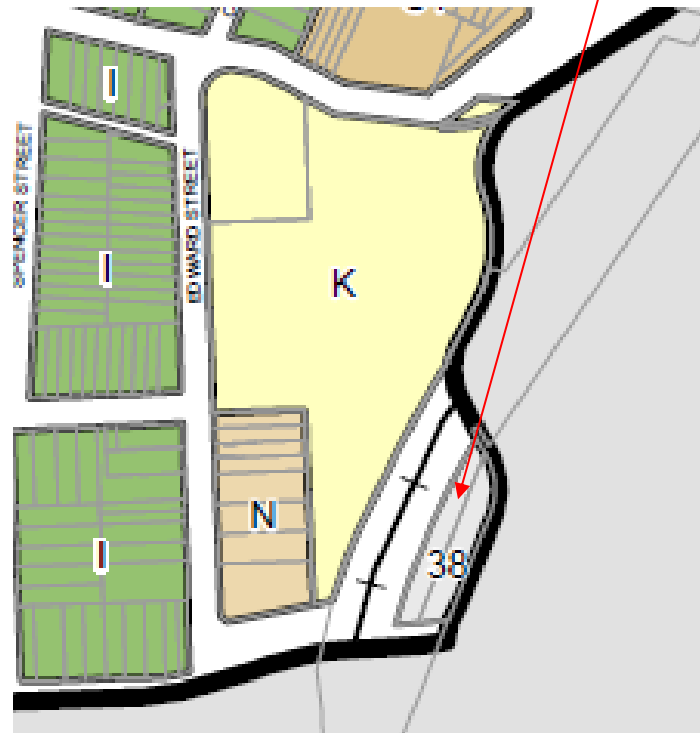
Projection: GDA 1994
 MGA Zone 56

Map identification number: 0192_C00M_FSR_002_010_29377927



Proposed Height of Buildings Map

Extract of proposed Map showing properties at 120 C Old Canterbury Road, Summer Hill



Maximum Building Height (m)

G	7
I	8.5
J	9
K	10
M	12.5
N	13
N	14
O	15
O	15.5
P	17
Q	20
R	22
S	23
T	29
Area 1	Refer to Clause 4.3A (2) and Clause 4.3A (3)

Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60

Entire proposed Map follows on next page

Maximum Building Height (m)

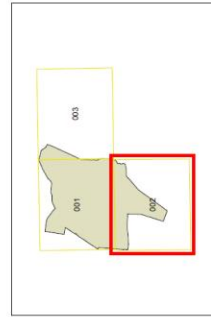
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I	8.5
J	9
K	10
L	12.5
M	13
N	14
O	15
P	15.5
Q	17
R	20
S	22
T	23
U	28

Refer to Clause 4.3A (2) and Clause 4.3A (3)

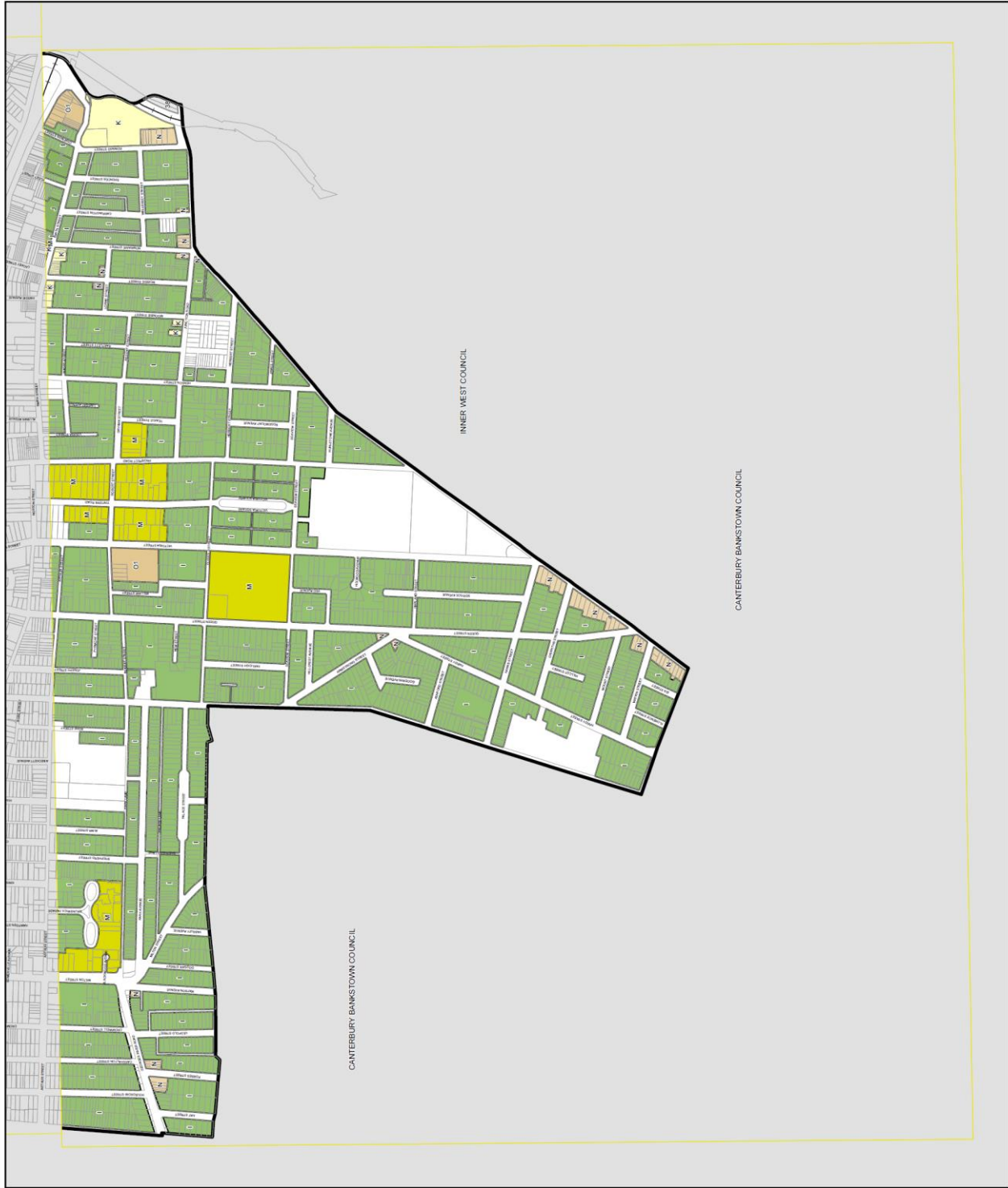
Base data 27/09/2017 © Land and Property Information (LPI)
 Cadastre

Maximum Building Height (RL m)

0 - 20
21 - 40
41 - 60



Proprietary: GDA 1984
 MGA Zone 56
 Map identification number: 0150_COM_HOB_002_010_20170827



ANNEXURE F: FLOOD RISK ASSESSMENT REPORT

Refer to separate document: Flood Risk Assessment – 23 August 2018, by Cardno P/L.

ANNEXURE G: SEPP 55 REPORT

Refer to separate document: Stage 1 Preliminary Site Investigation- February 2018, by Network Geotechnical which responds to State Environmental Planning Policy no 55.

ANNEXURE H: DESIGN CONCEPT

Refer to separate document by Fox Johnston – 23 August 18
