

ATTACHMENT E

**RESPONSE TO SUBMISSIONS ON
THE DRAFT ASHMORE DEVELOPMENT
CONTROL PLAN EXHIBITED
FROM 16 DECEMBER 2011
TO 29 FEBRUARY 2012**

Submissions to draft Ashmore DCP 2006 Amendment (exhibited from 16 December 2011 - 29 February 2012)

NOTE: This summary of submissions and the City's comments focuses on the draft planning controls recommended for public exhibition in the subject report. Therefore it does not include comments on matters that have been incorporated in the Sydney LEP 2012 which now applies to the whole of the Ashmore, except the Goodman sites.

Abbreviations

CSPC – Central Sydney Planning Committee
 DA – Development Application
 DCP – Development Control Plan
 DoPI - Department of Planning and Infrastructure
 FSR – Floor Space Ratio
 RMS – Roads and Maritime Services
 SDCP 2012 – Sydney Development Control Plan 2012
 SLEP 2012 Sydney Local Environmental Plan 2012

Public Authorities

Submitter	Issue	Summary	Comment
1. Roads and Maritime Services	Traffic Impact Study required	As stated in former Roads and Traffic Authority letter to City of Sydney in 2006, Council should consider preparation of a Traffic Impact Study (if one not already prepared) assessing cumulative traffic impacts associated with future development and the need for upgrading local and regional intersections, in particular the future operation of the Sydney Park Road/Mitchell Road signalised intersection.	The City has undertaken Traffic and parking Study (2013) to inform the refinements of the draft amendment. The study highlights the problematic areas and recommendations that need to be investigated as development occurs. The planning controls for the Goodman sites (as directed by the Department of Planning and Infrastructure) were also investigated. The results concluded that the scale of development exhibited for the Goodman sites created unacceptable traffic impacts on the local road network and could not be supported. The City is currently undertaking a parking survey with residents in Alexandria (including Belmont and Lawrence Streets).
	Maddox Street/Mitchell Road Intersection	Signals proposed at intersection of Maddox Street and Mitchell Road will require approval from RMS.	Noted.
2. Land & Housing Corporation	Support redevelopment	Support redevelopment of Ashmore Precinct due to: site's strategic location in the inner city and site's ability to relieve constraint in the inner city housing market; the few large industrial sites remaining for renewal; potential to support City's Sustainable Sydney 2030 vision for affordable housing; and the accessible location of Ashmore to Erskineville station and community services.	Noted.
	Affordable housing provisions	Recommend affordable housing provisions be integrated into the development. Mechanisms to consider include local planning controls, council incentives and working in partnership with government and non-government organisations.	There is a requirement in the DCP to provide a range of dwelling types, including terraces. The City would welcome affordable housing development in Ashmore, through an affordable housing provider, such as City West Housing would need to purchase the land. Legislative constraints imposed by the NSW planning system prevent Councils from requiring the provision of affordable housing.
3. Sydney Metropolitan Development Authority	State Strategic Directions	Strategic planning for Ashmore Precinct must support the need for well-considered urban renewal in inner-city locations, noting expected growth in Sydney and forecasts in <i>Metropolitan Plan for Sydney 2036</i> . Ashmore precinct is an important component of future growth and will be a major stimulus for the NSW economy.	Noted.
	Density	Planning controls must reinforce the precinct's proximity to the Sydney CBD, building on its strategic location. The density of Ashmore should be maximised within environmental constraints.	Noted. FSRs and building height are proposed to be increased within environmental acceptable limits.

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4 Sydney Airport Corporation Limited	Open space provision	Securing open space upon a 'bonus' or 'in-kind' contribution from single landowner requires cooperation and land economic considerations. Ensure that key public domain components are assured for the future community.	Noted. The City has had numerous meetings with the landowner, Goodman where the main park is to be located about the proposed planning controls. The draft controls propose a new public domain network anticipated to be delivered with the redevelopment of the sites.
	Height of structures	The height of prescribed airspace at the site is 51.0 metres above Australian Height Datum (AHD). Do not object to height of structures up to a maximum height of 40.0 metres above AHD.	Noted.
	Temporary structures	Should height of any temporary structure and/or equipment be greater than 50 feet (15.24m) above existing ground height (AEGH) a new approval must be sought in accordance with Civil Aviation (Buildings Control) Regulations Statutory Rule 1998 No. 161.	Noted.
	Construction equipment	Approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.	Noted.
5. Office of Environment and Heritage & Environment Protection Authority	No comment	Unable to provide comments due to other priorities.	Noted.
6. Fire and Rescue NSW	BCA and Australian Standards	All developments should comply with the Building Code of Australia (BCA) and relevant Australian Standards.	Noted.
	FRNSW Guidelines	Minimum carriageway widths, turning areas, kerb dimensions and minimum Allowable Bearing Pressures for carriageways and hardstanding areas to be provided in accordance with FRNSW Guidelines for Emergency Vehicle Access Policy No. 4.	Noted.
	Fire Hydrants	The sites' reticulated water authority main should include fire hydrants throughout the site including suitable hinged type covers.	Noted.
	Signage	All streets and roadways should be prominently signposted and all buildings should be clearly identified by relevant street number.	Noted.

Landowners

Submitter	Issue	Summary	Comment
1. Goodman Sites 57 Ashmore St & 165-175 Mitchell Rd	FSR and Height	The proposed controls of between 27-30 metres height and 1.75:1 FSR are too restrictive and the site can accommodate additional height and FSR without unacceptable impacts on the surrounding area.	The City has undertaken numerous urban design studies and review to establish the maximum heights and FSRs to deliver a sustainable new neighbourhood. The detailed urban design work has ensured that the proposed controls comply with State Environmental Planning Policy 65 and the Residential Flat Design Code requirements. The planning controls for the precinct ensure that each site can achieve maximum height and FSR with design excellence provisions, without creating unacceptable impacts on adjoining buildings and public domain. Furthermore the Traffic and Parking Study (2013) commissioned by the City has found that when considering the full redevelopment of Ashmore there is insufficient capacity on the network to accommodate the likely number of cars generated by the development, and that infrastructure modifications would be required. These, and additional public transport services (which the City has no control over) are required to accommodate the new population.
	View Impacts	The draft DCP requires retention of views from the eastern knoll of Sydney Park of the CBD skyline, the King Street ridge, Bondi Junction and the clock at Central Station. Modelling undertaken by Hassell on behalf of the landowner demonstrates that key features of the Sydney CBD skyline can be preserved at an FSR higher than 1.75:1. Goodman is committed to working with Council to develop this work further.	Three dimensional modelling has been undertaken to assess the impacts of development on CBD skyline views from a number of vantage points including Sydney Park. This modelling tested both the City's preferred planning controls and those exhibited for the Goodman sites as directed by DoPI. The results concluded that the controls proposed by the City would not impact on the skyline views, however increasing FSR is likely to increase building heights which will interrupt the CBD views.

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	Overshadowing	Clauses relating to solar access in the draft Ashmore DCP are more onerous than those in the draft Sydney DCP 2010, specifically those relating to the Lachlan Precinct. Provisions in the draft Ashmore DCP should be no more onerous than those in the draft Sydney DCP. Requiring greater solar access in Ashmore compared to other areas in the LGA is inequitable and an undue burden. Goodman is committed to working with Council to review and develop these scenarios.	The draft controls propose to adopt the requirement of the Sydney DCP 2012.
	Traffic	Goodman commissioned Aup to review the traffic impact analysis prepared for Council by Halcrow Pacific Pty Ltd in 2009. The study found that additional floorspace could be accommodated provided specific intersection upgrades were made. Also, it was noted that the staged implementation of the development of 10-15 years would allow for public transport improvements. This further illustrates that collaboration between Council and Goodman is important to ensure appropriate controls are determined.	The City has now undertaken as part of the Traffic and Parking Study (2013) parametrics modelling to assess intersection performance as development is projected to occur, until full development. This study is available at Attachment D to the subject report and has modelled FSRs of 1.75:1 plus additional FSR (up to 10% additional) permitted for design excellence. This study also took into consideration development on all other sites in Ashmore to establish the cumulative impacts of development. It also included significant development in the vicinity of Ashmore, such as the new Bunnings store on Euston Rd.
	Stormwater	The draft DCP proposes a flood detention basin of 7,400 square metres on the site. The flood detention report prepared by Cardno on behalf of the Council presents three options for detention storage in the vicinity of Erskineville Oval and two associated with additional stormwater infrastructure downstream of the site. As advised by Cardno, upstream detention is not required if culverts via Sydney Park and Huntley Street are constructed. Further, the 7,400 square metres detention basin would not be required.	The City proposed to establish a working group with the relevant state agencies to advocate for increased public transport services. Council is currently developing a Flood Risk Management Study and Plan for the wider Alexandria Canal Catchment, within which the subject precinct is located. Once completed appropriate strategies to manage stormwater in the area will be prepared.
	Housing and Employment Targets	The City of Sydney capacity study is most likely an overstatement of the potential for dwelling and employment targets to be met. It does not account for landowner aspiration or financial capability to fully realise the redevelopment potential of their land. A greater FSR, and one which enables the site to be redeveloped in an orderly and economic manner is required if the Ashmore Precinct is to make any sort of contribution to these targets.	McPherson park will also provide a stormwater management function, but is also required to perform a recreation function, as identified in the Social Sustainability Assessment for the Ashmore Precinct Study (2013).
	Economic Feasibility	Planning controls for the site need to be economically sustainable for the landowner to redevelop. A commercial assessment has been prepared for the landowner which shows that redeveloping the site under the controls proposed in the draft Ashmore DCP would not be financially feasible. It is recommended that the site remain in its current industrial use. As such the draft Ashmore DCP fails to promote the "orderly and economic use and development of land" as required by the EP&A Act. Collaboration between Council and Goodman is again required in this area.	The planning control for other sites in Ashmore have already stimulated significant developer interest, as seen with the recent Leighton's approval for 318 units, and the development application being assessed for the Williams' site. The proposed controls seek to balance good urban design outcomes with maximising the capacity of sites to redevelop and contribute to achieve dwelling targets.
	Gross floor area definition	The draft Ashmore DCP relies on the gross floor area definition in the South Sydney LEP 1998. This differs to the definition within draft Sydney LEP 2011 which was used to determine maximum permissible FSR controls for the draft Ashmore DCP amendment. This anomaly should be rectified and the GFA definition contained in draft Sydney LEP 2010 should apply to draft Ashmore DCP amendment.	The City has not received a copy of this assessment, and it should form part of any submission to substantiate this claim. Any assessment should also include potential credits from the Section 94 Contributions Plan 2006 which lists the key infrastructure identified in the Goodman sites. It is noted that over the past three years there has been a significant interest from other landowners and developers for other large sites in Ashmore. This is an indication that the planning controls for Ashmore are viable and attractive to developers.
	View corridors	The prescribed maximum RLs are not consistent with the prescribed maximum height in metres. Analysis shows that RL 32.6 and RL 35.6 have no adverse impact on views of the CBD skyline or the Central Station Clock from Sydney Park. It is requested that RL limits are amended to be consistent with height in metres controls prescribed in the draft Ashmore DCP amendment.	The City has not seen a copy of this assessment, and it should form of any submission to substantiate this claim.
2. Leighton Pty Ltd and La Salle Investment Management (Urbs on behalf of) Unit 36-36a/Lot 2, 1A Coulson St, Erskineville	Land desiccation, street frontage length, deep soils planting Street hierarchy	<ul style="list-style-type: none"> Land dedication for MacDonald St; street frontage length can result in no negative impacts and can still achieve building design and form; deep soil planting areas are unreasonable; and flexibility required for the street hierarchy to recognise flood modelling requirements. 	The clauses in the Sydney LEP 2012 will be adopted. The City has not seen a copy of this assessment, and it should form of any submission to substantiate this claim. Issues resolved through the Development assessment process. CSPC approved the DA on 11 October 2012.

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3. Warwick Williams (Greech planners on behalf of) Unit 35-35A, 1A Coulson St, Erskineville	Infrastructure strategy	The current strategy for ensuring all required public infrastructure in the precinct is funded and delivered is unclear and uncertain. It is submitted that Council amend the Section 94 plan and Land Reservation Acquisition Map to include all infrastructure in the precinct. This will provide necessary certainty that infrastructure will be delivered irrespective of the timing of development. Preferable for Council to acquire the land and provide the entire infrastructure as a single project. This would drive development activity and keep the cost of the infrastructure to a minimum. The costs could be recouped against the development as it occurs.	The approach for the delivery of public infrastructure is in line with Harold Park, for example, where the developer delivers and stages the works in kind as development progresses. Key elements of infrastructure such as McPherson Park and Kooka Walk are included in the City's Section 94 Contributions Plan 2006. However, not all infrastructure works can be levied through Section 94 as levies are to be 'reasonable' and recouped and the NSW Government caps contribution rates.
	MacDonald Street frontage, adjoining site boundary, and dwelling mix	<ul style="list-style-type: none"> The DCP amendment reflect a continuous building; Leighton's development application straddles an existing right of way, and Dwelling mix requirements are too prescriptive and should be regulated by commercial viability. 	Issues resolved through the Development assessment process. CSPC approved the DA on 11 October 2012, or are consistent with SLEP 2012 and Sydney DCP 2012.

Community and Resident Groups

Submitter	Issue	Summary	Response
Friends of Erskineville (FOE), ARAG, Verve Executive Committee, and Local Residents	Site density	The proposed increases in density from 1:1 and 1.25:1 to 1.75:1 represent a 75% and 40% increase in the western and eastern portions of the site respectively. This proposed increase has no regard for traffic and transport needs or urban design quality and servicing of the new development. FOE is concerned that this increase is being driven by considerations other than an understanding of a sustainable City of Villages.	The City has undertaken an extensive urban design review to ensure any built form impacts resulting from the redevelopment of Ashmore are minimised, particularly form the surrounding conservation areas. A traffic study that uses parametrics modelling has been undertaken which has made recommendations to be implemented as development occurs.
	Height increase	The increase is height from a maximum of 5 storeys to a maximum of 9 storeys is opposed. Buildings above 4 or 5 storeys do not offer any advantages for residents, as argued by Christopher Alexander in 'A Pattern Language'. Jahn Gehl should be engaged by the City to prepare a thoroughly researched and socially sensitive design for the precinct.	The City has undertaken an extensive urban design review, which introduces a predominant 5 storey street wall height in the precinct. Any additional storeys will be required to be setback 4 metres which will reduce the visual impact of the building heights. Maximum building heights are now 8 storeys that are located around the park.
	Traffic, transport and parking	The estimated population increase as a result of the new development will be 6200. Onsite parking provision is approximately 1950. Given that the proposal includes no proposed increases in public transport and that Erskineville Station is already up to 40% overloaded in the morning peak period, a comprehensive traffic and transport study is required. The new Bunnings store on McEvoy Street and other nearby developments will also impact on capacity of surrounding road network.	The City has undertaken a traffic assessment for its recommended planning controls. The outcomes of the study highlighted the problematic areas and made recommendations that need to be investigated as development occurs. The planning controls for the Goodman sites (as directed by the Dept of Planning and Infrastructure) were also investigated. The results concluded that the scale of development created unacceptable traffic impacts on the local road network and could not be supported. The City is currently undertaking a parking survey with residents in Alexandria (including Belmont and Lawrence Streets). Parking rates will be included in the City Plan LEP. These rates are maximums and include visitor parking rates and are the most restrictive in the state to try and reduce car ownership where parking space is scarce. All developments will be required to provide parking within their development site.
	Government targets	The draft Ashmore DCP is not in line with targets in Metropolitan Plan for Sydney 2036. The target for new dwellings for the City of Sydney set in 2005 was 55,000 for the period 2004-2031. The target set in 2010 was 61,000 for the period 2006-2036. This represents a reduction from 2037 dwellings per year to 2033 dwellings per year. This is a much lower rate than experienced in the period 1994-2004 (3,600 dwellings per year). This demonstrates that City of Sydney is developing far in excess of state targets and the draft Ashmore DCP is surplus to requirements.	The Metropolitan targets are set by DOP1. The City is not involved in setting the targets but is required to ensure in its planning controls that these targets can be met. It is the urban renewal areas such as Ashmore, Green Sq and Harold Park will all pay a part in achieving these targets. The urban design review work has established the maximum FSR, within key built form parameters. This is a sustainable approach to redevelopment for urban renewal areas that are close to existing service and public transport.
	Infrastructure	The provision of public transport, stormwater drains and public schools has not been given due consideration by City of Sydney. The Council should be a strong force advocating for better services.	These are all responsibilities of the State Government. The City continues to have ongoing liaison with the relevant state agencies so that they are aware of the proposed developments in all the City's urban renewal areas to ensure they are aware of when increases in demand for services will occur.

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	Child care, community infrastructure and schools	The City of Sydney has not paid due consideration to issues that fall within the jurisdiction of the Council: child care. DCP will worsen unmet demands for childcare places. Increased population will lead to increased demand for community services such as schools, childcare, doctors.	The City has committed \$55m dollars to provide an additional 6 childcare facilities within the LGA. The Ashmore DCP also identifies suitable sites for childcare facilities that will be run by a private operator. Health and education are the responsibility of the State Government. The City continues to have ongoing liaison with the relevant state agencies so that they are aware of the proposed developments in all the City's urban renewal areas to ensure they are aware of when increases in demand for services will occur. The issue of school spaces is highlighted in the Social Sustainability study
	Comparison with Harold Park (open space and density)	Ashmore is 14 ha in size and is to provide 3,200 new residences. In contrast, Harold Park is 10 ha in size and provides 1,250 homes (including 1,000sqm of affordable housing). Five percent open space in an area with an existing low space per capita ratio is insufficient. The provision of 35 percent open space in Harold Park provides a stark contrast and highlights unfairness in provisions.	Harold Park development is required to provide more open space due to the curtilage required for the heritage listed former Tram Sheds, and the floodplain for Johnson's Creek. The scale of development as is the net FSR for the developable blocks (i.e. the density of development comparable).
	Neighbourhood Character	The draft DCP amendment fails to take into account the form, heritage streetscapes and neighbourhood character of the surrounding areas of Erskineville and Alexandria. The massing of the 4,5.6 and 8 storey buildings proposed along Mitchell Road and Ashmore Street dominate the surrounding heritage landscapes. The stepping down of heights fails to achieve the desired sympathetic result due to the overall scale of buildings proposed. The result will be loss of character and views to and from the heritage conservation areas.	The City has undertaken an extensive urban design review, which introduces a predominant 5 storey street wall height in the precinct. Any additional storeys will be required to be setback 4 metres which will reduce the visual impact of the building heights. Maximum building heights are now 8 storeys that are located around the park with a transition of heights close to the conservation areas, which has resulted in 2 storey terraces to the rear of the existing terraces on Ashmore Street, and a predominantly 3 storey street wall height along Mitchell Road.
	Cycling	Provision of cycleways is a positive step, however, many cannot use it and it is inherently discriminatory for an ageing population.	Experience from the City's growing network of cycleways has not found this to be the case. If anything, cycleways improve the public domain and require all road users including drivers, to be more aware of their surroundings, making the environment safer.
	Retail facilities	The DCP should provide for village style grocery shopping and increased services such as doctors, healthcare centres and hospitals.	A cycle connection from Ashmore St (and MacDonald St within Ashmore), via Belmont St, Buckland St, Wellington St, Danks St and Bourke St already exists. This route does not experience heavy traffic. The cycleway is a mixture of mixed traffic on quiet streets, shared paths and separated cycleways. Cycleway maps are available on the City's website or from the City's Customer Service Centres, at Council facilities and at cycling events.
	Open air meeting venue	The DCP should provide for open air meeting venues/cafes away from increased traffic.	Agreed, it is intended that a retail component will be provided directly adjacent to the new McPherson Park. This would include a small 'walk to' supermarket and other local shops, would service the new and existing community and is consistent with the City's Green Sq and Southern Areas Retail Study. Provision of a medical practice is generally supported and would be permissible in the zoning for the precinct.
	Ageing population	The DCP does not consider the needs for an ageing population. For example, a parking space for a community bus should be provided in the precinct, access for services such as meals on wheels, wheelchairs and light access doors should be provided.	Agreed. The DCP requires the provision of a 7,400sqm park know as McPherson Park. The social sustainability study has recommended that a flexible design of the park to facilitate active and passive recreation, with the potential to have markets etc.
	Business and employment	Query why there are no business or employment premises in the precinct.	This is address in the social sustainability study and in the DCP by requiring diversity in the dwelling type provided in Ashmore.
	Resultant oversupply of bars	The increase in population will result in an oversupply of bars which is at odds with the family atmosphere of the local area.	The DCP identifies potential for some commercial and retail opportunities located around the park and at the intersection Mitchell Road and MacDonald Street. Small scale office development would be supported as it will help to activate the precinct during the day and support ancillary retail such as shops and cafes.
	Change in demographic	The proposed dwelling mix will result in a shift in demographic. There will be more investors, less families and a more transient population. This will result in less ownership and interest in the community.	The impacts of any pubs would need to be assessed as part of the development application. It is envisaged the Ashmore will prove a strip of local shops including cafes and a small supermarket. It is not intended to be the same scale of development compete with the retail that is located in Erskineville village and King Street, Newtown.

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	Number of parks	The DCP requires only one main park. There are no requirements for developers on other lots (south and east) to provide touchstone local parks.	Some smaller parks will be provided through the precinct, for example at the intersection Bridge Street and Victoria St and also the termination of Goddard St and Coulson St (which will be known as Carter's Park). In addition to McPherson Park (which is 7,400sqm in size) there will be a 20 m wide north south green link which will connect both Erskineville Oval and Harry Noble Park with Sydney Park. In addition, all development will also be required to provide private open space as part of the development.
	Loss of employment lands	A large source of local employment will be lost. The social, economic and environmental impacts of this loss of employment should be the subject of a study.	Whilst some employment will be lost is redevelopment occurs, there are opportunities for new businesses to locate in Ashmore, such as supermarkets, childcare facilities and some commercial development.
	Tree Removal	Object to removal of trees behind Ashmore Street; they should be retained and additional trees should be planted to provide privacy, reduce noise impacts and light pollution. Retain trees on corner of Mitchell Road and Ashmore Street.	The trees behind Ashmore Street are self seeded and it is likely some may need to be removed to provide laneway access. The City intend to retain as many of these trees as possible. The area at the corner of Mitchell Road and Ashmore Street is in private ownership. The retention of these trees is desirable and is an item for discussion at the development application stage. All developments in the Ashmore precinct are required to provide a 3m landscaped setback and landscaping of the public domain will be an important consideration in any development application.
	Coppersmith Lane	Object to laneway behind terraces on Ashmore Street (to be known as Coppersmith Lane) Coppersmith Lane should be developed as an east/west green link providing non-vehicular access between Bridge Street and the north/south green link, or one way traffic only. The corridor currently provides well-used habitat for flying foxes, birds and possums. The 7 mature trees in the middle section should be retained.	Coppersmith Lane is an existing lane currently in the ownership of the landowners. The proposal to re-open the lane will provide rear lane access to the new and existing terraces on Ashmore Street. Re-opening the laneway could provide greater amenity for residents on Ashmore Street. Coppersmith Lane will be blocked at both ends and not provide access for through traffic.