

ITEM 6. POST-EXHIBITION OF PLANNING PROPOSAL - SITES 57 ASHMORE STREET AND 165-175 MITCHELL ROAD, ERSKINEVILLE AND DRAFT ASHMORE DEVELOPMENT CONTROL PLAN AND INFRASTRUCTURE PLAN

FILE NO: S064382-04

SUMMARY

The Ashmore precinct (Ashmore) is delivering on the City's *Sustainable Sydney 2030* vision and targets. With developments such as "Motto" and "Glo" already constructed and a further 3500 dwellings planned, or underway. It will also provide approximately 23,800 square metres of new roads, laneways and cycle lanes and 16,150 square metres of public open space that will also assist with stormwater management. The redevelopment will also create opportunities for new retail and commercial uses in key locations and, with it, associated opportunities for new jobs. Ashmore has the potential to accommodate about 3,500 new homes which equates to approximately 6,300 new residents.

A Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville (the Planning Proposal), shown at **Attachment A**, and *draft Draft Sydney Development Control Plan 2012 - Ashmore Precinct Amendment* (draft Ashmore DCP), shown at **Attachment B**, have been drafted.

The Department of Planning and Infrastructure issued a Gateway Determination on 2 July 2013 allowing the draft controls to be publicly exhibited. To improve the plan-making process, the Minister for Planning and Infrastructure delegated his plan-making powers under Section 59 of the Environmental Planning and Assessment Act to Council in December 2012. The Gateway Determination, at **Attachment D**, authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan, giving effect to the Planning Proposal. Exercising our delegation makes the plan making process more efficient by allowing Council to liaise directly with Parliamentary Counsel to draft the local environmental plan.

The Planning Proposal and draft Ashmore DCP were on public exhibition from 24 July to 23 August 2013. The City received 30 submissions from landowners, State Government agencies and the local community, raising issues including:

- economic viability – the proposed controls do not provide sufficient yield to make redevelopment viable;
- urban design - privacy and overshadowing of adjacent buildings;
- traffic impacts on the existing residential areas;
- insufficient infrastructure provision - predominantly public transport and school spaces, to cater for the increased population; and
- protection of ecology and trees.

A summary of all submissions with responses is provided at **Attachment F**. The issues raised in submissions are discussed in this report and, where appropriate, changes to the draft Ashmore DCP have been made. No changes to the Planning Proposal are recommended as a result of the exhibition.

In reviewing the outcomes of the public exhibition the City also prepared an audit of planned infrastructure provision. This audit has highlighted where provision of infrastructure is required and the government agency responsible for its delivery. This audit has informed the preparation of an Infrastructure Plan for the Ashmore Precinct, which is shown at **Attachment C**.

This report recommends that the planning controls in the *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road Erskineville*, shown at **Attachment A**, are endorsed by the Central Sydney Planning Committee (CSPC) to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*. The report also recommends that the CSPC note the *draft Sydney Development Control Plan 2012 – Ashmore Precinct Amendment*, shown at **Attachment B**.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of the *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville* and draft *Sydney Development Control Plan 2012 amendment – Ashmore Precinct*, as outlined in the subject report and Attachment F to the subject report;
- (B) the Central Sydney Planning Committee approve the revised *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville* as amended and shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 3 December 2013 that Council approve the revised *Sydney Development Control Plan 2012 amendment – Ashmore Precinct*, as amended and shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan in so far as it applies to sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, and that it will come into effect on the date of the public notice given in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000* in so far as it applies to the remainder of the sites in the Ashmore Precinct;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal to correct any minor drafting errors;
- (E) the Central Sydney Planning Committee note that the *Ashmore Infrastructure Plan 2013*, shown at Attachment C to the subject report, will be reviewed every six months, and published on the City's website for review by all stakeholders; and
- (F) the Central Sydney Planning Committee note that the *Ashmore Infrastructure Plan 2013* is to be used as a framework document to continue discussions with the relevant State Government agencies on the provision of essential Infrastructure.

ATTACHMENTS

Attachment A: *Planning Proposal - Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, December 2013*

Attachment B: *Sydney Development Control Plan 2012 - Ashmore Precinct Amendment, Erskineville*

(Note: This attachment will be circulated separately from the Agenda Paper and to Central Sydney Planning Committee members and relevant senior staff only. It will be available for inspection on Council's website and at the One Stop Shop and Neighbourhood Service Centres)

Attachment C: Ashmore Infrastructure Plan, December 2013

Attachment D: Gateway Determination, Department of Planning and Infrastructure, 2 July 2013

Attachment E: Resolution of Council of 13 May 2013 and Resolution of the Central Sydney Planning Committee of 9 May 2013

Attachment F: Summary table of submissions with the City's responses

Attachment G: Resolution of Council of 26 August 2013

Attachment H: Response from Minister for Education, 29 July 2013

Attachment I: Response from Minister for Transport, 10 July 2013

BACKGROUND

1. The Ashmore Precinct (Ashmore) is located in Erskineville and adjacent to Alexandria. It is bounded by Ashmore Street, Mitchell Road, Coulson Street and the Bankstown rail line. Figure 1 shows the site location.



Figure 1: Aerial of Ashmore's location looking south

2. Ashmore is the largest industrial estate identified for urban renewal outside Green Square. It is 17.4 hectares in area. It includes residential apartment developments, such as the 'Motto' and 'Glo' developments, as shown in Figure 2. Approximately 14 hectares of the site remains as light industrial and has redevelopment potential.



Figure 2: Land ownership in Ashmore

3. The remaining 14 hectares earmarked for redevelopment are characterised by mostly large scale industrial buildings on large land holdings, including owner-occupied strata industrial units. Ashmore is a fully functioning industrial estate, with low vacancy rates. The strong demand for the remaining warehouse building is a function of its location, being close to the eastern suburbs, central Sydney, Port Botany and Kingsford Smith Airport.
4. Ashmore presents an opportunity to make a positive contribution to the City's *Sustainable Sydney 2030* vision and targets, through the delivery of new housing, a new road network, public open space, stormwater management and cycle lanes. These will also serve the existing and incoming residents.
5. It is estimated that up to 3,500 new homes could be delivered in Ashmore, which equates to a new population of approximately 6,300 new residents. The redevelopment of Ashmore will also create opportunities for new retail and commercial uses in key locations and, with it, associated job opportunities.
6. Ashmore's location and the size of land available for redevelopment offers a number of opportunities, for example:
 - (a) It is within walking distance of existing established areas, such as Erskineville village and King Street, Newtown and the services they provide;
 - (b) It is within walking distance of two rail stations (St Peters and Erskineville);
 - (c) proximity to Sydney Park regional open space;
 - (d) high accessibility to transport routes, such as Sydney Park Road and Euston Road; and

- (e) proximity to Central Sydney, the Airport and Port Botany.
7. Redevelopment of Ashmore is subject to the following site constraints:
- (a) a complex land ownership pattern, some under strata titles;
 - (b) a constrained road network, which is in high demand form local and through traffic, which is congested at peak times;
 - (c) proximity to the surrounding low scale Cooper Estate, MacDonalddtown and Erskineville Oval conservation areas;
 - (d) easements over land providing owners with access;
 - (e) flooding in certain locations, predominantly Ashmore Street, MacDonald Street, and the intersection of Mitchell Road and Coulson Street;
 - (f) high demand for existing trains and bus services, which results in congestion at peak times; and
 - (g) the location of the Sydney Water desalination pipeline.
8. Draft planning controls have been prepared to guide redevelopment of the precinct, given its constraints. They are the result of a number of technical studies which have been commissioned by the City over a number of years, most recently a Social Sustainability Assessment a Traffic and Parking Assessment and an Urban Design Study.
9. On 13 May 2013 and 9 May 2013, Council and the Central Sydney Planning Committee (CSPC), respectively, resolved to endorse the *Planning Proposal: Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville* and approve the draft *Sydney Development Control Plan 2012 – Ashmore Precinct Amendment* for public exhibition. These resolutions are shown at **Attachment D**. This report details the outcomes of the public exhibition and recommended changes to the planning controls.

Current Planning Controls

10. Ashmore is subject to four separate planning documents, which are summarised below:
- (a) Sydney LEP 2012: applies to Ashmore but excludes the two Goodman sites (57 Ashmore Street and 165-175 Mitchell Road);
 - (b) Sydney DCP 2012: excludes the whole of Ashmore;
 - (c) *South Sydney Local Environmental Plan 1998*: only applies to the Goodman sites; and
 - (d) *South Sydney Development Control Plan 1997: Urban Design - Part G Special Precinct No. 7 – Ashmore Precinct* (the Ashmore DCP 2006): applies to the whole of Ashmore as long as it is consistent with the Sydney LEP 2012.

Proposed Planning Controls - Planning Proposal

Sites 57 Ashmore Street and 165-175 Mitchell Road, Erskineville (owned by Goodman)

11. The two subject sites are adjacent lots owned by Goodman. The sites were deferred from the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) when the plan came into effect on 14 December 2012. At the time the Council and the CSPC approved Sydney LEP 2012, it was noted that the sites would be the subject of a separate planning proposal. This Planning Proposal is shown at **Attachment A**. The remainder of sites in Ashmore are covered by Sydney LEP 2012. The Planning Proposal is consistent with the overall planning controls for the remainder of the precinct.
12. Broadly, the main planning controls in the Planning Proposal are:
 - (a) maximum height of 27 metres (eight storeys);
 - (b) maximum FSR of 1.75:1;
 - (c) zone B4 Mixed Uses - 165-175 Mitchell Road, Erskineville; and
 - (d) zone B2 Local Centre - 57 Ashmore Street, Erskineville.
13. These planning controls are shown in the Draft LEP maps in Part 4 of the Planning Proposal shown at **Attachment A**.

Draft Sydney Development Control Plan 2012 – Ashmore Amendment

14. The draft *Sydney Development Control Plan 2012 – Ashmore Precinct Amendment* (draft Ashmore DCP) is shown at **Attachment B**. The draft Ashmore DCP applies to the whole of Ashmore, including the Goodman sites, which are the subject of the Planning Proposal. It provides detailed planning controls that support the Planning Proposal for the Goodman sites and the Sydney LEP 2012 for the remaining sites in Ashmore, i.e, those sites not covered by the Planning Proposal.
15. The specific planning controls include:
 - (a) a character statement which details the vision for Ashmore;
 - (b) building envelopes ranging in heights from two storey terraces to eight storey apartments, and indicative heights allowing for design excellence;
 - (c) street wall heights of five storeys;
 - (d) upper level building and landscaped setbacks of four and three metres respectively;
 - (e) requirements for public domain and landscape design, including new streets, open spaces and cycle links;
 - (f) street typologies;
 - (g) specific built form controls to address terrace and apartment building types;

- (h) details about the design and location of Kooka Walk, the major green link connecting Erskineville Oval to Sydney Park, and McPherson Park, the major open space for the precinct; and
 - (i) the preferred location of local shops adjacent to the new McPherson Park and the extension of MacDonald Street, and the preferred location of childcare facilities.
16. Figures 5.3 and 5.20 in the draft Ashmore DCP show the location of public domain and built form layout.

Public Exhibition

17. The Planning Proposal and draft Ashmore DCP were place on public exhibition from 24 July to 23 August 2013. Thirty submissions were received as a result of the exhibition; the issues raised can be divided into the following themes:
- (a) economic viability;
 - (b) compliance with development applications;
 - (c) ecology;
 - (d) traffic and parking;
 - (e) urban design (and densities); and
 - (f) provision of infrastructure.
18. Submissions were received from:
- (a) three landowners - Goodman and consultants on behalf of Leighton and Fridcorp;
 - (b) three State Agencies - Department of Education, Department of Transport and Ausgrid;
 - (c) two local community groups - the Friends of Erskineville and the Alexandria Residents Action Group; and
 - (d) 22 local residents.
19. A summary of the submissions is at **Attachment F**.
20. As a result of matters raised in submissions, there are no proposed changes to the Planning Proposal, other than updating information such as details of the consultation process through the public exhibition. The main changes to the draft Ashmore DCP as a result of the exhibition are as follows:
- (a) some refinement of building locations to reduce overlooking and the impacts of overshadowing;
 - (b) further controls to protect the local ecology;
 - (c) incorporating all associated changes in the relevant maps and sections; and

- (d) minor editing of provisions for clarity
21. Some small refinements to the building layouts to ensure the best amenity outcomes and ensure the built form does achieve the floor space ratios set out in the Sydney LEP 2012 were also undertaken.
 22. The Planning Proposal and draft Ashmore DCP are recommended for approval. Changes to the draft Ashmore DCP are shown at **Attachment B** where additional text is shown in red underlined and text to be deleted is shown in ~~red strikethrough~~.

KEY IMPLICATIONS

Issues Raised in Submissions

Economic Viability

23. Issue: Goodman state the FSR for their two sites is too low to allow them to redevelop. Significant costs of redevelopment are associated with the breaking of current leases and potential contamination.
24. Response: Whilst Goodman's current submission does not suggest an FSR that would be economically viable, in 2011 they made a submission to the then Minister for Planning and Infrastructure, Tony Kelly MP, seeking heights of 60 metres (19 storeys) and an FSR of 2.75:1, citing that such controls were necessary for the financial viability for the redevelopment of their sites.
25. The City was instructed by the Department of Planning and Infrastructure to place these controls on public exhibition, however, the controls were subsequently dismissed by the current Minister for Planning and Infrastructure, who stated they were inappropriate for the area. The City and local community also did not support these controls, as they resulted in unacceptable urban design impacts, had unacceptable overshadowing impacts on adjacent properties, and provided unacceptable amenity. The proposed densities could also not be supported, as the traffic generated would result in the surrounding road network performing at an unacceptably poor level of service, resulting in significant traffic congestion, particularly in the peak periods.
26. Further urban design analysis undertaken by City staff has concluded that the maximum FSR that can be achieved on the two sites is 1.75:1, with a potential 10% additional gross floor area for design excellence, taking the maximum FSR achievable on the two sites to 1.92:1. Such FSRs allow for a transition of building heights from the surrounding conservation areas, with higher buildings surrounding the new park or adjacent to the rail line.
27. Traffic modelling from the recent Traffic and Parking study has shown that the cumulative impact of traffic at full redevelopment, with the FSRs in the Sydney LEP and the proposed FSRs for the two Goodman sites, will cause significant traffic congestion on the surrounding road network and significant improvements to public transport will be required prior to full development of Ashmore.
28. Goodman also state that the draft planning controls do not address the costs of breaking existing leases with tenants and that contamination is a major financial constraint to redevelopment. The City considers leasing arrangements are a commercial matter between the landlord and the tenant and not a planning consideration.

29. No evidence was provided demonstrating the extent of contamination, but there is a history of uses that involved contaminating uses and processes which is common across the wider South Sydney area.
30. The contamination report submitted as part of the development application for the Leighton site, as shown in the map in Figure 2, identified some contamination. It concluded the level of contamination was such that residential uses could still be supported. This site is currently under construction.
31. The cost of decontamination varies greatly, depending on the type of contaminating material, its concentrations and the extent of land affected.
32. As is the case with other urban renewal areas in the Local Government Area, the City does not increase densities to compensate landowners for contaminated land, as this would create uncertainty for infrastructure planning and investment and amenity impacts.
33. Further, it is noted that the Ashmore precinct currently provides employment opportunities which are appropriate to continue until individual sites are ready to develop. The draft planning controls will enable staged redevelopment, guiding development as it occurs.

Compliance with development applications

34. Issue: Some sites benefit from a right of way providing access. One landowner has raised the issue that the draft Ashmore DCP sets back a building that has stage 1 approval and is located to accommodate the right of way.
35. Response: The draft Ashmore DCP sets back the building, as this is the preferred built form outcome. The development consent includes a condition that the developer can build over the right of way (creating a void that must provide access for vehicles unless the right of way is extinguished) but must seek the approval of all the beneficiaries of the right of way. The purpose of this particular control is to ensure an appropriate public domain outcome, ultimately with the converting of the right of way into a pedestrian only pathway.

Ecology

36. Issue: Five submissions from residents, predominantly along Ashmore Street, raise concerns about the removal of approximately 5 fig trees at the corner of Ashmore Street and Mitchell Road that are approximately 40 years old. The residents were also concerned about the removal of trees and shrubs behind properties along part of Ashmore Street within the proposed Coppersmith Lane, and the preservation of existing trees and shrubs along the proposed Kooka Walk.
37. Response: The City's arborist and urban ecology coordinator advised that the fig's root system is extensive, and is likely to be damaged in the redevelopment of this site. This would be assessed in detail once a development application has been lodged with the City.
38. As Ashmore is likely to redevelop over the next 20 years, it is anticipated that the impacts of tree removal can be managed as individual sites redevelop. Further, the draft Ashmore DCP requires a park of approximately 7,400 square metres and the landscaping of Kooka Walk, which is approximately 7,800 square metres. This provides an opportunity to plant a greater number of trees in the precinct.

39. The trees at the rear of Ashmore Street are within private property in the carriageway of the proposed Coppersmith Lane and will require removal when the landowner develops that site. To better manage impacts on biodiversity, additional provisions have been added to the draft Ashmore DCP which will now require an Ecological Assessment Report for any development adjacent to Coppersmith Lane. This approach will provide a management strategy to identify alternative local habitats for identified biodiversity.
40. Along the proposed Kooka Walk existing trees and shrubs will be incorporated into the new pedestrian and cycle link, but would be subject to the landscape design process.

Traffic and parking

41. Issue: Ten submissions raised the impacts of traffic and parking on the surrounding streets of Erskineville and Alexandria, questioning the accuracy of the City's Parking and Traffic Study 2013 undertaken by AECOM. The submissions were concerned that the Study omitted some key streets, particularly Prospect Street to the west of the Illawarra rail line.
42. Response: The study area of the Parking and Traffic Study was the area bounded by Copeland Street to the north, Sydney Park Road to the south, Mitchell Road to the east and King Street to the west. Traffic counts to establish the current levels of traffic were undertaken at strategic points. Some local streets are likely to experience increased traffic, however, the levels of service at intersections would be at an acceptable level. The Study has made recommendations for those streets, predominantly Mitchell Road, where the impacts would be unacceptable without parking and intersection design to improve traffic flows.
43. Traffic impacts are addressed in the Ashmore Infrastructure Plan, shown at **Attachment C**, which identifies parking management and infrastructure improvements.

Urban design

44. Issue: Seven submissions were received from residents of a row of terraces in Nassau Lane. The terraces were built as part of the 'Motto' Development in 2009. Their concerns relate to the proximity and height of proposed new development to the north of the (rear) of their property.
45. Response: Further urban design analysis was undertaken to establish whether greater building separation and lower building heights could be achieved on the site to the immediate north.
46. It is recommended that the draft Ashmore DCP is amended to reduce building heights from seven storeys to four storeys with the floor space being redistributed to maintain the development yield. The building separation is also increased from 7.5 metres to 12 metres. This will improve sun access, privacy and a transition of height between the new development and the existing lower scale development along Nassau Lane.

47. Issue: The two local community groups objected to the proposed building heights and densities in general.
48. Response: The City has undertaken an extensive urban design review to ensure built form impacts are minimised, particularly to the surrounding conservation areas. A predominant five storey street wall height applies throughout. Any additional storeys will be required to be setback four metres, which will reduce the visual impacts.
49. Issue: One landowner questioned the maximum building heights and compliance of proposed built form with State Environmental Planning Policy 65 (SEPP65) and the Residential Flat Design Code (RFDC).
50. Response: The City has tested SEPP65 and RFDC requirements across all development blocks to ensure compliance. The indicative built form shown in the draft Ashmore DCP is in accordance with the State and City's own amenity requirements.
51. Issue: Seven submissions raised concerns over the implementation of the planning controls and, in particular, the impacts of Leighton development, and the scale of this development.
52. Response: The maximum height for the Leighton development is eight storeys. This complies with the maximum height limit in the Sydney LEP 2012, and is appropriate in this location due to its proximity to the Illawarra rail line and has limited overshadowing impact on adjacent areas.
53. This development was subject to additional floorspace through the design excellence provisions, the draft Ashmore DCP now indicates where potential additional floorspace secured through a competitive design process could be accommodated within development sites.

Provision of infrastructure

54. Ashmore is the largest redevelopment site outside of Green Square. Its redevelopment will deliver approximately 3,500 new homes. By comparison Green Square Town Centre will deliver 3,750 new homes. Redevelopment on such a scale will require a co-ordination of the provision of infrastructure, both physical and social.
55. Key infrastructure issues that have been identified by the local community are the provision of sufficient school spaces, improvements to public transport and childcare. The provision of such services is predominantly the responsibility of the State Government. The Lord Mayor wrote to the Minister for Education and the Minister for Transport to raise these issues. Their response is at **Attachments H and I** to this report. The City is also committing funds to the provision of childcare facilities within its Local Government Area.
56. Established childcare providers in the local area, such as Gowrie and Froebel have contacted the City as they are looking to expand in the local area. City planning staff have provided advice on potential sites in Ashmore that would be suitable for childcare facilities.

57. A Notice of Motion endorsed by Council on 26 August 2013, (see Resolution of Council shown at **Attachment G** to this report), requested an Infrastructure Audit and Plan for Ashmore be undertaken. This Plan, **shown at Attachment C**, identifies the social and physical infrastructure that is required, and timeframes. The Plan also defines who is responsible for the infrastructure and, where possible, costs.
58. The key findings of the plan are:
- (a) approximately 1,450 dwellings (2,590 people) are predicted to be built by 2017;
 - (b) recent upgrades to public transport provision are likely to require further improvement by 2017;
 - (c) the area has a higher proportion of families with children than other areas in the Local Government Area, with an under supply of childcare facilities; and
 - (d) upgrades to stormwater management infrastructure is required, but funds are yet to be allocated.
59. It is recommended that the Infrastructure Plan is noted by the Central Sydney Planning Committee, and that the Plan is reviewed every six months to update the Plan. This review will consider the impacts of any further development applications, to allow the City to assess what infrastructure is required and how to best integrate its delivery.
60. It is also recommended that the *Ashmore Infrastructure Plan 2013* be used as a framework for ongoing discussions with the relevant State Government agencies to ensure they are able to respond in a timely manner.
61. It is proposed that the *Ashmore Infrastructure Plan 2013* will be available to all stakeholders via the City's website and consultation with the State Government agencies, community and other stakeholders occurs in the review of the Plan.

Strategic Alignment - Sustainable Sydney 2030 Vision

62. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The recommendations of this report are aligned with the following *Sustainable Sydney 2030* strategic directions and objectives:
- (a) Direction 4 - A City of Pedestrians and Cyclists - Ashmore offers opportunities to develop a network of safe, linked pedestrian and cycle paths that integrate with green spaces in both Ashmore and its surrounding neighbourhoods. The proposed street network has been designed to service local traffic only and reduce the need to use private cars for short trips. The proximity of Ashmore to Central Sydney, Green Square Town Centre, the Universities of Sydney and New South Wales, and the provision of cycling facilities will help promote green travel to major workplaces and venues in the surrounding areas.

- (b) Direction 6 - Vibrant Local Communities and Economies - Ashmore is to become a Local Centre with local shopping and amenities. Redevelopment of Ashmore will create a new neighbourhood within the suburb of Erskineville, and a new 'village', a place for meeting, shopping and recreation for local communities. Whilst redevelopment in Ashmore will result in the closure of the existing light industrial uses, alternative employment opportunities, such as commercial and retail, will be created associated with the local centre shops and services.
- (c) Direction 8 - Housing for a Diverse Population - A key objective of redevelopment within Ashmore is to create a range of housing types. The planning controls will encourage terraces, as well as apartments and duplex apartments, to offer diversity of housing for different lifestyle choices and household types.
- (d) Direction 9 - Sustainable Development, Renewal and Design – The draft Ashmore planning controls recommended for approval seek to ensure sustainable development, design excellence and environmental management through the public domain.
- (e) Direction 10 - Implementation through Effective Governance and Partnerships – The Ashmore Infrastructure Plan identifies the actions and responsibility for the effective delivery of infrastructure in the precinct. This will require co-ordination with a range of units within the City and relevant State Government agencies.

OPTIONS

- 63. The Central Sydney Planning Committee may resolve not to approve the Planning Proposal and the draft Ashmore DCP as recommended in this report. However, there are currently two DCPs and two LEPs that apply to the different sites within Ashmore. One LEP and DCP is recommended because they will provide a consistent and integrated package of controls for the design of buildings and the public domain.

PUBLIC CONSULTATION

- 64. There has been over eight years of extensive community consultation in the development of planning controls for Ashmore.
- 65. The Planning Proposal, shown at **Attachment A**, and the draft Ashmore DCP, shown at **Attachment B** were exhibited concurrently for 28 days from 24 July to 23 August 2013. Exhibition packs were available for viewing at the City's One Stop Shop, Redfern and Green Square Neighbourhood Service Centres and Newtown Library. The information was also available on the City's website.
- 66. Thirty submissions were received, three from landowners, three from State Government agencies, and 24 from members of the community, including one from the Friends of Erskineville and another from the Alexandria Residents Action Group. A summary with responses to all the submissions is shown at **Attachment F**. Where appropriate, changes are recommended to the draft planning controls to address the issues raised in submissions.
- 67. City staff have met with Goodman to discuss in detail the findings of technical studies and how these have informed the planning controls.

68. City staff also liaised with the President of Friends of Erskineville in the preparation of the Ashmore Infrastructure Plan to ensure that issues audited covered the local issues of concern. A site visit to see first-hand the issues of concern was also held with the Friends of Erskineville on 16 October 2013. The Alexandria Residents Action Group were also invited but were unable to attend.

Organisational Impact

69. The redevelopment of Ashmore has key implications for the delivery of certain services that are the responsibility of the State Government, most notably the provision of public transport and schools. These responsibilities are identified in the *Ashmore Infrastructure Plan 2013* shown at **Attachment C** to this report. This plan has also identified the services that are the responsibility of the City.
70. Ashmore has been added as an item for discussion by the existing Green Square Transport Working Group. This Group includes City staff and representatives from Transport for New South Wales and the Roads and Maritime Services. It is intended that this Group will be kept up to date with development in Ashmore to ensure they are able to plan for the adequate provision of new services to meet the increased demand resulting from the redevelopment of the precinct.
71. The City is also in regular contact with the Department of Education and Communities to discuss school spaces across the wider Local Government Area. This group is considering education facilities planning, and is a forum for exchange of population projections data, including data on key urban renewal sites such as Ashmore. This group will be able to align information on supply and demand issues with Department of Education and Communities so that services are in place as new development is completed.

Economic

72. There are likely economic benefits that will result from development in Ashmore. Since the Sydney LEP 2012 came into effect, there has been an increased developer interest in Ashmore, including the approval of a development application for the Leighton Properties site known as "Erko," and another development application currently under assessment for an adjacent site owned by Fridcorp, as shown in the maps at Figure 2. There has also been some interest, through planning consultants, for a number of sites that are adjacent to or close to the Leighton site. This interest is a good indication that the planning controls are economically viable and will trigger further development across Ashmore.
73. Whilst it is recognised that some sites like Leighton's and Goodman's are required to dedicate more public infrastructure and land than others, floor space has been transferred to the parts of the site that can be developed, so the net FSRs are similar to adjacent sites. Additionally, under the City's *Section 94 Contributions Plan 2006*, the dedication of land and construction of significant infrastructure elements, such as McPherson Park and Kooka Walk, can be offset against monetary section 94 contributions.

RELEVANT LEGISLATION

74. The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

CRITICAL DATES / TIME FRAMES

75. The Sydney LEP 2012 applies to Ashmore, but excludes the Goodman sites. Ashmore is excluded from the Sydney DCP 2012, and, therefore, is still subject to *South Sydney Development Control Plan 1997*. There is a need to integrate the planning controls to have a single package to provide certainty and clarity to the community and developers.
76. If the Planning Proposal is approved by Council and the Central Sydney Planning Committee, the Gateway Determination, at **Attachment D**, authorises Council to exercise the Minister's delegation under his plan-making powers under Section 59 of the *Environmental Planning and Assessment Act 1979*. This delegation allows the City to liaise directly with Parliamentary Counsel to draft and make the local environmental plan, giving effect to the Planning Proposal.
77. The Gateway Determination at **Attachment D** requires the City to make the local environmental plan by 2 July 2014.
78. If approved by Council, the draft Ashmore DCP will be integrated into the Sydney DCP 2012 and will come into effect once the City issues a public notice, except for the Goodman sites which are subject to the planning proposal for which the draft Sydney DCP will come into effect when the local environmental plan for these sites is made and published on the NSW Legislation website.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(John Davies, Specialist Planner)