

**SECTION 75W APPLICATION**

**MP 08\_0195**

**78-90 OLD CANTERBURY ROAD, LEWISHAM**

**AMEND CONDITION A3**

**JANUARY 2013**

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## 1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a Section 75W application by Meriton Group Pty Ltd to amend Major Project Approval MP 08\_0195.

It is proposed to amend condition A3 of the consent.

This application provides an assessment of the proposed changes against the relevant issues and has been undertaken as part of the design process.

## 2.0 SITE AND SURROUNDINGS

The subject site is located at 78-90 Old Canterbury Rd, Lewisham, which is legally described as Lot 11 in DP 774322 and Lots 6-8 in DP 977044. The site is an irregular shaped allotment that is currently occupied by an assortment of industrial buildings. As shown in **Figure 1** and **Figure 2**, the site is bounded by Longport Street to the north, Old Canterbury Road to the east, Hudson Street to the south and a green corridor (redundant freight railway corridor) to the west. A few outbuildings are located within the green corridor to the west and attached to the western boundary alignment of the subject site. The north eastern corner of the site is bounded by William Street and Brown Street. The site has a total area of 13,115sqm.

The site is subject to a recent Major Project approval that granted consent to a concept plan that will guide future redevelopment on the site. Details in this respect are at section 3.1 of this Statement.



Figure 1: Location of subject site (shown marked with star)



Figure 2: Aerial view of site showing approximate boundary location

### 3.0 PROPOSED MODIFICATION

#### 3.1 EXISTING CONSENT

On 15 March 2012, the Planning Assessment Commission granted development consent (MP08\_0195) subject to conditions, to the following development on the subject site:

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

- a) use of the site for residential, retail, commercial and public open space;*
- b) indicative building envelopes for 7 separate buildings with heights ranging from 4 to 10 storeys;*
- c) basement level and at grade car parking;*
- d) internal and external road works;*
- e) public pedestrian and cycle pathways. Providing connections to the surrounding area, the Lewisham railway station and Lewisham West light rail stop.*

#### 3.2 PROPOSED AMENDMENTS

It is proposed to amend condition A3 of the consent.

The condition is proposed to be amended because its current wording prevents Council from accepting and assessing a Development Application for the site. Negotiations are underway between Merriton and Marrickville Council on the content of the VPA, but it is envisaged that the final details of the VPA will not be complete for approximately 3 months. Accordingly, the condition will need to be amended.

There is extensive development assessment work that can be undertaken by Council before the details of the VPA are finalised. The determination of the Development Application would then ordinarily include a condition that requires the VPA.

Accordingly, it is considered appropriate to amend the wording to allow Council to accept a DA.

The condition is to be amended as follows:

*Prior to the submission of any future application under Part 4 of the Act ~~the Proponent shall provide written evidence to the Director General that it has entered into~~, negotiations shall be underway with respect to a Voluntary Planning Agreement ~~with between the Proponent and~~ Marrickville Council, in consultation with Transport for NSW, with terms outlined in the EA, PPR and Revised Statement of Commitments including:*

- upgrade of Hudson Street*
- embellishment and dedication of public open space to the north of Hudson Street*

- *upgrade or embellishment of pedestrian and cycle access links to the Lewisham West light rail stop, Lewisham railway station and surrounding residential areas; and*
- *other parts of the site that will be upgraded, embellished, constructed or dedicated to Council.*

## 4.0 PLANNING ASSESSMENT

This section undertakes an assessment of the proposal under the relevant issues raised by the proposed modification.

### 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS

#### 4.1.1 Marrickville Local Environmental Plan 2011

Marrickville Local Environmental Plan 2011 is the planning instrument that applies to the subject site.

##### *Zoning*

In accordance with clause 2.2, the subject site is zoned as follows (refer Figure 3):

- R4 High Density Residential
- IN2 Light Industrial
- B4 Mixed Use
- B5 Business Development

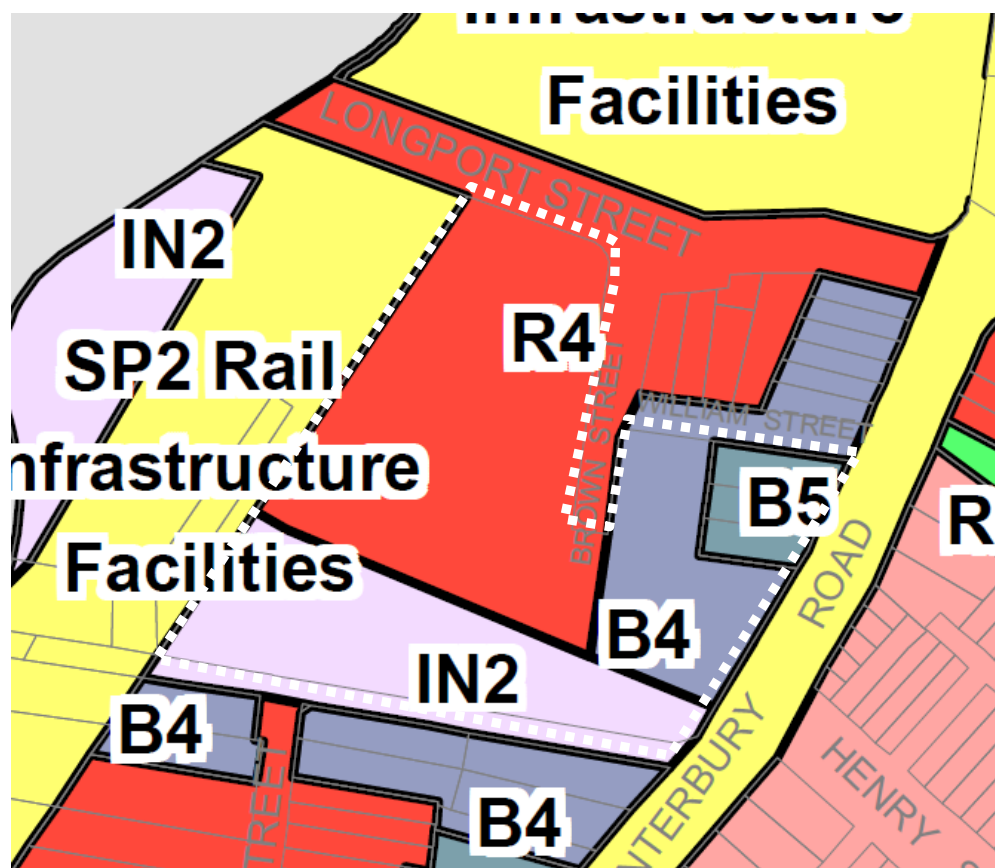


Figure 3: Extract from zoning map from LEP 2011



The proposed amendment to the approved concept plan for a mixed use development on the site is permissible in all zones except for the Light Industrial zone. However, given that the Major Project has been approved on the site, the proposed amendment is able to be considered under Section 75W.

There are no other clauses of the LEP that are relevant in the assessment of the proposed amendment.

#### **4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft environmental planning instruments relating to the proposed modification.

#### **4.3 DEVELOPMENT CONTROL PLANS**

##### **4.3.1 Marrickville Development Control Plan 2011**

The Marrickville DCP applies to the subject site. The McGill Street section of DCP 2011 contains site specific requirements for development of the subject site.

The proposal does not require assessment under any of the provisions of the DCP.

#### **4.4 LIKELY IMPACTS**

The proposal to amend the condition will not have any adverse impacts. It will not change the circumstances of the VPA and will not alter the obligations therein. The proposal seeks only to allow Council to consider a Development Application under Part 4 before the details of the VPA are finalised.

## 5.0 CONCLUSION

The proposal seeks to amend condition A3 of the consent.

The proposal satisfies assessment of all relevant issues including all relevant provisions contained in Marrickville Local Environmental Plan 2011 and Marrickville Development Control Plan 2011.

It is therefore submitted that the Minister grant approval to the Section 75W application and amend the development consent in the manner requested.

