

BACKGROUND:

Thank you for notifying me by letter of April 29, 2013 and for this opportunity to comment on the above s75W application (MOD1 & PPR) that seeks to amend the PAC approved concept plans, conditions of consent and statement of commitments.

This submission is made on behalf of my immediate family and my extended family. We own and have lived for many years at No 2, No 4, & No 6 William Street, Lewisham.

We also own and operate a small business in Longport Street, Lewisham making - handmade architectural mouldings - that has traded successfully at this location for more than 35 years. In this capacity, I'm also representing my employee's views.

This submission also represents the views of **most of the residents** who live in what locals now affectionately call the '**un-amalgamated block**' - a low-rise residential area bounded by Old Canterbury Road and William, Brown and Longport Streets, Lewisham.

We are the residents (and I'm a small business owner) who will suffer the most immediate, severe and deleteriously negative impacts to arise from DOPI decision-making in regards to the s75W request before you that seeks to 'whittle away' and amend the previously PAC approved concept plans, conditions of consent and statement of commitments for this contentious development.

BROAD OBJECTIONS TO THE s75W MOD1/PPR:

In the first instance, I strongly object to the **DOPI's failure to notify me at all** about the originating s75W request made to you under Part 3A transitional arrangements on 19/12/2012.

I did make a late submission on April 22, 2013 (too late to be included in any DOPI consideration at the time) following Council notification of a **concurrent DA** put out to public exhibition on March 27, 2013. I note this DA (under Part 4 of the EP&A Act, 1979) was also lodged concurrently in December, 2012.

Just how can we have any faith whatsoever that due process is being followed by your department when you fail to notify us in a timely manner? Do we feel this time that we have been '**blind-sided**' by the DOPI? YES, WE DO.

Without prejudice, to those of you in the DOPI making decisions with no first-hand knowledge of the location of this project and/or who choose to turn a blind eye to the grossly negative impacts of this proposal on residents in the 'un-amalgamated block' - **I want you to know** that as residents of William Street, Lewisham, **we live less than 8 metres from residential tower blocks F and G** in the Tony Owen site master plans.

To better understand our perspective, we broadly supported the Hassells designed/Council approved McGill Street Precinct master plan as it was informed by years of detailed pre-planning and numerous urban design studies including the Marrickville Urban Strategy (2007) and others.

We have however been **unable to support any of the myriad Tony Owen master plans for this site**. We have made many submissions (EA, PPR, PAC) and numerous representations to that effect.

FIRSTLY, in our opinion, not only does the Owen's master plan still represent a gross over-development of the McGill Street Precinct site but all subsequent revisions still represent a grossly insensitive and inappropriate response to the site context and typography.

Additionally, and more particularly, all revisions of the Owen's site master plans trash the strong central design elements of the Hassells' designed urban planned outcome for this site and of the adjoining site, the Mills:-

- The north/south axis with its active walking/cycling path corridor and the light rail extension
- And the east/west axis with a new public park that opens up the precinct fan-like to provide view vistas across the valley and provides through-site connectivity and permeability to the GreenWay and the light rail stop and through to the Summer Hill village.

SECONDLY, we have been run ragged for years now and sent up more dry gullies, blind alleys and down more rabbit-holes by the **originating proponent's successive master plans** than it is possible to countenance without sheer disbelief in the design of the urban planned outcome for this site.

THIRDLY, and even worse still, underlying that **we have endured years of unconscionable conduct**, including but not limited to dubious approaches to purchase our properties (with low-ball offers and implied threats) and un-necessary confrontations – a pattern of behaviour that is just silly, shameless, churlish and unrestrained by any consideration for others and their rights.

FINALLY, in an act of perversity that will impact on all existing residents - the residential block bounded by OCRd, William, Brown and Longport Streets - was **simply excised** in the very first Owen site master plan of the McGill Street Precinct master plan. Under Part 3A, no matter the quality, the developer's master plans take precedence over others.

It is worth noting that this stroke to excise this residential block in the subject site master plans **was enacted** well before any public consultation had been undertaken and before the subject site master plans for the entire McGill Street Precinct had gone on EA.

Notwithstanding, the fact remains that the curious omission of the 'un-amalgamated block' from any of the subject site master plans has further been **BURIED** when the residents, including myself, dared to raise our legitimate concerns in the EA - that the project proponent had not addressed the DGR's satisfactorily. (See previous submissions).

To date, our concerns have never been satisfactorily addressed by the DOPI nor were they addressed satisfactorily by the PAC commissioners who report they put these concerns forward. I doubt though that these concerns were raised directly with the originating proponent of this Part 3A project.

Failure to notify us of the MOD1 application in time is but one example of high-handedness. Other 'deliberate' tactics to minimise the severe impacts of the 'excision' of this residential block on existing residents will be shown later in this submission.

#### SPECIFIC OBJECTIONS to MOD1-PPR:

- 1, We object to no notification by the DOPI of the s75W request – MOD1 – to amend the PAC approved concept plans, conditions of consent and statement of commitments lodged on 19/12/2012.
2. We object to a concurrent DA application submitted by Meriton (DA201200588) around the same time as the s75W request as the DA does not comply and is very different to the concept plan approved with strict conditions by the PAC on March 15, 2012. We have lodged a separate objection to the DA.
3. We may have been unscrupulously 'excised' from the subject site master plans, but there is no excuse for this department's failure to notify us at the earliest opportunity. This failure to notify us at all meant we were 'excluded' from making submissions in time for departmental consideration to the s75W request. This is highly prejudicial and discriminatory to the interests of all residents but particularly those who live in this 'un-amalgamated block'.

#### MASTERPLAN OBJECTIONS:

4. I note that under PAC approval Schedule 2 (A2) ...that the development shall be undertaken generally in accordance with the following drawings:
  - 12.3 Subject Site Masterplan – Traffic, Access and Parking by Tony Owen – dated, November 2011.... "except for as modified by the following ....imposed by the PAC in Schedule 2 - Part A and Part B Modifications, B1, B2 & B3.

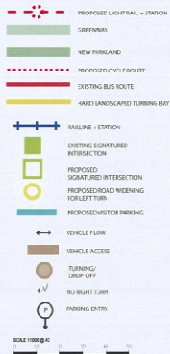
(See the subject site concept plan approved by the PAC prior to its imposed modifications overleaf)

## 12.3 SUBJECT SITE CONCEPT PLAN

## TRAFFIC, ACCESS + PARKING STRATEGY

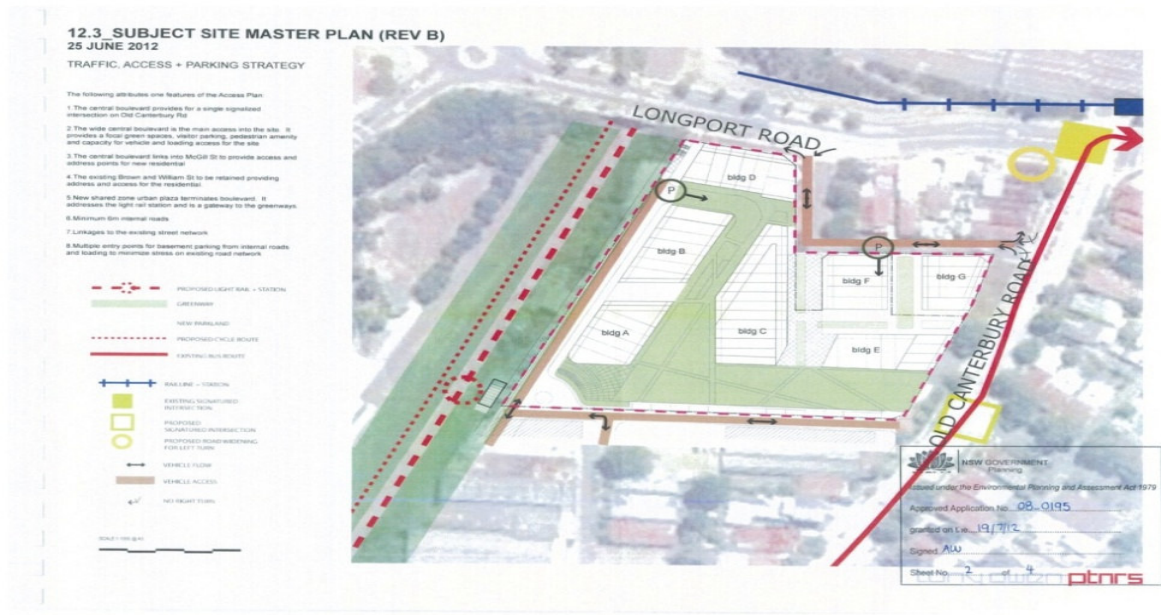
The following attributes are features of the Access Plan:

- 1 The central boulevard provides for a centralised intersection on Old Canterbury Rd.
- 2 The wide central boulevard is the main access into the site. It provides a local green space, wider parking, pedestrian amenity and capacity for vehicle and loading access for the site.
- 3 The central boulevard links into Mollie St to provide access and address points for new residential.
- 4 The existing Green and Yellow St to be retained providing address and access for the residential.
- 5 New shared zone urban place to minimise boulevard. It addresses the light rail station and is a gateway to the greenways.
- 6 Minimum 6m internal roads.
- 7 Linkages to the existing street network.
- 8 Multiple entry points for basement parking from internal roads and loading to minimise stress on existing road network.
- 9 Additional turning loop of points.



The PAC required amended plans to satisfy the requirements and modifications it imposed on the above concept plan approval with amended plans to be approved by the DOPI. The amended plans approved in July 2012 by the DOPI include the following concept plan below.

12.3 Subject Site Masterplan (REV B), Traffic, access and parking by Tony Owen – June 25, 2012.



Note how the 'un-amalgamated' low-rise residential block to the NE of this plan has been blocked out and is therefore given no consideration in the DOPI approved plans.

Another revised plan - 12.3 Subject Site masterplan - traffic, access and parking (REV C) dated November 9, 2012 was submitted with the originating s75W MOD1 request to the DOPI on 19/12/2012 but is not shown and we note that the MOD1/ PPR has withdrawn this REV C plan of November 9, 2012. Its PPR report instead cites the following:-

*"The proposed driveway access locations (Western side of site and William St) are to be reinstated as **originally approved** in the concept plan. Refer sections 3.2.2 and 4.1.2 of this report". (PPR of April 23, 2013).*

#### 12.3 Subject Site Masterplan, (REV D) Traffic, access & parking – Tony Owen – March 22, 2013.

As you can see below revision D of this plan is not exactly that **originally approved (Nov 2011)** nor is it **exactly the same as the plan** the followed the modifications imposed by the PAC and approved by the DOPI in July, 2012 seen on the previous page.

**For the very first time in REV D below** the car park ingress/egress entrances **are clearly marked**. NB: The loading area relocation that under PAC Part B2 was to be deleted from the concept and placed underground. (See later comments in this submission).

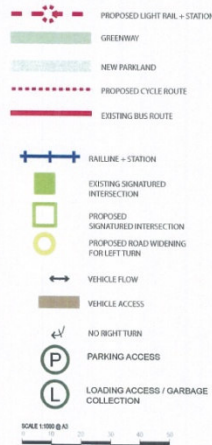


### 12.3 SUBJECT SITE MASTER PLAN (REV D) 22 MARCH 2013

#### TRAFFIC, ACCESS + PARKING STRATEGY

The following attributes are features of the Access Plan:

1. The central boulevard provides for a single signalized intersection on Old Canterbury Rd.
2. The wide central boulevard is the main access into the site. It provides a focal green space, visitor parking, pedestrian amenity and capacity for vehicle and loading access for the site.
3. The central boulevard links into McGill St to provide access and address points for new residential.
4. The existing Brown and William Sts to be retained providing access and access for the residential.
5. New shared zone urban plaza terminates boulevard. It addresses the light rail station and is a gateway to the greenways.
6. Minimum 6m internal roads.
7. Linkages to the existing street network.
8. Entry point for basement parking and loading from internal road to minimize stress on existing road network.



tony owen ptnrs

#### SPECIFIC TRAFFIC, ACCESS & PARKING OBJECTIONS:

5. We object very strongly to the placement of one of the vehicular ingress/egress car park entrances in the middle of William St between buildings F and G.
6. Our concerns are very simple and include the incapacity of William St and Brown St to handle two car widths of traffic as is the case right now. We cannot believe that the proponent has chosen this 'worst' option to site a car park ingress/egress in this small Victoria era street given the

flow-on effects in terms of intersection performance/s and of traffic distribution problems.



View From Old Canterbury Rd to proposed entrance/exit under building F  
Please note that residents vehicle are parked right opposite this proposed entrance and by William St being 6 metres wide and two of those meters taken by the residents who are legally allowed to park there

How are the vehicles coming out from building F supposed to turn right into William St to make their left hand turn out into Old Canterbury Rd?

Especially in peak hour time when you have vehicles trying to get out from building F parking turning right into William St to turn left out into Old Canterbury Rd and vehicles turning left into William St from Old Canterbury Rd you would have a two way traffic congestion in a 4 metre wide street queuing up back into Old Canterbury Rd

Surely this congestion will create noise and pollution affecting residents who live opposite this proposed building car park

It should also be noted that when these vehicles would be coming out of Building F at night their car headlights would be penetrating through the front windows of the opposite houses creating noise and pollution and disturbing night time rest to residents who live there



TRAFFIC REPORT WILLIAM STREET And OLD CANTERBURY ROAD

Corner of William St & Old Canterbury  
Rd Car waiting to get in William St  
While Traffic is queuing in  
Old Canterbury Rd



Car Get's in William St but drives onto  
footpath to let another car pass by



Finally car gets off the footpath while another car is trying to get into William St  
As you can see this is happening now, Imagine what it 's going to be like if it's allowed to  
go ahead to what the architects are proposing.  
As it is William Street is a very narrow street and it should be widened to at least 8 to  
9 metres wide with footpaths 1.8 metres wide for this lemon to work,  
Entry/Exits should be positioned in areas where it least affect noise and pollution of  
William St



**7. Having looked at those images above,** the DOPI needs to justify to us how any competent person could possibly place an entrance for ingress/egress in this location WILLIAM ST and NOT anticipate SEVERE PROBLEMS in terms of intersection performance and traffic distribution problems not just in William St but on entering/exiting into Old Canterbury Road and/or into Longport Street.

- Old Canterbury Road and Longport St - that intersects Old Canterbury Road just 35 metres to the north of William Street - already carry 40,000+ cars per day. Traffic is already well beyond capacity.
- The Halcrow report – the DOP's independent assessment report - states that **all (surrounding streets) operate unsatisfactorily with extensive average delays and queue lengths** and it is **already a poorly performing road network**



8. Specifically we object to having this car park entrance/exit sited little more than 8 metres from the front door entrance to our residences. Building close to one busy road was discouraged in the Metropolitan Plan but building alongside two busy roads shows a callous disregard for those most immediately impacted.

9. Furthermore, placing a car park entrance/exit into a major project of this nature in the middle of a narrow and small Council owned street is an astonishingly poor design option. It's also an unconscionable decision as there is no denying that this choice will have huge environmental and health impacts for the residents currently residing in the surrounding low-rise residential block.

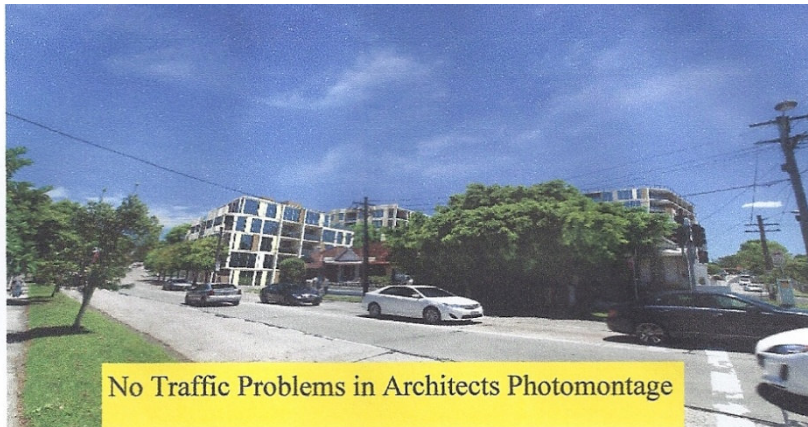
10. Additionally, the location of this car park entrance/exit will place intolerable pressures on the small business that I own and operate in Longport Street as William Street is not only used from time to time as a delivery point but is also used by customers – already unable to park in Longport Street without mounting the kerb to do so. This is a business that has traded successfully now for 35 years in this location and which sustains myself, my immediate family, my extended family and the families of my employees. That is objectionable.

11. In our previous submission of April 22, 2013 in response to this s75W MOD1/PPR - I sought a response from the DOPI to what I believe are inaccuracies in master plans (despite revisions) for this major project.

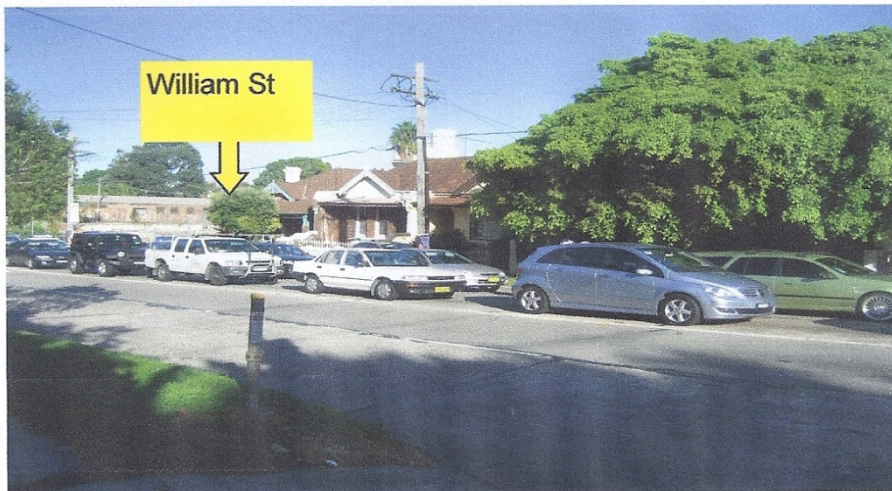
- The first of these issues I raised related to the yellow broken circular notations on the corner of Longport St and Old Canterbury Rd that appear in all of the versions of the 12.3 subject site master plans (with a legend) that implies that road widening is under consideration right now at this intersection.
- As my submission pointed out an existing resident is living in the cottage designated on these plans for road – widening. Is compulsory acquisition of some properties in the 'un-amalgamated block' under consideration?
- Should that ever eventuate you can expect the strongest objections and actions possible given recent media reports about past problems resulting from the compulsory acquisition of private properties for State government purposes.
- I also asked that the signalised crossing notation opposite Hudson Street be removed as this option has been rejected on previous occasions by the RMS?
- I also suggested that the proposed footbridge from the eastern side of Brown St to a railway embankment on the opposite side of Longport Street be taken off the table. Clearly that is an unsafe, unusable and very poor design option. Additionally, this option (involving land in the un-amalgamated block) encroaches on the future rights of others to develop this site in an equitable and orderly manner. This requires the DOPI to act now.
- We therefore object to the muddled, confused plans and documentation as we cannot have any 'certainty' about where we stand while these shenanigans continue. That is just unacceptable.

12. Just look again at the images shown before and those shown overleaf.

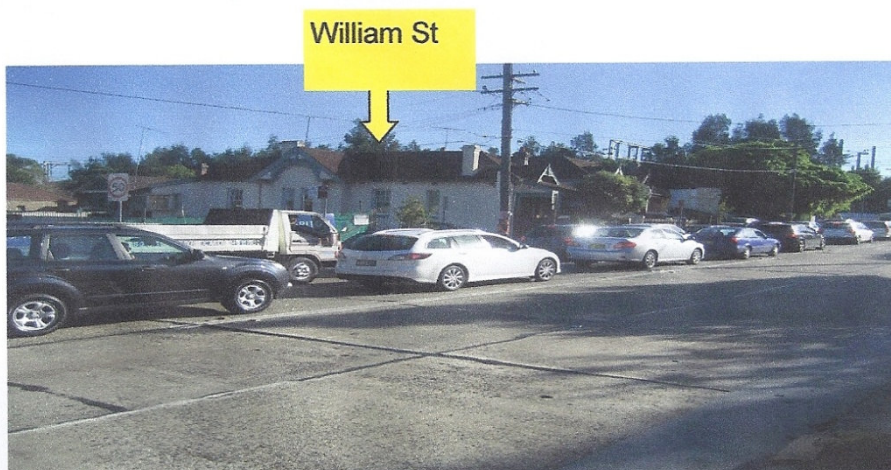
This comparison of the respective photomontage images requires little explanation.



Comparison of how beautiful the architects photomontage looks  
To how it looks in real life



Good luck to you If you lived in one of these apartments and you were getting out from the car park under building F to get out of William St onto Old Canterbury Rd In peak hour



13. Other photomontages (in the DA) and architectural plans and perspectives submitted (with the DA) show deliberate tactics are being used to minimise the severe impacts that will flow to

existing community residents in the wider community context (as well as to those in the 'un-amalgamated block').

14. Traffic congestion – now an undeniable reality - and its' deliberate absence from photomontages is a prime example of how these tactics can mislead as can be seen below.

***Photomontage example - Design by Tony Owen dubbed the 'green beehive' by locals for 120A & 120B Old Canterbury Rd – Note there are no cars aside from the one parked vehicle and yet Old Canterbury Road carries 20,000+ cars per day.***



15. These photomontage examples (see the DA photomontages) tend to confirm as do some more recent decisions that a deliberate strategy is still underway to isolate and make the un-amalgamated residential block 'invisible' from any 3<sup>rd</sup> party scrutiny and to 'bury' from any public exposure the hugely disproportionate, discriminatory and excessively negative consequences that this project will cause to these residents, their lives and their livelihoods. (See submission of 22/04/13).

16. Even the Social Impact Statement report prepared for the DA omits any real mention of these residents. But it does tell us that overshadowing will occur at given times of the year to properties on the EAST side (that is the city side) of Old Canterbury Road. We do object to the absence of any meaningful analysis being included in this report as in others of the residents who will be the most immediately and seriously impacted.



17. We also object in the PPR to the request to delete condition B2 – imposed as a modification by the PAC under Part 2 Modifications – that requires the deletion of the loading dock then located adjacent to Building D at ground level and for it to be relocated in the basement. We supported the PAC B2 proposal and with the move east closer to our properties we believe it may create unnecessary noise impacts and other issues despite it being located in the basement. See 12.3 (REV D).

#### 12.4 SUBJECT SITE MASTER PLAN (REV D) 22 MARCH 2013

##### LAND USE DIAGRAM

Mixed use area predominantly residential with ground floor and lower level retail and shop-top housing space.  
Place at the southwest serves as the gateway to the proposed light rail station. Concentration of commercial space to the south to reinforce existing commercial patterns.  
Ground floor dual use along Old Canterbury Road to activate the streetscape.  
Ground floor dual use and retail spaces at the southern end of Old Canterbury Road to activate the streetscape.

- GREENWAY
- OPEN SPACE
- LIGHT RAIL STATION
- MIXED USE WITH GROUND FLOOR COMMERCIAL RESIDENTIAL ABOVE
- MIXED USE WITH GROUND FLOOR RETAIL/COMMERCIAL + RESIDENTIAL ABOVE
- RESIDENTIAL
- MIXED USE RESIDENTIAL WITH GROUND FLOOR LIVE/WORK

SCALE 1:1000 @ A1



18. We note that there are also other urban design issues associated with the proposed changes to open space, public domain interface and to the reversionary relocation under the 12.4 (REV D) image above besides the traffic and access plan to locate one of 2 ingress/egress car parks in the centre of William St between buildings F & G. See entrances now clearly delineated above.

19. We object strongly to the lack of clear definition in previous 12.4 Land Use diagram master plans of the intended access locations until 12. 4 Land use diagram (REV D) above. We do feel as though we have been ambushed especially as we were not notified nor informed by other key stakeholders until Marrickville Council's DA notification of March 27, 2013..

20. We note that it is a requirement of the PAC that future development applications shall provide for left in, left out access to the development via Hudson, William, Brown and McGill Streets at all times and note that the previous 12.3 (REV C) subject site masterplan – traffic, access and parking – did not in any way comply with this at all.

#### SUMMARY:

It is our opinion that reverting to the ingress/egress underground car park entrance solution and locating one of the access points between buildings F & G in William St, despite the PAC recommendation, will prove in our opinion to be a very poor urban design solution in terms of traffic intersection performance/s and efficient traffic distribution into and onto the wider road network.

We do not support funnelling even more traffic into the already poorly performing intersection of OCR & Longport Street. Nor do we support the proponent's attempts to shift these problems onto other State agencies. The Halcrow conclusion that existing problems can be solved by addressing 'pinch points' elsewhere in other suburbs lends credence to our view that this is a very poor and ill-considered planned outcome.

Furthermore this 'quick fix' of a decision ensures - whether intended or not - that the existing residents in the 'un-amalgamated block' will most certainly be burdened with a grossly inequitable, disproportionate and even more discriminatory share of the many negative impacts that will arise from this major project. This is but one example of the consequences of the DOPI's failures to adequately address the DGR's in the first instance.

We object also to the seemingly parsimonious decision to reduce the footpath width in William St particularly as this is more than likely to be the exit/entrance pathway through to Lewisham heavy rail station. For this reason we do not support the amendment of condition 18 in Annexure 6 as proposed in the PPR.

Another solution that may mitigate some of the most immediate and negative downsides for the residents of the 'un-amalgamated' block would be to look anew at the option for placing an ingress/egress underground car park under the portion of Brown Street (currently owned by Council) that is earmarked for landscaping and other through-site links. It is possible to provide for both contingencies (above ground and below ground) and this option should be further explored.

We do welcome though the marginal reduction in the MOD1/PPR s75W request to reduce the number of apartments from 382 to 362 in this current proposal but we still believe that this number of units is an over-development of the site.

Elsewhere we support the PPR decision to retain the design excellence guidelines and hope that the use of the guidelines will facilitate an outcome that results in a far more cohesive and better resolved urban planned outcome than now exists.

We also hope that fresh architectural input, enhanced design principles and practices from others resulting from an open design review process may correct the 'blockish' nature of the built form of this proposal as it stands now for we doubt that the Owen architectural design for this major proposal would survive a peer review in its current form.

We also support the ESD commitments in the PPR as outlined in the amended report prepared by Efficient Living but remain sceptical that all will find their way into the respective DA's.

In general, we support most other amendments in the PPR.

We note with some concern though that Indicative Floor Plans and perspectives (from the DA) foreshadowed in this MOD1/PPR application do show that a proposed footbridge to run from

the east side of Brown Street across Longport St to a rail embankment opposite indicates an intent (or hidden agenda) for this major project to encroach upon the lands making up the 'un-amalgamated' block.

We therefore object that this encroachment onto lands making up the 'un-amalgamated block' may preclude or hinder the equitable and orderly development of this site in future. We do not believe our concerns have been adequately addressed yet by the DOPI nor have they been addressed in the PPR plans and documentation forwarded to the DOPI in this MOD1 application.

We strongly object to this untenable situation and urge the DOPI to clarify the potential conflict of interest that may arise in the future if this is not addressed now in the PPR plans and documentation.

we do wish to re-iterate that we expect that the vast majority of the Schedule 3 – Future Environmental Assessment Requirements – will remain as per the PAC approval of March 15, 2012.

Otherwise, we believe that Meriton has a unique opportunity with this project - by virtue of its location, the light rail extension and the concessional advantages conferred upon it under the controversial Major Project SEPP to develop a project of some discernment and distinction.

Subject though to sensible financial parameters, it would be a shame if Meriton fails to take full advantage of the opportunity this project affords it to successfully -position its brand more positively. That after all may be a better fit for a Meriton transition from a builder/developer of mass produced units to an owner/developer/provider of high mid-to luxury range serviced apartments.

Yours sincerely.

Vincent Scaturro & family,

No 2, No 4 & No 6 William St.,

Lewisham.

END SUBMISSION



