



5 July 2013

Mr Sam Haddad  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Haddad

**Determination of the proposed modification to the Concept Plan  
for Lewisham Estate at Old Canterbury Road, Lewisham**

I refer to the Acting Executive Director's letter dated 27 June 2013, referring the above mentioned application to the Planning Assessment Commission for determination under Ministerial delegation of 14 September 2011.

Ms Gabrielle Kibble AO and I constituted the Commission for the project. I chaired the Commission.

We have carefully considered the Department's Assessment Report and recommendation and the submissions made by Marrickville Council, Ashfield Council, government agencies and the public.

We met with Marrickville Council on 4 July 2013 to hear Council's concerns on the revised modification proposal and the Department's assessment report and recommendation. Council advised that it has only 2 residual issues of concern, namely, the provision of affordable housing and conversion of ground floor retail/commercial spaces to dual use.

Council accepts the Department's recommended conditions for affordable housing but believes it could be tightened to make it clear that the provision should be in perpetuity.

As to the conversion of ground floor spaces, Council maintains its view that Buildings A and C (fronting the light rail stop and public open space) should be reserved for retail or commercial use to activate the central open space and area near the light rail stop. The ground floor spaces fronting Old Canterbury Road in Buildings E and G should be required for commercial use so as to activate Old Canterbury Road in accordance with the Precinct Master Plan.

Following the meeting with Council, we also met with the proponent, Meriton Property Services Pty Ltd, to hear its view on the Department's recommendation. It briefly outlined the 5 issues considered in the Department's Assessment Report, namely, affordable housing, footpaths along Williams and Brown Streets, solar access, location of the loading dock and ground floor uses. The discussion focused on the issues of affordable housing and the use of ground floor spaces.

Meriton disagrees with the Department's recommended condition for affordable housing as its original suggestion and discussion with the Department were not reflected in the Assessment Report. It proposes to amend recommended Condition 28 as follows:

- (a) *Provision of Affordable Housing equivalent to 3% of total residential dwelling yield through the National Rental Affordability Scheme. A restriction on the title of the relevant units is to apply. Details to be submitted to the NSW Department of Planning and Infrastructure prior to the final occupation certificate being issued.*
- (b) *Should the proponent not be successful with gaining approval through the National Rental Affordability Scheme, the following applies:*

- i) *the Affordable Housing units equivalent to 3% of the total residential yield shall be leased out at a 20% discount to the median rental price of the site for a period of 10 years.*
- ii) *A restriction on the title shall be put in place for the relevant units.*
- iii) *Prospective tenants are to be recommended from a Local Community Housing Provider.*
- iv) *Details to be submitted to the NSW Department of Planning and Infrastructure prior to the final occupation certificate being issued of the Affordable Housing units.*

With regard to the conversion of ground floor spaces, the proponent pointed out that the proposed dual use along Old Canterbury Road frontage is to ensure the spaces will be occupied and used. It also directed attention to the approval of dual use in a development further south in the precinct.

Following careful consideration of the Department's assessment report and associated documents and the views expressed by both Marrickville Council and the Proponent, the Commission is satisfied that the Assessment Report has adequately addressed the issues raised in the submissions.

The Commission notes that the original Statement of Commitment for the concept plan did not include any details in terms of the quantum and how affordable housing units are to be provided. It is also noted that the approval of the neighbouring development (Former Allied Mills site) include the quantum and a time limited provision of affordable housing. In the circumstances the Commission considers it is reasonable to adopt a similar approach. Therefore recommended condition No 28 should be amended to read:

*28. Future Development Applications shall demonstrate the provision of affordable rental housing equivalent to 3% of total dwelling yield.*

- (a) The affordable housing units shall be leased out at a 20% discount to the median rental price of the site for a period of 10 years.*
- (b) A restriction on the title shall be put in place for the relevant units.*
- (c) Prospective tenants are to be recommended from a Local Community Housing Provider.*
- (d) Details are to be provided to Marrickville Council prior to the final occupation certificate being issued of the affordable housing units.*

As to the conversion of ground floor spaces, the Commission considers the Department's recommendation is reasonable noting that the legend on Drawing No 12.4 indicates "ground floor retail" only. These spaces should be for either retail or commercial. Therefore it should read "ground floor retail/commercial". The Drawing should be amended accordingly.

The application is approved subject to the conditions recommended by the Department as amended by the Commission. The signed instrument of approval and the file are returned herewith.

Yours sincerely



Garry Payne AM  
Planning Assessment Commission

cc. The Hon Brad Hazzard MP  
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