

**Simon Truong - MP08-0195**

**From:** SANDRA SULLIVAN <sandrasullivan74@hotmail.com>  
**To:** "simon.truong@planning.nsw.gov.au" <simon.truong@planning.nsw.gov.au>  
**Date:** 10/12/2013 12:28 PM  
**Subject:** MP08-0195

Dear Sir/Madam,

**Submission to the proposed amendments to the Concept Approval - MP08-0195- at 78-90 Old Canterbury Road, Lewisham:**

<!--[if !supportLists]-->• <!--[endif]-->Section 75 Application to Condition 11 (dated 12 Nov 2013)  
 <!--[if !supportLists]-->• <!--[endif]-->Section 75 Application to Condition B3 (dated 25 Oct 2013)

This submission is made in regard to two Section 75 applications submitted to the Department for 78-90 Old Canterbury Road, Lewisham.

As a resident in this area, I am concerned already about the impacts that will result from this development on the liveability and useability of the area in general.

Specifically, I am very concerned that the planned open space the application refers to **is the primary public open space for future residents in the development as well as the other developments in and around the area**. Indeed, the 'off-the-plan' marketing of another development nearby heavily promotes the significance of the proposed open space for the wider area and the other foreshadowed developments in this area.

And yet this Section 75W application seeks instead to modify two of the PAC imposed conditions of approval regarding this element of the proposed development.

With up to 430 dwellings in the PAC approved proposal (up to an est. 946 people) it must be anticipated that there will be many children living in these apartments. This surely indicates a need for increased public open space that is **useable and friendly for all ages** and groups in society.

Therefore any application seeking to reduce winter sunshine in a public open space when it has already been through a planning approvals process **must be refused for the amenity and good of future residents**. (Condition 11, of the PAC concept approval, imposes a standard of 50% solar access in mid-winter in order to ensure the quality of the very small amount of public open space is maintained throughout the year).

Condition 11 also requires that any **through-site links** are not to be planned or designed to be sited within the open space so as to ensure its function as a *local park* is preserved.

Instead the design as set out in the public documents is criss-crossed with pedestrian paths. This is unacceptable. With a possible occupancy of 946 people (equating to a miniscule 2.6sqm of public open space per person) this *local park* is already **way below** the level of open space that should be provided per 1,000 residents.

Taking the wider area into consideration, with this as the principle area of local public open space, this *local park* will need to cater for 2,300 -3,500 people in the future.

Highlighting the Meriton site alone, 1.18 ha is **needed** for 945 people at (1982) rates of 1.25 ha/1000 people for Marrickville, whereas the site is 1.13 ha. This clearly shows the degree of over-development proposed for this site, and demonstrates that the proposal comes nowhere near providing the open space that the future residents will need.

Thus the argument put forward in the S75W application that the area is **too small to be a real park** has no merit whatsoever in the context of the proposal's failure to provide sufficient communal private open space within the development quite aside from the clearly poor provision of public open space referred to above.

Further, Marrickville Council DCP Section 9.45 makes a clear statement of the park's purpose:

***"The new park must make available an area of public open space that provides visual amenity and informal recreational uses."*** Public Domain Interface.

The McGill Street Masterplan and the Marrickville DCP are consistent in defining the proposed open space as a *local park* and NOT a through-site link as described in the S75W application. This definitional description and/or line of argument proposed clearly lacks any merit. It should be refused.

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As the site was purchased with approval conditions already known (and yield factored in) there can be no excuses made and no need to alter the conditions in how they affect the built form, and hence the sunlight access to the proposed local public open space.

Simply, no evidentiary, substantive or merit arguments have been put forward to agree to either or both of the Section 75W modifications requesting:

- <!--[if !supportLists]-->• <!--[endif]-->The reduction in sunlight in mid-winter and;
- <!--[if !supportLists]-->• <!--[endif]-->The ability to include the through-site links within the parkland.

The S75W modifications are contradictory to:

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- <!--[if !supportLists]-->• <!--[endif]-->The McGill Street Masterplan
- <!--[if !supportLists]-->• <!--[endif]-->Good planning principles and practice.

Yours sincerely,  
Sandra Sullivan  
32/5 Williams Parade  
Dulwich Hill, 2203

**Simon Truong - MP08-0195**

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**From:** Pat Thomas <pthomas@nationaltrust.com.au>  
**To:** "simon.truong@planning.nsw.gov.au"  
<simon.truong@planning.nsw.gov.au>  
**Date:** 10/12/2013 3:30 PM  
**Subject:** MP08-0195  
**Attachments:** MP08-0195 submission.pdf

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Dear Simon

Please find attached submission to the proposed amendments to the Concept Approval - MP08-0195- at 78-90 Old Canterbury Road, Lewisham.

Regards

Pat Thomas

December 9, 2013

Patricia Thomas

23 Grove St;

Dulwich Hill NSW 2203

Dear Sir/Madam,

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1/-

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The S75W modifications are contradictory to:

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Yours sincerely,



**Simon Truong - MP08-0195**

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**From:** "Luis & Maria De Jesus" <silviavaz@optusnet.com.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 11/12/2013 9:47 AM  
**Subject:** MP08-0195  
**Attachments:** Luis - MP08-0195.pdf; Maria - MP08-0195.pdf

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See attached our letters.

Luis and Maria De Jesus

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Email sent using Optus Webmail

Maria Odete Pimenta De Jesus

4 Grove St, Dulwich Hill NSW 2203

December 9, 2013

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Maria Odete Pimenta De Jesus

Luis Augusto De Jesus

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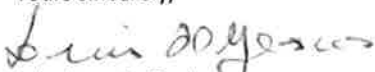
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Luis Augusto De Jesus

**From:** "OMDCPL" <omdcpl@optusnet.com.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 14/12/2013 8:43 am  
**Subject:** MP 08-0195  
**Attachments:** S75W 091213.docx

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Dear Sir/Madam,

Please find attached correspondence raising concerns re Concept Approval MP 08-0195 at 78-90 Old Canterbury Rd Lewisham.

Yours Faithfully  
David McLaughlin Resident of 6 Constitution Rd Dulwich Hill

December 9, 2013

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Yours sincerely,

David McLaughlin  
Resident 6 Constitution Rd Dulwich Hill

Mr Simon Truong  
Planning Officer  
Urban Activation & Centres and Urban Renewal  
NSW Department of Planning and Infrastructure  
GPO Box 39  
Sydney 2001

5

4<sup>th</sup> December 2013

Dear Mr Truong

**Re: Objection to:**

- **Section 75 Application Amendment to Condition 11 (dated 12 November 2013)**
- **Section 75 Application Amendment to Condition B3 (dated 25 October 2013)**

**Reference - MP08-0195 78-90 Old Canterbury Rd, Lewisham**

I am writing on behalf of the No Lewisham Towers (NLT) Inc Residents Action Committee with reference to the above Section 75 applications.

NLT wishes to provide the following observations.

**1. Open space – community park or ‘through link’**

The Applicant states that Marrickville Council DCP Section 9.45 implies that the main purpose of the open space is as a through link. However, contrary to this reading, the DCP makes an unequivocal statement which provides a clear view of the park's purpose as follows:

**9.45.9.3 Public Domain Interface**

***‘2. The new park must make available an area of public open space that provides visual amenity and informal recreational uses.’***

Further, the Central Open Space is **not** defined or labeled as a through site link but rather is always defined as **a local park**. It is clearly expected that this space must be a destination in itself, not simply a through link across the development.

Whilst it is agreed that the new open space can also act as a through site link, its purpose is layered and its recreational purpose for local residents definitely should not be seen as secondary to its use as a public corridor to the light rail.

The proponent's argument that it is too small to be a real park, does not apply in the context of the Inner West where small public parks are the norm and are well used where available. Indeed for such a tall and dense development it will be crucial in providing new residents with some modicum of visual and recreational amenity. It will also provide a meeting place for residents with the surrounding community.

**2. Solar Access**

The PAC condition 11 regarding 50% solar access midwinter is imposed to ensure that the quality of the space is maintained throughout the year. Further, the condition specifies non-allowance of through site links within the open space to ensure its function as a local park is preserved.

### 3. Pedestrian traffic

This intent is reinforced by Clause 13 of the approval which requires suitable design treatment that encourages pedestrian traffic immediately south of buildings A, C and E adjacent to the buildings' edges. The Council DCP Masterplan shows the open space as green with pedestrian links at its edges. This is demonstrated in both plan and cross section.

### 4. PAC & DCP Requirements

The PAC links its required amendments in the concept approval directly to the DCP Masterplan in several sections of the determination. We reiterate that the underlying purpose of the Central Open Space is defined as **a local park**. The PAC notes in its opening comments (clause 5 page 4) that the Central Open Space is key to the Masterplan as it provides much needed public open space in the area where there is an acknowledged shortage of good quality recreational public open space.

To agree to both Section 75 modifications requesting reduction in sunlight in midwinter and the inclusion of through site links is to contradict the intent of the DCP Masterplan and the PAC approval.

It must be noted that Meriton bought the site in the clear knowledge of the approval conditions imposed by the PAC. It is therefore coming as no surprise that adherence to these conditions is a non-negotiable requirement which should be reaffirmed in any decisions made by the Department.

We strongly object to both applications and request that the Department refuses both without condition. We trust that your decision in this matter will be consistent with and adhere to the clearly stated intentions of the consent authority.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tamara Winikoff', with a stylized, flowing script.

Tamara Winikoff  
Chair No Lewisham Towers Inc Committee  
c/o 38 Victoria Street  
Lewisham, NSW 2049

**Simon Truong - MP08-0195**

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**From:** Chrisanthi Giotis <chrisanthigiotis@yahoo.com.au>  
**To:** "simon.truong@planning.nsw.gov.au" <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 11:39 PM  
**Subject:** MP08-0195  
**Attachments:** Lewisham Towers local park.docx

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Dear Simon,  
Please see the attached objection.  
Kindest Regards,  
Chrisanthi Giotis  
0452 437 224

6

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And yet this Section 75W application seeks instead to modify two of the PAC imposed conditions of approval regarding this element of the proposed development.

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Therefore any application seeking to reduce winter sunshine in a public open space when it has already been through a planning approvals process **must be refused for the amenity and good of future residents**. (Condition 11, of the PAC concept approval, imposes a standard of 50% solar access in mid-winter in order to ensure the quality of the very small amount of public open space is maintained throughout the year).

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Taking the wider area into consideration, with this as the principle area of local public open space, this *local park* will need to cater for 2,300 -3,500 people in the future.

Highlighting the Meriton site alone, 1.18 ha is **needed** for 945 people at (1982) rates of 1.25 ha/1000 people for Marrickville, whereas the site is 1.13 ha. This clearly shows the degree of over-development proposed for this site, and demonstrates that the proposal comes nowhere near providing the open space that the future residents will need.

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The S75W modifications are contradictory to:

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- The intent of the Marrickville Development Control Plan
- The McGill Street Masterplan
- Good planning principles and practice.

Yours sincerely,

Chrisanthi Giotis

210 Denison Rd Dulwich Hill, 2203

**Simon Truong - MP08-0195**

**From:** Suzi Q <littlekitti@gmail.com>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 11:11 PM  
**Subject:** MP08-0195

7

December 9, 2013

Dear Sir/Madam,

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- Section 75 Application to Condition 11 (dated 12 Nov 2013)
- Section 75 Application to Condition B3 (dated 25 Oct 2013)

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- Good planning principles and practice.

Yours sincerely,  
Suzanne Catchpole

27 Grove St  
Dulwich Hill

## Simon Truong - Objections to the proposed Amendments to the Concept Approval

---

**From:** Maris Rea <maris.rea@gmail.com>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 10:28 PM  
**Subject:** Objections to the proposed Amendments to the Concept Approval

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8

December 9, 2013

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1/-

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Yours sincerely,

Maris Rea

Resident 64 Old Canterbury Road

**Simon Truong - MP08-0195 re Lewisham**

---

**From:** Sarah Barns <barns.sarah@gmail.com>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 9:49 PM  
**Subject:** MP08-0195 re Lewisham  
**Attachments:** S75W 091213\_barns.docx

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9

Hello Simon,

I have recently learned of the modified applications to the PAC concept for the Lewisham development. We are seeing significant increases in density across a number of sites in this area and therefore do not approve of the playground/open space being modified to that of a through-site link. Please see the attached.

Regards,

Sarah

Dr. Sarah Barns

Research || Creative Producer || Strategy  
Director, Esem Projects  
Research Fellow, University of Western Sydney  
Ph: 0411 481 212

December 9, 2013

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- The McGill Street Masterplan
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Yours sincerely,

Dr. Sarah Barns  
1a Grove St  
Dulwich Hill  
2203

**Simon Truong - Please save the Parks at Lewisham towers**

---

**From:** "Jo Blackman" <joathome@bigpond.net.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 9:45 PM  
**Subject:** Please save the Parks at Lewisham towers  
**Attachments:** Lewisham Parkland - 78- 90 Old Canturbury Rd.docx

---

10

Dear Simon,

Kids need parks and they need to be able to run free and wild. Please don't over rule PAC and allow the parks to disappear. Please see attached submission.

Kind regards  
Josephine Blackman  
31 Grove St  
Dulwich Hill

December 9, 2013

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Yours sincerely,

Jo Blackman  
31 Grove St  
Dulwich Hill

**Simon Truong - 78-90 Old Canterbury Rd, Lewisham**

---

**From:** Grove Street <savegrovestreet@gmail.com>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 9:38 PM  
**Subject:** 78-90 Old Canterbury Rd, Lewisham  
**Attachments:** 79-90 Old Canturbury Rd.docx

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11

Dear Simon,

I am writing on behalf of the Grove St Residents group to express my concerns at the proposed changes to open at this development.

Please see my attached development.

Kind regards  
Jo Blackman for the Grove St Residents Group

December 9, 2013

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Yours sincerely,

Jo Blackman for  
Grove St Residents group

**Simon Truong - Submission to S75W application - 78- 90 OCRd Lewisham - MP08 -0195.**

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12

**From:** "Jillian Grove" <jilliangrove@optusnet.com.au>  
**To:** "Simon Truong" <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 3:53 PM  
**Subject:** Submission to S75W application - 78- 90 OCRd Lewisham - MP08 -0195.  
**Attachments:** S75W 091213.docx

---

Dear Simon,

Please find attached a submission opposing the S75W application amendment to Condition 11 (dated Nov 12, 2013) and Section 75W application amendment to condition B3 (dated 25 Oct, 2013).

yours sincerely,

Jillian Grove,  
resident,  
113 Victoria Street,  
Lewisham NSW 2049

December 9, 2013

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Yours sincerely,

Jillian Grove  
113 Victoria Street,  
Lewisham, 2049.:

**Simon Truong - MP08-0195**

---

**From:** Glenn Carter <dulwichdogs@gmail.com>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 10/12/2013 10:03 AM  
**Subject:** MP08-0195  
**Attachments:** S75W 091213 (2).docx

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13

Please see attached.

Thanks  
Glenn Carter

December 9, 2013

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**Glenn Carter**

30 Dulwich Street,  
Dulwich Hill,  
NSW 2203.

**Simon Truong - Park Planning at lewisham towers**

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**From:** "Johanne Cochrane" <Johanne.Cochrane@sswahs.nsw.gov.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 10/12/2013 10:56 AM  
**Subject:** Park Planning at lewisham towers  
**Attachments:** letter to planning.docx

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14

See attached

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This email has been scanned for the Sydney & South Western Sydney Local Health Districts by the MessageLabs Email Security System.  
Sydney & South Western Sydney Local Health Districts regularly monitor email and attachments to ensure compliance with the NSW Ministry of Health's Electronic Messaging Policy.

December 9, 2013

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Jo Cochrane  
8 Kroombit St  
Dulwich Hill

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**From:** Vince Scaturro <jcv@itconnect.net.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 4:34 PM  
**Subject:** MP08-0195- at 78-90 Old Canterbury Road, Lewisham:

15

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Anna J Scaturro  
4 William Street  
Lewisham  
NSW 2049

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**From:** Vince Scaturro <jcv@itconnect.net.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 4:33 PM  
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And yet this Section 75W application seeks instead to modify two of the PAC imposed conditions of approval regarding this element of the proposed development.

With up to 430 dwellings in the PAC approved proposal (up to an est. 946 people) it must be anticipated that there will be many children living in these apartments. This surely indicates a need for increased public open space that is **useable and friendly for all ages** and groups in society.

Therefore any application seeking to reduce winter sunshine in a public open space when it has already been through a planning approvals process **must be refused for the amenity and good of future residents.** (Condition 11, of the PAC concept approval, imposes a standard of 50% solar access in mid-winter in order to ensure the quality of the very small amount of public open space is maintained throughout the year).

Condition 11 also requires that any **through-site links** are not to be planned or designed to be sited within the open space so as to ensure its function as a *local park* is preserved.

Instead the design as set out in the public documents is criss-crossed with pedestrian paths. This is unacceptable. With a possible occupancy of 946 people (equating to a miniscule 2.6sqm of public open space per person) this *local park* is already **way below** the level of open space that should be provided per 1,000 residents.

Taking the wider area into consideration, with this as the principle area of local public open space, this *local park* will need to cater for 2,300 -3,500 people in the future.

Highlighting the Meriton site alone, 1.18 ha is **needed** for 945 people at (1982) rates of 1.25 ha/1000 people for Marrickville, whereas the site is 1.13 ha. This clearly shows the degree of over-development proposed for this site, and demonstrates that the proposal comes nowhere near providing the open space that the future residents will need.

Thus the argument put forward in the S75W application that the area is **too small to be a real park** has no merit whatsoever in the context of the proposal's failure to provide sufficient communal private open space within the development quite aside from the clearly poor provision of public open space referred to above.

1/-

Further, Marrickville Council DCP Section 9.45 makes a clear statement of the park's purpose:

**"The new park must make available an area of public open space that provides visual amenity and informal recreational uses."** Public Domain Interface.

The McGill Street Masterplan and the Marrickville DCP are consistent in defining the proposed open space as a *local park* and NOT a through-site link as described in the S75W application. This definitional description and/or line of argument proposed clearly lacks any merit. It should be refused.

Additionally, condition 13 of the PAC approval **reinforces the design intent** of the *local park* requiring a suitable design treatment is given to the public open space that encourages pedestrian traffic to be placed immediately to the south of buildings, A, C and E, adjacent to the building's edge. The Council DCP and McGill Street Masterplan both show that the open space is a **central green area with any pedestrian linkages to the edges** as demonstrated in both plan and cross section. Thus Council's planning controls and PAC approval are consistent in their respective approaches for the public interest and public good.

Furthermore, the PAC also links required future amendments under the concept approval directly to the Council's DCP (and hence McGill Street Masterplan) in several sections of the determination. (REF: clause 5, page 4 for example).

As the site was purchased with approval conditions already known (and yield factored in) there can be no excuses made and no need to alter the conditions in how they affect the built form, and hence the sunlight access to the proposed local public open space.

Simply, no evidentiary, substantive or merit arguments have been put forward to agree to either or both of the Section 75W modifications requesting:

- The reduction in sunlight in mid-winter and;
- The ability to include the through-site links within the parkland.

The S75W modifications are contradictory to:

- The Planning Assessment Commission Approval
- The intent of the Marrickville Development Control Plan
- The McGill Street Masterplan
- Good planning principles and practice.

Yours sincerely,

Giuseppe Vincenzo Scaturro

6 William Street  
Lewisham  
NSW 2049

**Simon Truong - MP08-0195- at 78-90 Old Canterbury Road, Lewisham**

**From:** Vince Scaturro <jcv@itconnect.net.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 4:36 PM  
**Subject:** MP08-0195- at 78-90 Old Canterbury Road, Lewisham

17

December 9, 2013

Dear Sir/Madam,

**Submission to the proposed amendments to the Concept Approval - MP08-0195- at 78-90 Old Canterbury Road, Lewisham:**

- Section 75 Application to Condition 11 (dated 12 Nov 2013)
- Section 75 Application to Condition B3 (dated 25 Oct 2013)

This submission is made in regard to two Section 75 applications submitted to the Department for 78-90 Old Canterbury Road, Lewisham.

As a resident in this area, I am concerned already about the impacts that will result from this development on the liveability and useability of the area in general.

Specifically, I am very concerned that the planned open space the application refers to **is the primary public open space for future residents in the development as well as the other developments in and around the area**. Indeed, the 'off-the-plan' marketing of another development nearby heavily promotes the significance of the proposed open space for the wider area and the other foreshadowed developments in this area.

And yet this Section 75W application seeks instead to modify two of the PAC imposed conditions of approval regarding this element of the proposed development.

With up to 430 dwellings in the PAC approved proposal (up to an est. 946 people) it must be anticipated that there will be many children living in these apartments. This surely indicates a need for increased public open space that is **useable and friendly for all ages** and groups in society.

Therefore any application seeking to reduce winter sunshine in a public open space when it has already been through a planning approvals process **must be refused for the amenity and good of future residents**. (Condition 11, of the PAC concept approval, imposes a standard of 50% solar access in mid-winter in order to ensure the quality of the very small amount of public open space is maintained throughout the year).

Condition 11 also requires that any **through-site links** are not to be planned or designed to be sited within the open space so as to ensure its function as a *local park* is preserved.

Instead the design as set out in the public documents is criss-crossed with pedestrian paths. This is unacceptable. With a possible occupancy of 946 people (equating to a miniscule 2.6sqm of public open space per person) this *local park* is already **way below** the level of open space that should be provided per 1,000 residents.

Taking the wider area into consideration, with this as the principle area of local public open space, this *local park* will need to cater for 2,300 -3,500 people in the future.

Highlighting the Meriton site alone, 1.18 ha is **needed** for 945 people at (1982) rates of 1.25 ha/1000 people for Marrickville, whereas the site is 1.13 ha. This clearly shows the degree of over-development proposed for this site, and demonstrates that the proposal comes nowhere near providing the open space that the future residents will need.

Thus the argument put forward in the S75W application that the area is **too small to be a real park** has no merit whatsoever in the context of the proposal's failure to provide sufficient communal private open space within the development quite aside from the clearly poor provision of public open space referred to above.

1/-

Further, Marrickville Council DCP Section 9.45 makes a clear statement of the park's purpose:

**"The new park must make available an area of public open space that provides visual amenity and informal recreational uses."** Public Domain Interface.

The McGill Street Masterplan and the Marrickville DCP are consistent in defining the proposed open space as a *local park* and NOT a through-site link as described in the S75W application. This definitional description and/or line of argument proposed clearly lacks any merit. It should be refused.

Additionally, condition 13 of the PAC approval **reinforces the design intent** of the *local park* requiring a suitable design treatment is given to the public open space that encourages pedestrian traffic to be placed immediately to the south of buildings, A, C and E, adjacent to the building's edge. The Council DCP and McGill Street Masterplan both show that the open space is a **central green area with any pedestrian linkages to the edges** as demonstrated in both plan and cross section. Thus Council's planning controls and PAC approval are consistent in their respective approaches for the public interest and public good.

Furthermore, the PAC also links required future amendments under the concept approval directly to the Council's DCP (and hence McGill Street Masterplan) in several sections of the determination. (REF: clause 5, page 4 for example).

As the site was purchased with approval conditions already known (and yield factored in) there can be no excuses made and no need to alter the conditions in how they affect the built form, and hence the sunlight access to the proposed local public open space.

Simply, no evidentiary, substantive or merit arguments have been put forward to agree to either or both of the Section 75W modifications requesting:

- The reduction in sunlight in mid-winter and;
- The ability to include the through-site links within the parkland.

The S75W modifications are contradictory to:

- The Planning Assessment Commission Approval
- The intent of the Marrickville Development Control Plan
- The McGill Street Masterplan
- Good planning principles and practice.

Yours sincerely,

Calogero Scaturro

2 William Street  
Lewisham  
NSW 2049

**Simon Truong - MP08-0195- at 78-90 Old Canterbury Road, Lewisham:**

**From:** Vince Scaturro <jcv@itconnect.net.au>  
**To:** <simon.truong@planning.nsw.gov.au>  
**Date:** 9/12/2013 4:37 PM  
**Subject:** MP08-0195- at 78-90 Old Canterbury Road, Lewisham:

December 9, 2013

Dear Sir/Madam,

**Submission to the proposed amendments to the Concept Approval - MP08-0195- at 78-90 Old Canterbury Road, Lewisham:**

- Section 75 Application to Condition 11 (dated 12 Nov 2013)
- Section 75 Application to Condition B3 (dated 25 Oct 2013)

This submission is made in regard to two Section 75 applications submitted to the Department for 78-90 Old Canterbury Road, Lewisham.

As a resident in this area, I am concerned already about the impacts that will result from this development on the liveability and useability of the area in general.

Specifically, I am very concerned that the planned open space the application refers to **is the primary public open space for future residents in the development as well as the other developments in and around the area**. Indeed, the 'off-the-plan' marketing of another development nearby heavily promotes the significance of the proposed open space for the wider area and the other foreshadowed developments in this area.

And yet this Section 75W application seeks instead to modify two of the PAC imposed conditions of approval regarding this element of the proposed development.

With up to 430 dwellings in the PAC approved proposal (up to an est. 946 people) it must be anticipated that there will be many children living in these apartments. This surely indicates a need for increased public open space that is **useable and friendly for all ages** and groups in society.

Therefore any application seeking to reduce winter sunshine in a public open space when it has already been through a planning approvals process **must be refused for the amenity and good of future residents**. (Condition 11, of the PAC concept approval, imposes a standard of 50% solar access in mid-winter in order to ensure the quality of the very small amount of public open space is maintained throughout the year).

Condition 11 also requires that any **through-site links** are not to be planned or designed to be sited within the open space so as to ensure its function as a *local park* is preserved.

Instead the design as set out in the public documents is criss-crossed with pedestrian paths. This is unacceptable. With a possible occupancy of 946 people (equating to a miniscule 2.6sqm of public open space per person) this *local park* is already **way below** the level of open space that should be provided per 1,000 residents.

Taking the wider area into consideration, with this as the principle area of local public open space, this *local park* will need to cater for 2,300 -3,500 people in the future.

Highlighting the Meriton site alone, 1.18 ha is **needed** for 945 people at (1982) rates of 1.25 ha/1000 people for Marrickville, whereas the site is 1.13 ha. This clearly shows the degree of over-development proposed for this site, and demonstrates that the proposal comes nowhere near providing the open space that the future residents will need.

Thus the argument put forward in the S75W application that the area is **too small to be a real park** has no merit whatsoever in the context of the proposal's failure to provide sufficient communal private open space within the development quite aside from the clearly poor provision of public open space referred to above.

1/-

Further, Marrickville Council DCP Section 9.45 makes a clear statement of the park's purpose:

**"The new park must make available an area of public open space that provides visual amenity and informal recreational uses."** Public Domain Interface.

The McGill Street Masterplan and the Marrickville DCP are consistent in defining the proposed open space as a *local park* and NOT a through-site link as described in the S75W application. This definitional description and/or line of argument proposed clearly lacks any merit. It should be refused.

Additionally, condition 13 of the PAC approval **reinforces the design intent** of the *local park* requiring a suitable design treatment is given to the public open space that encourages pedestrian traffic to be placed immediately to the south of buildings, A, C and E, adjacent to the building's edge. The Council DCP and McGill Street Masterplan both show that the open space is a **central green area with any pedestrian linkages to the edges** as demonstrated in both plan and cross section. Thus Council's planning controls and PAC approval are consistent in their respective approaches for the public interest and public good.

Furthermore, the PAC also links required future amendments under the concept approval directly to the Council's DCP (and hence McGill Street Masterplan) in several sections of the determination. (REF: clause 5, page 4 for example).

As the site was purchased with approval conditions already known (and yield factored in) there can be no excuses made and no need to alter the conditions in how they affect the built form, and hence the sunlight access to the proposed local public open space.

Simply, no evidentiary, substantive or merit arguments have been put forward to agree to either or both of the Section 75W modifications requesting:

- The reduction in sunlight in mid-winter and;
- The ability to include the through-site links within the parkland.

The S75W modifications are contradictory to:

- The Planning Assessment Commission Approval
- The intent of the Marrickville Development Control Plan
- The McGill Street Masterplan
- Good planning principles and practice.

Yours sincerely,

Joy Scaturro

2 William Street  
Lewisham  
NSW 2049

Peter Robinson  
C/- Level 5, 68-72 Wentworth Ave  
Surry Hills NSW 2010

4th December 2013

Dear Sir/Madam:

**REFERENCE: Submission in regard to the proposed amendments to the Concept Approval MP08-0195 78-90 Old Canterbury Rd Lewisham:**

- Section 75 Application Amendment to Condition 11 (dated 12 Nov 2013)**
- Section 75 Application Amendment to Condition B3 (dated 25 Oct 2013)**

This submission is made in regard to the two Section 75 applications on behalf of Meriton Apartments for MP08-0195 78-90 Old Canterbury Rd Lewisham. As a resident in the area, I am deeply concerned about this development and the impacts it will have on the liveability and usability of the wider area.

It is noted that the *planned* open space that this application refers to will be the primary public open space for the residents in the proposed development, as well as the other developments in and around the area. Also, given the significant deficit of communal private open space within the development, this open space will also serve that function.

Thus the "open space" is far more than just a through-link. This is in fact highlighted for an approved development on the former Hardware site nearby on Old Canterbury Road, which markets the proposed open space as a significant asset for the area and developments.

With up to a max. 430 dwellings (up to est. 946 people) in the proposal, there will be a reasonable number of the apartments containing children. We only have to look at the issues around the, for example, the Rhodes Peninsula and its apartments to see that those apartments have children living in them. Many other apartment developments are seeing an increasing number of children living in them, which results in a need for increased public open space that is useable and friendly for all ages and groups in society, from children through to elderly.

With the subject open space being the primary area of open space for this development, as well as all the other developments in the Marrickville Municipality portion of this redevelopment area, sunshine in public space in winter is when it is MOST appreciated. Therefore any application seeking to reduce winter sunshine in a public space, when it has already been through a planning process and an initial approvals process must be refused for the good of the future residents. In fact, if anything, good planning would call for the hours of sunlight to be increased rather than decreased.

Thus Condition 11, as imposed by the Planning Assessment Commission, imposes a standard of 50% solar access in midwinter to ensure that the quality of the small amount of public open space is maintained throughout the year. It is particularly

noted that the condition requires that any through-site links are not to be planned/ designed to be within the open space, so as to ensure that its function as a local park is preserved.

It has been contended from the very beginning that the proposal provides very limited open space. The design as set out in the public documents is criss-crossed with pedestrian paths and is of an irregular shape making it unsuitable for real public recreation, both passive and active. This is unacceptable. With a possible occupancy of up to 946 people, this means that there is only 2.6sqm of public open space per person. This is way below the level of open space that should be provided per 1,000 residents.

Taking the wider area into consideration, with this as the principle area of local open space, it will need to cater for between 2,300 to 3,500 people in the future. Even if public open space was supplied at 1982 rates of 1.25 ha/1,000 people (for Marrickville), then the McGill Street/Allied Mills precinct should have an allocation of 2.9 to 4.4 ha of public open space, just to provide for the new residents, let alone the deficit in the area for the existing residents. Yet the entire precinct is only 6.2 ha - another indication that what is proposed is a gross over-development. If we just look at the Meriton site alone, then for up to 945 people, 1.18 ha is needed, whereas the site is only 1.13ha. Again this clearly shows the degree of over-developed of the proposal for this site, and can come nowhere near providing the open space that the future residents will need, as all the evidentiary standards point out will be needed.

The argument put forward by Meriton that the area is too small to be a real park is fiction in the context of all of the inner west, where there are many small public parks which are very well used all year round. In addition, it is very clear that the development is not even providing enough communal nor public open space.

Further, Marrickville Council DCP Section 9.45 makes a clear statement of the park's purpose:

*Public Domain Interface*

*"The new park must make available an area of public open space that provides visual amenity and informal recreational uses."*

The McGill Street Masterplan as well as the Marrickville DCP is consistent in defining the proposed open space as a *local park*. Not a through-site link. Whilst it may serve this function, the purpose is multiple but its primary function. purpose is recreational for future local residents. Access as a public link to the light rail is not that important in comparison.

This design intent is reinforced by Condition 13 of the approval which requires that a suitable design treatment is given to the public open space that encourages pedestrian traffic to be immediately south of buildings A,C and E, adjacent to the building's edge. The Council DCP and McGill Street Masterplan both show that the open space is a central green area with any pedestrian links to the edges. This is demonstrated in both plan and cross section. Thus Council's planning controls and

the Planning Assessment Commission approval are consistent for the public good. Further, the Planning Assessment Commission also links the required future amendments under the concept approval directly to the Council's Development Control Plan (and hence McGill Street Masterplan) in several sections of the determination. I wish to highlight that the underlying purpose of the Central open space is clearly defined as a *local park*. In regard to this, the PAC notes (REF: clause 5 page 4) that the central open space is key to the masterplan as it provides much needed public open space in the area where there is an shortage of good quality public open space.

Thus, given that Meriton purchased the Development Application/Concept Approval with the conditions known, it would have factored in the effects of the conditions on the yield into its purchase price. Therefore there can be no excuse and no need to alter the conditions in how they affect the built form, and hence the sunlight access to the proposed local public open space.

There is no evidentiary or substantive reasons to agree to either or both of the Section 75 modifications requesting:

- (a) the reduction in sunlight in midwinter; and
- (b) the ability to include the through-site links within the parkland

as they are contradictory to:

1. the Planning Assessment Commission approval;
2. the intent of the Marrickville Development Control Plan;
3. the McGill Street Masterplan; and
4. good planning principles and practice

I strongly object to both applications and request that the Department refuse both for the public good and the good of the future of residents of the area.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Peter Robinson', with a long horizontal flourish extending to the right.

Peter Robinson  
Resident, Lewisham