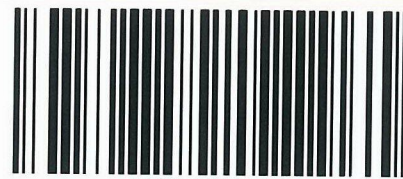


OUR REF: 4580

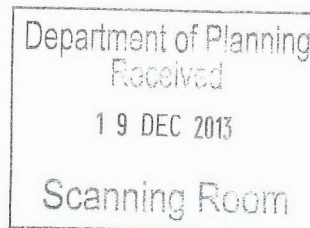
YOUR REF: MP 08\_0195 MOD 6



PCU50277

11 December 2013

Mr Chris Ritchie  
Acting Director  
Industry, Social Projects and Key Sites  
NSW Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001



Dear Mr Ritchie,

**MODIFICATION REQUEST (MP 08\_0195 MOD 6) TO AMEND CONDITION 11 –  
AT 78-90 OLD CANTERBURY ROAD, LEWISHAM (LEWISHAM ESTATE)**

I refer to your letter dated 27 November 2013 seeking Council's comments on the above S75W application to amend Condition 11 to allow *drainage reserves* and *through site links* to be included as part of the approved Central Open Space.

Council believes that the modification, if approved, could result in a reduced area of open space which in turn would significantly diminish and compromise the quality and usefulness of the open space and is contrary to the intent of the Planning Assessment Commission's approval. Landscape plans integrating the drainage overland flow structure have not been provided to Council as part of the S75W application and in the absence of these details, the urban design implications of a combined open space/drainage reserve design are unknown. **On this basis, Council does not support the S75W application.**

In relation to the specific arguments put forward to justify the proposed amendment, the following comments are provided.

- *The underlying purpose of the Central Open Space as per Section 9.45 of Council's Development Control Plan (DCP) is to provide a thoroughfare to the future light rail station.*

**Comment:**

Council does not agree that the MDCP 2011 establishes an underlying purpose for the Central Open Space to operate as a thoroughfare to the future light rail station.

## ENGLISH

### IMPORTANT

This letter contains important information. If you do not understand it, please ask a relative or friend to translate it or come to Council and discuss the letter with Council's staff using the Telephone Interpreter Service.

## GREEK

### ΣΗΜΑΝΤΙΚΟ

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Αν δεν τις καταλαβαίνετε, παρακαλείστε να ζητήσετε από ένα συγγενή ή φίλο να σας τις μεταφράσει ή να έλθετε στα γραφεία της Δημαρχίας και να συζητήσετε την επιστολή με προσωπικό της Δημαρχίας χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

## PORTUGUESE

### IMPORTANTE

Este carta contém informação importante. Se não o compreender peça a uma pessoa de família ou a um/a amigo/a para o traduzir ou venha até à Câmara Municipal (Council) para discutir o assunto através do Serviço de Intérpretes pelo Telefone (Telephone Interpreter Service).

## ARABIC

هَامَّ  
تحتوي هذه الرسالة معلومات هامة. فإذا لم تستوعبوها يرجى أن تطلبوا من أحد أقربائكم أو أصدقائكم شرحها لكم، أو تفضلوا إلى البلدية واجلبوا الرسالة معكم لكي تناقشوها مع أحد موظفي البلدية من خلال الإستعانة بخدمة الترجمة الهاتفية.

## VIETNAMESE

### THÔNG TIN QUAN TRỌNG

Nội dung thư này gồm có các thông tin quan trọng. Nếu đọc không hiểu, xin quý vị nhờ thân nhân hay bạn bè dịch giúp hoặc đem đến Hội đồng Thành phố để thảo luận với nhân viên qua trung gian Dịch vụ Thông dịch qua Điện thoại.

## MANDARIN

### 重要资料

本信写有重要资料。如果不明白，请亲友为您翻译，或到市政府来，通过电话传译服务，与市政府工作人员讨论此信。



Chapter 9.45 (McGill Street Precinct) within Part 9: Strategic Context of the Marrickville Development Control Plan 2011 established a desired future character for the McGill Street precinct (which includes the subject site).

The DCP clearly establishes the aim *to provide public open space which serves as an important gathering place and focal point for informal leisure and recreation* and the masterplan aims to create *a new, centrally located local park to open up the site and provide a useful and meaningful landscape space that encourages access to the GreenWay*.

The Planning Assessment Commission's report noted that the Central Open Space provides much needed public open space in an area where there is a shortage of good quality public open space. Further, in its report the Planning Assessment Commission (PAC) agreed with Council's assertion that most of the public and private open spaces proposed in the concept plan are not clearly defined and their key function appear to be *through site links* or drainage reserve rather than *useable* open space. It is highly misleading for the applicant to infer that Council did not intend the public open space to function as anything other than an access way. Council has repeatedly submitted that the essential function of this public open space is as a recreational space for all residents to utilise and enjoy.

- *We seek a change to the condition to clarify that 'through site links' can be included in the proposed Central Open Space provision.*

**Comment:**

Council notes that the PAC's report stated that the private open space in the applicant's concept plan appeared to operate as a *through site link* rather than *useable* open space. The PAC was highly critical of this approach to the Central Open Space, which it noted needed to be of good quality and required additional modification to ensure that it functioned as a useable space. It is noted that open space may be able to serve as a multi-functional space, but that each specific use be clearly identifiable and that no one function detracts from other functions.

- *The proposed changes are also consistent with current approaches to public open space as multi-function spaces that can be more than just areas for recreation.*

**Comment:**

Council recently provided comments on another proposed Section 75W modification application which argued that *the Central Open Space is not large enough to be a full multi-purpose facility*. This is contrary to the assertion contained within this 75W modification application that the space should operate as a multi-functional space. Consequently, Council is unclear as to the applicant's intent for the Central Open Space. The potential cumulative impacts of the two modifications will result in an open space area with limited amenity due to overshadowing impacts and potential conflicts between different functions within the space.

- *We seek a change in the condition to allow 'drainage reserves' in the proposed Central Open Space provision.*

**Comment:**

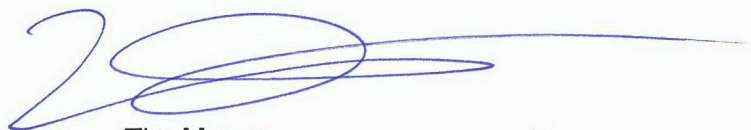
Council's Development Engineer notes that this proposed change will affect the majority of the open space to be dedicated to Council as a public park. This is due to the stormwater pipes and because the proposed park will act as an overland flow path once the capacity of the drainage pipe system is surpassed. It is further noted that overland flows should only surcharge the pipe system approximately every 20 years (on average), and that locating overland flow paths within open space is acceptable engineering practice, and having regard to the current approved design there is no alternative.

Notwithstanding, Council is concerned that the design requirements of the drainage reserves may impede the ability of the open space to provide good amenity to all users. The drainage design drawings show that the overland flow path design requires a channel to be created in the middle of the open space that is approximately 700mm below the levels of the surrounding pathways/landscaping.

Concern is raised that the proposed S75W amendment introduces uncertainty about the integration of Water Sensitive Urban Design with active and passive landscaping opportunities, and this could significantly impact on the functionality of the open space and limit accessibility. As previously noted, the Central Open Space is of paramount importance to the development as well as the wider community.

Thank you for the opportunity to comment and should you have any enquiries, please contact Council's Manager Development Assessment, Judy Clark, on 9335 2251.

Yours sincerely,



Tim Moore  
**Director Planning and Environmental Services**

TRIM NO: 92362.13