



NSW GOVERNMENT  
**Department of Planning**

Mr Tony Owen  
Tony Owen NDM  
Architects and Planners  
260 Young Street  
**ANNANDALE NSW 2038**

Dear Mr Owen,

**Director General's Requirements for mixed retail and residential development at 78-90  
Old Canterbury Road, Lewisham – MP 08\_0195.**

Thankyou for your request for Director-General's environmental assessment requirements (DGRs) for the above project.

The DGRs were prepared from the information provided within your application and in consultation with relevant Government agencies, including Council (attached).

Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGR's. If the Director-General considers that the Environmental Assessment does not adequately address the DGR's, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. Please contact the Department at least two weeks before you propose to submit the Environmental Assessment to determine the fees applicable to the application.

Please also find attached with this letter, copies of submissions from other agencies addressing their key issues for the proposal. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the Environmental Assessment.

While the provision of key issues and assessment requirements means you are now able to commence preparation of your Environmental Assessment, I would like to take this opportunity to remind you of the Departments concerns regarding excessive height, scale and density. In particular, the Concept Plan should consider the proposed overall height and density of buildings, and the proposed quantum of non - residential floor space.

The loss employment - generating floor space has been identified as an issue and consideration should be given to the introduction of a mix of different commercial and retail activities without an excessive reliance on retail floor area.

Further, the failure to amalgamate with those properties at the corner of Longport Street and Old Canterbury Road to achieve a more appropriate and reasonable relationship with surrounding development and land uses is a major concern and needs to be reconsidered in some detail.

Accordingly, it is recommended that these matters should receive particular attention in the Environmental Assessment, and different alternatives be investigated to aid the justification of any final scheme.

If you have any enquiries about these requirements, please contact Mr Tim Hogan on 02 9228 6236 or via e-mail at [timothy.hogan@planning.nsw.gov.au](mailto:timothy.hogan@planning.nsw.gov.au).

Yours sincerely



Jason Perica  
Executive Director 16/3/09  
(as delegate for the Director General)

# Director-General's Requirements

## Section 75F of the *Environmental Planning and Assessment Act 1979*

Application No.	08_0195
Project	Project application for construction of a 14-storey building for a mixed-use commercial, retail and residential development.
Location	Lot 11, DP 774322; Lots 6-8, DP 977044; Lots 1-5, DP 226469; Lot 1, DP 734142; Lots 1 & 2, DP 215127 – 78-90 Old Canterbury Road, Lewisham.
Proponent	Tony Owen NDM Architects and Planners.
Date issued	16/3/09
Expiry date	2 years from date of issue.
Key issues	<p>The Environmental Assessment (EA) must address the following key issues:</p> <p><b>1. Relevant EPI's policies and Guidelines to be Addressed</b>  Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:</p> <ul style="list-style-type: none"> <li>• Objects of the EP&amp;A Act</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP (Building Sustainability Index: BASIX) 2004;</li> <li>• Draft South Subregional Strategy, Sydney Metropolitan Strategy</li> <li>• Marrickville Urban Strategy (April 2007),</li> <li>• Marrickville Employment Lands Study (2008)</li> <li>• Marrickville LEP 2001 and any relevant Development Control Plans</li> <li>• SEPP 55 - Remediation of contaminated land</li> <li>• SEPP 65 - Design Quality of Residential Flat Development;</li> <li>• Draft SEPP 66 – Integration of Land Use and Transport;</li> <li>• Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996;</li> </ul> <p><i>(The proposal will be referred to the Sydney Airport Corporation for comment/approval in relation to the impact on the Obstacle Limitation Surface (OLS), that is, the prescribed airspace protection area for safe aircraft operation around Sydney Airport.)</i></p> <ul style="list-style-type: none"> <li>• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justify any non-compliance.</li> </ul> <p><b>2. Built Form and Land uses</b></p> <ul style="list-style-type: none"> <li>• The proposal shall address the height, bulk, scale and intensity of the proposed development within the context of the locality.</li> <li>• Demonstrate that the proposal does not have unacceptable levels of impact on views and overshadowing of adjoining sites and public domain.</li> <li>• The EA shall assess and give consideration to the loss of employment land in formulating final land use mix and gross floor areas for different uses. In this regard, a target of a minimum of 20% non-residential GFA and a maximum 70% residential GFA is considered appropriate.</li> </ul> <p>In particular, there should not be an excessive reliance on retail floor space, but rather a mix of different commercial and retail activities should be considered.</p> <ul style="list-style-type: none"> <li>• The EA shall identify the proportion of housing to be allocated to "key worker affordable housing" and the mechanisms to facilitate this housing including any planning agreement or other binding agreement.</li> <li>• The EA shall give consideration to the relevant objectives of the <i>Urban Design Study for McGill Street, Lewisham and St Peters 'triangle'</i> that is being commissioned by Marrickville Council.</li> </ul>

**Key Issues  
(Continued)**

**3. Site Amalgamation**

- The proposal should seek to amalgamate with the properties at the corner of Longport Road and Old Canterbury Road so that a more appropriate and reasonable relationship is established with surrounding development and land uses, and, details shall be included in the EA, and shall include details outlining negotiations with the owners of the affected properties.
- If this is demonstrated to be not possible, the EA shall assess, in detail, possible alternative options for this land demonstrating that it can be appropriately and reasonably be integrated into the development and land uses proposed for the land immediately adjacent, and also give consideration to the viable future development potential of the isolated sites.
- It is noted that the Marrickville Council have, as an objective, the co-ordinated masterplanning of the whole of the "McGill Street Industrial Precinct", and in this regard, the EA shall give consideration to the future integration of the Concept Plan into the residual of this Precinct to the south, namely the land bounded by Old Canterbury Road, Hudson Street and the rail corridor.

**4. Urban Design**

The EA shall address the design quality with specific consideration of the façade, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, safety by design and public domain.

The EA shall provide the following documents:

- Comparable height study to demonstrate how the proposed height relates to the height of the existing development surrounding the subject site and the desired future character for the locality;
- Aircraft related height restrictions
- View analysis to and from the site from key vantage points; and
- Options for building envelopes, massing and articulation.

**5. Public Domain**

The EA shall provide details on the interface between the proposed uses and public domain, and the relationship to and impact upon the existing public domain and address the provision of linkages with and between other public domain spaces.

The EA shall provide details of the compliance with CPTED Principles, and shall include a consideration of the following:

- The provision of new areas of public domain/public open space;
- The provision of road widening and refinement of the local road and laneway network including improvements to footpaths and pedestrian access/amenity;
- The provision of activated building frontages and activity nodes;
- Potential improvements to the existing public domain; and,
- Provision of street lighting, underground power lines and CCTV.

The EA shall give consideration to the objectives and outcomes prescribed in the "Cooks River to Iron Cove Greenway Co-ordination Strategy".

**6. Economic Impact Assessment**

The EA shall address the economic impact of the proposal and include an investigation into the impact upon the retail, commercial and residential industry within the locality and including the identification of the Primary and Secondary Trade Areas (PTA & STA) and having regard to the hierarchy of centres in the relevant regional strategy and other relevant Government Policies.

**7. Environmental and Residential Amenity**

The EA must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity.

**8. Flora & Fauna**

The EA shall address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment, both marine and land in accordance with DECC "Threatened Species Assessment Guidelines 2007".

**Key Issues  
(Continued)**

In this regard, the EA shall include a detailed survey (using a variety of survey methods by a suitably qualified person) of the endangered long-nosed bandicoot population which occurs in this area, and determine whether and how they are using the site and adjoining areas, and assess any potential impact or threat to the population.

**9. Transport and Accessibility (Construction and Operational)**

The EA shall address the following matters:

- Provide a Transport & Accessibility Impact Study prepared in accordance with the RTA's *Guide to Traffic Generating Developments*, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages.
- Undertake a Traffic Management and Accessibility Plan (TMAP) for the site. The TMAP will assess the implications of the proposed development for non-car travel modes (including public transport, walking and cycling) and the potential for implementing a location specific sustainable travel plan, with the provision of facilities to increase non-car mode share for travel to and from the site.
- Provide detail of the existing pedestrian and cycle movements within the vicinity of the site and identify and resolve any barriers to efficient and safe pedestrian and cycle access, particularly to the key links at Lewisham and Summer Hill Stations and the Parramatta Road bus corridor.
- Identify measures to mitigate potential impacts for pedestrians and cyclists during the construction stage of the project.

**10. Traffic Impacts (Construction and Operational)**

The EA shall provide a Traffic Impact Study prepared in accordance with the RTA's *Guide to Traffic Generating Developments*, considering traffic generation, road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages. The Key intersections to be examined / modelled include:

- Old Canterbury Road and Toothill Street;
- Old Canterbury Road and Railway Terrace/Longport Street;
- Old Canterbury Road and Parramatta Road;
- Parramatta Road and West Street; and
- Railway Terrace and West Street.

Details of proposed accesses and parking provisions are to be provided including compliance with the requirements of the relevant Australian Standards (i.e. turn paths, sight distance requirements, aisle widths, etc.).

Details of service vehicle movements (including vehicle type and likely arrival / departure times) are also required.

**11. Rail Impacts**

The EA shall address the following matters:

- The applicant shall prepare a Geotechnical and Structural report, and Excavation and methodology consistent with RailCorp's requirements. In addition, cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design adjacent to the rail corridor are required.
- The proponent shall provide a survey locating the development with respect to the rail boundary and infrastructure.
- To ensure the safety of passenger rail services and the rail corridor, balconies and windows within 20m of the rail corridor must be designed to prevent objects being thrown onto RailCorp's facilities.
- All landscaping and fencing within the 20m rail corridor are to meet RailCorp's requirements.
- The portion of the development along the rail corridor must be designed and constructed to meet the redundancy requirements or the minimum collision loads specified in AS5100.
- Stormwater drainage from the site is not allowed to be discharged into the rail corridor.

**12. Ecologically Sustainable Development (ESD)**

The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water and energy usage, waste minimisation

	<p>and recycling strategies.</p> <p><b>13. Contributions</b> The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or a Planning Agreement or other legally binding instrument which would be required for a development of this size. In this regard, discussions should be undertaken with Railcorp regarding likely future impacts on the service and capacity levels of the Lewisham Station and consideration be given to any necessary upgrade works. This matter shall be addressed in the EA.</p> <p><b>14. Consultation</b> Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p> <p><b>15. Flooding and Drainage</b> Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and an increase in rainfall intensity.</p> <p>The EA shall address drainage issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.</p> <p><b>16. Noise and Vibration Assessment</b> The EA shall address the issue of noise from the airport and the rail corridor, and, provide detail of how this will be managed and ameliorated through the design of the buildings, in compliance with the Department of Planning's interim Guidelines for <i>Development near Rail Corridors and Busy Roads</i> relevant Australian Standards.</p> <p>The EA shall include a report assessing the potential impact of vibration from the rail corridor and measures required to mitigate any adverse impacts on buildings and land uses.</p> <p><b>17. Statement of Commitments</b> The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p>
<b>Key Issues (Optional) – to be applied where relevant.</b>	<p><b>Heritage</b> The EA shall provide an Heritage Assessment of the site, and a Statement of Heritage Impact for the site, detailing and evaluating any impacts that the development would have on the heritage significance of the site, including both built and landscape heritage (if applicable).</p> <p><b>Archaeological</b> The EA shall provide an Archaeological Assessment of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources.</p> <p><b>Utilities</b> In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.</p> <p><b>Staging</b> The EA must include details regarding the staging of the proposed development.</p>
<b>Deemed refusal period</b>	60 days

## Plans and Documents to accompany the Application

<b>General</b>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A thorough site analysis including site plans, areal photographs and a description of the existing and surrounding environment;</li> <li>3. A thorough description of the proposed development;</li> <li>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed, including an assessment against the objectives of the EP&amp;A Act;</li> <li>5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>6. The plans and documents outlined below;</li> <li>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP)</li> <li>9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</li> <li>10. Details demonstrating that any fill brought onto the site is contamination free, and from where obtained.</li> <li>11. Details of where all excavated material leaving the site is to be placed.</li> </ol>
<b>Plans and Documents</b>	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> <li>1. <b>An existing site survey plan</b> drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location of the land, boundary measurements, area (sq.m) and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site; and</li> <li>• location and height of adjacent buildings and private open space.</li> <li>• all levels to be to Australian Height Datum.</li> </ul> </li> <li>2. <b>A Site Analysis Plan</b> must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).</li> <li>3. <b>A locality/context plan</b> drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li>4. <b>Architectural drawings</b> at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;</li> <li>• detailed floor plans, sections and elevations of the proposed building;</li> <li>• elevations providing details of external building materials and colours proposed;</li> <li>• fenestrations, balconies and other features;</li> <li>• accessibility requirements of the Building Code of Australia and the Disability Discrimination Act;</li> <li>• the height (AHD) of the proposed development in relation to the land;</li> <li>• the level of the lowest floor, the level of any area to be developed adjacent to or around the building and the level of the ground;</li> </ul> </li> </ol>



	<ul style="list-style-type: none"> <li>any changes that will be made to the level of the land by excavation, filling or otherwise;</li> </ul> <p>5 Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> <li><b>Stormwater Concept Plan</b> - illustrating the concept for stormwater management;</li> <li><b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</li> <li><b>Geotechnical Report</b> – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons;</li> <li><b>View Analysis</b> - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed development in particular having regard to the siting, bulk and scale relationships from key areas;</li> <li><b>Landscape plan</b> - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.</li> <li><b>Shadow Diagrams</b> - showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</li> <li><b>Arborist Report</b> - detailing protective measures for the trees to be retained on or in the vicinity of the site.</li> <li><b>Heritage impact statement</b> – prepared in accordance with the NSW Heritage Manual and illustrating the impact of the proposed re-use of the building on its heritage value.</li> <li><b>Access Report</b> – to be prepared demonstrating compliance with the various Discrimination and Disability regulations for the building and open space areas, as well as access to the surrounding public spaces.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>1 copy of the EA, plans and documentation for the <b>Test of Adequacy (TOA)</b>;</li> <li>12 hard copies of the <b>EA (once the EA has been determined adequate)</b>;</li> <li>12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.</li> </ul>
<b>Electronic Documents</b>	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:</p> <ul style="list-style-type: none"> <li>Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files;</li> <li>File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files;</li> <li>Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order;</li> <li>Graphic images will need to be provided as [.gif] files;</li> <li>Photographic images should be provided as [.jpg] files;</li> <li>Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each; and</li> <li>Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>