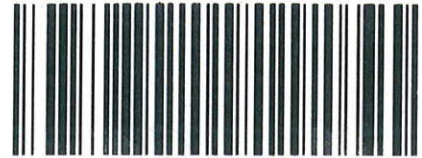


OUR REF: P3570.750-02
YOUR REF:

15 September 2011



PCU026162

Sam Haddad
Director General
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Amy Watson

Department of Planning
Received
19 SEP 2011
Scanning Room

Dear Mr Haddad

**PREFERRED PROJECT REPORT FOR A MIXED USE DEVELOPMENT AT
78-90 OLD CANTERBURY ROAD, LEWISHAM (MP08_0195)**

Marrickville Council was recently forwarded a Preferred Project Report (PPR) prepared on behalf of Lewisham Estates Pty Ltd for a mixed use residential, retail and commercial development at 78-90 Old Canterbury Road, Lewisham.

Council at its meeting of 13 September 2011, considered a report on the PPR for the proposed development and resolved as follows:

1. Council make a submission to the Department of Planning and Infrastructure on the Preferred Project Report (PPR) and revised concept plan application based on the matters raised in this report. In addition to the issues raised in this report, the submission note Council's strong objections to the departures in the proposal from the planning provisions for the site in dMLEP2010, and the resulting overdevelopment of the site.
2. Council recommends that the Department of Transport conduct a traffic study of the area (the precinct comprising the Allied Mills site and McGill Street Precinct) and that Council officers review the proposal's view analysis and comment on any discrepancies.

Concerning the need for a traffic study of the entire redevelopment precinct, I note the joint traffic study prepared by Marrickville and Ashfield Councils that has been previously provided to the DP&I.

In respect to the *View Analysis Study Plans* submitted with the *Preferred Project Report Masterplan Study* accompanying the PPR, a spokesperson for the No Lewisham Towers Group outlined at the abovementioned Council meeting that there were a number of discrepancies in the plans. A copy of the view analysis provided to the Council meeting by the spokesperson is attached. Additionally, as outlined in the accompanying submission, Council officers also found that several other plans submitted with the PPR were ambiguous or

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

هامة
تحتوي هذه الرسالة معلومات هامة. فإذا لم تستوعبها 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。

incorrect. It is recommended that DP&I request new, accurate plans be submitted for the proposed development before the final assessment report is prepared.

Further to Council's resolution please find attached Council's submission.

For further enquiries please contact Marcus Rowan, Manager Planning Services on 9335 2274.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Hawke', with a long horizontal flourish extending to the right.

Ken Hawke
Director, Planning and Environmental Services

INTRODUCTION

This submission evaluates the Preferred Project Report (PPR), prepared on behalf of Lewisham Estates Pty Ltd, in response to the submissions received during the public consultation process of the Part 3A Major Project. The application is for a mixed use development including residential, retail and commercial land uses and public domain improvements at 78-90 Old Canterbury Road, Lewisham.

The PPR responds to the issues raised by Council, and makes amendments to the concept plan in response to issues raised by stakeholders and the public. The PP concept plan includes a number of amendments relating to building heights and envelopes, retail uses (including the removal of the proposed supermarket and retail plaza), street relocation and realignments, and open space provision.

The concept plan has revised the project description to reflect these changes and is now described as:

A mixed use development containing residential apartments, support retail tenancies, shop-top housing and a café.

The PPR concept plan contains seven (7) building envelopes with buildings ranging from 4 to 10 storeys over 2 levels of basement car parking and an overall floor space ratio (FSR) of 3.15:1.

This report considers:

- The PPR response to Council's issues specifically those relating to open space provision, gross floor space, urban design, and contributions for infrastructure and community facilities including affordable housing; and
- The consistency of the proposed development with the McGill Street Masterplan as adopted by Council and embodied in the draft Marrickville Local Environmental Plan (dMLEP) 2011.

BACKGROUND

The subject land forms part of a light industrial precinct identified in the draft South Subregional Strategy (dSSS) as land that could be investigated for alternative uses, including non-employment purposes such as residential, new open space and civic space. A mixed use zone to ensure the retention of some employment activities is recommended in the dSSS.

The Marrickville Urban Strategy (MUS) identified the precinct as an industrial precinct appropriate for urban renewal and recommended that the area be rezoned to cater for residential housing demand, address local amenity and provide space for community facilities. The Marrickville Employment Lands Study (MELS) in turn recommended that the precinct should be rezoned to permit a mix of residential development and a broad range of low impact employment uses.

Council at its meeting on 16 June 2009 considered a Notice of Motion in response to the initial Lewisham Estates proposal and resolved as follows:

THAT Marrickville Council opposes the proposed development at Longport Street and Old Canterbury Road, Lewisham. The development:

- a) is a gross overdevelopment of the site;
- b) threatens the viability of local shopping strips and small businesses; and
- c) is totally out of scale with the surrounding community and environment.

It is therefore essential that any proposed development on this site be part of a plan for the whole precinct; and that

1. Council initiate the preparation of a masterplan for the area known as the 'McGill Street Precinct' which comprises the industrially zoned land bounded by Old Canterbury Road, Longport Street and the Rozelle Goods Line;
2. the masterplan for the McGill Street Precinct address the following key principles:
 - consistency of development with the centre's hierarchy and any out of centre retailing impacts;
 - the orderly planning and development of the precinct;
 - timing and equity of development for all land owners within the precinct;
 - the management of future traffic and access within and surrounding the precinct;
 - the scale and density of development;
 - landscaping and public domain treatments;
 - public open space, linkages and provision for the greenway corridor; and
 - the suitability of the precinct for commuter car parking;
3. appropriate zoning, height limits, floor space ratio and other development controls be placed on the McGill Street precinct to ensure urban renewal of the area that is complementary to the surrounding community and in accordance with the Marrickville Urban Strategy;
4. the General Manager investigates funding for the masterplan and reports back to Council;
5. this planning be conducted as a matter of urgency to ensure Marrickville Council's vision for the McGill Street precinct is comprehensive and clear, and that any changes can be implemented during the current review of the Marrickville Local Environment Plan; and
6. representations be made to the Minister for Planning seeking amendments to the Director General's requirements for the Part 3A Project issued in March 2009, which require that the development proposal for the subject site is consistent with a Council endorsed masterplan.

Council on 30 June 2009 wrote to the Minister for Planning advising of the resolution and requested that the DGRs be amended once the Council's masterplan for the McGill Street Precinct was adopted.

In July 2009 Hassell Limited was engaged by Council to prepare a masterplan for the McGill Street Precinct. Consistent with the MUS and dSSS, the study brief identified the site as being most suited to predominantly high density residential use with some live/work flexibility, minor supporting retail and community service uses. Open space, particularly where associated with

higher scaled residential development was also identified as a necessary part of any redevelopment.

A draft masterplan was subsequently prepared and a Councillor briefing, community open day and a landowner briefing were each conducted in September 2009. Feedback from these processes was used to refine the masterplan and identify planning controls for the precinct suitable for incorporation in a draft LEP.

Council officers on 3 September 2009 met with officers from the Major Projects Assessment Team of the Department of Planning and Infrastructure (DP&I) which is responsible for assessing the Part 3A proposal for 78-90 New Canterbury Road. This meeting assisted in identifying the key issues surrounding the Part 3A proposal and Council's masterplan, particularly with regard to timing and related processes.

On 10 November 2009 Council adopted the McGill Street Precinct Masterplan. In doing so Council also resolved to forward the McGill Street Precinct Masterplan to the Minister for Planning and the Director General of Planning and Infrastructure requesting the DGRs be amended to require that the development proposal be consistent with the masterplan. Council further resolved to prepare a draft LEP for the precinct, and forward a planning proposal (in the form of the masterplan) to the DP&I for Gateway Determination, to enable the rezoning of the precinct consistent with the masterplan.

On 9 March 2010, Council resolved to amend the draft Marrickville LEP 2010 (dMLEP 2010) to incorporate the planning controls contained in the McGill Street Precinct Masterplan. Following discussion with the DP&I confirming the new zones etc could be incorporated into dMLEP 2010, the relevant information and maps were forwarded to the Department on 18 March 2010.

In August 2010 Council received a planning proposal for a mixed use development at the adjacent site at 2 Smith Street, Summer Hill (Allied Mills). Council at its meeting on 17 August 2010 resolved that:

- *Council writes to the Department of Planning, Minister for Planning and local members for Marrickville, Canterbury and Strathfield, requesting an extension of time from 30 to 60 days for public submissions to the Part 3A application for the Lewisham Towers; and*
- *as soon as any development proposal for either the Allied Mills site or the Lewisham Estate site is lodged, Marrickville Council will commission a traffic study (and seek to do this in conjunction with Ashfield Council) for the entire precinct of Lewisham and East Summer Hill to model the effect of both the Lewisham Towers development, the Allied Mills development, and potential development on the remainder of the McGill Street precinct.*

On 15 November 2010 Council received further correspondence from the DP&I advising that Lewisham Estates Pty Ltd had lodged the concept plan and that the application would be placed on public exhibition from Wednesday 17 November 2010 to Friday 7 January 2011.

At its meeting on 16 November 2010 Council resolved to:

1. *seek expressions of interest from relevant urban design professionals, to undertake an independent review of the urban design aspects of the Lewisham Estate proposal;*
2. *write to the Minister for Planning and the Local Member Carmel Tebbutt seeking that the terms of reference for the PAC include that it provide for open public representations, and we request that the proposal be referred to the NSW Government Architect for an independent assessment; and*
3. *request the Minister to consider the proposal in conjunction with Allied Mills so the combined impacts can be assessed and request that the Minister require the RTA to conduct an independent traffic study.*

Council at its meeting of 14 December 2010, considered an assessment report prepared by Council officers and external consultants on the proposed development. Council resolved to make a submission to DP&I based on the content of the report. This submission was forwarded to DP&I on 23 December 2011.

At the 14 December 2010 meeting, Council further resolved, inter alia, to request the following:

- *the Department of Planning seek amendment to the applicant's concept plan for the subject site to be consistent with the McGill Street Precinct Masterplan adopted by Council; coordinate an infrastructure plan for the McGill Street Precinct; coordinate affordable housing contributions for development within the McGill Street Precinct; and*
- *the proposal for the Allied Mills site (2-32 Smith Street, Summer Hill) be considered by the same Planning Assessment Commission (preferably with the same chair and members) as the subject application.*

Sydney Light Rail - Inner West extension

In May 2010, transport consultants GHD prepared a report for the Sydney Light Rail - Inner West extension which was released for community feedback. The Department of Transport prepared a scope of work for the project (the Product Definition Report) and on July 19, a Project Application and Preliminary Environmental Assessment) were lodged with the Department of Planning and Infrastructure.

An Environmental Assessment (EA) was prepared by the Department of Transport to support the application for the Sydney Light Rail - Inner West extension project approval. The EA was placed on public exhibition from 13 October to 15 November inclusive.

Planning approval was granted on 16 February 2011 for construction of the Inner West Light Rail Extension and GreenWay. This approval enables design and construction work to commence in 2011, with the new extension to the Inner West planned to commence in late 2012.

Summer Hill Allied Mills (Flour Mill) Site

On 28 October 2010, the Minister for Planning advised Council that the proposed Allied Mills Site development was declared as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979*.

Council on 1 December 2010 wrote to the DP&I identifying key issues and for inclusion in the Director General's Requirements (DGRs) for the concept plan for the Summer Hill Flour Mill (Allied Mills) project. A number of these were incorporated into the final issued DGRs on 16 December 2010.

On 27 June 2011 Council received further correspondence from DP&I advising that SJB Planning, on behalf of EG Funds management, had lodged the EA for the Summer Hill (Allied Mills) Concept Plan and that the application would be placed on public exhibition from Wednesday 29 June 2011 to Friday 12 August 2011.

The Concept Plan for an adaptive mixed use residential, retail and commercial development, including new structures and basement car parking at 2–32 Smith Street Summer Hill (MP10_0155) was on public exhibition between Wednesday 29 June 2011 and Friday 12 August 2011.

At its meeting on 16 August 2011, Council resolved to make a submission to DP&I in regard to the concept plan. The submissions are currently being reviewed and collated by DP&I.

The DP&I wrote to Council on 12 August 2011 informing of the PPR and seeking Council's response. This process is not a formal part of the Part 3A process and accordingly there is no prescribed timeframe. To meet Council's reporting timeframes the DP&I have given Council until 14 September 2011 to respond to the PPR.

DISCUSSION

Zoning provisions

Marrickville Local Environmental Plan 2001 (MLEP 2001)

Under the zoning provisions of MLEP 2001, part of the north-east corner of the site is zoned Reservation – Arterial Road and Arterial Road Widening (9C). The remainder of the site is zoned Light Industrial (4B). The proposed mixed use development does not constitute a permissible use under the zoning provisions applying to the land under the MLEP 2001.

Draft Marrickville Local Environmental Plan 2010 (dMLEP 2010)

Under dMLEP 2010 the site is affected by a number of proposed zones, which are based on the land uses in the adopted McGill Street Precinct Masterplan. These zones, as depicted in Figure 1 below, include High Density Residential (R4), Mixed Use (B4), Business Development (B5), and Light Industrial (IN2).

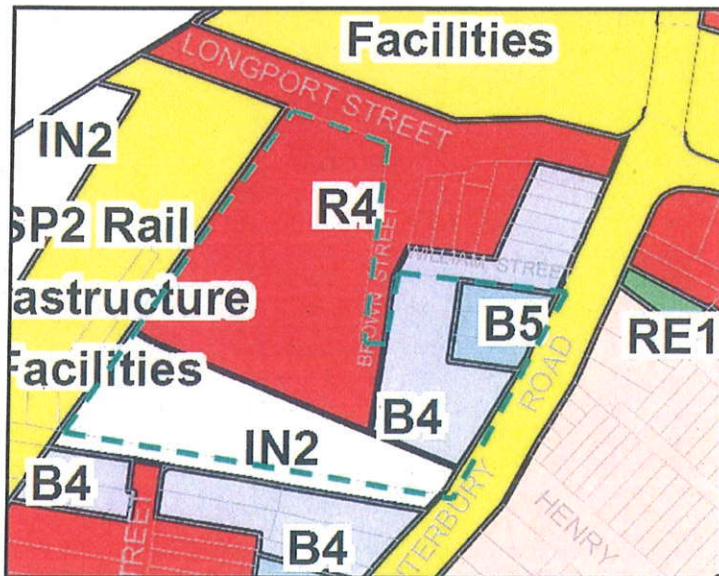


Figure 1. Excerpt from Council's adopted dMLEP 2011
Land Zoning Map Sheet LZN_001

The PPR response to Council's zoning provisions analysis states:

Under the exhibited draft, the area adjacent to the northern edge of Hudson Street appears not to have a defined zoning in the draft LEP maps. However the remainder of the subject site is affected by the R4 High Density Residential, B4 Mixed Use and B5 Business Development zones.

As shown in Figure 1 above, the area adjacent to the northern edge of Hudson Street is zoned IN2 Light Industrial under the adopted dMLEP 2011, which is the same as the zoning in the exhibited dMLEP 2010. The PPR claim that this area does not have a 'defined zoning in the draft LEP' is incorrect. The PPR concept plan proposes that the majority of the retail and shop top/dual use uses will be located within this zone, are prohibited uses under the zoning provisions applying to the land under the dMLEP2011, and which was intended as publically accessible open space in Council's masterplan. As a result the quality of the PPR open space along this green corridor, is less usable and of lower quality than that proposed in Council's masterplan, and is discussed further in this report.

Land Use Issues

As indicated in Council's original submission to the concept plan, it is important to recognise the basis of Council's land use controls and planning provisions for the site. As part of the development of dMLEP 2010, Council considered a range of existing strategic planning studies relating to the site. These studies included the overarching directions contained within the Sydney Metropolitan Strategy, the dSSS, MUS and the MELS. All of the studies that apply to the subject site support a change in future land use within the McGill Street precinct and are summaries below:

- the dSSS notes that the proximity of the site to Lewisham Station (in addition to other factors identified in the strategy) suggest it is suitable for change to Category 3, and a mixed use zoning, ensuring the retention of some employment activities. (p.36, dSSS);
- the MUS identifies the precinct as an industrial precinct appropriate for urban renewal and recommends that the site be rezoned...to cater for residential housing demand, address local amenity and provide space for community facilities. (p.18, MUS); and
- the MELS states that the Precinct should be rezoned to permit a mix of residential development and a broad range of low impact employment uses. (p.75, MELS)

Council responded to the largely consistent policy directions contained within these studies to commission the McGill Street masterplan for the precinct. Council's brief for the project made the following comments concerning the opportunities and constraints within the precinct:

While the MUS and the dSSS have designated the site to be developed for mixed use, it is considered the site is most suitable for predominantly high density residential use with some live/work flexibility and minor supporting retail and community service use. Open space, especially when associated with higher scale residential, also needs to be provided as part of the redevelopment, including the considerable advantage of outlook onto the probable future 'green corridor'.

Given that the precinct is large, available for complete redevelopment and is isolated from the surrounding neighbourhoods; that there is a context of larger scale buildings within the adjoining Allied Mills; that there is minimal aircraft noise constraints to adjoining dwellings, there is potential for the precinct to include high buildings and overall higher density than typical in the Marrickville LGA.

Council adopted the McGill Street Precinct masterplan on 10 November 2009. In March 2010 Council resolved to amend dMLEP 2010 to incorporate planning controls contained within the adopted masterplan. Accordingly, the broader policy framework supports a change within the precinct and Council has finalised the planning for the precinct through the inclusion of appropriate land use provision in dMLEP 2010. The Department's endorsement of dMLEP 2010 for public exhibition is considered to be an endorsement of the proposed planning provisions for the precinct.

In terms of land use, Council supports the removal of the supermarket and the majority of the retail tenancies from the PPR concept plan; however concern is still raised regarding the number of residential units proposed for the site. An analysis of the consistency of the design, proposed scale and density of development, and the provision of open space within the subject site are discussed further in this report.

Orderly and Equitable Development

The PPR response to Council's submission regarding the constraints placed on the development capacity and options for the surrounding properties, as a result of the isolated planning of the subject site, does not adequately respond to Council's concerns. The scale and density of the proposed development, in addition to shifting the central open space to

surrounding sites constrains and adversely impacts the development potential of adjoining sites in the McGill Street Precinct.

The response provided to this issue by the PPR states:

The Town Owen Masterplan considers the entire McGill Street Precinct and not just the subject site in isolation. The supermarket and portion of retail tenancies have been removed from the proposal so that the preferred concept plan more closely aligns with Council's masterplan.

In terms of the number of dwellings proposed, the need for additional housing in the locality is discussed in the submitted EA.

Further review of the EA, particularly Table 6 in Section 5.2.5, gives the following reasons for the proposed residential floor space as a proportion of the overall floor space (which under the PPR concept plan is 94% (96% when including shop top housing) of the total GFA):

- *there is high market demand in the Sydney region for new housing stock, which is reflective of the increasing house and rental prices and reduced affordability;*
- *the provision of this amount of residential units is consistent with the NSW Metropolitan Strategy and the Draft South Subregional Strategy;*
- *the site is within a desirable location with excellent access to existing public transport networks and adjacent to the future light rail extension, which will reduce demand on private car travel while also reducing traffic generation in the locality; and*
- *Council's McGill Street Precinct Masterplan allows for over 90% of the site to be residential which is obviously a higher proportion of the overall floor space mix in comparison to the proposed concept plan.*

Whilst the above comments provide a rationale for a higher proportion of dwellings to other uses on the site, the PPR concept plan still proposes to provide up to 430 residences whereas under Council's masterplan approximately 500 residences were anticipated for the entire McGill Street Precinct. This represents an overdevelopment of the site, and restricts the development of surrounding sites, and/or provides precedence for the overdevelopment of the remainder of the McGill Street Precinct. This outcome would create further concern over traffic generation for the entire McGill Street Precinct, and the cumulative effect of other surrounding developments such as the Allied Mills site. It is considered that the dwelling numbers should be reduced to those within Council's masterplan to improve overall amenity of the site, especially the amenity for future occupants and the existing locality.

The overdevelopment of the subject site is demonstrated by comparing the FSR for the Lewisham Estates site under the McGill Street Master Plan is 1.7:1 (or 2.06 as the proponent's purports in Section 5.2.3 of the EA) to the PPR concept plan, which is 3.15:1.

Gross Floor Area

The table below compares the gross floor area (GFA) distribution of Council's McGill Street Precinct Masterplan with the proposed Lewisham Estates concept plan and PPR concept plan:

Table 1: Comparison of Council, and Original and Preferred Project Concept Plan masterplans

	Council's McGill St Master Plan*	Concept Plan	Preferred Project Concept Plan
Land Use	Residential - 20,344m ² Retail - 636m ² Commercial - 1,257m ²	Residential - 39,646m ² Retail - 6306m ² Supermarket - 2800m ² Commercial - 287m ²	Residential - 38,912m ² Retail - 739m ² Storage - 918m ² Shop top (commercial)- 726m ² Commercial - 287m ²
	Total GFA = 22,237m ²	Total GFA = 45,902m ²	Total GFA = 41,295m ²

* Figures relate 'Site 1' of the McGill Street Precinct Masterplan (the area subject to the concept plan).

It is evident from the above table that whilst the PPR concept plan features marginally lower GFA yields that the original concept plan, the PPR concept plan still proposes significantly higher GFA than those proposed in Council's masterplan.

Open Space

The table below compares the open 'green' space provision of Council's McGill Street Precinct Masterplan with the proposed Lewisham Estates concept plan and PPR concept plan:

Table 2: Comparison of Open 'green' Space Provision in Council, and Lewisham Estates Original and Preferred Project Concept Plan masterplans

	Council's McGill St Master Plan*	Original Concept Plan	Preferred Project Concept Plan
Central space	3032m ²	3323m ²	3467m ²
Total Open Space	4451m ²	5060m ²	5322m ²
Percentage of open space that is publically accessible	68%	66%	65%

* Figures relate 'Site 1' of the McGill Street Precinct Masterplan (the area subject to the concept plan).

As the table shows, the provision of open 'green' space proposed under the PPR concept plan is larger than that provided in Council's masterplan. Whilst the PP concept plan features a slightly higher total area of open 'green' space, it also proposes a marginally lower proportion of publically accessible open 'green' space than Council's masterplan.

The main concern however is the functionality, accessibility and quality of the open space provided for residents of the development and the wider community, especially in consideration of the solar access of the publically accessible open space. This issue is further discussed under the urban design review section of this report

Centres and Out of Centres Retailing

The dSSS and MUS both identify Lewisham as a neighbourhood centre. The removal of the supermarket and the majority of retail tenancies from the proposal are strongly supported in reducing the scale of the centre to its strategic role of a neighbourhood centre.

Urban design comparison with the McGill Street Precinct master plan

The following discussion provides a broad comparison between the PPR concept plan and the McGill Street Precinct masterplan.

Block/street/open space structure

Generally the preferred project block/street/open space structure is similar to Council's master plan. The main differences are as follows:

- the preferred project has only one street access from Old Canterbury Road, now located on the southern side of the central park that connects to McGill Street, whereas Council's master plan has dual streets from Old Canterbury Road on either side of the central park (one way in and one way out). The removal of the street north of the central park means there will be no direct access for building entries, onto a street front, requiring access across the open space. It also means there is no convenient street system enabling access to a light rail drop off point and onto Old Canterbury Road that occurred with either the master plan arrangement or the original concept plan;
- the public open space shape is a combination of a rectangular boulevard park space adjacent to Hudson Street and a triangular space perpendicular to the north of the boulevard space between building A and C. The area is slightly larger than that required in the masterplan and is an improvement from the original concept plan with the deletion of the retail podium form. However, the quality and functionality of the open space in the preferred project is still considered inferior to that of the master plan, due to narrowness of the open space at the western end and higher bulk of adjacent Building A to the north (7 storeys) compared to the widened open space and lower form in this location (3 storeys) in the master plan. Where the master plan would ensure at least half of the western end of the central open space received solar access during most of the day at mid winter the preferred project will only receive solar access for approximately 2 hours in a small section of the open space at mid winter. In particular the form of the open space and building bulk results in the designated plaza being largely shaded. Part of the designated open space is deceptively located under the south end of building A which should not be considered as open space;
- the preferred project contains limited revised master plan information for the whole McGill precinct, but the open space comparison diagrams implies that the master plan should be amended requiring development south of Hudson Street to be setback and dedicated for open space or a combination of open space and road widening (scaled as approximately 11m). In this way properties to the south would also contribute to provision of open space. This arrangement is considered an improvement from the original concept plan allowing for outdoor retail onto sunny north facing wide footpath areas, however it does not function like the master plan as a continuous shopping frontage strip, due to the

building elements being mostly orientated to the sides and being broken up with a wedge shaped open spaces in between; and

- Council's master plan extends Brown Street as a public street, whereas the preferred project results in the Brown Street being a dead end. It is considered this part of Brown Street is redundant and should be closed and be improved by the developer as landscaped open space and be combined with the proposed communal landscaped area to instead be fully publicly accessible open space to create this as a publicly accessible link increasing permeability through the site.

Site coverage and deep soil landscape area

As the preferred project incorporates one large basement under the development, it has much greater site coverage than Council's master plan. The basement extends under the new street between the GreenWay and residential buildings and right to the boundary edge for Brown and William Street, making provision of substantial trees in many locations shown on the landscape plans outside of the deep soil zones not attainable.

Movement/connections with surrounds

The preferred project creates ambiguity of access with space between buildings A/B and C as well as between C and F/E partly, which are partly publicly accessible open space and partly blocked off as communal space. This will result in poor legibility of the street/building form, territorial ambiguity for pedestrians and potentially create unsafe public spaces.

Also there is discrepancy between permeability diagrams indicating public permeable movement where the open space plans show these would be blocked by being only communal open space, presumably being fenced off. As well, the access south of building D is completely inaccessible on the floor plans, containing basement ramp, draining channel and private courtyards, despite being indicated as part of a permeable link.

The open space between the Lewisham Estates development and Summer Hill Flour Mill development at and around the junction between the GreenWay/Light Rail corridor and Lewisham to Summer Hill pedestrian/cycle link has the potential to have an important public place function. The detail design should investigate the place function of this space and consultation take place with the Department of Transport to ensure a suitable landscape design treatment of the GreenWay and Light Rail crossing/station is achieved. Given the different character and high level of activation of this area it is considered the design should be different to the typical constricted Light Rail stop design, fencing and landscape treatment generally proposed for the Greenway/Light Rail corridor.

Orientation, street use activation & connection with ground levels

Overall, there is less building edge facing the streets and less street use activation than Council's master plan layout. This is particularly problematic at the south-western corner of the site which has a large building gap and a relatively blank 8 storey end wall.

The location of building lobby entries are hidden within the site and soho and retail spaces along the southern side are away from street fronts behind the park giving poor entry legibility. Along the western street elevation of building A adjacent to the GreenWay the plans show retail spaces that are likely to function poorly as they are not adjacent to main pedestrian movement (although would have good outlook to the GreenWay).

The preferred proposal in many instances creates poor public domain with narrow footpaths, limited opportunity for street and courtyard trees (despite being shown on landscape plans), due to being located in too narrow footpaths and/or being located above basement car parking, with only some trees being above deep soil zones. Also the arrangement results in no provision of on-street car parking spaces or building entry drop off areas that assists in good structuring of the public domain.

The arrangement of two levels of retail at the southern end of building A creates an awkward ground level arrangement with the open space, requiring ramping up of the outdoor plaza space resulting in sloped paving that is not conducive to comfortable outdoor dining and requiring retaining walls which would restrict pedestrian movement.

In building D the interface of units facing Longport Street is poor; with some units have floor levels and balconies half below the level of the street. The concept elevation indicates Longport Street is flat which is inaccurate (in reality it ramps up to the bridge over the rail corridor). Also the dwelling on the lower ground level in building D facing Brown Street (adjacent to Longport Street) would be subterranean. The design needs to correctly relate to changes in topography and create an acceptable residential amenity. Given there is no setback this should be elevated above the footpath to ensure privacy. This principle should also be applied throughout the development where units are directly adjacent to footpaths.

Overall Massing, Form and Building Layout

The massing of the preferred project application is similar to Council's master plan, being 4 storeys along Old Canterbury Road stepping up to 10 storeys adjacent to the GreenWay.

The differences are as follows:

- the preferred project has 4-7 storey buildings facing Old Canterbury Road, compared to a mix of 4 storeys and 6 storeys under Council's master plan;
- the preferred project has 4-7 storey buildings directly west of Brown Street, compared to a mix of 4 storeys and 6 storeys under Council's master plan;
- the preferred project has a 9 storey building addressing Longport Street compared to 6 storeys under Council's master plan;
- the preferred project has a 10 storey building adjacent to the greenway (Building B) compared to 9 storeys under Council's master plan;
- the preferred project has 7, 9 and 10 storey building adjacent to the greenway (Building A) compared to 4 storeys under the Master Plan (3 storeys with 4th storey setback 4m). The preferred project incorporates a gap between building blocks but overall the

preferred project is a much larger form adjacent to the central park and will allow less solar access to the central park;

- the preferred project proposes a more fragmented building form with building blocks broken into smaller pieces compared to Council's master plan. This type of layout/form has less space definition, which can create ambiguity over what is public and what is private or communal space. It does, however, create a greater building surface area, that potentially enables greater access to light and ventilation than Council's masterplan. Council's masterplan layout, by contrast, has a very strong perimeter block form by utilising continuous built edges. This creates greater definition of streets and open space, clearer definition of public front and communal internal courtyards, increases level of dwelling address towards the public streets and open space and greater street activation and surveillance of public space for increased visual interest, safety and security;
- massing has overall greater building depths and narrower separation between building blocks and setbacks from property boundaries compared to Council's masterplan, that impacts on the space for public domain and internal courtyards (however, the preferred project layout avoids privacy problems that can occur with the perimeter block form of the masterplan at internal corners by utilising the more open layout/form); and
- there are few entry points via main lobbies and long central corridors are relied on, reducing entry activation and territorial ownership compared utilising multiple entries and lift cores. The exception to this is the eastern end of the new green boulevard and Old Canterbury Road where there are soho frontages with multiple street entries.

In summary, the preferred project is an improvement from the original concept plan providing better open space, with the deletion of the internalised shopping centre allowing better relationship of buildings to public space. However, overall the proposal is still a significantly larger form than Council's masterplan, and still results in greater site coverage; less deep soil open space; greater site density; greater visual impact, reduced permeability; reduced legibility and inferior public domain and street activation. While there are a few advantages of the preferred project layout, as discussed above, and improvements to overall the proposal compared to the original concept plan it still focuses on maximising the yield on the site compared to Council's masterplan that focuses on producing a high quality legible built environment.

Given that the Department of Planning is the responsible authority for the Summer Hill Flour Mill development, Lewisham Estates and Light Rail / Greenway Part 3A projects, ensuring collaborative and coordinated design, assessment and decision making is paramount to ensure an appropriate outcome is created for this place.

Developer contributions and voluntary planning agreements

The proponent's comments in the PPR that s.94 contributions will be paid under future Project/ development applications, and that information for a future VPA are contained in Section 4.2.3 of the EA are acknowledged. However, on review of Section 4.2.3 of the EA, a VPA is only discussed in regards to '*access arrangements and connectivity*' specifically regarding the dedication of *part of the lot that is located on the corner of Brown and Longport Streets as an access link*. This creates uncertainty regarding the proponent's commitments to

the dedication of open space for public use and management. Consequently, the comments stated in Council's original submission to the EA, as provided below, are still valid and should be part of a VPA associated with any approval for development on the site.

Open Space

The Marrickville LGA has an open space provision rate of 1.6 hectares per thousand population and Marrickville Contributions Plan 2004 provides the mechanism to acquire land in appropriate circumstances at this existing provision rate. The difficulties of finding suitable land noted in the Plan do not apply in the case of the McGill Street Precinct. Had it been appropriate for Council to consider the use of this large industrial site for residential purposes at the time of preparation of Marrickville Contributions Plan 2004, it is likely that part of the McGill Street Precinct would have been marked for acquisition.

The quantum of open space proposed in Council's masterplan is less than at the rate of 1.6 hectares per thousand population and therefore the full masterplan area of open space should be sought for dedication free of cost.

It is also submitted that the proposed open space serves a regional role given its connectivity to the GreenWay. In this regard and as outlined in the McGill Street precinct masterplan a proportion of this space could be funded by the Sydney Regional Development Fund. This could offset some of the developer's costs should these be found to be excessive via an appropriate review process.

Affordable Housing

The PPR appears to have revised its commitments and anticipated amount of affordable rental housing in the development. The PPR states the following in regards to Affordable Housing:

*The number of affordable housing units will be resolved under future Project/Development Applications as it is premature to allocate a defined number of units to affordable housing without also understanding the financial implication for redevelopment of the site. A range of unit types and sizes will be provided across the site to cater for a wide cross section of the community. **It is anticipated that between 5 and 7 units will be allocated as affordable rental housing.** It is noted that the ARH SEPP does not apply to the proposed development and that the affordable housing provisions of Council's draft LEP have been omitted at the request of the DPI.*

The previous anticipation of 5 units was considered to be grossly inadequate, and was criticised in Council's previous submission. The new PPR Concept Plan, is expected to accommodate up to 430 apartments, and the proponent's 'anticipated 5 to 7 units' would result in an allocation of only 1.16- 1.63% of the total residential portion of the development to affordable housing. This is little, if no change from the previous 1.25% proposed under the previous concept plan of 5 out of 400 apartments. The PPR concept plans commitment is a very low allocation and it is again recommended that the amount of affordable housing dedicated by the developer should be determined through the negotiation of a voluntary planning agreement to be resolved as part of the current application process. As noted in the

PPR the omission of affordable housing provisions from Councils draft LEP, by the DP&I, will make it legally impossible to seek affordable housing contributions as part of future development applications.

Accordingly, as with the provision of appropriate infrastructure within the precinct, Council requests that the Department coordinate appropriate and significant affordable housing contributions for development within the precinct. This will need to be achieved through the development of a VPA. Council's Director, Community Services has advised that an appropriate level of affordable housing contributions may be drawn from the examples of Landcom and City West Housing Company which are understood to have achieved at least 7.5% affordable housing in mixed residential developments.

Car Parking

A review of the Traffix TMAP Study Addendum Report shows the amount of parking provided on the subject site to be satisfactory in terms of compliance with Council's Draft Development Control Plan 2011. Whilst the numerical provision of car parking spaces is acceptable, the location and access to the parking is concerning. The plans provided with the PPR appear to depict no provision of on-street parking, despite the recommendation by Traffix that:

Consideration should also be given to the potential for additional visitor parking on-street within the confines of the site which will further alleviate any potential for overflow on-street parking demand on surrounding residential streets.

It is disappointing that this provision has not been made in the revised concept plans, which will undoubtedly produce demand for on-street parking in the surrounding neighbourhood for on street parking for visitors and residents that cannot access parking, those wishing to 'park and ride' in connection with the light rail stop, and for customers of the retail shops who are not residents of the immediate neighbourhood. There will also be some demand for kerbside parking by vehicles making light deliveries to the retail premises on the site, particularly as basement or other loading areas have not been provided.

This would likely lead to blockage of the roadway by stationary vehicles and illegal footway parking. Vehicles parked along the kerbside also act as a form of traffic calming by providing a visual barrier between the footway and moving vehicles. Consideration should also be given to creation of 'shared zones' on roadways where significant pedestrian movements are likely.

It is also disappointing that the RTA wishes to maintain clearway provisions on Old Canterbury Road. Council advocates that full removal of the clearway on the eastern side of Old Canterbury Road would not only provide additional parking, but would improve the pedestrian environment along Old Canterbury Road adjacent to the site. This would better enable the proposal to 'embrace' Old Canterbury Road.

Council notes in the PPR that provision of dedicated parking for onsite car share will be a matter for further consideration at the DA stage. Council supports the provision of carshare, considering this to be an important action toward constraint of parking on the site. Council's main comment at this stage is that the number of spaces be adequate, with room for future

expansion of the scheme as demand warrants, and that the spaces be provided in an unfenced location at the 'edge' of the site so the carshare vehicles are available to residents in the vicinity as well as residents on the site. Such a location also gives carshare vehicles an advantage in terms of convenient access to the road network.

Pedestrian access

In general terms, the walking routes to and through the site proposed in the PPR are acceptable in that they are interconnected and reasonably direct. However, it remains that the pedestrian network provided by Council's masterplan is superior in this regard. Importantly, the PPR includes a wide pedestrian corridor from Old Canterbury Road to the light rail stop along the Hudson Street alignment – reinforcing that route as the key pedestrian link to the light rail stop. This was an important provision in Council's masterplan.

Council has stressed in its submissions on light rail and GreenWay plans that the walking route between the Lewisham West light rail stop and Lewisham Station should be direct, pleasant, safe and as short as possible. In this regard, Council had previously supported an Ecotransit short/direct interchange proposal, but accepts that this proposal has now been ruled out by the Department of Transport. Council supports the PPR proposal for a pedestrian overbridge in the vicinity of the Longport Street / Old Canterbury Road intersection, whilst noting the walking route along Railway Terrace is not ideal due to heavy motor vehicle traffic and narrow footway width. Support for this overbridge is conditional on it being accessible and with minimum visual impact.

Council maintains its prior argument that in addition to the aforementioned Railway Terrace pedestrian route, a secondary walking route should be developed. This secondary route is via Hudson Street, across Old Canterbury Road into Henry Street and along Victoria Street to the existing entrance to Lewisham Station. Implementation of this route however relies on creation of a suitable pedestrian crossing across Old Canterbury Road between Hudson and Henry Streets, and Council is disappointed that such a crossing is not supported by the RTA.

In discussions between staff from Marrickville and Ashfield Councils on the Lewisham Estate and Allied Mills developments, it was agreed that key walking routes between the light rail stop and railway station should be partially or wholly funded by development contributions and/or a voluntary planning agreement for these sites, as could secondary walking/cycling links to this stop. This is mentioned in the Proponent's response to council's submission on this issue by stating that:

Further and more detailed discussions will be undertaken with Council, NSW Transport, Ecotransit and the Department of Planning and Infrastructure with future Project/Development Applications, at which time the details of any VPA will also be resolved.

Local flooding issues

Council's Development Control Engineer has conducted a preliminary review of the Stormwater Plan and Flood Study prepared by Cardno ITC provided with the Preferred Project Report. This review has disclosed a number of problems with the plans and will

require an extensive review. A separate report will be provided to the DP&I as soon as possible outlining Council's recommendations and comments in regards to flooding and stormwater for the subject site.

CONCLUSION

This submission has provided an evaluation of the PPR prepared for 78-90 Old Canterbury Road, Lewisham. The submission raises a number of issues with the PPR concept plan and with the PPR response to Council's submission to the EA and original concept plan. This predominantly is relating to: the scale and design of the proposed development; parking issues; open space provision; urban design considerations; consistency with strategic directions for the McGill Street Precinct and environs; and affordable housing contributions.

This submission concludes that the preferred project is still largely inconsistent with Council's masterplan for the McGill Street Precinct, particularly in relation to the overall scale of development proposed, the amount of residential units, the location of open space and development potential for the remainder of the precinct. It is recommended that the project not be approved in its current form.

The preferred project, in its current form, still represents an overdevelopment of the McGill Street Precinct with consequent impacts on matters such as traffic generation and the cumulative effect of surrounding developments, such as the adjacent Allied Mills site.

Previous requests to the DP&I for a well-coordinated approach to the planning of the McGill Street Precinct and environs are reiterated.

It is also appropriate that the adjacent proposal for the Allied Mills site (2-32 Smith Street, Summer Hill) be considered by the same Planning Assessment Commission as that of this project, preferably with the same chair and members, as the chair and members considering this subject application, to ensure the cumulative impacts of developments within the precinct are considered concurrently.

14.1 View Analysis Study Plan
VIEW 1

Provided by Greg Firth
LAC Meeting of
12/09/20



OLD CANTERBURY ROAD

VICTORIA STREET

HENRY STREET

IRL 173

RL 34

BUILDING E

RL 33.9

BUILDING C

RL 42.4

BUILDING A

EXISTING WHAREHOU

SECTION A - A THROUGH VIEW 1

