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77

...August, 2011

ATTENTION: Ms Amy Watson
Major Project Assessment
Department of Planning
GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

RE: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan

I object to the applicant's Preferred Project Plan, currently before the Department and available for viewing on your website, for the following reasons:

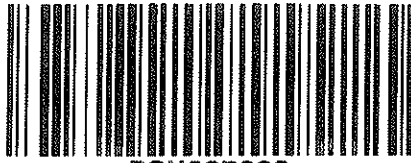
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Approval of this concept plan will set a precedent for the adjoining industrial lands also proposed for residential re-development. At this density over 1000 flats can be expected, a disaster for current and future residents alike.

The Council and community's planning for this area should be respected, not disregarded. The Concept (Preferred Project) Plan should be rejected.

NAME: LINDA ROBUFFO + JOHN ROBUFFO

ADDRESS: 16 VICTORIA ST LEWISHAM 2049 +
18 VICTORIA ST LEWISHAM 2049



PCU025660

Dr Justine Humphry
8 Spencer Street
Summer Hill 2130

Attention: Ms Amy Watson
Major Project Assessment

Department of Planning
GPO Box 39 Sydney NSW 2001

26 August, 2011

Department of Planning
Received
5 SEP 2011
Scanning Room

**Re: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham -
Preferred Project Plan**

I am a local resident close to the proposed development and strongly oppose the above application currently before the department.

The application is a completely inappropriate overdevelopment of a site in the centre of a low-rise already densely populated urban area.

The application gives absolutely no consideration to any of the potential impacts that a large increase in the population and the addition of seven bulky buildings will have on the local and surrounding communities and the inter-area traffic flow.

As has been pointed out by community groups and through individual analysis of the proposed plan;

- the heights of the towers in the complex ranging from ten storeys is completely at odds with the established and valued character of the surrounding residential locality.
- the buildings proposed are so high and so close to each other that not only would residents have little privacy or light but all the surrounding alleys and streets will be in shadow.
- All of the internal, adjoining and surrounding roads of this development are either already at their capacity as a result of overuse of key intersections or are completely inadequate to deal with the addition of up to 430 new residential flats and retail/office areas.

The application process itself has undermined any efforts by the community to shape the development of this site towards more a sustainable and suitable design for the following reasons:

1/ it does not observe any of the controls put forward in the Marrickville Council's McGill Street Master Plan developed in conjunction with the local community;

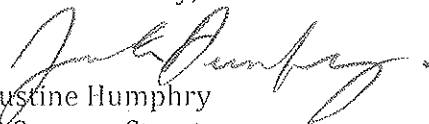
2/ the proponents of the application have manipulated the planning process by re-introducing extra bulk, scale and height *after* the initial community consultation stages have passed and;

3/ the proponents of this application did not have to develop or present for public exhibition a three dimensional model of this site which means that the public has not been able to gauge the full extent and impact of the development. For example I am particularly concerned about the degree of passive surveillance, overshadowing and being overlooked but have no way of properly assessing these based on the existing material available.

4/ because the development applications of both this site and the site adjacent to it, also known as the Summer Hill Allied Flour Mills site are being developed and assessed separately, this has made it extremely difficult for the communities impacted by both of these developments to have an effective and united voice or even to participate in the community consultation process. For example, in my case, I was able to get time off work to attend the consultations organised by the proponents of the Allied Flour Mills site in May but have not been able to afford the time to participate in the Lewisham Towers development as well. It also means that the overall impact of both developments is not able to be wholistically assessed as part of the formal assessment process.

I have been an inner-west resident in Sydney all my adult life and have seen some very poor development decisions made in that time (and the occasional good one) but this development, if approved, would be not just a major strain on the local area but frankly, a complete disaster. Surely, it is in the interests of all Sydney citizens that the community be given more control and ability to have input into the kinds of large-scale developments that take place around them. Please do not approve this development.

Yours sincerely,


Justine Humphry
8 Spencer Street
Sydney NSW 2130

1 September 2011,

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

RE: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan

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NAME: Cheryl McCarthy

ADDRESS: 33 Watkin St, Hurlstone Park, 2193 NSW

20

August, 2011

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Major Project Assessment, Department of Planning
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NAME: *Math Hilton*

ADDRESS: *63 Victoria Street
Lewisham*

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NAME: *Mac Cate*

ADDRESS: *11 Regal St, LEWISHAM, NSW 2049*

31st August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

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NAME: MARK SEXTON & ANNE BROWN

ADDRESS: 39 STENOSE ST, SUMMER HILL
NSW 2130

1 Sept
...August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

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NAME: Penny Miles

ADDRESS: 11 McGill St,
Lewisham NSW 2049



PCU025692

30 August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

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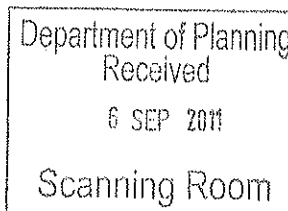
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NAME: ALISON HARDY

ADDRESS: 4 CHANNEL ST
DULWICH HILL NSW 2203



From: "Bridget Brooklyn" <bridgetbrooklyn@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 9/6/2011 8:59 pm
Subject: Re: App No MP--08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan

Attention: Ms Amy Watson

I object to the above Preferred Project Plan currently before your department on the following grounds:

1. Overdevelopment of the site, including an additional 30 dwellings on top of the 400 proposed in the Concept Plan
2. Total floor space is 170% greater than that allowable under the draft Marrickville LEP 2011
3. The scale of this development does not appear to take into consideration the proposed development in the Ashfield Council area, but which is contiguous to this site, the Allied Mills site on Smith St, Summer Hill. The combined effect of the two should be considered in tandem with regard to their impact on local infrastructure.

Yours sincerely

Bridget Brooklyn
25 Edward Street
Summer Hill NSW 2130

**Mark Brown - Fwd: Application No: MP08-0195 78-90 Old Canterbury Road Lewisham**

From: phillip dows <pdows1@bigpond.net.au>
To: <mark.brown@planning.nsw.gov.au>
Date: 9/7/2011 3:13 PM
Subject: Fwd: Application No: MP08-0195 78-90 Old Canterbury Road Lewisham

Begin forwarded message:

From: phillip dows <PDOWS1@BIGPOND.NET.AU>
Date: 7 September 2011 2:42:18 PM AEST
To: amy.watson@planning.nsw.gov.au
Cc: plan_comment@planning.nsw.gov.au
Subject: Application No: MP08-0195 78-90 Old Canterbury Road Lewisham

I am concerned about the extent of development proposed for this site and the former allied mills site application no: MP10-0155.

There has been a lot of debate on this already but I am very concerned about the impact on traffic in my area. After many years and successive governments not much has been done to alleviate the traffic flow along railway terrace, West St, New Canterbury Rd and Old Canterbury Road. We have a major trucking route on 2 lane roads , narrow railway underpasses and bridges.

These new developments propose to include over 500 car parking spots for 730 new apartments. Where exactly will these cars go? The main access route to parramatta road , Leichardt, the city and north shore is either through a 2 lane narrow railway underpass road or a 2 lane bridge further up.

At peak hour we are already prisoners in our own street! With gridlock along railway terrace and new canterbury road. Adding 100's more cars to these same roads without any infrastructure would severely congest this area even more.

By all means review developments that are in keeping with the area and the severe traffic congestion which already exist. Please do not let "fast buck" developers and short term gains undermine plain common sense. If our Government actually had a plan for this area that would be good but it would appear that nobody wishes to tackle the infrastructure.

Regards
Phillip
10 The Boulevarde
Lewisham 2049

31 August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

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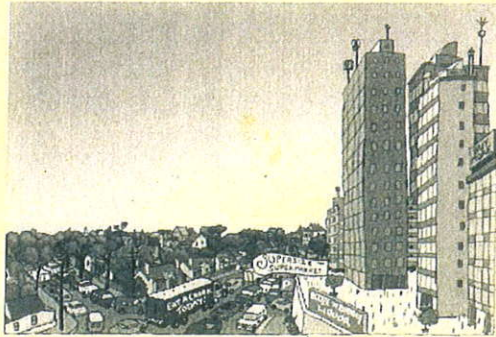
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NAME: JUDY BLUNDELL

ADDRESS: 28 WELLESLEY ST SUMMER HILL

An inappropriate development with No redeeming features. This area has a village atmosphere. We are not in Hong Kong! or Beijing!



Lewisham Towers Development Update

The Preferred Project Report (revised Concept Plan) prepared by the Developer in response to submissions has been posted on the Department of Planning web site.

THIS MAY BE OUR LAST CHANCE TO HAVE OUR SAY!!

The main elements of concern in the revised Concept Plan are:

- Two 10 storey, one 9 storey, three 7 storey and one 5 storey residential towers.
- 430 residential units (up from 400 in the previous version of the 'Concept Plan')
- The total floor space for the development is 170% greater than allowable under the Draft Marrickville LEP 2011.
- 416 parking spaces for 430 residential units (ie less than one space per unit) and only 44 visitor car spaces.
- No provision for on-street parking.
- No answer to the serious traffic problems that will result from the proposed over development. Hudson Street and McGill Street are too narrow to support two-way traffic together with on-street parking and loading.

The combined impact of the Lewisham Towers and Summer Hill Allied Mills site will be up to 730 new residential units, generating a massive increase in traffic in and around the two sites.

The proposed new residential towers will dwarf the surrounding residences.

If approved this project will set a dangerous precedent for further developments in the vicinity.

ACTION

We need to ensure that the Department of Planning is aware of all of the community's concerns when they assess the material supplied by the developer.

- Have a look at the "Preferred Project Report and Response to Submissions" on the Department of Planning web site at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2923
- Write your own or sign the submission letter on the back of this flyer and post or email to Department of Planning at amy.watson@planning.nsw.gov.au
- Tell friends and neighbours of the threat to our community and encourage them to make a submission - copies of the submission letter on the rear of this flyer can be found at www.nolewishamtowers.org

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NAME: *Kathleen White*

ADDRESS: *30 Victoria St Lewisham*

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NAME: KEN BURNS

ADDRESS: 29 ELTHAM ST 2203





PCU025831

31 August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

RE: **Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan**

I object to the applicant's Preferred Project Plan, currently before the Department and available for viewing on your website, for the following reasons:

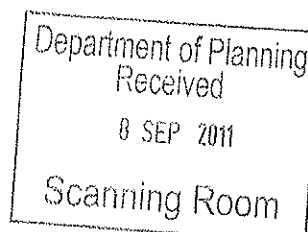
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Approval of this concept plan will set a precedent for the adjoining industrial lands also proposed for residential re-development. At this density over 1000 flats can be expected, a disaster for current and future residents alike.

The Council and community's planning for this area should be respected, not disregarded. The Concept (Preferred Project) Plan should be rejected.

NAME: CATHERINE FLANAGAN

ADDRESS 2/20 GOWER ST SUMMER HILL 2130



August, 2011

ATTENTION: Ms Amy Watson
Major Project Assessment, Department of Planning
GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

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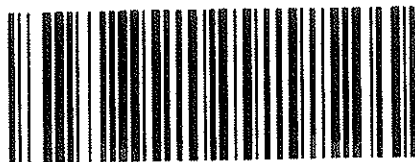
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NAME: JAMES + KRISTINE NICHOLAS

ADDRESS: 12 HAMPSHIRE ROAD, DOWICH HILL, NSW, 2203.





PCU025864

7th September
August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

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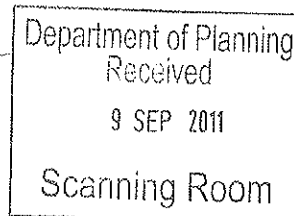
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NAME: VANESSA FERNANDEZ

ADDRESS: 40 SMITH ST SUMMER HILL



From: <susananddavid28@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 9/11/2011 5:58 pm
Subject: MP08-0195 - Comment on Preferred Project Plan 78-90 Old Canterbury Rd
Lewisham
Attachments: NLT PPP my submission.doc

Dear Ms Watson,
Attached are my further comments on the above Part 3A Concept Plan application, compiled after my review of the applicant's Preferred Project Plan.
I understand that while this PPP is not being formally exhibited, the Department will receive and consider further comments.
Thank You
David Rollinson

Attention : Major Project Assessment
Dear Ms Watson,
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I understand that while this PPP is not being formally exhibited, the Department will receive and consider further comments.
Thank You
David Rollinson

28 Carrington Street

SUMMER HILL 2130

11 September 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

Dear Ms Watson

RE: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan

I wrote on the 29th December 2010 raising objections to the Concept Plan submitted under Part 3A of the Act for the above site. I have now examined the applicant's Preferred Project Plan (PPP), currently before the Department and available for viewing on your website.

While this PPP is not being re-exhibited by the Department, I wish to bring the following to your attention :

Height, Bulk and Scale

The PPP continues to depart from the limits sets by Marrickville Council's McGill St Master Plan. There are seven (7) bulky buildings proposed, with heights ranging up to ten (10) storeys, containing some 430 flats, which remains a gross overdevelopment of this site. It proposes a density and scale which is completely at odds with the established and valued character of the surrounding residential locality. It is certainly not what I or many other local residents wish to see in our local area. While it is important to have more housing in inner city locations and this site presents a wonderful opportunity, a density that is double what the local community and Marrickville Council has planned is not acceptable.

Resultant buildings that would come from DAs which followed this PPP would be too high, very bulky and very close together. This is not what good urban design is all about. It seems that even the minimum standards of the Department's Residential Design Code have been ignored, in particular –

- a) Building A (despite how it is described on plan) is in fact 10 storeys in height for its northern third, before stepdowns to 9 and then 7 storeys adjacent to the proposed plaza. The maximum height at this southern end should be 4 storeys (being a compatible scale to Building C at its southern end) to avoid dominating and completely overshadowing this plaza which, fringed by shops and cafes and adjacent to the light rail station, is likely to be a very active pedestrian area.
- b) Building B (again wrongly described) is fully 10 storeys in height. This is excessive. The overall width is 21m and is only separated from Building A (which is 10 storeys here) by 4m. I understand that the BCA requires 6m separation as a minimum if windows or recessed balconies are proposed so the facing ends of these buildings will be blank walls to the public walkway

running between them. This creates a dark and unsafe canyon- like public passage 21m long with walls over 25m high. How can this be good design and proper planning?

- c) The triangular northern section of Building C (in reality 7 storeys in height) results from squeezing as much building on a site as minimum setbacks (where observed) could allow. This part of the building should be deleted in favour of more landscaped areas and north-facing courtyards for the residents of the rest of the building.
- d) Building D adjacent to Longport St is 8/9 storeys in height and is now 23m in width, a bulky building hard against the street embankment which would create a dungeon for its lower residences and no relief for the upper levels from the elevated rail line and the peak hour traffic. Longport St is **not** flat so at the eastern end a full 9 storeys would rise above the road.

Building Setbacks and Overshadowing

As noted above buildings are actually higher than the PPP sheet 12.5 states. Setbacks between buildings are said to meet minimum standards but they do not even do that – in instances where they do it is only because upper floors are recessed. Where buildings are high and close together the amount of natural light is restricted, privacy is compromised and the real value of what is 'left over' for landscaping, children's playgrounds, or courtyards and sitting areas, is negligible.

Site Layout and Accessibility

McGill St and Hudson St are intended to provide the main vehicular access to the development and to/from the light rail station. Mc Gill St is narrow and turning to and from Old Canterbury Road is not safe due to poor visibility and often fast-moving traffic in Old Canterbury Road.

Hudson St is nominated as the 'main site entry' but its carriageway is less than 6m wide and it can only function for 2-way traffic if continuous No Stopping applies on both sides. As no loading docks are proposed, delivery vehicles would have to illegally park (and block the street) in order to serve the shops in Buildings C and E.

The PPP states that there will be no street parking and only a limited amount of visitor parking is intended (in basements, hardly convenient). The viability of the shops, cafes etc will surely be affected. There is not even a drop-off/pick-up for the light rail!!

Traffic Management

It seems that the PPP deals with the traffic congestion on the adjoining main roads by accepting that it is an intractable problem and then ignoring it!! Yet it is the applicant that is proposing floor space for this site which is more than double that of the Council/community plan and the PPP has in fact INCREASED the number of residential units over that stated in the exhibited concept plan.

While the supermarket and mini-mall is gone, more units will still mean more traffic. Not providing sufficient parking for residents (and their visitors), retailers or their customers will be a continuing frustration as there will be increased pressure on nearby streets (already parked-out) for parking. It

cannot be assumed that adjacent rail and bus will satisfy the demand as not all trips are to work (and everyone does not work or visit only in locations readily accessible by public transport).

Years ago the RTA abandoned the widening of Old Canterbury Road under the main rail line and north to Parramatta Road. Old Canterbury Road becomes one lane, as does Railway Terrace east of the bridge/Lonport Street intersection.

If this PPP is approved it will also set a precedent for the balance of the Council's master planned area and 'green light' Allied Mills Part 3A Concept Plan with its 330 units – the resulting traffic to and from over 1000 units (plus shops and offices) will ensure gridlock in peak hours and long delays at other times. Any approval should require as a minimum a major contribution to the cost of widening Old Canterbury Road under the rail bridge and beyond, with further contributions from any subsequent approvals on other sites and State Government funding as well, so that this work can proceed without delay.

Conclusion

Approval of this concept plan will set an undesirable precedent for comprehensive re-development of all the industrially-zoned land that adjoins the light rail and the Greenway. Despite the passage of almost three years and the consistent message sent to the applicant by the Council and the community throughout, little of value has resulted. The plans and documentation still exhibit inconsistencies and errors, with a final concept that inspires no confidence that the resultant development would be of any benefit to the local community or Sydney as a whole.

We can do better than this. The Preferred Project Plan/Part 3A application should be rejected.

Yours Sincerely

David Rollinson

August, 2011

ATTENTION: Ms Amy Watson
Major Project Assessment, Department of Planning
GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

RE: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham -
Preferred Project Plan

I object to the applicant's Preferred Project Plan, currently before the Department and available for viewing on your website, for the following reasons:

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The Council and community's planning for this area should be respected, not disregarded. The Concept (Preferred Project) Plan should be rejected.

NAME: Indira Lee

ADDRESS: 1/35 The Boulevard
Lewisham 2049

Please don't do this.

...August, 2011

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NAME: SANDRA CAREY

ADDRESS: 5 BOGAN ST
SUMMER HILL 2130

...August, 2011

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Major Project Assessment

Department of Planning

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NAME: BELINDA AND TOM SIMS

ADDRESS: 24 DONISON ROAD
LEWISHAM 2049



Department of Planning
Received

12 SEP 2011

Scanning Room

...August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

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NAME: *Mayra Bonder*

ADDRESS: *4/134 Old Canterbury Rd, Summer Hill, NSW 2130*

John Bonder

99

Mr Michael Woodland,
Director, Metropolitan Projects,
Department of Planning and Infrastructure,
GPO Box 39
Sydney NSW 2001.

Email via: mark.brown@planning.nsw.gov.au

September 12, 2011.

Dear Mr Woodland,

Re: Application No: MP08 0195-78-90 Old Canterbury Rd, Lewisham – Preferred Project Plan.

I object strongly to the applicant's Preferred Project Report and plans currently available for viewing on the Department's website, for the following reasons:

Background Summary

It is of concern that the Department of Planning appears to have 'fast-tracked' the Preferred Project Plan (PPP) & Report (PPR) on the basis of advice the Department gave to the proponent on the 4th February, 2011 - during the period when the former government was heading to the 2011 election.

It is of further concern that the advice given by the Department of Planning on the 4th February, 2011, appears to provide a 'convenient framework' for planning issues going forward to satisfy both the Department of Planning's current planning legislative requirements and the proponent's desire for prompt approval.

The intent of the 'narrowed framework of advice' it may be surmised is to enable the Department of Planning (through the DG's report) and the proponent to forward a 'suitable' PPP & Report to the Planning Assessment Commission (PAC) for determination.

Unfortunately the view however has been based, in no small part upon a significantly 'blinkered', flawed and very limited public consultation process that can be said to have been seriously found wanting in due process, transparency and accountability.

Furthermore, that there was no further period granted for public exhibition of this new and quite substantially different concept plan (now a PPP) proposal by the Department of Planning is an example of rushed and 'flawed' decision-making that reflects rather poorly on the 'cultural' practices underpinning Departmental decision-making under Part 3A of the EP&A Act, 1979.

This Department of Planning decision to disregard further public consultation – already acknowledged as one of the most glaring ‘deficiencies’ in Part 3A planning law - together with other departmental failures of due process in assessing this project (referred to later in this submission) will have enormous ramifications for the community in the immediate vicinity of the proposal as well as for existing and future residents of this development.

Advice of 4 February 2011.

It is understood that the departmental advice of the 4th of February, 2011 and the proponent’s response to that advice will likely form the basis of the Director-General’s report to the PAC. Any Departmental report to the PAC based on the advice given (and the proponent’s response to that advice) however, will likely contain a significant number of errors of fact and a number of omissions of fact that may be materially significant to a good planning outcome.

Those errors of fact and omissions of material facts resulting from an earlier lack of due diligence and proper procedural process by the Department of Planning may be said to be prejudicial not just to the transparency of the planning assessment process but also to the integrity of the preferred project’s planned outcomes.

Director General’s requirements go missing in the Advice of 4 February 2011.

The following DRG’s (Clause 3 – Site Amalgamation) have been omitted in the Department of Planning’s advice to the proponent. This omission, intentionally or otherwise, carries with it an inference that the proponent is not required to respond to the following DGR’s :

- *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 some 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 immediate adjacent, and also give consideration to the viable future development of the isolates sites.*
- *It is noted that the Marrickville Council have, as an objective, the co-ordinated master planning 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.*
(DGR’s issued 16th March, 2009).

We are concerned that the advice given by the Department to the proponent on 4th February, 2011, has omitted all detail that would require the proponent to respond to the DGR’s above. That omission, in part has informed the proponent’s preferred project plans and may have ‘tainted’ the planning assessment process and the outcome of this project.

This is in spite of a number of earlier public submissions drawing the Department's attention to the proponent's absence of supporting documentation, false and misleading statements of fact, a number of factual errors and other matters of some contention, relating to those DGR's. No credible explanation is given by the Department of Planning for such.

In our view, this omission alone falls short of a thorough merit-based assessment of the proposal by the Department.

The departmental advice also falls short in our view of the requirements under Section 75H of the EP & A Act, 1979, in that the Director-General requires the proponent to respond to the issues raised in submissions received during the public EA phase that ended on 7th January, 2011.

Proponent's response to the missing-in-action DG's requirements.

It is instructive to view the proponent's response in the PPR to the site amalgamation DGR's bearing in mind that the Department of Planning omitted to give advice on these issues in its letter of 4th February, 2011.

The proponent's response in the PPR to submissions on these DGR issues is quite simply disingenuous:

Table 8 – Response to Issues raised during the Public Consultation Process (at page 34)

An analysis conducted by Urbis of issues raised in a number of public submissions to the EA (note the confused heading) **confirms** that Urbis too has omitted any mentions of site amalgamation issues raised in a number of submissions. Urbis has recorded none and as a result no response has been provided.

These issues, in fact, have been ignored completely in the table analysis above as well as in the body of the proponent's PPR response despite the DGR's and despite the requirements of Section 75H of the EP&A Act, 1979.

Indeed, the proponents' PPR report, (at page 39 – Clause 3.4.11) makes a virtue of the fact (and a telling admission) and gives an example to demonstrate that the proponent is not required to respond to issues raised in submissions (eg - about potential property de-valuations resulting from its plans) as they (the proponent) are not required to respond "as property de-valuation is not one of the DG's requirements".

Surely, in a transparent and thorough merit-based assessment of the proposal by the Department, non-compliance with issued DGRs should be met with a commensurate rejection of the revised Preferred Project concept plans?

Further, the proponent's admission and the spurious logic behind it seems to infer that the proponent has chosen to ignore the specified DGR's raised in submissions, rather than directly address any of the 'inconvenient questions' raised in submissions, as it is required to do under Section 75H of the EP & A Act, 1979.

The Department of Planning's neglect or failure to act

"As the Department has reviewed the submissions received and considered the proposal as detailed in the EA" (4th Feb letter) it is arguable as to whether the Department has also seriously erred.

The Department's failure to address, some but not all of the issues referencing its own DGR's, especially those specifically raised in submissions about site amalgamation Clause 3 DGR's above, is very concerning.

In lieu of any explanation, it is fair comment to note the fact that the Department of Planning in its own review of submissions, may have left itself open to criticism that it has failed to follow due process and procedural fairness. Has the Department in turn compounded its own earlier procedural failures by omitting DGR details likely to cause embarrassment to itself?

Orderly and equitable development concerns are not matters of insignificance to proper planning processes and quality planning outcomes. These issues ought to have been addressed directly by the Department of Planning in its advice to the proponent, rather than being shunted off the radar so that future scrutiny of equitable development outcomes and other concerns is obscured.

It is self-evident, that both the Department's advice to the proponent (omitting any focus on site amalgamation DG's) and the proponent's response to that advice (ignoring DGRs that don't suit it) has planning implications for future land uses as well as for desirable best practice planning outcomes for this site and for those sites adjoining it and/or in the immediate vicinity.

Concerns raised in submissions by the local Council for example about the constraints placed on development capacity and options for surrounding properties as a result of the isolated planning of the subject site have not been adequately addressed by the proponent in either the preferred project report nor in the preferred concept plan. This was a DG requirement, prior to the Department's 4th February advice to the proponent.

As a result, the scale and density of the proposed development, in addition to shifting part of the open space to surrounding sites, will constrain and will adversely impact the development potential of adjoining sites in the McGill Street Precinct in the first instance.

It is also arguable, as to whether the Department's omission of site amalgamation DGR's has compromised best practice planning outcomes by providing the latitude of an endorsement to the proponent to respond in the manner outlined above.

Put simply, the poor judgment shown by the Department of Planning in this instance has seriously undermined the stated objective of Marrickville Council to co-ordinate master planning of the whole McGill Street Industrial Precinct. This also has wider implications that in turn has potentially very serious flow-on consequences: For those residents most affected in the immediate vicinity, for the existing and new residents and for the public domain/interface amenity of the plans for the wider communities that surround this project.

The Proponent's confused documentation

Issues were also raised in submissions relating to some of the alleged ownership of lots (and the with-holding of supporting documentation) by the proponent to substantiate ownership claims. Confusing claims about ownership of land lots making up the development site are evident from the outset of this project's initial submission to the Department on 20th November, 2008, to it being 'called in' under Part 3A on 25th January, 2009, right through to the present time.

Details were sought at the first opportunity (EA) via public submissions to allow a more informed assessment of relevant future land uses and staging plans.

The reliability of proponent information would seem an essential basic necessity to informing proper planning process, assessment and best practice planning outcomes, particularly those details referencing the public domain/public interface and those that have potentially the greatest adverse impacts from proposals.

Written requests (via submissions)to the Department to test the reliability of details provided by the proponent to allow greater clarity of the planning issues affected have not been forthcoming.

Confusing documentation, for whatever reason, precludes firstly the residents and secondly through the Council from making an informed and measured appraisal of this project. For example, in the first submission, land claimed to be owned was not, and again in the current PPP, land not owned by the proponent forms part of the current suggested road-widening mitigation measures for traffic on the corner of Old Canterbury Road and Longport Street. (Concept Plan 1st PDF - Subject Site Master Plan - 12.3 Traffic, Access and Parking Strategy).

It is absurd that ownership details (still not forthcoming) and a draft statement of commitments made by the proponent (most are now deferred to the PA/DA phase) were not made available in a timely manner for public comment during the EA phase.

We also object to the preferred project report and plans for the specific reasons that follow.

Preferred Project Plan

Height, Built Form and Density

I have reviewed the proponents' preferred project reports, plans and documentation.

The concept block massing plans (submitted on 12th August, 2011 well after the EA public comment phase ended), clearly show an inappropriately-scaled, hugely insensitive over-development and a conceptually very poorly planned outcome for this site judged against any proper planning process procedures and planning legislative criteria in relation to:

The context of the existing areas and locality

The suburbs to either side of this proposal comprise a variety of one and two-storey dwellings in a low-rise residential environment, characterised by a number of existing heritage conservation zones and other fine examples of Victorian, Federation and Edwardian era buildings and cottages that lend to the adjoining suburbs either side of this development site - a coherent and consistent and human-scale streetscape character - fast disappearing in the Sydney metropolitan region (except for small isolated pockets) and rapidly being replaced with a monocultural glass, concrete and steel uniformed conformity. The proponent's preferred plan considers the locality in isolation from its context (including the adjoining Mills Site).

The context under existing draft sub-regional strategies (dSSS)

The sub-regional strategies define the centres of Lewisham and Summer Hill as small local neighbourhood centres. The removal of the supermarket and the majority of retail tenancies from the preferred proposal is supported as it reduces the scale of the Lewisham centre to the strategic role of that currently designated - a neighbourhood centre in accordance with the (dSSS) and (MUS). The previous concept plan clearly did not comply with the dSSS, nor does this one. The proponent's planned increase in residential heights, scale and density in this PPP should not be permitted under the current dSSS.

The context under the Metropolitan Plan for Sydney 2036

Key senior planning officials, including Ian Reynolds, made the case in launching the Metropolitan Plan in December, 2010, (see DOPI website) that issues like the heritage value of our different centres and (centres hierarchy) needed to be retained.

"One of the defining values of our centres hierarchy is our existing heritage estate. . . We need to capitalise on that as we renew" he said.

The Director of Strategic Planning - Urban Renewal, when asked whether the badly built high-rise towers of yesteryear were needed today to meet the increased population density and dwelling targets under the State Plan and the Metropolitan Plan for Sydney 2036, replied:

"It's about achieving good densities in a relatively low and human scale – it's more the 3-6 storey ones that can work within existing communities on relatively smaller sites and on a scale that most people would be more ready to accept than your big towers more common in a CBD or town centre context".

The Department of Planning proposes to implement these dwelling targets in local government areas through the LEP processes, including re-zoning provisions, and a further review of the draft sub-regional strategies sometime before the next round of the Local Environment Plans.

The context under the Marrickville dMLEP 2010.

It should be noted that Marrickville Council is currently meeting (if not exceeding) its increased dwelling targets under the Metropolitan Plan 2036.

Marrickville Council will also clearly meet those dwelling target obligations under the re-zoning provisions of the adopted dMLEP 2011.

The preferred concept plan is affected by a number of proposed zones based on the land uses in the adopted McGill Street Precinct master plan incorporated into the dMLEP 2011.

The preferred concept plan covers about half the site and although the land uses proposed under the preferred Concept plan are mostly but not all permissible forms of development under the exhibited dMLEP2011, the proponent seems unable to resist making provocative and incorrect claims:

"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"

The area the proponent refers to is in fact zoned IN2 Light Industrial under the adopted dMLEP 2011 and therefore the proponent's intentions to locate most of the retail and shop-top uses in this zone are prohibited uses under the zoning provisions. (This area was intended as publicly accessible open space in Council's master plan).

The proponent "tries it on" further with this gratuitous comment at page 24.

"It is noted that gazettal of the dMLEP is not imminent or certain".

Density

The proponent on page 25 again provocatively responds when addressing Council's previous concerns regarding the number of residences (400) then proposed in the earlier concept plan that:

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

In the EA, Table 6 Section 5.2.5 the proponent gives the following reasons for the proposed increased residential floor space (that now constitutes 96% of the overall floor space of the site including shop tops) as being:

- *There is a 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 the amount of residential units is consistent with the NSW Metropolitan Strategy and draft south sub-regional strategy (dSSS).*

The facts in this instance are very straightforward. The no of units proposed is neither consistent with the Metropolitan Strategy, 2036, nor is it consistent with the draft sub-regional strategy, referred to earlier. The PPP complies with neither, despite the proponent's assertions.

Further, the proponent's PPP site is about half that of the Marrickville Council's McGill Street Precinct Master Plan. And yet, the proponent's preferred plans now propose an increased number of units (430) from previously submitted concept plan (400).

The Council anticipated that 500 units were required for the entire precinct with no more than 280 units being anticipated for this portion, being about half of the overall site.

This represents an inappropriately scaled and insensitive over-development of the subject site on any measure, despite the proponent's 'bluffs' to the contrary.

DGR specifications for Council's McGill Street Precinct master plan

The DGR's specify that the proponent should pay due regard to Council's McGill Street Master Plan. Clearly on scale, GFA and FSR density alone, the proponent has not.

While it is evident from any analysis of GFA that the preferred plan features marginally lower GFA yields than the original concept plan (GFA 41,295m² instead of GFA 45,902m²) – the PPP still proposes significantly higher GFA – almost double that proposed in Council's McGill Street master plan – (GFA of 22,237m²).

Indeed, the proposal, if approved at the preferred plan's preposterous densities and disproportionate scale, without regard to local planning controls, will restrict the development of other surrounding sites and will set an appalling precedent for the over-development of the remainder of Council's McGill Street precinct.

This outcome would create further concern over traffic generation for the entire McGill Street Precinct, and add substantially to the cumulative impacts of other surrounding developments such as the Allied Mills site.

Surely an urban renewal planning outcome, of multiple high-rise towers, in a 10th of the space of the adjoining low-rise residential suburbs that are already very densely populated, is not the considered best practice position the Executive Director, of Urban Renewal -Strategic Planning, DOPI, had in mind when he spoke about the desire to 'achieve good densities in a relatively low and human-scale that most people would more readily accept'.

In addition, it is considered by Marrickville Council that the dwelling numbers should be reduced to those within Council's master plan to improve overall amenity of the site especially the amenity for future occupants and the existing locality. We strongly support that reasoned position.

Should the Department, through the DG's report to the PAC – support the outrageously disproportionate heights and densities of this PPP, it will clearly forfeit the very last of the little credibility it still retains in the community.

In fact, the Department's ability to discern good planning process, best practice planning outcomes and to balance desirable density increases with a greater level of public acceptance is crucial if it wishes to satisfactorily implement its own targets, plans and vision under the State Plan - for a sustainable, affordable, liveable, equitable and networked, 'city of cities'.

The Department's reputation will hinge quite rightly on the approach it takes to this over-blown proposal.

More confused documentation in the preferred project report

Again in an ever repetitive and circular refrain with this proponent, there is a confusing array and variation in the documentation accompanying this Preferred Project Report and Plans.

On even the most basic criteria - the number of units proposed - it is impossible to accurately discern a reliable figure. For example:

- The Schedule of areas (Tony Owen & Partners) deems the number of units to be 411 – plus some soho units.
- The PPR report, prepared by Lindsay Fletcher, suggests the figure is 430 units.
- The Access Report, prepared by Mark Reif, suggests the figure is 440 units.

This same confusion in documentation is repeated with the proponent's provision of the basic number of parking spaces proposed. It would seem a figure of around 489 – 492 is proposed, but that the final number is by no means clear.

While the numerical provision of car parking spaces is acceptable (according to the proponent's assessment of the Marrickville Councils' dDCP's) the location and access to the parking is concerning. The plans provided appear to depict no provisions for on-street parking, despite the recommendation by the proponent's own consultant, Traffix that:

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

Overall massing & built form comparison of the Preferred Plan with the McGill Street Precinct master plan.

This is yet another instructive comparison. The massing of the preferred project application has overall greater building depths and narrower separation between buildings blocks and setbacks from property boundaries compared to Council's McGill Street Precinct master plan. The preferred project also has:

- 4-7 storeys facing Old Canterbury Road, compared to a mix of 4 storeys and 6 storeys under the McGill Street Precinct master plan.

- 4-7 storey buildings directly west of Brown Street compared to a mix of 4 and 6 storeys under Council's master plan.
- 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 the 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 much narrower gap between building blocks suggesting many residents will have no privacy and their flats will get little or no sunlight. Courtyards and walkways are also in shadow. Buildings A & B are each 10 storeys high, but only 4m apart, and the walkway in this 'canyon' will be unsafe to use.
- The preferred project has only one street access from Old Canterbury Road on the southern side of the 'green boulevard' while Council's master plan had dual streets either side of the 'green boulevard' (one way in, one way out). The removal of the street north of the 'green boulevard' means there is no convenient street system enabling access to a light rail drop off point and onto Old Canterbury Rd as occurred with the either the master plan or the original concept plan.
- While the preferred project plan features a slightly higher total area of open 'green' space, it also proposes a **marginally lower proportion of publicly accessible open 'green' space that is considered to be more inferior in quality and functionality to Council's master plan**, due to the narrowness of open space at the western end and higher bulk of Building A to the north (7 storeys) compared with the widened open space and lower form (3 storeys) in the master plan.
- Solar access in the preferred plan will result in some areas only receiving sunlight for about 2 hours in a small section of the open space in mid winter. The designated plaza will be largely shaded. **Also part of the designated open space in the preferred plan is deceptively located** under the south end of building A.
- In no circumstances should those deceptions be considered as publicly accessible open space.

While this is no means an exhaustive analysis of the preferred project plans it nonetheless should be acknowledged that there are some minor improvements in the preferred concept plan compared to the previous proponent's concept plan. Overall though, the preferred project plan is still significantly a very much larger block massing form than Council's McGill Street master plan and on any objective criteria the site is grossly over-developed. (Refer to proponent's Concept Plans - block massing).

The preferred project plan also results:

- **In greater site coverage** – GFA yields in the preferred plan of 41, 295m² as against Council's master plan – GFA of 22,237m²
- **Less deep soil open space** -as the basement extends from under the new street between the Greenway and residential buildings right to the boundary edge of Brown and William Sts, making the provision of substantial trees shown on landscape plans deceptive and unattainable in reality, due to lack of deep soil zones.

- **Greater site density** – A FSR of 3.15:1 compared to the McGill Street Precinct master plan FSR of 1.7:1 and the adjoining Allied Mills site FSR 1.7:1.
- **Greater visual impact** – given the greater bulk, much greater height and built form of the proposed Residential Flat Buildings under the preferred plan.
- **Reduced permeability** – as there is a **discrepancy** between permeability diagrams indicating permeable movement where the open space plans show these would be blocked off as being private or communal open space. As well, the access south of building D is completely inaccessible on the floor plans, containing a basement ramp, draining channel and private courtyards, **despite it being indicated** as part of a permeable link.
- **Reduced legibility** - as the preferred project creates ambiguity of access with space between buildings A/B and C as well as between C and F/E 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.
- **Vastly inferior public domain** - as the preferred plan in many instances creates poor public domain with narrow footpaths, limited opportunity for street and courtyard trees (**despite attempts to deceive** with only some trees shown in landscaping plans being above deep soil zones). There are also no on-street parking spaces or building drop-off areas that assists in good structuring of the public domain.
- **Unacceptable and inferior public domain interface/s** - On the site, the public interface of units facing Longport Street (building D – 9 storeys) is very poor – with some units having floor levels and balconies half below the level of the street. The concept elevation indicates Longport Street is flat which is inaccurate (as 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 would be subterranean. The design needs to correctly relate to changes in typography to create an acceptable residential amenity. It does not do this.
- **The design of the preferred plan fails to adequately respond** to an appropriate public interface between the development and the one and two storey dwellings characteristic of the area particularly those directly opposite the development on the eastern side of Old Canterbury Road.
- **This public interface design principle**, is applied in Council's master plan, with a part 4/6 storey height limit on the western side of Old Canterbury Road (the subject site) in order to present an appropriate public interface to the eastern side of Old Canterbury Road.
- **The preferred plan proposes inconsistent public interface design principles** – and as a result, the design principles of the master plan should also be applied to Building D, directly facing Longport Street. It should be scaled back to the 4-6 storey heights of Old Canterbury Road to present a more appropriate public interface and consistency of design principle.
- **A 10 storey building opposite** on the Mills site, but within the Marrickville LGA and also interfacing Longport Street should also be scaled back to an appropriate public interface height to ensure a consistent and appropriate public interface scale with the context of the low-rise residential surroundings. It too is inappropriately scaled at present.

The preferred plan – an overview

The preferred project plan still focuses on maximising the yield on the site at the expense of any other consideration including, but not limited to, demonstrating little or no regard for best practice planning outcomes and little or no regard for the existing community locality and amenity and for future residential amenity.

Thus the preferred plan in our view still represents a grossly inappropriately scaled, hugely insensitive over-development of the site resulting in a very poorly conceptualised planning outcome.

This is not a plan that resolves any of the constraints, nor has it embraced any of the opportunities for best practice planning outcomes that this relatively small urban renewal site, represents with its location alongside a future 'actively' planned transport corridor.

Instead, in this preferred project plan, the proponent has opted to use 'deficiencies' of Part 3A planning law, to instead exploit the active transport corridor - with increases to massing, heights and densities along that corridor – that will lead to a significantly poorer residential amenity, for future as well as existing residents alike.

Council's McGill Street Precinct master plan on the other hand focuses on producing a high-quality legible built environment for existing and future residents alike.

Best practice planning practices and outcomes should, in our view, result in this plan being rejected in its current form.

Conclusion

From its very inception, this major development project, based on a flimsy and contradictory submission forwarded to the Department of Planning by the proponent on 20th November, 2008, appears to have been a project, in which 'political considerations' have asserted undue precedence over proper planning processes likely to lead to a very poorly resolved planning outcome, unless the proposal is substantially re-addressed.

Called in 'as a project to which Part 3A applies' by then Planning Minister, Kristina Keneally, 25th January, 2009, on the dubious basis that the project had a CIV of more than \$100million, despite evidence to the contrary (an own goal by Mike George Planning in the accompanying submission 2 months earlier that its' CIV was around \$50million) - this project from the outset has not only been 'tainted by that decision to call it in under Part 3A' but the planning assessment process has subsequently also been:

'Tainted' with errors of fact, demonstrably false statements of fact, confused and/or contradictory documentation, false details of ownership of the land lots making up the site itself by the proponent and the Department of Planning alike – the latter with its failure to adequately scrutinise issues brought to its attention. It is noted earlier that material facts that had been with-held prior to the EA and the public consultation process that followed still remain with-held and unaddressed following submissions identifying concerns.

Any of the above, may have been sufficient for even a resident (without planning expertise) to reasonably conclude that there have been Departmental failures of neglect and/or due process, as well as failures of transparency and accountability throughout the assessment processes of this project. The most recent example, stemming from the Department of Planning's 'limited and limiting' advice to the proponent of 4th February 2011, is but one of a number of telling examples of a lack of due process relating to this major project.

Simply put, it is not unreasonable to form an honestly held opinion that this project has had 'preferred project' status conferred upon it hastily by the Department of Planning as a result of the 'limited' 4th February advice (deleting some DGRs) it provided to the proponent, and that advice gives rise to the perception of favourable treatment having been granted by the Department to the proponent to enable a more prompt approval of the its preferred project plans.

As I understand it, under planning law, Director-General's requirements once issued cannot be changed, varied, altered in any way - whether by agreement, amendment, addition or deletion. In our view, the omission of relevant DGRs alone falls short of a thorough merit-based assessment of the proposal by the Department.

The Departmental advice also falls short in our view of the requirements under Section 75H of the EP & A Act, 1979, in that the Director-General requires the proponent to respond to the issues raised in submissions received during the public EA process that ended on 7th January, 2011. The proponent has not responded to (all) of the issues raised in those submissions.

Unfortunately, some of the questions raised also in this submission go to the integrity of the planning assessment processes undertaken by the Department of Planning itself particularly those arising from its' seemingly half-baked decision to allow the proponent the latitude of avoiding any response to the DGRs (by excluding them in advice) and then to have accepted the proponent's failure to address those DRG issues as though they are of little consequence.

These are not inconsequential matters to the preferred plans proposed. (See proposed footbridge, cnr Brown and Longport St, - a hopelessly unsafe solution for providing access to heavy rail services).

On the basis of this 'snapshot' only of some of the incompetency's and 'rushed' decision-making made by the Department, especially those resulting in the preferred project plan's very poorly resolved planning outcomes, it is our view that the Preferred Project Plan and its assessment is incomplete and it is therefore not ready to proceed in its current form to the Planning Assessment Commission.

It is our view that this preferred project plans' assessment in isolation and its own unresolved and unsatisfactory planning outcomes may benefit further from a review from an outside body such as the Government Architect before proceeding to the PAC for final determination, if this is considered an appropriate mechanism to improve 'best planning practice and outcomes'.

In addition, in light of recent decisions reviewing the light rail extension/greenway corridor it is also our view that the 2 adjoining Part 3A major projects - Lewisham Estates and the Allied Mills site - should be assessed jointly - in a precinct-wide strategic planning context - so that both projects can be determined together before the PAC.

It is our understanding at present that there is no legislative impediment to the implementation of that request.

Yours sincerely,

CC: The Minister for Planning & Infrastructure.



Department of Planning
Received
13 SEP 2011
Scanning Room

...August, 2011

ATTENTION: Ms Amy Watson

Major Project Assessment

Department of Planning

GPO Box 39 SYDNEY NSW 2001

BY EMAIL: plan_comment@planning.nsw.gov.au

RE: Application No: MP08_0195 78-90 Old Canterbury Rd, Lewisham - Preferred Project Plan

I object to the applicant's Preferred Project Plan, currently before the Department and available for viewing on your website, for the following reasons:

- 1) There are seven (7) bulky buildings proposed, with heights ranging up to ten (10) storeys, now to contain some 430 flats, which remains a gross overdevelopment of this site. It proposes a density and scale which is completely at odds with the established and valued character of the surrounding residential locality.
- 2) The amount of floor space for these 430 flats (and the smaller amount of retail/office areas) is more than double what Marrickville Council's McGill Street Master Plan would provide. The Council's masterplan was developed in conjunction with the community and there is no reason why its controls should not be observed.
- 3) The buildings proposed are too close to each other, so many residents will have no privacy and their flats will get little or no sunlight. Courtyards and walkways are also in shadow. Buildings A and B are each ten (10) storeys high but only four (4) metres apart, with the walkway in this 'canyon' unsafe to use.
- 4) The adjoining and nearby roads and streets are currently heavily used and many intersections are almost gridlocked in peak periods. Aside from 'left turn only' restrictions and a suggestion of traffic lights at Edward St and Old Canterbury Rd, nothing is proposed to cater for the increased traffic generated by the proposal. McGill St will become the main access turning to and from Old Canterbury Rd and is far from safe. Hudson St is barely wide enough for two-way traffic so no parking (or unloading of vehicles to service the shops) will be possible. Parking in other streets is restricted, many flats will have no car spaces allocated at all and visitor parking is inadequate.

Approval of this concept plan will set a precedent for the adjoining industrial lands also proposed for residential re-development. At this density over 1000 flats can be expected, a disaster for current and future residents alike.

The Council and community's planning for this area should be respected, not disregarded. The Concept (Preferred Project) Plan should be rejected.

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SUMMER HILL

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