

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the development as set out in Schedule 3; and
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future development on the site be subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* (whichever is applicable).

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE 1

PART A: PARTICULARS

Application No.: MP08_0195

Proponent: Lewisham Estate Pty Limited

Approval Authority: Minister for Planning & Infrastructure

Land: 78-90 Old Canterbury Road, Lewisham
(Lot 11 DP 774322, Lot 6 DP 977044, Lot 7 DP 977044 and Lot 8 DP 977044)

Project: Mixed use residential, retail and commercial development incorporating:

- residential building retail and commercial floor space;
- basement car parking;
- publicly accessible open space and through site links;
- road works; and
- pedestrian and cycle pathways.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 08_0195

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C: DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
Department	means the Department of Planning & Infrastructure or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Planning Ingenuity dated October 2010.
GFA	means gross floor area.
Minister	means the Minister for Planning & Infrastructure.
MP No. 08_0195	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report and Response to Submissions prepared by Planning Ingenuity dated August 2011 and includes the Response to PPR Submissions dated 30 November 2011.
Proponent	means Lewisham Estate Pty Limited or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

Development Description

A1 Concept approval is granted to the development as described below:

- (a) use of the site for residential, retail, commercial and public open space;
- (b) indicative building envelopes for 7 separate buildings with heights ranging from 4 to 10 storeys;
- (c) basement level and at grade car parking;
- (d) internal and external road works;
- (e) public pedestrian and cycle pathways. Providing connections to the surrounding area, the Lewisham railway station and Lewisham West light rail stop.

Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated October 2010 prepared by Planning Ingenuity, except where amended by the Preferred Project Report dated August 2011 and the Response to PPR submissions dated 30 November 2011 including all associated documents and reports;
- the Statement of Commitments prepared by Planning Ingenuity; and
- the following drawings:

Drawing No.	Name of Plan	Drawn By	Date
12.2	Concept Plan	Tony Owen Partners	November 2011
12.3	Traffic, Access & Parking	Tony Owen Partners	November 2011
12.4	Land Use	Tony Owen Partners	November 2011
12.5	Building Height	Tony Owen Partners	November 2011
22.1 (800 Revision D)	Green Space Calculation Analysis	Tony Owen Partners	22.11.11

except for as modified by the following pursuant to Section 75O(4) of the Act.

Voluntary Planning Agreement

A3 Prior to the submission of any future application under Part 4 of the Act the Proponent shall provide written evidence to the Director-General that it has entered into a Voluntary Planning Agreement with Marrickville Council, in consultation with Transport for NSW, with terms outlined in the EA, PPR and Revised Statement of Commitments including:

- upgrade of Hudson Street
- embellishment and dedication of public open space to the north of Hudson Street
- upgrade or embellishment of pedestrian and cycle access links to the Lewisham West light rail stop, Lewisham railway station and surrounding residential areas; and
- other parts of the site that will be upgraded, embellished, constructed or dedicated to Council.

Inconsistencies between Documentation

- A4 In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

Building Envelopes

- A5 Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.

Maximum Gross Floor Area (GFA)

- A6 The maximum GFA for the development shall not exceed 39,896m². Note: The maximum floor space may not be achievable within the approved envelopes as identified in Part B of this Approval.

Maximum Number of Residential Units

- A8 The maximum number of residential dwellings shall not exceed 430 units. Note: The maximum number of residential dwellings may not be achievable within the approved envelopes as identified in Part B of this Approval.

Lapsing of Approval

- A9 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development which concept approval has been given.

PART B - MODIFICATIONS

Building Separation

- B1 The plans described above in Part A – Terms of Approval shall be modified as follows:
- the building separation between Building Envelopes A and B shall be increased to a minimum of 9 metres at the ground level up to 4 storeys, 13 metres between 5 and 8 storeys and 18 metres above 8 storeys;
 - the building separation between Building Envelopes B and D and C and D shall be increased to a minimum of 12 metres at the ground level up to 4 storeys, 18 metres between 5 and 8 storeys and 24 metres above 8 storeys; and
 - the building separation between Building Envelopes C and E, E and F and E and G shall be increased to a minimum of 12 metres at the ground level up to 4 storeys and 18 metres between 5 and 8 storeys.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

Loading Areas

- B2 The ground level loading area adjacent to Building Envelope D and the light rail corridor is to be deleted from the Concept Plan. The area is to be landscaped and provided as a publicly accessible through site link.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Built Form

1. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and range of high quality materials and finishes.

Residential Amenity

2. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval. In particular, future applications shall demonstrate that:
 - (a) a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies mid winter; and
 - (b) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated.

Privacy

3. Future Development Applications shall demonstrate an appropriate design treatment to provide an appropriate interface and adequate level of privacy to ground level apartments which adjoin Longport, Brown and William Streets, areas of publicly accessible and/or private communal open space.

ESD

4. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.

Flood Levels

5. Future Development Applications shall comply with the Cardno Flood Management Report dated 30.11.11 and consider and address any recommendations in any Council adopted Flood Study and relevant state policies at the time of lodgement of the application to demonstrate the finished floor levels of the buildings will be above the probable maximum flood levels for the site and that the development will not adversely impact on any surrounding property (including the light rail corridor) by redirection of flood waters or loss of flood storage.

Car Parking

6. Future Development Applications shall provide on-site car parking at the following rates:
 - (a) 1 space per 4 studio/1 bedroom apartment;
 - (b) 1 space per 2/3 bedroom apartment;
 - (c) 1 visitor space per 10 apartments; and
 - (d) 1 space per 45m² of retail GFA.
7. Future Development Applications are to demonstrate that a minimum of 13 on-street car parking spaces will be provided within the Hudson Street road reserve adjacent to the public open space.

Servicing

8. Future Development Applications shall provide for all servicing, including waste collection, removalist vehicles and all loading/unloading operations to occur within the basement.

Public Open Space

9. Future Development Applications shall provide a minimum of 3,097m² of publicly accessible open space and through site links.
10. Future Development Applications shall provide for the embellishment and dedication of the public open space north of Hudson Street to Council in accordance with the terms of the VPA between the proponent and Council.
11. Future Development Applications shall demonstrate a suitable design treatment to the area immediately to the south of Building Envelopes A, C and E to encourage pedestrian traffic adjacent to the building edge and provide a 'street address', in the absence of public road frontage.

Brown Street

12. Future Development Applications shall provide for a suitable treatment in the portion of Brown Street between Building Envelopes C and F to prohibit vehicle movements and provide a landscaped pedestrian through site link. The proponent shall endeavour to obtain approval to close this portion of road reserve and embellish this area as public open space.

Public Access

13. Future Development Applications shall clearly set out the mechanism for creating rights of public access to the:
 - private road adjacent to the light rail corridor,
 - all publicly accessible areas of open space and through site links,with the relevant instrument/s to be executed prior to commencement of the occupation/use of the development.

Linkages to the Lewisham railway station and Lewisham West light rail stop

14. Future Development Applications shall provide for new and/or upgraded pedestrian connections between the site and Lewisham railway station and the Lewisham West light rail stop in consultation with Council and RailCorp in accordance with the terms of the VPA.

Car Share Scheme

15. Future Development Applications shall require the provision and implementation of a car share scheme.

Road Works

16. Future Development Applications shall provide for minimum road widths as follows:
 - (a) William and Brown Streets shall be a minimum of 9.6 metres (6 metre carriageway and 1.8 metre footpaths on each side);
 - (b) Hudson Street shall be a minimum of 6 to 8.5 metres (6 metre carriageway and 2.5 metre indented parking bays); and
 - (c) the north-south street (private road) shall be a minimum of 9.5 metres (5.5 metre carriageway, 3 metre footpath on the eastern side and 1 metre footpath on the western side).

17. Future Development Applications shall provide for left in left out access to the development via Hudson, William, Brown and McGill Streets at all times. The proponent shall comply with the Local Traffic Committee requirements in relation to banning right turns at these intersections.

Section 94 Contributions

18. Future applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval. A VPA with Council may off-set Section 94 Contributions.

Sydney Airports

19. Future applications shall demonstrate all necessary approvals have been obtained from Sydney Airports Commission and Air services Australia.

Noise and Vibration

20. Future applications shall ensure that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from the Western Suburbs Railway Line, Old Canterbury Road and Longport Street to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

Stormwater

21. Future Development Applications shall provide for the treatment of stormwater prior to discharge to surface water and/or groundwater sources.

Groundwater

22. Future Development Applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.

Roads and Maritime Services requirements

23. Future Development Applications shall demonstrate that the RMS requirements have been met in relation to:
 - (a) Excavation
Future development applications shall include civil design plans which provide detail on the level of excavation and a Geotechnical Report for any excavation works adjacent to Old Canterbury Road and Longport Street.
 - (b) Hydraulics
Plans/details demonstrating that post development stormwater discharge from the site into the RMS drainage system does not exceed the pre-development discharge.

RailCorp requirements

24. Future Development Applications shall address RailCorp's requirements in relation to:
 - (a) Geotechnical and structural impacts
The proponent shall submit a Geotechnical and Structural Report, Excavation and Construction methodology and Cross Section drawing (showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor) to RailCorp for approval prior to lodgement of future Development Applications which propose excavation of other ground penetration (including footings) greater than 2 metres and within 25 metres of the light rail corridor..

- (b) Encroachments within the light rail corridor
The proponent shall detail the removal of all encroachments within the adjoining light rail corridor including RailCorp's landowners consent within future Development Applications.
- (c) Electrolysis
The proponent shall submit an Electrolysis Risk Assessment in relation to stray currents from the light rail corridor to RailCorp for approval prior to lodgement of future Development Applications.
- (d) Landscaping and fencing
The proponent shall submit landscaping and fencing details for all land within 20 metres of the light rail corridor prior to the lodgement of future Development Applications.
- (e) Pedestrian connections
Future Development Applications shall demonstrate upgraded and/or new pedestrian pathway between the site and Lewisham railway station and Lewisham West light rail stop.

Sydney Water requirements

25. Future Development Applications shall address Sydney Water's requirements in relation to:

- (a) the required upsizing of the existing 100 mm drinking water main to a 200 mm main for the full length of Old Canterbury Road from Longport Street to Hudson Street, and Hudson Street, from Old Canterbury Road to the light rail corridor;
- (b) the required upsizing of the existing 150 mm wastewater main to a 225 mm main which traverses the site and any required deviation of the wastewater main, in accordance with Sydney Water's Guidelines for Building Over or Adjacent to Sewer;
- (c) the required adjustment to a section of Sydney Water's Hawthorne Canal stormwater system including the removal of the entire section of redundant asset and construction of a new maintenance pit to terminate the adjustment; and
- (d) a water sensitive urban design stormwater treatment plan and MUSIC model which demonstrates:
 - i. a 90% reduction in the post development mean annual load of total gross pollutant loads;
 - ii. a 85% reduction in the post development mean annual load of Total Suspended Solids;
 - iii. a 60% reduction in the post development mean annual load of Total Phosphorus; and
 - iv. a 45% reduction in the post development mean annual load of Total Nitrogen.

Details shall be submitted with future Development Applications in accordance with Sydney Water and Council requirements.

End of Schedule 3

SCHEDULE 4

STATEMENT OF COMMITMENTS (Source: Preferred Project Report)