



15 March 2012

**Proposed Mixed Use Development
at 78-90 Old Canterbury Road, Lewisham (MP08_0195)**

CONCEPT PLAN APPLICATION

The application sought approval for a mixed use development including 7 residential building ranging in height from 4 to 9 storeys with commercial and retail uses at ground and basement levels and parking for 681 vehicles below ground. Following the exhibition of the application, the proposal was amended to address issues raised in submissions. The key changes to the proposal include:

	Original application	Amended application (via PPR)
Number of buildings and storeys	7 residential buildings ranging from 4 to 9 storeys	7 residential buildings ranging from 4 to 10 storeys
FSR	3.5:1	3.04:1
Residential GFA	39,596.94m ²	38,533.11m ²
Retail GFA	6,305.5m ²	643.46m ²
Commercial GFA	290m ²	720m ²
Number of units	400	430
Number of parking spaces	681	448
Open space area	1300m ²	3097m ²

DELEGATION TO THE COMMISSION

The concept plan was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011.

The Commission consists of Ms Gabrielle Kibble AO (chair), Mr Garry Payne AM and Mr Richard Thorp. They visited the site independently, hence are familiar with the area.

DEPARTMENT'S ASSESSMENT REPORT

On 18 January 2012, the Commission received the Director-General's Environmental Assessment Report including recommended conditions of approval. The report considered the need and justification of the proposal and the relevant legislation. It also provided an assessment of the following key issues:

- Traffic generation and local road network;
- Internal road layout, basement access and loading;
- Parking;
- Development density;
- Built form;
- Public benefits
- residential amenity including building separation, building depth, natural ventilation, solar access, open space, deep soil planting and ground floor apartment;
- other issues including flooding, site amalgamation, noise and vibration, affordable housing, flora and fauna, airport related height limits and privacy impacts.

The Department's Assessment Report provides a comprehensive discussion of these issues and proposes measures to deal with them. These measures are reflected in the recommended conditions of approval.

The Department's recommended increase in building separation is likely to reduce the residential floor area by about 12% (53 units) with a corresponding reduction of FSR from 3.04:1 to about 2.67:1 and the total dwellings from 430 to 377.

The assessment report concluded that the site is suitable for the proposed development and the proposal will provide environmental, social and economic benefits to the region. In the Department's view the proposal is a genuine transit oriented development located immediately adjacent to planned and existing public transport. It will make a significant contribution to the housing stock of the area and provide over 3000m² public open space and through site link to the light rail stop and Lewisham railway station.

MEETING WITH STAKEHOLDERS

1. MEETING WITH MARRICKVILLE COUNCIL

On 16 February 2012, the Commission met with staff members of Marrickville Council to discuss the Department's recommendation.

The meeting focused on Council's key concerns, namely,

- the history of the McGill Street Precinct Master Plan;
- equity issue in relation to future development potential for the remaining of the precinct area;
- the light rail implementation program and interface with the proposed development;
- building design including façade and SEPP 65 requirements;
- s94 contribution for access improvement to railway station and community facilities;
- affordable housing; and
- flooding.

2. MEETING WITH THE PROPONENT

On 20 February 2012, the Commission met with the proponent. The discussion focused on the following key issues:

- history of the proposal;
- site amalgamation;
- the inconsistency between the proposed building envelopes and FSRs and the McGill Street Precinct Master Plan;
- traffic;
- building design and set back;
- VPA and s94 contributions;
- Provision of loading/unloading facilities;
- Site permeability to light rail stop and railway station; and
- Recommended conditions of consent.

3. PAC PUBLIC MEETING

On 28 February 2012, the Commission met in public to hear submitters' views on the Department's assessment report and recommendation. A total of 31 people spoke at the meeting including representatives from Marrickville Council and Ashfield Council (see Appendix 1). The key issues raised at the meeting included:

- Strategic planning
 - Marrickville LEP was gazetted in December 2011 with FSR control 1.7:1 for the site and the McGill Street Masterplan was adopted by Marrickville Council in November 2009. The proposal is inconsistent with both the Marrickville LEP 2010 and the McGill Street Masterplan.
 - Council is able to meet the housing target of 4000 set out in the Metro Plan.

- Approval will set a precedent for other sites in the area including:
 - the Allied Mill site which proposes a FSR of 1.4:1 to 1.6:1;
 - the FSRs for the remaining areas of the McGill Street Precinct range from 1.8:1 to 2.3:1 except the southern corner block with a FSR of 3:1.
 - Other development sites near Summer Hill centre and along Parramatta Road in Leichhardt are ready for redevelopment.
- Traffic and Parking
 - The proposed increase in traffic will worsen the already congested road networks with no solution proposed to resolve the existing traffic problem;
 - Inadequate on-street parking for commuters and visitors and on-site parking for residents;
 - Question whether the proposal is a 'transit oriented development'.
- Other issues
 - Development density, building heights & widths, built form (massing and design);
 - Visual impact;
 - Public and private open space;
 - Pedestrian link to rail and light rail;
 - Affordable housing;
 - site amalgamation;
 - non compliance with SEPP 65 and Residential Flat Design Code;
 - inadequate consultation and did not follow due process;
 - residential amenity;
 - unacceptable strain on social and physical infrastructures;
 - Ecological impacts;
 - the two proposals (Allied Mills site and the subject proposal) should be considered together particularly when considering cumulative impacts;
 - overshadowing public space;
 - need a cost benefit analysis to demonstrate public benefits will result from the proposed development.

4. MEETING WITH DEPARTMENT OF PLANNING AND INFRASTRUCTURE

On 7 March 2012, the Commission met with the Department of Planning and Infrastructure to discuss the followings:

- The justification of the proposal in the context of the new Marrickville LEP 2010 gazetted in December 2011;
- Other Part 3A development(s) in the area, timing and development density; and
- Cumulative impacts.

COMMISSION'S COMMENTS

The site is located at the north-west corner of the Marrickville local government area and is adjacent to Summer Hill which is within the Ashfield local government area. Both Marrickville and Ashfield Councils object to the proposal and spoke to the Commission at the public meeting. Ashfield Council also provided a supplementary commentary to the Commission on 12 March 2012.

The Commission has carefully reviewed the Department's assessment report and associated documents, including submissions from both Marrickville and Ashfield Councils, agencies and the public. It has also considered the comments made by stakeholders at the Commission's meetings. The Commission is satisfied that the assessment report has adequately canvassed most of the issues raised in public submissions, and where required, recommends conditions of consent to address/mitigate residual impacts. The Commission considers it is worth noting the following:

- (1) Marrickville Council should be commended on its effort to prepare and adopt the Precinct Masterplan to guide the redevelopment of the area. The subsequent transfer of the development controls from the Masterplan to the Marrickville LEP 2010 confirms Council's view on the development controls for the site.
- (2) The assessment report disagrees with the FSR (1.7:1) control as the site is well located and suitable for high density residential development to meet the housing demand from the expected population growth for Metro Sydney. In this regard, the Commission also notes the proponent's contention that the building envelopes and height controls indicated in the Masterplan provide a total GFA greater than the 1.7:1 FSR control.
- (3) The Commission considers that future development on the site should be as closely aligned to the Masterplan and Marrickville LEP 2010 as possible.
- (4) The proposed development height is generally within the LEP height control of 32m except for Building A which is 1 metre above the height control. The Commission agrees with the Masterplan that building height along Old Canterbury Road should be restricted to a maximum of 4 storeys.
- (5) The "central open space" is the key to the Masterplan as it provides a much needed public open space in the area where there is a shortage of good quality public open space. The Commission agrees that most of the public and private open spaces proposed in the concept plan are not clearly defined and their key function appears to be "through site links" or drainage reserve rather than "useable" open space.
- (6) The "central open space", defined as the area north of Hudson Road and between Buildings A and C, is the only functional, accessible and well defined public open space. However, its quality is considered very poor because it will be overshadowed in mid winter during most of the day.
- (7) The Commission is firmly of the view that solar access to the central open space must improve to ensure a good quality and useable open space for the local community. To improve solar access, at least 50% of the "central open space" should receive a minimum of 2 hours of sun during mid winter. Further that, the area north of Hudson Road should have a minimum width of 20m excluding road side parking and adjacent footpath. The central open space should have a minimum site area of 3000m².
- (8) In making such a requirement, the Commission has regard to the Masterplan, the site's location and the intensity of the proposed development.
- (9) To meet the central open space requirement, the proposed development requires additional modifications with a likely further reduction in the development intensity either through height or building bulk reduction.
- (10) To address the issue of built form and design, the Commission considers future development applications should achieve design excellence in accordance with the Director General's *Design Excellence Guidelines* and a condition is included accordingly.
- (11) Submissions questioned the classification of the proposal as "transit oriented development" and the adequacy of current public transport to service the significant increase in population as a result of the subject proposal and the redevelopment of Allied Mills site. The Commission finds the site is highly accessible by public transport and it will be serviced by 3 different modes of public transport when the light rail

commences operation in 2014. RailCorp is also noted to indicate rail schedule will be reviewed when patron number increases. Thus public transport services to the area will improve over time.

- (12) The RTA advised that its concerns have been addressed by the proponent's preferred project report. The Department's independent traffic consultant identified the existing traffic congestion is a wider road network capacity issue, including a 'pinch point' at the intersection of New Canterbury Road and Gordon Street. The Commission agrees that the elimination of the 'pinch point' is beyond the scope of an individual project.

The Commission recommends the Department together with Marrickville and Ashfield Councils to initiate discussion with the Roads and Maritime Services (RMS) to facilitate the implementation of network capacity improvement to alleviate the congestion problem.

COMMISSION'S DETERMINATION

The Commission is satisfied that the inclusion of the following additional modifications will ensure the resultant development density more closely aligned with the Masterplan. The performance requirement for the "central open space" will ensure a good quality, functional and accessible open space for the community.

The concept plan is approved as recommended by the Department subject to the following modifications:

1. The "central open space" north of Hudson Road must have a minimum width of 20m (excluding on street parking and adjacent footpath) and a total area not less than 3000m².
2. At least 50% of the central open space shall receive a minimum of 2 hours solar access in mid winter.
3. Future development applications shall include landscape plans that clearly define the area and function of public and private open spaces. Through site links/corridors and drainage reserve should not be included as open space provision.
4. All buildings should meet the requirements of SEPP 65 and Residential Flat Design Code.
5. Maximum building height along Old Canterbury Road should be 4 storeys.
6. Future development applications should achieve design excellence in accordance with the Director General's *Design Excellence Guidelines*.

The Instrument of approval is attached in Appendix 2.



Gabrielle Kibble AO
Commission Chair



Richard Thorp
Commission Member



Garry Payne AM
Commission Member

Appendix 1

List of Speakers at the PAC Meeting

PAC Meeting
Proposed Mixed Use Development at 78-90 Old Canterbury Road, Lewisham

Date: Tuesday, 28 February 2012

Place: Petersham RSL, 7 Regent Street, Petersham

1. Marrickville Council
Mr Marcus Rowan
Cr Mary O'Sullivan
2. Summer Hill Action Group
Ms Susan Terravecchia
Ms Sabiene Heindl
3. Mr Denis Lozina
4. Ms Jillian Grove
5. Mr Paul Gissel
6. Mr Vince Scaturro
7. Cr Caroline Stott
8. Ms Margaret Davis
9. Mr Craig Forbes
10. Ms Amy Kitchener
11. Ashfield Council
Cr Lyall Kennedy
Mr Ron Sim
12. Cr Alex Lofts
13. Ms Clare Felton
14. Mr Barry Talbot-Smith
15. Mr Greg Wallin
16. Mr Sam Byrne
17. Ms Susan Thompson
18. Mr Richard Morrell
19. Mr Michael Johnston
20. Ms Barbara Konkolowicz
21. No Lewisham Towers Residents Action Committee
Mr Peter Robinson
Mr David Rollinson
Mr David Melocco
Mr Greg Frith
Ms Tamara Winikoff
22. Ms Maris Rea
23. Ms Narelle Beattie
24. Mr Jason Balgi

Appendix 2


Instrument of Approval

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).


Gabrielle Kibble AO
Member of the Commission


Richard Thorp
Member of the Commission


Garry Payne AM
Member of the Commission

Sydney

15 March 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.

Central Open Space

- B3 The “central open space” must have a total area not less than 3000m² and the area north of Hudson Road must have a minimum width of 20m (excluding on-street parking and adjacent footpath). At least 50% of the “central open space” must receive a minimum of 2 hours solar access in mid winter.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Built Form

1. Future development applications shall achieve design excellence in accordance with the Director General's *Design Excellence Guidelines*.
2. 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.
3. Future Development Applications shall demonstrate that the building height along Old Canterbury Road is a maximum of 4 storeys.

Residential Amenity

4. 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

5. 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

6. 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

7. 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

8. 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.
9. 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

10. 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

11. Future Development Applications shall provide a minimum of 3,000m² of publicly accessible open space. Through site links and drainage reserves should not be included as open space provision. All public and private open spaces shall be clearly defined and functions identified.
12. 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.
13. 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

14. 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

15. 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

16. 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

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

Road Works

18. 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).
19. 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

20. 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

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

Noise and Vibration

22. 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

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

Groundwater

24. 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

25. 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

26. 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

27. 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)

4 STATEMENT OF COMMITMENTS

The Draft Statement of Commitments provided in the Environmental Assessment has been revised to respond to the issues raised during the exhibition period. The proponent confirms that the proposed Concept Plan does not involve any construction works. Separate Project/Development Applications will be submitted for construction works.

This statement of commitments related to the following matters:

- Construction Management;
- Traffic Management;
- Roads & Traffic Authority;
- Waste Management;
- Noise & Vibration ;
- Flora & Fauna;
- Ecologically Sustainable Development;
- Heritage & Archaeological;
- Geotechnical;
- Site Contamination;
- Affordable Housing;
- Stormwater Management;
- Building Height;
- Pedestrian and bicycle access;
- Transport Access Guide;
- NSW Office of Water;
- Sydney Water;
- Landscaping;
- Light Rail;
- Building materials and finishes; and
- Community & Cultural.

Construction Management

A detailed Demolition and Construction Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site.

Traffic Management

A detailed Traffic Management Plan will be prepared and submitted as required with future Project/Development Applications or at the Construction Certificate Stage, prior to the commencement of any demolition or construction works on site.

Within the site, car share spaces will be prioritised in convenient locations under future Project/Development Applications.

RTA

The proponent commits to complying as far as practicable with the parking, loading, construction, excavation, noise, hydraulic and road safety requirements of the RTA as described in Attachment A of their submission dated 11 January 2011 and subject to any modification as a consequence of the RTA's assessment of the preferred project.

Waste Management

A detailed waste management plan (construction and operational) will be prepared and submitted with future Project/Development Applications or at the Construction Certification Stage, prior to the commencement of any works on site.

Noise and Vibration

The recommendations of the Noise and Vibration Report provided at Annexure O of the EA will be adopted and reflected in future Project/Development Applications. In addition, future Project/Development Applications will comply with the requirements of the Sydney Airport Corporation in terms of minimising the impacts of aircraft noise on residential premises.

Flora and Fauna

The recommendations of the Flora and Fauna Report attached at Annexure K of the EA will be adopted and reflected in future Project/Development Applications. In consideration of competing constraints on the site and adjacent GreenWay, the development will be designed where practicable to be sensitive to the needs of the fauna of the GreenWay including:

- Provision of appropriate lighting which minimises impacts on nocturnal fauna and the GreenWay generally; and
- Reinforcement of permeability between the GreenWay and the built environment for local fauna, wherever practical (e.g. raised footpath/cycle way sections at appropriate locations).

Ecologically Sustainable Development

The development commits to the consideration of sustainability measures as detailed in the ESD report provided at Annexure N of the EA. Details of adopted measures will be detailed in future Project/Development Applications.

Heritage and Archaeological

The recommendations of the Heritage Impact Assessment and the Archaeological Assessment provided at respective Annexures Q and R of the EA respectively will be adopted and reflected in future Project/Development Applications.

Geotechnical

The recommendations of the Geotechnical Report provided at Annexure P of the EA will be adopted and reflected in future Project/Development Applications and during the construction process. In addition the following reports will be updated and/or additional matters provided to reflect the following requirements of NSW RailCorp:

- Geotechnical and Structural Reports, and excavation methodology to meet RailCorp requirements; and
- Updated cross-sectional drawings providing accurate measurements and including excavation for on-site detention tank along the rail corridor boundary.

Site Contamination

The recommendations of the Environmental Site Assessment provided at Annexure F of the EA will be adopted and reflected in future Project/Development Applications and during the construction process.

Affordable Rental Accommodation

The proponent commits to include affordable housing units in the future redevelopment of the site. The quantum of units proposed will be resolved under future Project/Development Applications.

Stormwater Management

The recommendations and design outcomes of the stormwater management report and the flood report (see respective annexures F & G) will be adopted and reflected in future Project/Development Applications. In addition, the requirements of Water Sensitive Urban Design will be reflected in the stormwater design, including:

- A 90% reduction in the post development mean annual load of total gross pollutant loads.
- A 85% reduction in the post development mean annual load of Total Suspended Solids.
- A 60% reduction in the post development mean annual load of Total Phosphorus.
- A 45% reduction in the post development mean annual load of Total Nitrogen.

The stormwater design will be accompanied by a Model for Urban Stormwater Improvement Conceptualisation (MUSIC) for submission and approval to Sydney Water. This model will be prepared in accordance with the NSW MUSIC Modelling Guidelines (SMCMA, August 2010).

Building Height

In terms of aircraft safety, the building height inclusive of all lifts, over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc. shall not exceed 79 metres above Australian Height Datum (AHD). In the event that the building does exceed this height, a new application will be submitted to Sydney Airport Corporation under the Civil Aviation Safety Authority. Should the height of any temporary structure and/or equipment be greater than 45.72 metres above existing ground height (AEGH), a new approval will be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.

Access

The proponent commits to providing pedestrian and bicycle access connections to the future light rail stop and to Lewisham Station, including a new public footbridge extending from the northern end of Brown Street (to be resolved as part of a VPA / public benefit offer). Consultation will be held with RailCorp and Marrickville Council with respect to requirements for linking the site with Lewisham Station.

Transport Access Guide (TAG)

A TAG will be provided on the site in accordance with the requirements of the RTA. The RTA will be consulted with respect to the location and content of the TAG on the site as required.

NSW Office of Water

The requirements of the NSW Office of Water will be met where necessary under future Project/Development Applications, including all licencing and stormwater treatment measures.

Sydney Water

- The existing water main that traverses the site will be amplified as required to meet the demand of the new population on the subject site. Similarly, the existing sewer main that traverses the site will be diverted and amplified as required by the new population on the subject site. The proponent reserves their right to seek suitable compensation from Sydney Water, as may be necessary.

- A Section 73 Notice of Requirements will be obtained prior to the commencement of any works on site, noting that the proposal is for a Concept Plan only and no construction works will be authorised.

Landscaping

- Landscaping and fencing within 20m of the rail corridor will be designed to meet the requirements of RailCorp.
- Landscaping will contain locally indigenous native species in areas adjacent to the GreenWay. Such landscaping will be designed to provide opportunities for compatible and appropriately varied habitats. Selection of appropriate species may be guided through the GreenWay's documentation *"Bushcare Management Plan" and Missing Jigsaw Pieces: bushland plants of the Cooks River Valley by D Benson, D Ondinea and V Bear*.
- Landscaping will reflect and complement the adjacent portions of the GreenWay including both duplication of existing vegetation and companion planting.

Light Rail

- Future Project/Development Applications will be designed in consideration of the anticipated impacts created by the future light rail in terms of noise, vibration, lighting and privacy.
- A way finding and information strategy will be produced in accordance with the signage convention established for the GreenWay/Light Rail Corridor, including GreenWay branding.

Building Materials and Finishes

Buildings, furniture and structures on the site will utilise materials and colours that enhance the visual amenity of the GreenWay.

Community and Cultural

Investigations will be made into opportunities for street activation and/or public art and animation, particularly in the vicinity of the Light Rail stops. This may include public art, community meeting places, community celebrations and where appropriate, cafes, convenience stores adjacent Light Rail stops. Community spaces may facilitate community events and other elements supporting social cohesion. Formal spaces may generally be designed as fully accessible, multi-function areas suitable for adaptation to the varying needs of the community. Such matters will be fully resolved under future Project/Development Applications and may also form part of a VPA/public benefit offer.

5 CONCLUSION

The proposed development at 78-90 Old Canterbury Road, Lewisham, seeks approval for a preferred Concept Plan as depicted in the plans prepared by Town Owen Partners and submitted as part of this PPR, comprising:

- A mixed use development containing residential apartments, support retail tenancies, shop-top housing and a café;
- Seven separate buildings ranging in height from 4 to 10 storeys over 2 levels of basement car parking;
- A maximum of 430 apartments (including 19 SoHo apartments) and a maximum overall FSR of 3.15:1;
- Public domain improvements include:
 - Creation of a new street;
 - Open space areas including a Green Boulevard adjacent to Hudson Street;
 - Open space embellishment works including required infrastructure, hard and soft landscaping, furniture, lighting and signage;
 - Pedestrian access points;
 - Community public plaza; And
 - Future light rail access.
- Landscaping of private, communal and public open space areas.

The Concept Plan has been amended in response to submissions received by the Department of Planning during the public consultation process and this is reflected in the amended Statement of Commitments provided in this PPR. The key changes to the Concept Plan are as follows:

- Relocation of Hudson Street from the original Concept Plan location back to the existing location of the road and enlargement of the Green Boulevard to the north of Hudson Street that links Old Canterbury Road with the GreenWay;
- Removal of the Supermarket and retail plaza (and loading dock) to facilitate increased public open space and reduce impact of these facilities on businesses in the region as well as reduced amenity impacts on existing and future residents;
- Placement of a café at the southern end of Building A and creation of public plaza to activate and link the proposed public open space with the GreenWay;
- Reduction in length of Building A and deleted 'toe' of Building C to increase size of public open space and improve connectivity to the GreenWay;
- Stepping and reduced building height for the southern end of Building A and stepped building heights for Buildings C & D;
- Alterations to the layout and gradient of the public open space, and improved relationship to Hudson Street and the proposed buildings;
- Refinement of basement access points;