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April 30, 2012.

Dear Sir,

Re: MP10 0155 Preferred Project Plan – Allied Mills Site – 2-32 Smith Street, Summer Hill – Objection to revised concept plan and the preferred project report.

I have read and reviewed the Preferred Project Report (PPR) and the revised concept plans for the above transitional Part 3A Major Project. This follows an earlier submission of objection from me following the project's environmental assessment (EA).

I note at the outset that little change has been made to the original proposal despite more than 1200 submissions of objection to the scale, density and negative impacts of the proposal from concerned residents - as well as some substantive issues being raised in submissions by Ashfield, Leichhardt and Marrickville Councils.

I note also that Ashfield Council planning staff have for some time now sought a meeting with DOP & I planning officers about various issues. To date that request has been refused.

I also wish to draw your attention to enquiries made in the first instance to Ashfield Council about the Summer Hill Resident's Action Group (SHAG) by Urban Concepts, commissioned by the developer to undertake community consultation. (See Annexure L – PPR- Community Consultation). The tone of the reply letter, (the letter of inquiry is not disclosed) appears to imply a request for details of political affiliations of the resident community group. That is disturbing.

This, together with subsequent attempts by the proponent to 'de-legitimise' the findings of a community referendum (1500 participants) conducted by residents, and/or to 'sideline' residents from freely expressing their views is unacceptable and unsettling. This heavy-handed and divisive conduct is also liable to give rise to an 'incorrect' perception by the DP & I that the community 'accepts' the scale, density and negative impacts of this proposed development.

Executive Summary

A 'concept plan' – in most business endeavours – is a sales document specifically designed to attract investment as its primary consideration. Naturally, for investors that is the ROI (return on investment) offered and whether that is realisable. The scale, density and negative impacts of a concept plan proposal are of secondary concern to an investor, who like the proponent, seeks to maximise yield (and profit) first and foremost.

Thus it is of little surprise that the sales spin propagated by the proponent of an authentic urban renewal project in recognition of the site's cultural and heritage significance turns out in reality in the first and revised concept plan to be little more than a 'cover' for a development proposal - to build twelve (12) new high-rise residential towers on this site out of the eighteen (18) buildings making up the site area.

While the PPR retains two (2) high-significant heritage buildings for adaptive re-use - only a mere five (5) heritage significant buildings in total, including the 6-storey Mungo Scott building, are retained. Of those, one (the 4-pack silo) will likely be compromised by the addition of 3 new storeys atop the structure to 13 storeys and another while of high significance due to use has little or no aesthetic value (the substation).

Other claims made in this PPR & revised concept plan are also questionable:

- A floor space ratio (FSR) claim of 1.4:1 – 1.6:1 is not able to be accurately verified due to the paucity of detailed plans submitted for the site and therefore ought NOT be accepted at 'face value' without independent verification.
- Likewise, open space claims (both public and private) made by the proponent cannot easily be quantified – for example some of the private open space appears atop new high-rise buildings (among other shortcomings). Claims of publicly accessible open space of 8,400 sq metres (34% of the site) ought NOT to be accepted at 'face value' also.
- The indicative dwelling mix and numbers of proposed apartments is also not quantifiable due to lack of detail plans.
- The retail and commercial proportions on the site are also not quantifiable and again ought NOT be accepted at face value without independent and arm's length verification.

Further, despite DGR's that the proponent provides detailed envelope/height and contextual studies demonstrating how the proposal relates to (other) developments surrounding the subject site – no such details are provided.

More examples of blatant disregard to and/or non-compliance in addressing the DGR's are easily identified in this PPR and plan.

Background

With 6 of the 7 building envelopes in the Lewisham development are already approved as high-rise towers, adjoining communities are being asked to respond to this revised concept plan by the Mills proponent in the absence of being able to view any revised plans for the Lewisham Estate concept plan following PAC approval, and without the certainty of the Mill's proponents' compliance with the DGR's.

What an absurdity – and a serious lack of transparency - for a proper planning outcome let alone an improved public policy outcome?

Further, it is now arguable that as the PAC has already in principle approved the concept of a TOD (transit oriented development) in its adjudication of an adjacent proposal that is has by implication approved a TOD for the adjacent Mills site. This now sets a precedent for the additional consideration of a proper and considered public policy outcome as well as for the more narrow planning assessment considerations.

As it is right now in this revised concept plan, it is the existing communities and their Councils who will be left to shoulder the unfair and inequitable burden of a combined nineteen (19) high-rise towers - adjacent to the TOD and situated within 1/20th of the space of the adjoining suburbs adjacent to the light rail corridor. That is quite simply a staggering. one-sided and an unsustainable position for the DP&I to gloss over or ignore if a good public policy outcome is desirable in the assessment of this concept plan.

Otherwise, a cynic could be forgiven for concluding that the 2 major Part 3A transitional development projects represent little more than a developer-driven 'asset-strip' of existing community assets and infrastructure (with Departmental endorsement) for the proponents' own private gain without the proponent having to take any responsibility for normal commercial risk factors.

The Lack of Genuine Community Consultation

Summer Hill and Lewisham are low-rise, largely heritage residential areas of Sydney, Australia, not Beijing, not Manhattan and definitely not Hong Kong.

While the 'deficiencies' of the Public Consultation guidelines under Part 3A planning law are widely acknowledged in that "mere lip- service" only is paid to community concerns (after decisions have already been taken behind closed doors) it is nonetheless equally surprising that proponents of major projects (as well as the DP&I) fail to take on board genuine community responses, whether from residents or via Councils or their planning officers. Instead, reliance is placed on the 'filter' of a consultant paid for and in the employ of the developer?

This refusal to engage directly with the community (as distinct from against it) is leading to seriously below par (2nd rate) planning assessment outcomes from the DP&I - with obvious disadvantages – is it being 'sold a pup', is it itself being isolated, and coming under siege that may lead to basic planning errors, group think positions, omissions and mistakes (largely self-inflicted) – any or all of which can accrue from a heavy reliance on developers paid consultants in lieu of any outside local planning expertise and localised planning knowledge.

If the department wishes more 'egg on face' episodes than is healthy, then so be it. However, from a resident perspective:-

- Misrepresentations, secrecy, omissions and heavy-handed attempts to marginalise the legitimate community concerns of residents by the Mills proponent (with the seeming acquiescence of the DP&I) and the concealment of the scale, density and negative impacts of what is being proposed in this revised concept plan is deeply offensive to existing residents.

Ninety-four percent (94%) of residents voted against the scale and density and negative impacts of the two proposals (seeking to have them scaled back) in a community referendum of about 1500 residents in August 2010.

In August 2011, more than 1200 individually signed community submissions were made on the proposal following the EA. The majority of these submissions were by residents (of an unknown political persuasion) some of whom may have first attended the developers' sanitised and carefully screened public consultation presentations. It is disingenuous and misleading for any party (particularly anyone in the employ of the developer) to so lightly dismiss the widely-held and demonstrable community concerns relating to the scale, density and negative impacts of this proposal.

If that isn't enough from a public interest (or community benefit) perspective for the DP & I to seriously reconsider the revised concept plan and to scale back this proposal then consider this:-

Community Benefit/Public Policy outcomes:

Taxpayers funds of more than \$400million have already been wasted (in compensation) for the cancellation of the Rozelle Metro and its rushed replacement with the light rail extension to Dulwich Hill. Public funds (amount unknown) have been spent for the hasty upgrade to the tracks - but without regard to any of the other infrastructure required.

Further taxpayer funds of about \$20million were required to enable Transport for NSW to purchase the rail tracks from Metro Transit Sydney (MTS) - a private consortium – of which the Chair of EG Funds (the Mills proponent) once held an interest. Overall a budget of \$176 million is needed to fully implement the light rail extension project. That's more than \$600 million of taxpayer funds so far.

I note in passing that the Mill's proponent originally used the prospect of a light rail extension as a 'justification' to intensify development densities on this site - not because of any demand pressures per se but to offset the marginal nature of the light rail extension proposal. (See Annexure 8 – Preliminary EA – Daly Research Systems, August 2008 – the proponents' consultant).

Since approval of the light rail extension was granted in early 2010, 'the goalposts have moved' with the new 're-badging' of the (2) adjacent precinct developments as transit oriented developments (TODs). There is little doubt that this contentious redefinition is helpful - not just to the 'blue sky' aspirations of the Mills proponent but is similarly proving useful as a foil – for it to now argue that proposed densities are not unreasonable in light of the TOD. The definition is also useful to deflect attention from the serious traffic impacts associated with these adjacent proposals. These opportunistic assertions are as subversive to good planning outcomes as they are to realising good public policy outcomes. They ought to be given little weight or credence in the DP&I assessment.

All in all, it is therefore quite reasonable to conclude that little community benefit will derive from this revised concept plan - as per the approval of the adjacent Lewisham concept plan - for existing residents making up the adjoining communities. Rather, for existing residents, and their local councils, the scale, density and negative impacts of this present plan together with the adjoining Lewisham proposals are most likely to be all on the downside:

- More than a decade of development disruption to the existing services and quality of life of adjoining communities
- Traffic congestion that the DOP & I has acknowledged will worsen and cannot be fixed
- Immense pressure on adjoining Councils who will be forced to shoulder the burden of an entire new suburb of around 2000 to 3000 new residents 'foisted upon them' without due consideration of the community infrastructure and services that will inevitably be necessary to cope with these massive (19 high-rise residential towers combined) and hugely inappropriately-scaled private developments – the likely 'slums' of the future if the past is any guide.

Given the considerable outlay of public funds – and as the two adjacent developments are now considered TOD's - then the communities, and their Councils, are absolutely entitled to expect a good public policy outcome and a far better planned outcome for this site - that is more at a scale and density commensurate with the site's surrounds (context) and its cultural and heritage significance - than is presently on the table.

The revised concept plan and preferred project report:

The DP&I website describes the concept plan proposal as:

"Concept Plan application for a mixed use residential, retail and commercial development to be constructed in 4 stages including re-use of 6 existing buildings and structures and new building envelopes ranging from 2-11 storeys in height accommodating approximately 280-300 dwellings, 2,500 – 2,800 sq metres of retail space, 3,500 – 4,000 sq m of commercial space, at-grade and basement parking, public open space, new public streets and associated infrastructure works".

It is notable in the first instance that the writer of the preferred project report (PPR) does not repeat this descriptor in the PPR nor makes any attempt to correct the glaring mistakes and/or omissions in the base descriptor of the concept plan. Concealed from this description and omitted from this descriptor are basic details:

- Twelve (12) new high-rise (6-storeys or more) residential building envelopes are to be developed from 2 to 11 storeys in height on the site.
- Five (5) not six (6) buildings are earmarked for adaptive re-use, according to my observations, with one (the 4-pack silo) proposed to be extended by 3 storeys to a building height of 13 storeys.
- The Mungo Scott building (the 13th high-rise building on the site at 6 –storeys) and of high heritage significance is to have a change in use from residential/commercial to retail/commercial use in the revised concept plan.

Other amendments to building envelopes (or built form) from the original concept plan include:

- Only one Edward Street building has been revised down (building 5D) from 4-3 storeys and it fronts Edward Street in the revised plan and is situated alongside the proposed widened entrance. As a result, another storey from 6-7 has been revised upwards and added for building 3D that is sited behind the Edward Street 2-3 storey terraces to the south of the site.
- The Longport Street building originally a part 10/5/8 storey building envelope has been reconfigured to a part 6/10/6 storey building envelope with the 6 storey presentation to Longport Street. The central 10 storey element remains a concern as well as the height and bulk that takes up almost the entire footprint of the land in which it is sited – Marrickville LGA.
- Aside from this little other change to built form is made in the PPR.
- Despite acknowledging community objections, the 4-pack silo – the most prominent on the site - and the 6-pack silo remain unchanged. (See the proponent's image of the 4-pack silo and the incongruity of removing the existing roof top structures to replace them with modern forms which while circular in no way complement the silos finished form).
- Little other changes (apart from fiddling at the margins) are made in the revised plan excepting a revised staging plan that at least provides a pathway access to the light rail in Stage 1 together with a minor updated 'if pigs could fly' statement of commitments.
- Notwithstanding, the commonsense deletion of the road access to Old Canterbury Rd is supported.

All in all, the community benefits are few and far – a bare minimum - and attempts to sell those benefits in the PPR are pathetic.

It is therefore bitterly disappointing that the revised concept plan has not taken advantage this time around of the unique opportunity presented to it to redevelop the disused Mills at a scale and density commensurate with that of its surrounds.

It simply ignores the opportunity presented to it. Instead, the unethically shifts the burden of its inappropriateness onto existing residents for the problems it will bring, including but not limited to - major traffic problems, major dislocation to community services and infrastructure, an obscene increase in building heights and residential densities and so on.

The resulting revised plan is frankly more reminiscent of a 2nd rate planning outcome spun out of an aspirational desire of those concerned to mimic 3rd world economic development.

The revised concept plan condemns itself by its lack of even-handed appraisal of genuine concerns and is considered to be of such little value as a planning assessment that it warrants no further comment except in passing to note its myriad of excuses and its desire to refer most matters of contention and responsibility to (a behind closed doors) later date.

Instead I refer to my previous EA submission dated August 12, 2011 – No 140 – and seek again to ask that these issues be considered and are responded to accordingly..

Conclusion

“The Summer Hill Mills site has been master planned as part of a wider precinct that includes the McGill Street area”, says EG Funds Project Newsletter No. 2 of May 2011 - “The Awakening”.

“This will ensure that a complementary and integrated design outcome is achieved which is essential if this new precinct is to become a valued addition to the existing urban fabric” it adds without any hint of awareness or irony.

However, the gulf between Hassells’ master plan – an interpretative document that is reasonably responsive to the Mills site, heritage and context - judged against the later revised concept plan (with its’ derivative bladerunner-themed visual look) – is starkly at odds with its’ written documentation and itself – and glaringly at odds with its surrounds.

The revised plan – a quite minor variation on the EA concept plan - shows a highly ‘conflicted’ disconnect between the spin of the initial written detail and rudimentary documentation and the reality of what will actually be delivered by the proponent – if the plan is approved: -

- A development proposal for 12 new high-rise residential towers, with a mere nod to the site’s cultural and heritage significance with inconsistencies for the adaptive re-use of 5 buildings (2 for residential, 2 for retail, and one - the high heritage significant Mungo Scott for retail/commercial).
- Other public benefit claims and commitments, while miserly, are actually not even verifiable (due to the paucity of detail) right now and most are shunted off to the ‘never never’ if this concept plan is approved.
- Thus, ‘the significant contribution to public amenity and infrastructure’ as detailed by the proponent (PPR pg 17) is not realisable or verifiable right now and may never ever ‘see the light of day’ in the future.

Further analysis of the revised concept plan reveals that it has even less obvious community benefit (in the short to medium term) than it suggests and in reality it promises considerably less public interest benefit in the longer term, no matter how “narrow” the definition used by the proponent.

At present the revised concept plan represents a 2nd rate planning outcome for the site and a very poor public policy outcome for the community if only the ‘narrow’ public benefit considerations proposed by the proponent prevail. Elsewhere I’ve argued that the precedent conferred by the newly designated TOD should bring wider public policy outcomes into play in the assessment of this proposal.

If this new precinct is to become a valued addition to the existing urban fabric, then quite rightly the DP&I (and the PAC) should consider much wider public interest benefits and give due consideration to a better public policy outcome than just ‘the hollow words’ advocated by the proponent. After all, the DP&I’s reputation (and its desire to improve residential densities along transport routes) is at stake.

Furthermore, perversely this is a staged development, capable of ‘sub-division’ into 4 separate lots/stages with the potential to on-sell to other developers at any time, ensuring “that a complementary and integrated design outcome” will be nigh-on impossible to realise into the future, despite the proponents stated but empty assertions to the contrary. I note that the PPR makes no mention of this possibility?

The credibility gulf between the proponents spin and rhetoric and the reality of this proposal (and the concealment of all its negative elements and impacts) is as massive a credibility gap as is the actual development. This is badly undermining community expectation, any chance of community acceptance and forbearance for this proposal. Needless to say, this has been further exacerbated by the arrogance and heavy-handedness of the proponents.

That's one thing. But the obscene scale, density and likely negative impacts of the proposal are also seriously eroding any respect for the competence and capability of the DP & I. This is quite another thing.

A recommended approval of this PPR & revised plan to the PAC in its present form will deservedly threaten to completely destroy the little public confidence that remains in credibility and the capacity to see the larger picture of the Department of Planning & Infrastructure.

Yours sincerely,

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