

Background

This submission is made on behalf of the Summer Hill Action Group – a non-politically aligned community group – who undertook a community referendum involving 1,500 residents in August 2010 - with 94% of those residents polled opposed to the height, bulk and scale of this proposal.

Summer Hill Action Group members later conducted a genuine, fair and thorough community consultation process during the project's EA through July & August, 2011, that resulted in 1128 submissions of objection being lodged with the DOPI.

Notwithstanding, the PAC approved a concept plan application for:

1. The *whole of the Mills* site – the subject of the DG's recommending report; and
2. A concept plan application lodged concurrently with the above to a) sub-divide the Mills site, and b) to seek development approval for stage 1 of the proposal .

The PAC approved the Concept plan application on December 7, 2012, with some amendments:

- An Infrastructure and Traffic Management Plan to cover all indicative development stages.
- A Conservation Management Plan for the development of Stage 3.
- An Increase to the car parking rate for 4/bedroom dwellings from 1 space to 1.5 spaces.
- The retention of nominated plantings on the site.
- The vertical extension of the 4-pack silo.
- And that the proponent must provide some affordable housing units.

Executive Summary

As it is a requirement under Section 75E of the EP&A Act 1979 that a proponent is required to lodge a Major Project Application with the Director-General **before DGR's** are issued – the fact remains, that the PAC concept plan approval for this proposal has contravened s 75E of the act as:-

The Major Project Application for this entire project - concept plan approval and Stage 1 Project Approval - was not submitted to the Director-General until **May 2011** – that is **after Part 3A** of the **EP&A Act 1979** was repealed on **April 8, 2011**?

Criteria for determining whether a project could continue to be assessed under transitional arrangements relating to Part 3A was that the **DGR's must have been issued** prior to that date of **April 8, 2011**. The DGR's were issued on December 10, 2010, prior to that date.

BUT, the DGR's were issued **without a Major Projection Application having been lodged** (according to the DOPI website) and therefore the DOPI may have contravened Section 75E of the Act 1979 in the first instance.

We therefore have serious doubts and continuing concerns that the Mills Concept plan ever qualified in the first instance as a Part 3A transitional project. This was raised by me in the PAC meeting.

In light of the above, The Summer Hill Action Group believes it is problematic for the DOPI to assess this application on the one hand but more particularly to act as the consent authority for determination.

We are **therefore unable to support the DOPI** determining the application as the consent authority as a result of the reasons given above.

In addition, in view of the sub-division of the Mills site (one part of the Stage 1 Project Application) we are concerned that this will not only result in a lack of **a coherent planned outcome for the whole of the Mills site** but will also result in **the lack of an integrated approach to the much wider** precinct as a whole including the Lewisham Meriton owned site.

Finally, this Stage 1 PA is a significantly different plan in isolation to the Concept Plan approval granted for the *whole of the Mills site* – that was the subject of the DG's recommending report to the PAC.

Accordingly, and given that this Stage 1 Project Application now has its own Major Project Application of March 13, 2013, we cannot support the DOPI acting as consent authority for this application.

Instead, we request that it be determined under Part 4 of the EP & A Act, 1979, and be referred to Ashfield Council for assessment and/or to the JRPP for consent determination.

The Project Application Proposal

This is one concept plan application of (two concept plan applications approved by the PAC) that in and of itself contains two separate proposals.

THE FIRST PROPOSAL

THE FIRST PROPOSAL seeks to sub-divide *the whole of the Mills site* into six (6) 'portions' as described in the SJB town planning report or six (6) allotments.

In the first instance:

- We are very concerned **that the suite of public benefits** to follow the Mills sites' development may never **eventuate** under this scenario.

Secondly, the development is proposed now to be staged in 6 parts as can be seen on the 'Indicative Subdivision Plan' (DA – 012) of the SJB report. That is a significant departure to the concept plans approved by the PAC on the DG's recommending report to it whereby development was to be staged but no details were addressed in that report as to sub-division impacts or issues.

Thirdly, once land sub-division occurs each allotment will potentially be able to be sold to individual owners and separately developed.

- **We are therefore very concerned** that this creates ‘**massive uncertainty**’ about how each development stage will address the **complexities and share the burden of complying** with the numerous concept plan conditions.

For example, **who will provide** and **when will they provide the necessary infrastructure** works located on other parts or **external** to the site?

Will different land owners **be willing to comply** with the Concept Plan approval conditions or will they instead seek amendment of the conditions?

As there are no planning controls enacted **specific to parts of the whole of the Mills site** other than a broad brush Concept Plan approval from the PAC – how will the potential conflicts outlined above be managed and what will each ‘portion’ of the site impact as it is developed over the next 10 years?

In our view, way too many uncertainties remain to be addressed and answered as a result of this Stage 1 – Project Application.

Simply, we are concerned that as a result of the sub-division and indicative staged plan of development that there will be **NO COHERENT PLANNED OUTCOME** for this site.

To re-iterate our legitimate concerns:

- Areas of critical importance to existing residents **are the suite of public benefits** promised to follow the Mills sites’ development and whether or not these **will be deliverable** or ever eventuate under the indicative Staged Plan and Indicative Subdivision Plan that the proponent, EG Funds, is proposing.
- A further concern is the longer term **compliance of those conditions of consent** set under the PAC Concept Plan approval.

THE SECOND PROPOSAL

Construct at Stage 1 on the ‘portion 1’ allotment:

- A total of 44 dwellings including 3-storey townhouse type dwellings fronting Edward Street on the site, a 6-storey apartment building and a 4-storey apartment building
- a one-storey retail building (near the corner of Smith and Edward Sts)
- a two-storey retail building (near the proposed light rail station)
- an ‘accessway’ from the new proposed internal street to the future light rail station
- construct and dedicate to Council internal streets to Council
- construct and dedicate to Council a 3m-wide pedestrian path within the ‘accessway’ from the proposed internal street to the future light rail station comprising a plain concrete path
- One basement car park with 53 car spaces

Compliance is generally consistent with Concept Plan approval for the residential complex at Smith and Edward Streets and for car parking, although there were no controls set in the Concept Plan approval pertaining to the standard of architecture for the Mills site.

However, we are concerned that other parts of the proposal and the impact throughout the site are **problematic and need to be adequately addressed prior** to any consent being granted.

Quality of Urban Design and public ‘accessway’ to Light Rail and GreenWay corridor.

There is a proposed pedestrian access way, located within the ‘portion’ 2 allotment from Smith Street to the Rail Corp land and the Light Rail station.

This is a **MAJOR PUBLIC BENEFIT** feature of the Concept Plan approval as it will also provide a link to the GreenWay corridor and also a link to Hudson Street in Lewisham.

The applicant’s drawings (DA 1002) show the access way as being 8 metres wide as do its landscape and site plan drawings – but the subdivision plan **shows a dedication to** Council of only 3-metres in width. A condition must be placed in our opinion on any Project Plan approval to confirm this requirement of 8 metres in width.

The detailed design of the access way is also of vital concern to the residents along with the new pedestrian bridge proposed within RailCorp land and the future GreenWay corridor.

A condition should be placed on Project Application approval requiring that the design of the pedestrian bridge for the part within the “portion 2’ allotment be finalised after consultation with Ashfield Council and TfNSW.

Other potential conflicts are of concern particularly the applicant’s intended use of RailCorp land to construct a large detention basin to control stormwater run-off to their site. Given the disruption that the detention basin could cause for the GreenWay proposal it is reasonable that the Stage 1 site owner be responsible for contributing to the cost of designing and constructing the GreenWay corridor path between Longport Street and Old Canterbury Road.

Open Space and landscaping.

In order to provide certainty to the Concept Plan approval, conditions 23, 24, 25, & 26 which require publicly accessible **open space** (and a public access way to the light rail station) should be placed on any Project Application approval along with the relevant ‘restriction as to user’ being placed on all the relevant land titles.

A deep soil setback of 1.8 metres along Edward Street is proposed that complies with the Concept Plan approval, whereas Ashfield Council maintains that a 5m setback is necessary.

We support Ashfield Council’s compromise proposal for a 3.5 metre wide footpath in this location (Edward Street) in order to be able to have large continuous street tree planting and to avoid any in-ground services and note their concerns regarding the quantum of open space and of whether sufficient has been allowed in private communal open space for turf as stated in the site area occupied by the residential complex (about 3, 285sqm). We support a condition being attached to address this issue.

CONCLUSION

The Summer Hill Action Group (SHAG) does not support the DOPI determining whether to approve this Stage 1 Project application for the problematic reasons (and potential conflicts) outlined already in the executive summary.

We express our concerns again that while there is general compliance with the Concept Plan approval in the Stage 1 development of the residential complex part of the proposal - the proposed sub-division plans in particular submitted with the above proposal raise many conflicting areas of complexity that may result in the suite of public benefits to follow the Mills site development never eventuating.

Further, the potential exists right now with the sub-division of the whole site into 6 'portions' or allotments to ensure that the communities of Summer Hill and Lewisham are left with no coherent planned outcome and no discernible community benefit from the Mills site development.

There are significant 'whole of site' planning and civil engineering issues that need to be resolved up front, including urban design issues and the public use of open space, and regional site linkages. There must be DOPI acknowledgement that what is approved in the Stage 1 part of the works has very significant consequences and burdens for Ashfield Council as well as for the existing residents and ratepayers of this Council.

In particular, for existing community residents - either side of the Light Rail Extension -there are already many significant and negative impacts associated with the PAC approved Concept Plan – including but not limited to:

- No genuine traffic solution is possible according to the DOPI's independent Traffic Consultant, Halcrow, whose report was submitted by the DOPI under the Part 3A Lewisham Estate proposal prior to its PAC assessment and consent but was used for both proposals – the Lewisham and Mills sites.
- Worse still, the Mills proponent's unconscionable solution to install traffic lights and road-widening at the intersection of Edward Street and Old Canterbury Road will result in the loss of five (5) properties and create a traffic 'rat-run' up Marrickville Council owned Weston Street. That's not a solution – it's just irresponsible problem and cost-shifting to other State agencies and other local councils.
- Public open space is ridiculously small (4, 800sqm) and is dotted with building structures. Another (5,000 sqm) of publicly accessible open space is internal roads – the upkeep of which will revert to Council.

We are deeply concerned therefore that the **suite of public benefits will never eventuate** unless the DOPI acts immediately to ensure that what the DG's recommending report claims to be public and regional benefits associated with the originating proposal remain.

Submission to MP10_0180 – Stage 1 Project Application, Allied Mills.

After all this is one development site (not two or now 6) no matter what and how the proponent, EG Funds, elects to proceed.

The onus is now clearly on the DOPI to ensure that the public and regional benefits and the public interest are given the effective weight they deserve.

Yours sincerely

Jillian Grove

For and on behalf of the members of the Summer Hill Action Group.