



MODIFICATION REQUEST:

***Clemton Park Village, 60 Charlotte Street,
Campsie
Former Sunbeam Factory
Concept Plan MP07_0106 MOD 2***



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2012

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*NSW Government
Department of Planning & Infrastructure*

TABLE OF CONTENTS

1.	BACKGROUND	2
2.	PROPOSED MODIFICATION	3
2.1	Modification Description	3
3.	STATUTORY CONTEXT	5
3.1	Continuing Operation of Part 3A to Modify the Project Approval	5
3.2	Modification of the Minister's Approval	5
3.3	Environmental Assessment Requirements	5
3.3	Determination Under Delegation	5
4.	CONSULTATION AND SUBMISSIONS	5
4.1	Exhibition	5
5.	ASSESSMENT	6
5.1	Modifications to approved Building Footprints	6
5.2	Solar Access Requirements	7
5.3	Other	7
6.	CONCLUSION	9
7.	RECOMMENDATION	9
APPENDIX A	MODIFICATION REQUEST	10
APPENDIX B	SUBMISSIONS	11
APPENDIX C	RECOMMENDED MODIFYING INSTRUMENT	12

1. BACKGROUND

The purpose of this report is to determine a request to modify Concept Plan approval MP07_0106, for the mixed use redevelopment of the former Sunbeam Factory, Campsie for residential, commercial and retail uses, as well as a medical centre and a child care centre.

1.1 The Site

The subject site, now known as Clemtown Park Village, is located at 60 Charlotte Street Campsie. The site lies within the Canterbury Local Government Area and is approximately 1.2 kilometres south of Campsie town centre and approximately 250 metres south of Canterbury Road. The site is irregular in shape and has an area of approximately 5.5ha. The site locality is illustrated in Figure 1.



Figure 1: Site Location

1.2 Previous Approvals

On 4 February 2010, the then Minister for Planning approved Concept Plan, MP07_0106, for the redevelopment of the former Sunbeam Factory site for a mixed use development, including residential, commercial and retail uses, a medical centre and a child care centre. The Concept Plan approval included the following:

- multiple unit residential development, seniors living including independent living units (ILUs) and a residential aged care facility (RACF);
- use for commercial offices, speciality retail, convenience retail, supermarket, medical centre and a child care centre;
- publicly accessible open space for a minimum 4,850m²;
- indicative building envelopes for 6 buildings on proposed Lot 21, with a height of 3 storeys;
- indicative building envelopes for 2 buildings on proposed Lot 31, with heights of 4-6 storeys;
- building envelopes for 4 buildings on proposed Lot 41, with heights of 5-6 storeys;
- building envelopes for a podium level and 4 buildings above podium on proposed Lot 42, with total heights of 4-8 storeys;
- demolition of existing buildings/structures on site and remediation on site;
- Subdivision, road layout, services and landscaping; and
- total floor space of 78,128m².

On 4 February 2010, the then Minister for Planning also approved Project Application, MP08_0087, for Stage 1 of the redevelopment which consisted of the following:

- demolition, remediation and Torrens Title Subdivision;
- construction of associated roads, landscaping and infrastructure; and
- development of proposed Lot 11 for four (4) storey multiple-unit residential buildings with 58 units and child care centre, with a total floor area of 6,512m² (child care centre- 636 m²).

On 15 December 2011, the Concept Plan was subsequently modified to allow for a 5% variation to the approved building footprints and building heights and to include residential display suites within the approval.

On 15 December 2011, Project Application MP08_0087 was also modified as follows:

- increased approved building heights;
- amended internal layouts and number and mix of residential units from 58 to 76;
- reduced floor area of the approved child care centre from 636m² to 547m²;
- minor design modifications; and
- Strata Subdivision of the buildings.

Construction of the approved Stage 1 of the development is now underway.

Related Applications

Canterbury City Council is currently considering Development Application DA-626/2011 for the construction of Stage 2 of the development, as approved by the Concept Plan. The Development Application seeks approval for three multi-unit buildings providing a total of 78 residential units, basement car parking, landscaping, ancillary infrastructure and Strata Subdivision into 78 Lots.

2. PROPOSED MODIFICATION

2.1 Modification Description

The approved and proposed project layouts are illustrated in **Figures 2 & 3**. The proposed section 75W modifications are detailed in **Table 1**.

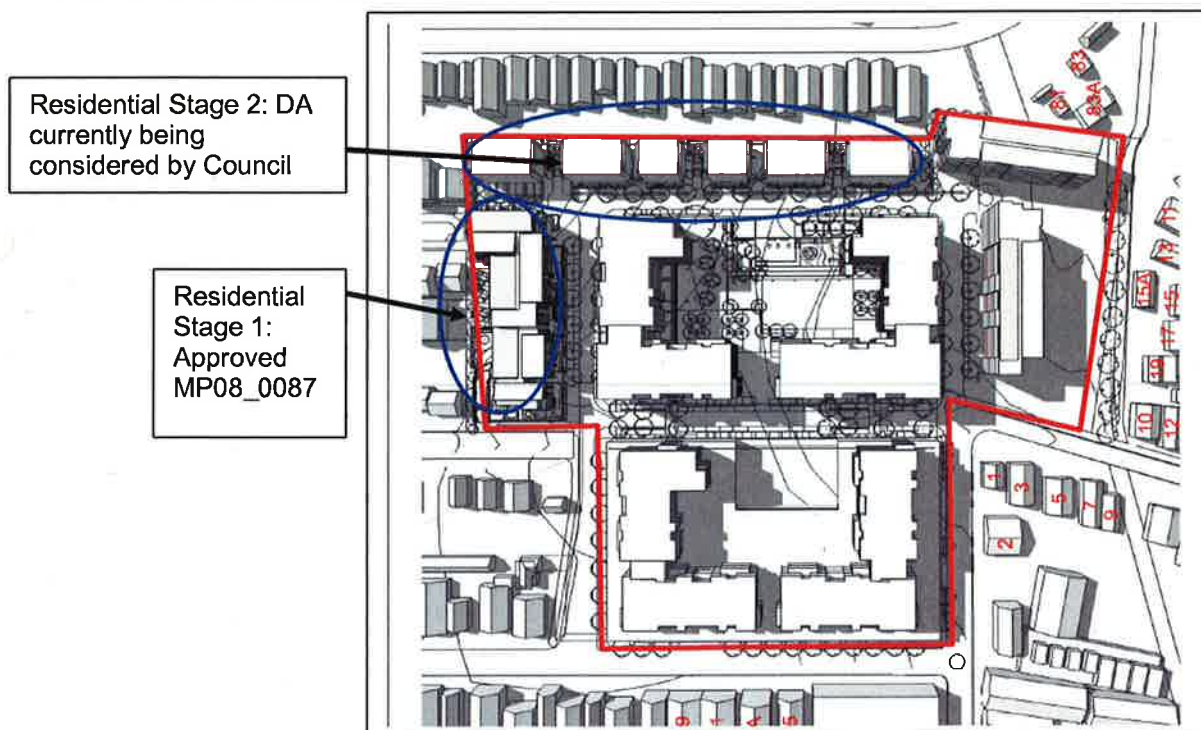


Figure 2: Approved Building Layout

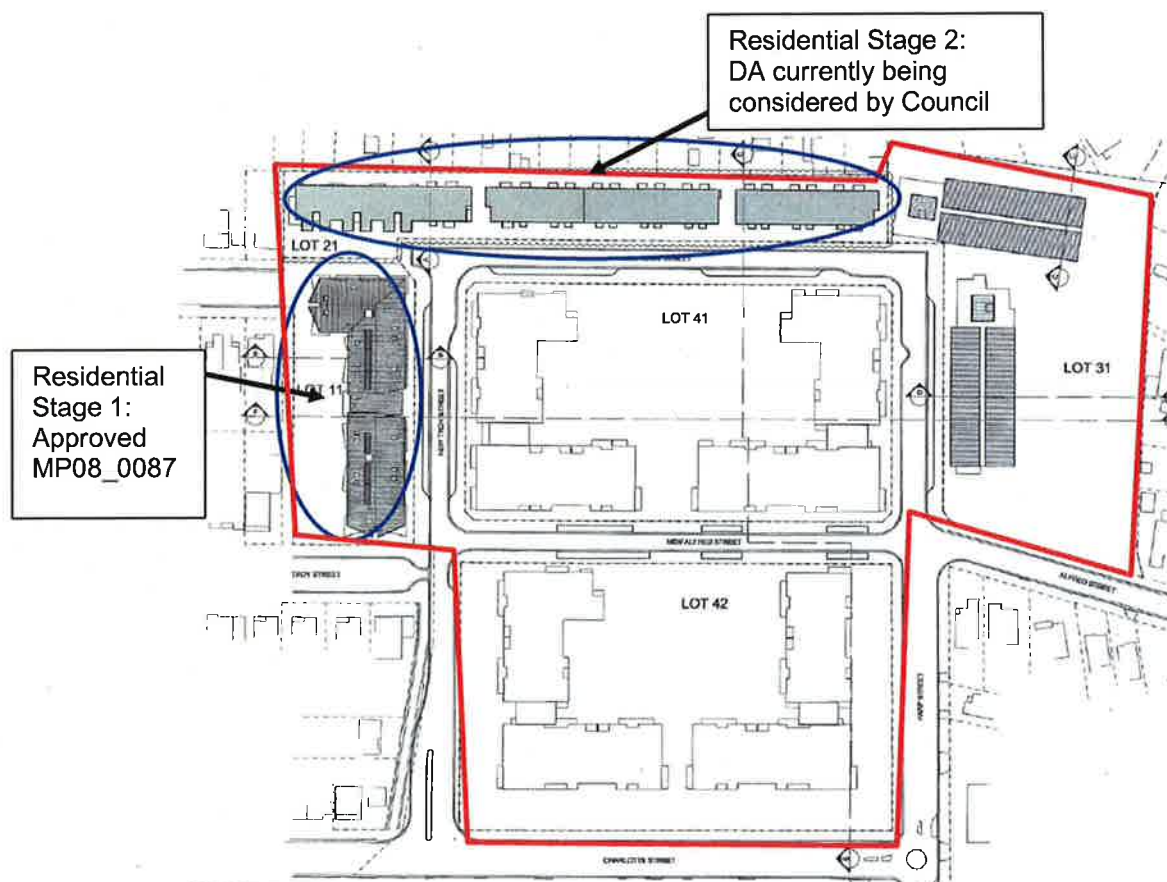


Figure 3: Proposed Building Layout

Table 1: Key Project Components

Aspect	Description
Proposed modifications	<ul style="list-style-type: none"> modified building envelopes for Stage 1 of the redevelopment (consistent with approved MP08_0087); modification to the number of buildings in Stage 2 from 6 to 3 (consistent with DA-626/2011 under consideration by Council); increase in the number of basement carparking spaces to Stage 2 from 96 to 109 spaces; modified Future Assessment Requirement 1 'Building Separation' to allow future Development Applications to vary from solar access rules of thumb contained within the Residential Flat Design Code (RFDC); modified Future Assessment Requirement 3 to replace requirement for 'seniors living' accommodation with 'housing for seniors or people with a disability' and for future development on Lot 42 to provide a minimum 10% adaptable apartments; and Amended Statement of Commitments to: <ul style="list-style-type: none"> delete reference to Voluntary Planning Agreement; to locate new bus stops along Charlotte Street; and delete requirement for site contamination plan to be prepared prior to each Stage, as site has already been remediated.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify the Project Approval

In accordance with clause 3 of Schedule 6A of the *Environmental Planning & Assessment Act 1979* (the Act), section 75W of the Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W is appropriate because the proposal is consistent original Concept Plan and Project approvals and will have limited environmental consequences.

3.3 Environmental Assessment Requirements

Section 75W(3) of the Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

3.3 Determination Under Delegation

The Minister has delegated his functions to determine section 75W modification requests to the Department where:

- the Council has not made an objection, and
- there are less than 25 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

The Department did not receive any public submissions and Council has not objected to the proposal. There has also been no political disclosure statement made for this application or for any previous related applications, and no disclosures made by any persons who have lodged an objection to this application.

Accordingly the application is able to be determined by the Deputy Director General, Development Assessment & Systems Performance, under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 75X(2)(f) of the Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to Canterbury City Council and Transport for NSW for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means.

Council and Transport for NSW raised no objections to the proposed modifications. In addition, no public submissions were received in relation to the modification request.

5. ASSESSMENT

The Department considers the key issues for the proposed modifications to be residential amenity, and public transport accessibility.

5.1 Modifications to approved Building Footprints

Building Footprints- Stage 1 (Lot 11)

The Proponent seeks to modify the Concept Plan so that the approved building envelopes are consistent with the building envelopes approved by the Project Approval for Stage 1 of the development (MP08_0087).

The difference in the building envelopes for Stage 1 in the Concept Plan and the approved Project Application resulted from design refinements as part of the modified Project Application and included, an increase in the overall building height by 0.69 metres, alterations to approved balconies, increase in height of the approved basement level and façade articulation.

The architectural plans approved by the Concept Plan were not updated at the time of modification to the Project Application. The Proponent now seeks to amend the Concept Plan to be consistent with the Project Approval for Stage 1, currently under construction.

The amendment of the Concept Plan, to reflect the approved development does not raise any issues and is recommended for approval.

Building Footprints- Stage 2 (Lot 21)

Approval is also sought to modify the approved Concept Plan building envelopes for Stage 2 of the development. The Concept Plan approved 6 separate residential building envelopes as part of Stage 2.

In accordance with the Part 3A Transitional provisions, a Development Application has been submitted to Canterbury Council for Stage 2 of the development. The Development Application seeks approval for a residential development consisting of 3 separate building envelopes.

Under section 3B of Schedule 6A of the Act, consent authorities must not grant consent under Part 4 of the Act, unless satisfied that the development is generally consistent with the terms of the approved Concept Plan. A modification is therefore required to the approved Concept Plan, to amend the approved building envelopes, prior to the determination of the Development Application with Council to ensure consistency with the Concept Plan.

The proposed modified building envelopes for Stage 2 of the development are consistent with the approved Concept plan requirements in the following manner:

- the proposed GFA (6,508.7m²) will not exceed the maximum permitted GFA (6,514m²);
- the proposed maximum building height (RL 37.950 AHD) will not exceed the maximum permitted building heights (3 storeys/ RL 36.4 AHD plus the permitted 5% variance (RL 38.22 AHD)); and
- a 5 metre setback will be provided between the building and the eastern (rear) boundary of the site.

The Proponent has submitted an Architectural Design Statement to support the proposed modifications to the approved building envelopes of Stage 2. The detailed impacts of the proposed Stage 2 development will be assessed by Council as part of the assessment of current DA-626/2011. However, the Department is satisfied that the proposed modified building envelopes for Stage 2, will not result in any detrimental impacts on the residential amenity of future residents or surrounding residences in terms of privacy or solar access. In addition, the modified design will not alter the overall nature of the approved development.

The proposed modification to the Stage 2 building envelopes is therefore recommended for approval.

5.2 Solar Access Requirements

The modification request also seeks to amend Future Assessment Requirement 1 'Building Separation'. Existing Future Assessment Requirement 1, requires future applications for residential development to demonstrate compliance with minimum building separation distances recommended by the RFDC, as at the time of lodgement.

The Proponent seeks to amend the requirement to relate to Lots 41 and 42 only, excluding Lot 11 (Stage 2) and Lot 31 (the independent living units) from the requirement. The Proponent also seeks inclusion of the following additional statement to the Future Assessment Requirement:

'Development that proposes less than the recommended building separation distances must demonstrate that daylight access, urban form and visual and acoustic privacy have been satisfactorily achieved.'

Future Assessment Requirement 1 was imposed as a response to concerns in relation to the design of Lot 41 (previously Lot 2), where building separation was only 10 metres in some instances. The RFDC recommends a minimum distance of 12 metres between habitable rooms in buildings of up to 4 storeys. The Department raised concerns regarding the resulting urban design outcome of the buildings, and impacts on visual and acoustic privacy of residents, particularly between balconies.

The minimum building separation distances within the RFDC are not strict controls and are meant to be used as a recommended benchmark, illustrating general best practice for developments. When considering a proposed development, the impacts of building separation distances on amenity levels must always be considered, regardless of the actual building separation distance achieved. The Department considers that the increased level of detail submitted with a Development Application for future stages of the development of the site, will provide adequate opportunities to determine whether a minor inconsistency with recommended building separation will have detrimental impacts on the amenity of future residents.

The Department considers that although the RFDC does not specifically refer to seniors living, it is appropriate for proposed seniors living developments to be considered in relation to design best practice for multi-unit developments.

It is therefore recommended that Future Assessment Requirement 1 be modified to allow variances to the RFDC recommended building separation distances to be considered as part of future Development Applications. It is however, considered appropriate that the Future Assessment Requirement continue to apply to all future residential development on the site, including the seniors living development on Lot 11.

5.3 Other

Seniors Living

Existing Future Assessment Requirement 3 requires future development on Lot 41 to provide a minimum of 34 residential units, designated for independent living units for seniors. The Proponent seeks to amend the requirement to refer to 'adaptable apartments', rather than 'independent living units for seniors'. The units would be capable of being occupied by both seniors and persons with a disability. In addition, 10% of the units within Lot 42 are also proposed to be 'adaptable units'.

Future Assessment Requirement 3 was imposed, at the Request of Council, to offset a reduction in the number of proposed seniors living apartments provided in Lot 31, due to the deletion of a previously proposed building due to concerns about flooding. Future Assessment Requirement 3 was duly imposed to ensure the provision of additional adaptable units on the site, to cater for seniors.

The Department considers that the proposed modification will retain the ability to provide specialised housing for seniors, while also providing flexibility to provide accommodation for those with disabilities

also. The proposed modification is therefore supported. Council has not raised any objection to the proposed modification from 'seniors housing' to 'adaptable units'.

Location of New Bus Stops

The existing Statement of Commitment commits the Proponent to providing bus stops to service the site however, a specific location is not specified. The Proponent seeks to amend the Statement of Commitments to reference Charlotte Street, as the location for the new bus stop.

Existing Future Assessment Requirement 8 'Public Transport' requires the Proponent to undertake negotiations with the STA and private bus companies with regards to bus routes and bus infrastructure, with information to be provided with Stage 2 of the development. Correspondence from Transport for NSW was submitted with the Development Application for Stage 2, currently before Council for consideration.

Transport for NSW's submission to this modification request sought amendments to the existing Statement of Commitments to require the provision of new bus stops and bus stop infrastructure along Harp Street and Charlotte Street. Transport for NSW also requested that the Proponent liaise with themselves and Canterbury Council's Local Traffic Committee, as to requirements for the number, location and timing of provision of bus stops.

It is recommended that existing Future Assessment Requirement 8 is amended to integrate the requirements of Transport for NSW as to the number, location and timing of the bus stops. It is also recommended that evidence of discussions with Transport for NSW be required to be submitted with the Development Application for each future stage of the development to ensure that the required bus infrastructure is provided in a timely manner.

Car Parking

Concept Plan Modification A5 requires that car parking provision for the development does not exceed stipulated parking rates. The on-site parking provision proposed by the Stage 2 Development Application (110 spaces, including 16 visitor spaces) is consistent with the requirement of the approved Concept Plan.

Voluntary Planning Agreement

The Proponent seeks the deletion of Statement of Commitment No. 1(m), which requires the project to be carried out in accordance with the Amended Draft Voluntary Planning Agreement (VPA) prepared by Maddocks (April 2009). The VPA prepared by Maddocks was never executed, as Council and the Department did not deem it adequate. Instead, a condition was imposed on the Project Approval for the first stage of the residential development requiring payment of s94 fees for the proposed development. Relevant s94 fees for the later stages of development will be paid as part of future development applications with Council.

The proposed deletion to the reference to the abandoned VPA, in the Proponent's Statement of Commitments is therefore acceptable.

Contamination

The Proponent also seeks to delete part of Statement of Commitment 7.1, which relates to site contamination and commits the Proponent to preparing an Evaluation and Assessment Plan for each phase of the development, prior to the commencement of construction of that phase. Prior to the lodgement of the Concept Plan, much of the site had already undergone remediation. As part of the Preferred Project Report for the approved Concept Plan and the first stage of redevelopment (MP08_0087), the Proponent commissioned a Site Audit report which confirmed that the site is suitable for the proposed development. The requirement of the Statement of Commitment has therefore been superseded and the Department recommends it is deleted.

6. CONCLUSION

The Department is satisfied that the modification request to the approved Concept Plan will ensure a satisfactory level of amenity for residents of the development and surrounding residences.

The modified proposals achieve the same objectives as the original approved Concept Approval and will not alter the overall nature, need or justification of the approved project. The modified Concept Plan will allow existing and future Development Applications, to be considered by Canterbury Council, to be determined in accordance with the approved Concept Plan.

It is therefore recommended that the modification request be approved, subject to the amended Modifications and Future Assessment Requirements.

7. RECOMMENDATION

It is **RECOMMENDED** that the Deputy Director General, Development Assessment & Systems Performance, as delegate for the Minister for Planning and Infrastructure:

- **note** the information provided in this report;
- **approve** the modification request, subject to conditions; and
- **sign** the attached modifying instrument.

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31.5.12



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1/6/12

APPENDIX A MODIFICATION REQUEST

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX B SUBMISSIONS

See the Department's website at www.majorprojects.planning.nsw.gov.au

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
