



MODIFICATION REQUEST:

***Clemton Park Village, 60 Charlotte Street,
Campsie
Former Sunbeam Factory
Concept Plan MP07_0106 MOD 3***



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

January 2013

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*NSW Government
Department of Planning & Infrastructure*

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1. BACKGROUND

1.1 The Site

The subject site, Clenton Park Village (formerly the Sunbeam Factory), is located at 60 Charlotte Street, Campsie. It is in the Canterbury Local Government Area, 1.2 kilometres south of Campsie town centre and 250 metres south of Canterbury Road. The site is irregular in shape and is 5.5ha in area. The site locality is illustrated in **Figure 1**.

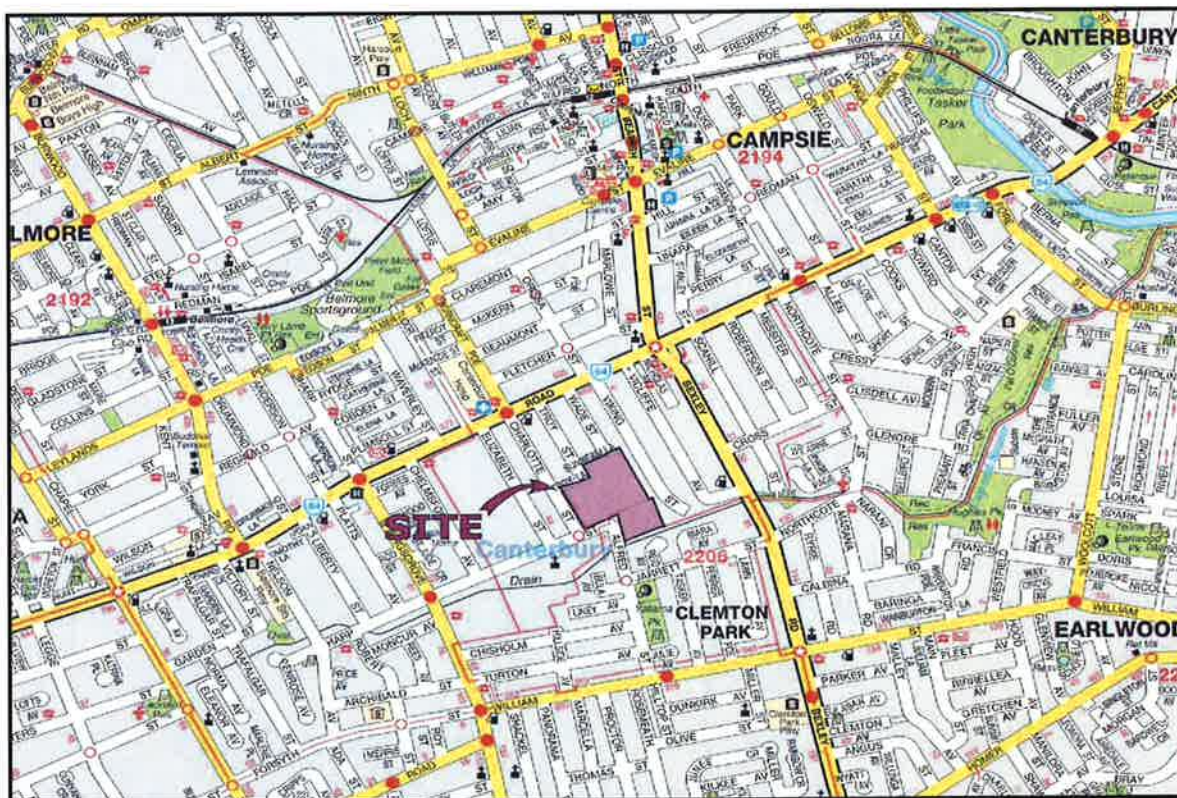


Figure 1: Site Location

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 Minister also granted project approval (MP08_0087) to Stage 1 which consisted of four 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). Construction of Stage 1 is currently underway.

On 15 December 2011, the Concept Plan was modified to allow for a 5% variation to the approved building footprints and building heights and to include residential display suites within the approval. The project approval (MP08_0087) Stage 1 was modified to increase the approved building heights and increase the number of residential units from 58 to 76.

On 1 June 2012, the Deputy Director General approved a second modification to the Concept Plan which allowed for modified building envelopes for Stage 1, modification to the number of buildings in Stage 2, and an increase in the number of basement car parking spaces to Stage 2 from 96 to 109 spaces.

Related Applications

Canterbury City Council approved Development Application DA-626/2011 on the 09/08/2012 for the construction of Stage 2 of the development, consistent with the Concept Plan. The Development Application sought 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.

Canterbury City Council is currently considering Development Application DA-348/2012 which seeks approval for the construction of Stage 4 'Parklife' of the approved Concept Plan. Stage 4 specifically relates to proposed Lot 41 within the Concept Plan approval. The DA seeks consent for basement parking for 417 cars, four residential flat buildings comprising 290 apartments and a café and construction of a new village park comprising 3,557m² deep soil area and additional 1,472m² publicly accessible landscaped area.

Council cannot determine this DA until this modification is determined, as the DA is inconsistent with the concept approval.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification application seeks to:

1. Obtain approval for building envelopes on Lot 41. The proposed envelopes consist of four residential envelopes located over an envelope for a two level basement/ground level car park. The residential envelopes are 5 – 7 storeys in height.
2. Increase the maximum height on Lot 41 from 6 to 7 storeys fronting Mackinder St and 5 to 6 storeys for the remainder of the site.
3. Amend Further Assessment Requirement No 13 regarding the open space within proposed Lots 41 & 42 to clarify that Rights of Way and Easements for public access should only be provided where relevant.
4. Amend and update the Statements of Commitments.

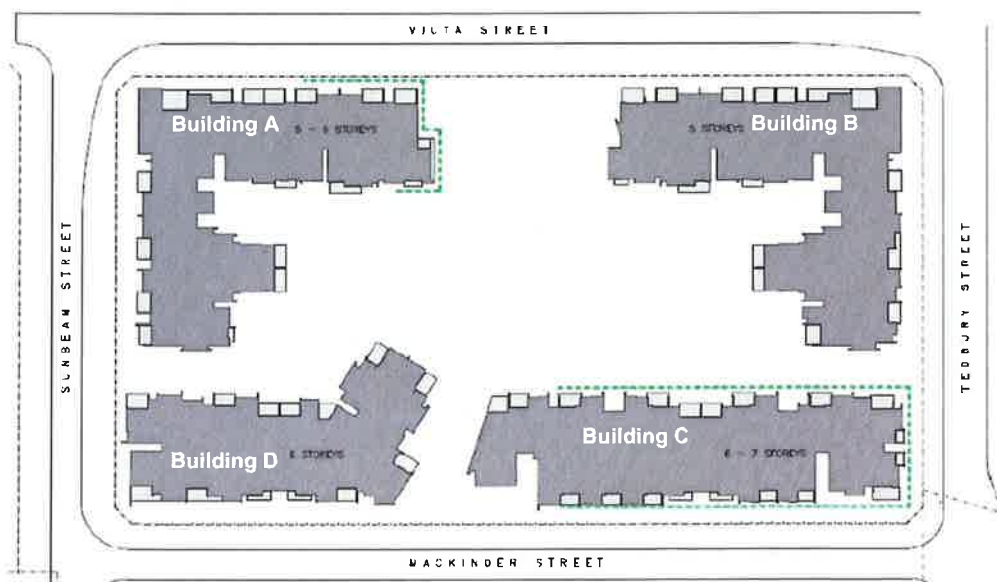


Figure 2: Proposed building footprints and location of areas of additional building height (shown with the dashed green line)

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 inconsistent with the 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.

3.4 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 been made, but only in respect of a previous related application.

The Department did not receive any public submissions and Council has not objected. A political donation statement was made with the original application, but none has been made with the subject application. Accordingly the Deputy Director General, Development Assessment & Systems Performance, may exercise his delegations and determine the application.

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 for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Council raised no objection to the proposed modifications but requested that consideration be given to parking and waste management impacts. Council's concerns are noted. Term of Approval A5 specifies the number of parking spaces to be provided and this is not proposed to be amended.

Waste management is a detailed issue that is best dealt with under development applications rather than the concept plan.

No public submissions were received.

5. ASSESSMENT

Key issues for assessment are:

- Building Height and Built form;
- Future Assessment Requirements; and
- Statement of Commitments.

5.1 Building Height and Built form

The application seeks approval for building envelopes on Lot 41 (the lot). The proposed envelopes (refer **Fig 2** above) consist of four separate residential envelopes located above a two level basement car park. The residential envelopes extend around the perimeter of the lot and are 5 – 7 storeys in height. The car park envelope extends around the perimeter of the lot in a 'U' shape. The centre of the lot is to be used for open space.

Approval was sought for building envelopes under the original Concept Plan application, but these were deleted through the Terms of Approval (A1(b)). In the absence of acceptable building envelopes, terms were included in the concept approval to define parameters within which future development on Lot 41 could occur. The parameters included maximum Gross Floor Area (A3), height (A4) and built form (A6). The envelopes for which approval is now sought do not fit within these terms and as part of this application, approval is sought to modify them. The proposed modifications to the terms of approval are described in Table 1 below.

Component	Approved Concept plan	Proposed development
Plans and documents (Term of approval A1)	<ul style="list-style-type: none">• Approval for Lot 41 limited to use, subdivision and remediation	<ul style="list-style-type: none">• Amend to obtain approval for building envelopes on Lot 41
Gross Floor Area (Term of approval A3)	<ul style="list-style-type: none">• 25, 300m² (FSR 2.1:1)• Mixed Use / Residential – Apartments / Open Space / Seniors Living	<ul style="list-style-type: none">• No change
Height and Land Use (Term of approval A4)	<ul style="list-style-type: none">• Max building height 6 storeys• Mixed Use / Open space	<ul style="list-style-type: none">• Increase max building height to 7 storeys• No change to use
Built Form Controls (Term of approval A6)	<ul style="list-style-type: none">• 4 separate building envelopes• Max building height 6 storeys fronting Mackinder Street (formally New Alfred Street)• Max building height 5 storeys for remainder of Lot 41	<ul style="list-style-type: none">• 4 separate building envelopes• Increase max building height fronting Mackinder Street (formally New Alfred Street) St to 7 storeys• Increase max building height for remainder of Lot 41 to 6 storeys

Table 1 – Proposed amendments to Terms of Approval

In addition to the Terms of Approval, the Concept Plan included a number of Further Assessment Requirements which deal with issues of building separation and building articulation. Approval is not sought to amend these further assessment requirements.

The proposed building envelopes have been assessed in the context of the overall precinct. The lot is centrally located and the approved and proposed massing strategies placed taller buildings on the subject lot and lower height buildings on the surrounding lots. That strategy is supported as it

creates a transition in height to the surrounding low density residential area and reduces amenity impacts on them. For the strategy to be effective, the height of the buildings on the edges of the precinct must appropriately transition down. This was a key consideration in the original assessment report.

The proponent has prepared detailed designs for the precinct, having regard to its constraints, including ground levels, the terms of approval (in particular the need to provide the central open space area at street level), and access and vehicular constraints. In their design, the basement protrudes above ground level below building C and sits at ground level at the south eastern corner of the building. The proponent seeks to have 6 residential levels in building C and as such the building is 7 storeys in height.

The south-eastern corner of building C is adjacent to low density residential dwellings on Alfred Street. The proposed change in height from 1 - 2 storeys to 7 storeys is abrupt and an inappropriate transition at the edge of the precinct. It is the recommendation of this report that the upper level of building C is setback a minimum of 7m on the south eastern side from the Tedbury Street property boundary to minimise its visual impact on Alfred Street. The setback will also make the height of building C more consistent with the other edge buildings in this part of the precinct which are 5 and 6 storeys and will result in the building form more closely following the fall of the land. The mid section of the building will remain 7 storeys. The mid-section is less visible from Alfred Street and sits more centrally located within the overall precinct, which will provide it with context and is supported.

Building A is located in the northern corner of the precinct. Building A extends along Victa Street, which falls in an easterly direction. The fall of the land creates a space below the ground floor level, which the proponent wishes to use for habitable purposes. The effect of this will be to increase the height of the building at its south-eastern end from 5 to 6 storeys. The change will have a minimal impact on height, with the floor only generally protruding a half level above the street.

The proposed residential envelopes do not comply with the separation requirements of the Residential Design Flat Code. Buildings A and D are separated by 8.5m, buildings D and C by 9m and buildings B and C by 8.5m. To achieve compliance with the Code all would require separation of 12m for the lower 4 storeys and 18m for the upper storeys.

The Department considered the issue of building separation in its original assessment and in Modification No. 2. Further Assessment Requirement No.1 (Building Separation) was imposed on the Concept approval requiring compliance with the building separation requirements of the RFDC. Further Assessment Requirement No. 1 was amended by Modification No. 2 to allow for a performance based assessment of building separation where compliance with the RFDC was not proposed. In general this approach is supported, however it is the case that approval is now sought for building envelopes and as such, consideration must be given as to whether the envelopes will be capable of achieving compliance.

Consideration is given to what potentially can be done to achieve a good outcome of reduced building separation through design with the use of items such as privacy louvres, screens and external walls without windows to achieve privacy. The Department is satisfied this has been achieved and can be considered in the Development Application for assessment.

The rules of thumb in the RFDC recommend that 70% of apartments in high density urban areas receive 2 hours sun light in midwinter. The proposed envelopes include a potential apartment layout under which 65% achieve 2 hours through windows and a further 5% are able to receive 2 hours sun light through roof lights. The rules of thumb further recommend that 60% of apartments should be cross ventilated. Under the potential layout 57% of apartments can be cross ventilated through windows, with an additional 3% able to be cross ventilated though a combination of windows and roof ventilators. The merits of the alternate approach to sunlight and ventilation can

be assessed in detail with future development applications. The proposed envelopes are capable of achieving compliance.

Approximately 23% of apartments are single aspect south (SE and SW) facing. The rules of thumb recommend that only 10% of apartments should be single aspect south facing. The high numbers of south facing units are a result of the buildings following the perimeter of the site. There is the potential to consolidate apartments and provide additional cores to achieve greater consistency with the rule of thumb. Detailed consideration of this issue can occur with future development applications.

The proposed envelopes provide an appropriate design response given the constraints. There are several potential amenity issues which can be assessed on their merits with future applications. The envelopes provide flexibility to address these issues.

5.2 Future Assessment Requirements

The modification to the Future Assessment Requirements addresses No.13 Open Space, to clarify current wording to include the text "where relevant" to articulate that Rights of Way will only be provided if required. It is acceptable for the Future Assessment Requirements to be modified.

5.3 Statement of Commitments

The Statement of Commitments has been modified to:

- Update references, plans, documents, and names
- Remove duplicated information that is referred to in other related documents
- Clarify information
- Remove clauses that can be addressed in the DA stages
- Update where more recent information is applicable.

It is acceptable for the Statement of Commitments to be modified.

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 proposal achieves the same objectives as the original Concept Approval and will not alter the overall nature, need or justification of the project. The modified Concept Plan will allow existing and future Development Applications 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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APPENDIX A MODIFICATION REQUEST

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

APPENDIX B ASSESSMENT OF DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

State Environmental Planning Policy No. 65 (SEPP 65 – Design Quality of Residential Flat Buildings)

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. An assessment against these principles is given in the table below.

Key Principles of SEPP 65	Department Response
Principle 1: Context	<p>Concept approval has been given for a new centre with retail and residential uses. The proposed building envelopes are compatible with the future context which will be created as the concept plan is implemented. The first stages of the Concept plan have been developed or are under construction.</p> <p>The Concept approval includes future requirements to ensure the future detailed design of buildings respond to the existing and future context of the site and surrounding area, maintaining adequate levels of amenity for existing and future adjoining developments.</p>
Principle 2: Scale	The buildings are consistent with the desired height and scale of development for the area (subject to modifications) as discussed in Section 5.2 .
Principle 3: Built Form	<p>The proposed building envelopes are arranged around the perimeter of Lot 41 with a centrally located open space area. The location of the buildings around the perimeter defines the street edge. The open space area separates the buildings providing future apartments with the opportunity to receive sunlight, ventilation, privacy and a green outlook. The open space area will be publicly accessible and is accessible from each of the surrounding streets. The levels of the park generally correspond with the surrounding streets making it visually and physically accessible.</p> <p>Future assessment requirements were imposed on the Concept approval to ensure the future detailed design of buildings respond to the existing and future context of the site and surrounding area.</p>
Principle 4: Density	Concept approval was given for 25,300m ² of GFA (FSR 2.1:1). Approval is not sought to modify the approved GFA.
Principle 5: Resource, Energy and Water Efficiency	<p>The proponent has committed (in their amended Statement of Commitments) to complying with BASIX and the requirements of the BCA.</p> <p>Future Assessment requirement No.11 (Water Sensitive Urban Design) requires futures applications to achieve compliance with water quality standards and to prepare a water management plan for the site.</p>
Principle 6: Landscape	The Concept approval requires the proponent to provide a 3500m ² publicly accessible park. The park must be entirely deep soil area. The proposed building arrangement provides for this open space area. The detailed design of the park will be assessed under future development applications.
Principle 7: Amenity	The proposal generally complies with the requirements of SEPP 65 and the recommended standards of the RDFC in terms of achieving satisfactory residential amenity. Non-compliances are discussed in Section 5.2 .
Principle 8: Safety and Security	The proposed building envelopes will allow for surveillance of the surrounding streets and open space area.
Principle 9: Social Dimensions	The development has the ability to provide a mix of apartment types.

and Housing Affordability	
Principle 10: Aesthetics	The future detailed design of the buildings will allow for appropriate articulation of facades through a use of appropriate materials and finishes to complement the existing and desired character for the site and surrounding area. Future assessment requirements have been recommended to facilitate this.

Residential Flat Design Code

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code.

	RFDC requirement	Proposed	Complies?
Part 1 Local Context			
Building Separation (habitable rooms & balconies)	Up to 4 storeys: 12 metres between habitable rooms/balconies	A – D : 8.5m	No
		A – B: 32.7m	Yes
	Above 5 storeys: 18 metres between habitable rooms/balconies;	D – C: 9m	No
		B – C: 8.5m	No
Street Setbacks	Compatible with desired streetscape character	Setbacks (nil – 3m) generally compatible with character of area, with street edge buildings.	Yes
Part 2 Site Design			
Deep Soil Landscaping	Min 25% of open space	Greater than 25%	Yes
Fences	Provide privacy and security Contribute to public domain	Subject to future detailed design	Can comply
Communal Open Space	Larger and brownfield sites potential for >30%	Centrally located public open space will serve as communal open space	Yes
Private Open Space (ground floor)	25m ² with minimum width of 4m	Subject to future detailed design	Can comply
Part 3 Building Design			
Building Depth	Max 18m	Depth ranges up to 25 m.	No Generally complies. Impact on amenity subject to detailed assessment with DA.
Acoustic Privacy	Separate noisier spaces from quieter spaces	Subject to future detailed design	Can comply
Solar Access	70% of living rooms & private open space to achieve 2hrs (for dense urban areas) sunlight between 9am-3pm on 21 June (Winter solstice)	187 Apts (65%) achieve 2 hrs of sunlight on 21 June 15 Apts (5%) achieve 2 hours of sunlight on 21 June through roof lights	Detailed assessment required of performance based approach under future applications

Single aspect units	Limit those with southerly aspect to no more than 10%	23% of apartments have SW & SE aspect	No
Naturally cross ventilated	Min 60% of apartments cross ventilated	166 Apts (57%) are cross ventilated. 8 Apts (3%) are cross ventilated through roof	Detailed assessment required of performance based approach under future applications
Kitchens with natural ventilation	Min 25%	Subject to future detailed design	Can comply
Max No. of apartments off a circulation core	Max 8 apartments per lift core	Maximum of 8 apartments per lift core	Can comply
Apartment Size (min)	1 bed cross through= 50m ² 2 bed= 89m ² 1 bed single aspect= 63 ² 2 bed corner= 80m ² 2 bed cross over= 90m ²	Subject to future detailed design	Can comply
Balcony Depth	Min 2m	Min widths provided	Can comply
Floor to ceiling heights	≥2.7m	Subject to future detailed design	Can comply

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
