

12338
29 April 2013

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Nicola Chisholm

Dear Mr Haddad

RESPONSE TO SUBMISSIONS CLEMTON PARK VILLAGE CONCEPT PLAN (MOD 4)

1.0 INTRODUCTION

A Modification to the Clemton Park Village Concept Plan (MP 07_0106) (Concept Plan (Mod 4)) was submitted to the Minister for Planning and Infrastructure by Australand in late November 2012.

The Section 75W Report for Concept Plan (Mod 4) was publicly exhibited between 16 January 2012 and 28 February 2012. In response to the public exhibition, it is understood that the Department of Planning and Infrastructure has received a total of 39 submissions from the public, of which 19 were a form letter. Submissions were also made by Canterbury City Council (16 April 2013), NSW Health (17 April 2013) on behalf of Canterbury Hospital and Roads and Maritime Services (11 March 2013).

Australand and its specialist consultant team have reviewed and considered the submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979*, this letter sets out Australand's response to the issues raised. This letter should be read in conjunction with the Section 75W Report dated November 2012 prepared by JBA that was submitted the Modification, when initially submitted.

2.0 PROPONENT'S RESPONSE TO ISSUES RAISED IN SUBMISSIONS

Response to the specific issues raised by the Department of Planning and Infrastructure, Canterbury City Council, NSW Health and the public are provided in the corresponding sections below.

2.1 Department of Planning and Infrastructure Submission

The Department of Planning and Infrastructure's submission raised the following key issues, each of which is addressed below:

- traffic and access
- loading dock arrangements
- building height
- residential amenity

- conditions of approval

Traffic and Access

The proposed number of car parking spaces exceed the minimum number of car parking spaces required to be provided under the approved Concept Plan's car parking requirements. Under Condition A5 of the Concept Plan approval, car parking is required to be provided as follows:

- one space 34m² for retail uses;
- one space per 28m² for supermarket uses;
- in relation to residential uses:
 - 1 space for 1 bedroom units;
 - 1.2 spaces for 2 bedroom units;
 - 2 space for 3 bedroom units; and
 - 1 space per 5 units for visitors.

When the approved car parking rates are applied to the proposed mix and development assumptions for Lot 42, the demand for car parking is 503 spaces comprising:

- 259 residential spaces; and
- 244 retail spaces.

Whilst the detailed design of the car parking layout has not been finalised at this stage given the conceptual nature of the Modification, Australand can confirm that the preliminary designs exceed the car parking rates established under the Concept Plan approval. In particular, the plans submitted with the Section 75W Modification currently yield 622 spaces (371 residential spaces, 244 retail spaces) within two levels of basement parking.

In response to the Department's comments regarding space allocation, the Indicative Design Scheme plans submitted with the Section 75W Modification (Appendix B) indicate Australand's proposed layout and allocation of spaces in broad terms. It is considered premature at this stage to allocate the exact location of stacked parking, however Australand can confirm that stacked parking would only be provided for retail staff parking (which could potentially be cordoned off and controlled by boom gate and guard rails, if necessary) and 2⁺ bedroom residential dwellings. The location and management of any stacked parking arrangements is a Development Application (DA) matter and should be addressed as part of the future DA to Canterbury City Council.

Australand's traffic consultant Traffix, has confirmed that the proposed residential driveway is located within an acceptable location, and complies with the requirements of AS2890.1. Subject to sufficient visual splays being incorporated into the design at DA stage, Traffix has advised that there are no access issues anticipated with the proposal.

During and since the Clemton Park Village Concept Plan was approved, the entire site has been subject to comprehensive traffic modelling. In addition, a number of CPV-wide traffic related matters have also been considered and approved by Council's Traffic Committee. The traffic arrangements proposed by Australand in its current Section 75W Modification, including the proposed left in/left out arrangements are entirely consistent with the suite of traffic parameters already approved for the Clemton Park Village site.

The swept paths of trucks into and out of loading docks have already been modelled by Traffix to inform the design process and are attached for your review and consideration. The Department should note however that this Modification relates to conceptual parking and access locations, not detailed design truck movements. Notwithstanding this, such movements to, from and around the

site were modelled during the assessment of the Concept Plan and have been approved in principle by the Department already.

Finally, Australand's traffic consultant has engaged with local bus operators and continues to hold frequent discussions to understand the implications (if any) of the Clemton Park Village development on bus routes. Again, bus routes were assessed as part of the Concept Plan and continue to inform the detailed traffic assessments and arrangements being undertaken by Australand and its consultant team as DAs for each stage.

Loading Dock Arrangements

Australand understands the Department's concerns regarding the potential amenity impacts of the loading docks on nearby residential properties. The various options explored by Australand's design team have previously been presented to the Department during several pre-lodgement meetings (refer to CPV Concept Presentation prepared by Group GSA enclosed at **Attachment A**). As demonstrated through Group GSA's comprehensive analysis of the site, the loading dock locations are limited by the surrounding site levels, road network's capacity, the traffic modelling assessed during and after the Concept Plan (as discussed above), and the retail tenants' loading requirements and specifications.

Consolidating loading docks is not feasible from either the tenants' operational requirements or the ability to deliver the other built form outcomes required by the Concept Plan, including the existing and proposed mix of uses, layout of retail uses, and delivery of the public square.

We can confirm that the loading docks are enclosed as evidenced by the perspectives submitted with the Indicative Design Scheme (Appendix B); there is no intention to design or construct wide and gaping loading docks fronting Harp Street. Furthermore, the amenity concerns identified in the Department's letter are typically operational matters addressed through Loading Dock Plan(s) of Management which need to be prepared and approved as part of the DA process.

We can confirm that the turntable proposed within the loading dock has been designed based on the manufacturer's specifications and with adequate clearance. Again, these detailed design matters can and will be verified during the DA and CC process.

Building Height

As outlined in the Section 75W Report, the proposed increase in height is directly in response to the site's topography and the need to activate the podium. The corner of Harp Street and Charlotte Street is characterised by industrial development - see **Attachment B** - and as such the five storey building height has been proposed in this location, recognising that the likely impacts of taller built form in this location will have minimal impact.

The Section 75W Modification Report demonstrated that Building 4 on the corner of Charlotte Street and Harp Street:

- does not result in any new additional shadows to residential properties - Building 4 shadows the adjoining industrial land rather than the detached dwellings on Charlotte, Alfred and Harp Streets;
- will reduce the extent and length of shadows on Charlotte Street and Harp Street properties, than currently permitted under the terms of the Concept Plan approval; and
- expected shadows only occur during the early morning and late afternoon periods on the shortest day of the year, representing less than 1% of the year, and are confined to front yards rather than private open space areas.

Reducing the height of Building 4 to comply with the approved Concept Plan (4 storeys above podium) does not in itself directly deliver any improved amenity to the Charlotte Street/Harp Street intersection. The removal of a storey at the upper level does not contribute or improve the

streetscape, amenity, or the visual appearance of the Building 4. Furthermore, the width of both Charlotte Street and Harp Street, combined with the location of properties fronting these streets limits the angle of view available to the top of Building 4. Accordingly, reducing the building height to numerically comply with the approved Concept Plan would not result in a discernible and/or improved perception of building height from street level.

Residential Amenity

The Section 75W Modification presents the best scheme as:

- it provides the opportunity to deliver dwellings that address, activate and generate passive surveillance over Sunbeam Street;
- it ensures apartments fronting Sunbeam Street enjoy a northerly aspect, thereby achieving good solar access; and
- noise and fire isolation can be incorporated into the construction methodologies associated with the ramp behind these properties.

Australand has interpreted the Department's concern to largely be related to the potential acoustic impacts on residential properties from the adjoining retail and servicing uses. As outlined above and in Group GSA's CPV Concept Presentation, the proposed retail and access arrangements are a direct response to the internal and external site constraints. Australand and its consultant team has also explored various layouts and design alternatives to strike the right balance between siting the range of proposed uses and ensuring the terms of the approved Concept Plan, such as providing street activation where possible, are achieved. To ensure the potential acoustic impacts are managed, Australand has provided an additional statement of commitment requiring acoustic isolation to be demonstrated at DA/CC stage to address the issue.

Conditions of Approval

Section 2.2 of the Section 75W Modification Report clearly outlines the proposed amendments to the maximum GFA for each proposed land use and for Lot 42 as a whole. Australand is committed to constructing the mix of land uses at the quantum of GFAs identified in the revised table set out in the Section 75W Modification Report.

However, the retail and community uses are ultimately subject to commercial arrangements with third parties, which have not been finalised at this stage. In addition, the community uses are subject to a VPA negotiation process between Australand and Council. This means that ultimately less retail and/or community uses may be commercially negotiated, resulting in the maximum GFA's identified in Condition A3 not being fully taken up. Australand wishes to retain the flexibility to incorporate any non-residential GFA that is not allocated to a retail tenant or used for community uses into the residential flat buildings. The new wording requested to be added to Condition A3 under the GFA table simply seeks to provide the mechanism to adjust floor space within Lot 42 during the preparation of the DA, without needing to potentially seek another Section 75W Modification. Residential use has been nominated as the preferred alternative land use as the potential impacts are considered the least likely and most manageable. Transferring any non-residential GFA to the residential buildings will only be undertaken where:

- the overall Lot 42 GFA of 76,128m² is not exceeded;
- the building envelopes are not increased;
- the future Lot 42 DA can clearly demonstrate where and how the GFA has been redistributed (consistent with the requirements of Future Environmental Assessment Requirement No. 16); and
- all relevant terms of the Concept Plan approval, Future Environmental Assessment Requirements and Statements of Commitment can be satisfied, including car parking.

2.2 Canterbury City Council Submission

Australand welcomes Council's support of the proposed Modification in relation to the revising building footprints and height, building configuration and proposed location of the central plaza.

The site's B1 Neighbourhood Centre zone and recent gazettal of Canterbury LEP 2012 is noted. However, Council should be reminded the Concept Plan was approved in 2010, well before Canterbury LEP 2012 came into force and benefits from now being a "Transitional Part 3A Project". Australand made a number of submissions in relation to the draft LEP during the consultation process, requesting the new land use framework reflect the approved Concept Plan. Australand also discussed the zoning and development controls with Council officers numerous times and requested that any controls proposed to apply to the site should be done so in the context of the approved Concept Plan.

Notwithstanding the above, the Section 75W Modification as now proposed is considered to satisfy the zone objectives of the B1 Neighbourhood Centre zone. The proposed retail and community uses will serve the needs of surrounding community, not just Clemton Park Village residents as supported by NSW Health. The rationale and justification for seeking additional retail uses is clearly documented at Section 3.2 and Appendix E of the Section 75W Modification Report submitted to the Department, and is based on:

- there is a historic and consistent undersupply of supermarket floor space provided throughout the main trade surrounding the Clemton Park Village site;
- the provision of supermarket floor space is considerably lower than the Sydney and Australian averages;
- full line supermarkets at both Clemton Park Village and Campsie Civic Centre will not saturate the retail market; the provision of supermarket floor space within the region will still be much less than the Sydney and Australian benchmarks; and
- impacts to existing centres within the Canterbury LGA will be negligible - 2.3% at most (Campsie), but predominantly equating to less than 2% on other centres which is well within normal competitive bounds.

On the basis of the above, we see no reason why the perceived economic impacts of the Modification should be rejected.

2.3 NSW Health Submission

Australand welcomes NSW Health's support of the proposed Modification. Australand has approached NSW Health to provide a project briefing to the Hospital, and is committed to engaging with the Hospital as future DAs are developed, where relevant.

2.4 Public Submissions

The submissions made in response to the public exhibition of Concept Plan (Mod 4) can be summarised into the following key issues:

- Excessive density
- Excessive building height
- Out of character with the area
- Traffic and parking impacts
- Construction impacts
- Overshadowing on residential properties
- Loss of Privacy
- Increase in crime

- Inadequate infrastructure, including public open space
- Relocation of the loading dock and activation of Harp Street
- Noise impacts created by future population

A detailed response by Australand to each of these issues is provided below.

Excessive density

The proposed modification relates to a redistribution of massing and does not result in any increase to the approved gross floor area. As a result, the proposal does not increase the approved density under the Concept Plan.

Excessive building height

Sections 3.1.1 of the Section 75W Report considers the impacts of the proposed building heights. As noted in the Report, as part of the process of developing the building envelopes for Proposed Lot 42, the design team reviewed the potential building envelopes created by Condition A6(1) in the context of the adjoining land uses. As part of that exercise it became apparent that the envelopes could be redistributed to minimise the impact on the adjoining residential uses. Accordingly the tallest parts of the development have been relocated near the industrial uses and the envelope has been lowered near the residential uses.

Whilst Condition A4 is proposed to be amended to permit two additional storeys on Proposed Lot 42, this is a result of providing a building that responds to the topography and activates the podium. It does not equate to an increase in the effective height in the residential buildings, which continue to have a maximum height of five storeys above the podium. Furthermore, where the number storeys has been increased to eight storeys (on Mackinder Street) the building has been setback 4m above the podium to mitigate any adverse built form impacts.

Traffic Impacts

As detailed at Section 3.3.1 of the Section 75W Report and in the Traffic Management and Accessibility Plan included at Appendix D of that report, Traffix predicts the proposed modification will generate 397 veh/hr during the AM peak period, representing a 40% reduction in trips when compared to the 666 veh/hr predicted under the approved Concept Plan. The PM peak period is expected to also be significantly reduced with 734 veh/hr predicted under the proposed modification, some 34% less than the 1,106 veh/hr predicted under the currently approved Concept Plan. Accordingly Concept Plan (Mod 4) will improve the performance of the surrounding road network, beyond that already deemed acceptable under the Concept Plan approval.

Inadequate Parking

The Concept Plan has maximum car parking rates. As detailed in Section 3.3.2 of the Section 75W Report and in the Traffic Management and Accessibility Plan included at Appendix D of that report, Concept Plan (Mod 4) seeks to increase the approved car parking rate for retail uses in order to accommodate the anticipated parking demand generated by the development. The Traffic Report concludes that not only is the proposed modification to the car parking rates supportable but also desirable on traffic planning grounds.

Construction impacts

The proposed modification relates to the Concept Plan only. All future impacts associated with the construction of the building will be assessed as part of the future development application for the site.

Overshadowing on residential properties

As shown on the shadow diagrams at Appendix B of the Section 75W Report, the redistribution of building envelopes will result in the majority of shadows cast by the building being cast over the adjoining industrial land rather than the detached dwellings on Charlotte and Harp Streets. When compared to the envelope created by Condition A6, the proposed envelopes will result in less overshadowing of the dwellings on Charlotte Street during the morning period, noting that at 9am

the Condition A6 envelope shadowed the rear of some of Charlotte Street dwellings, which no longer occurs. As with the Charlotte Street dwellings, when the shadow impacts of the Condition A6 envelope are compared with the proposed envelopes, the shadow impacts on these properties is reduced throughout the afternoon period.

Loss of privacy

When compared to the envelope created by Condition A6, the proposed redistribution of the building envelopes to move building mass away from the adjoining residential uses and towards the adjoining light industrial uses will reduce the potential loss of privacy on the adjoining residential areas.

Increase in crime

The proposed modification will not increase the density on the site. By creating a vibrant and active new mixed use residential / retail precinct the modified development will discourage crime from occurring in the local area. Further, the principles of CPTED will be considered as part of the future design of the Stage 3 development.

Inadequate infrastructure, including public open space

The provision of social infrastructure was considered as part of the original Concept Plan assessment. The proposed modification will not increase the density on the site and will therefore not result in any additional impact on social infrastructure beyond those approved. It is noted that a DA has been approved for a new 5,000m² village park within Stage 4 of the Concept Plan site, as well as the public plaza within Stage 3. Further it is noted that the previous use provided no open space on the site.

Relocation of the loading dock and activation of Harp Street

The submission made in relation to the relocation of the loading dock and activation of Harp Street was made by one of the landowners of an industrial property on Harp Street with the view that it may one day be rezoned for residential uses. Whilst it is understood that the landowner is interested in ensuring that the future development on the Clemton Park Village site minimises potential impacts on their site, the future use of that land for residential purposes has not been determined and the Concept Plan design has to be based on minimising the impacts on the existing surrounding residential uses. Accordingly, the Harp Street frontage near the existing industrial uses was selected as the optimum location for the future supermarket loading dock, instead of the adjoining residential dwellings.

Out of character with the area

The proposed modification will not increase the density on the site, or the intent for Stage 3, which was to create a mixed use residential / retail precinct. Accordingly the proposed modification will not have any impact on the 'character' of the area as approved under the Concept Plan.

Noise impacts created by future population

The proposed modification relates to the Concept Plan only. All future noise impacts associated with the use of the development will be assessed as part of the future development application for the site. It is noted that the future development under Concept Plan (Mod 4) is not likely to result in any additional adverse noise impacts on the surrounding development beyond the development considered as part of the approved Concept Plan.

3.0 CONCLUSION

Australand's response to submissions made during the public exhibition of Concept Plan (Mod 4) addresses the concerns raised during public exhibition and demonstrates that the proposed modification will deliver an enhanced design outcome, minimise environmental impacts on the adjoining properties and deliver a high level of residential amenity.

We trust the above information is sufficient to allow a prompt assessment of the modification. Should you have any queries about this matter, please do not hesitate to contact me on

9956 6962 or sballango@jbaplanning.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ballango', with a stylized flourish at the end.

Stephanie Ballango
Associate