



MODIFICATION REQUEST:

***Clemton Park Village, 60 Charlotte Street,
Campsie
Former Sunbeam Factory
Concept Plan MP07_0106 MOD 4***



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

November 2013

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*NSW Government
Department of Planning & Infrastructure*

EXECUTIVE SUMMARY

This report is an assessment of a modification application lodged under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act), by JBA Urban Planning Consultants on behalf of Australand Holdings Pty Ltd (the proponent) which seeks to modify the Concept Plan Approval for the Clemton Park Village project, formerly known as the Sunbeam Factory site.

On the 4 February 2010, the then Minister for Planning granted Concept Plan Approval for the redevelopment of the Sunbeam Factory site into five blocks for mixed-use purposes, which is now known as the Clemton Park Village. The Concept Plan Approval has been amended on three prior occasions.

This modification application (MP07_0106 Mod 4) seeks approval for specific building envelopes on Lot 42 and to update and reconcile the Terms of Approval and Future Assessment Requirements relating to development on the lot. The application proposes to increase the number of buildings on the lot from 4 to 5, to relocate the public plaza to the Mackinder Street frontage, to amend the height of the buildings above the podium from 4-6 storeys to 5-8 storeys, to amend the distribution of GFA between different land uses and to nominate a standard maximum retail parking rate.

The application was publicly exhibited from 16 January 2013 to 28 February 2013 (44 days). The department received three (3) submissions from public authorities and 38 submissions (including 1 petition with 30 signatories) from the general public. All public submission objected to the proposal.

The key issues raised in the public submissions relate to traffic and parking, increase in density, over shadowing and the built form being out of character with the prevailing local area. Canterbury City Council raised no objection to the proposed building envelopes but reiterated concerns that it had raised in consideration of the original Concept Plan, in relation to impact of the proposed retail facilities (including the supermarket) on the viability of supermarkets in neighbouring town centres.

On 3 October 2013, the proponent submitted amended plans refining the design of the building envelopes. The amended plans were notified to Council and made available on the department's website. A submission was received from Canterbury City Council advising that it raised no objection to the proposed modifications to the building envelopes. However, Council again reiterated its concerns about impacts on the viability of supermarkets in the neighbouring town centres.

The department has assessed the merits of the proposal and considers the key issues to be building height and built form, residential amenity, traffic impacts and retail impacts. Consideration of these key issues is provided in this report.

The department has considered the modification application in detail having specific regard to the overall precinct and its context. Having regard to the modified building envelopes, the department is satisfied that the proposed GFA distribution, heights and the built form are generally consistent with the underlying intent of the approved Concept Plan built form controls and will deliver an acceptable urban design outcome. The department is satisfied that the modified proposal will provide a satisfactory level of amenity for future residents within the development and existing surrounding residences. A number of new Future Assessment Requirements are recommended to ensure that various design issues are resolved at the future development application stage including acoustic attenuation measures, unit amenity, and the design of the loading docks and car parking.

The site is suitable to accommodate the modified development and the department considers the modification request to be in the public interest. Accordingly, it is recommended that the application be approved, subject to the terms outlined in the modified Instrument of Approval.

In accordance with the Minister's delegation dated 14 September 2011, the Planning Assessment Commission may determine the application as the department received more than 25 submissions in the nature of objections.

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1. BACKGROUND

1.1 The Site

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

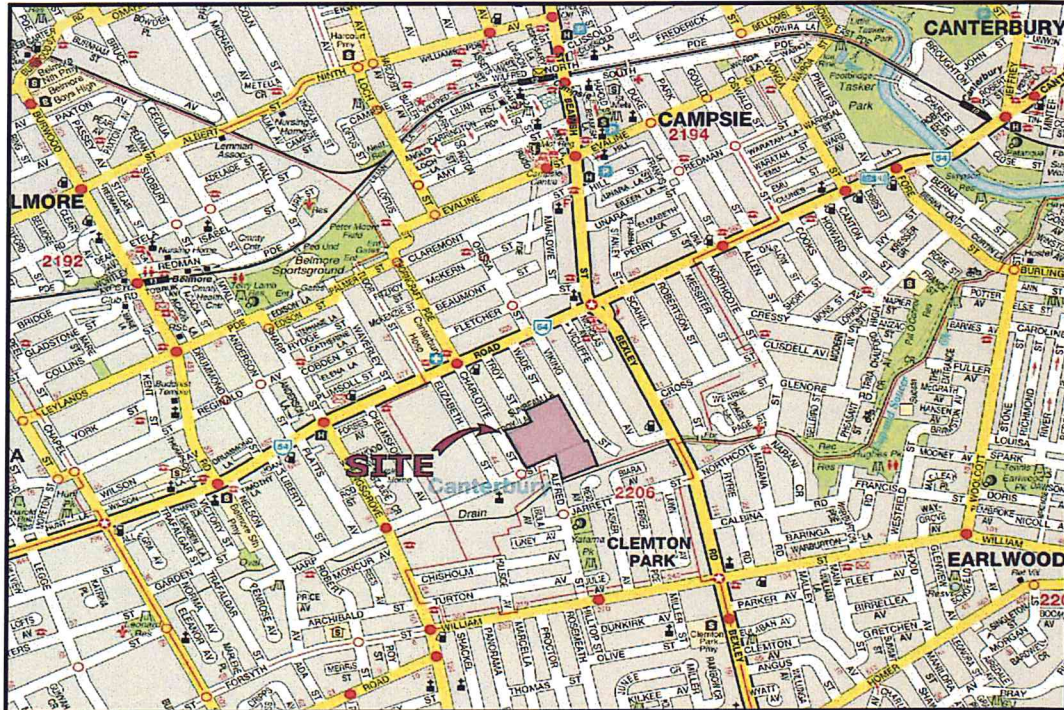


Figure 1: Site Location

1.2 Project History

On 4 February 2010, the then Minister for Planning approved Concept Plan, MP07_0106, for the redevelopment of the former Sunbeam Factory site. The Concept Plan includes the redevelopment of the site in five stages including residential, commercial and retail uses, a medical centre and a child care centre. The Minister also granted concurrent project approval (MP08_0087) for Stage 1 which consisted of a four storey residential flat building and child care centre. Construction of Stage 1 is now complete and the development is occupied (refer to **Figure 2** below).

On 15 December 2011, the then Deputy-Director General approved the first modification to the Concept Plan which allowed for a 5% variation to the approved building footprints and building heights and the inclusion of residential display suites. The Project Approval (MP08_0087) for 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 then Deputy Director-General approved a second modification to the Concept Plan which modified the building envelopes for Stage 1, modified the number of buildings in Stage 2, and increased the number of basement car parking spaces in Stage 2 from 96 to 109 spaces.

On the 29 January 2013, the then Deputy-Director General approved a third modification to the Concept Plan which permitted four residential building envelopes (6 – 7 storeys) on Lot 41 (refer to Stage 4 in **Figure 2** below).

The status of the five (5) stages in the redevelopment of the site is illustrated in **Figure 2** below. Lot 42, which is the subject of this current modification application, is identified as Stage 3 and comprises the southern block surrounded by Harp Street, Charlotte Street, Mackinder Street and Sunbeam Street.

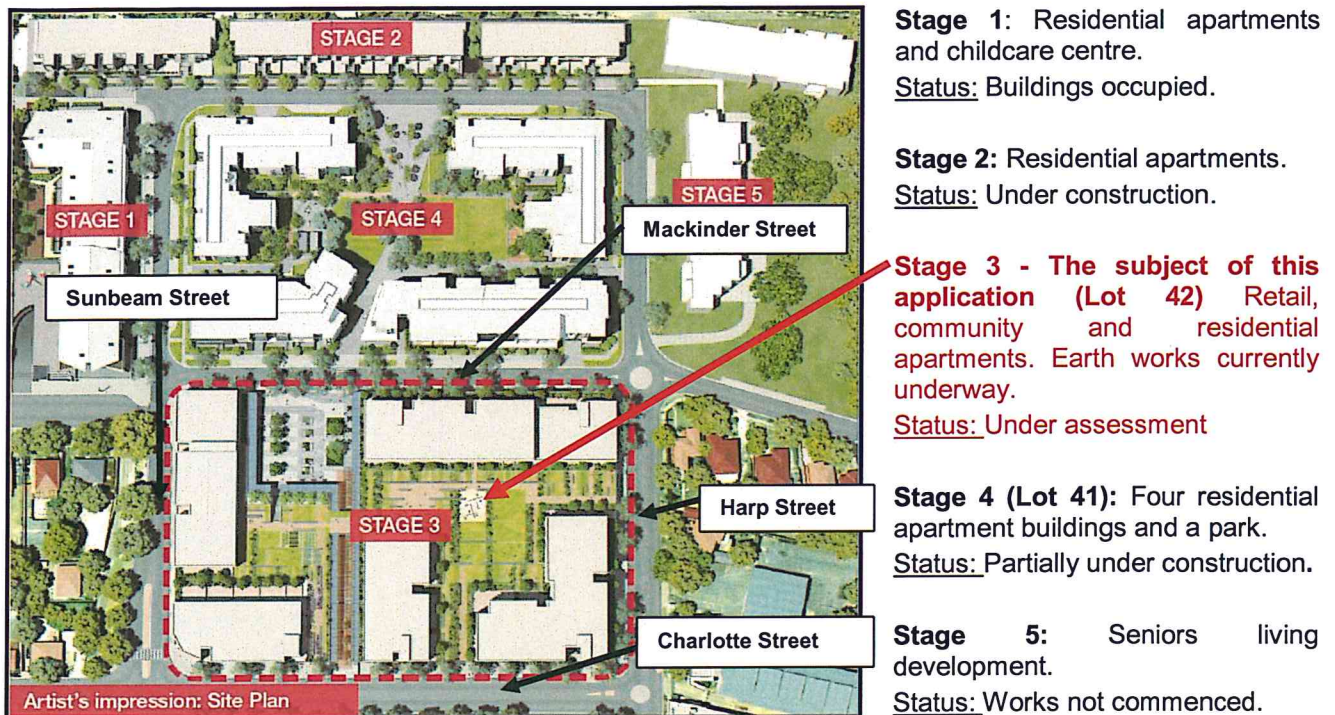


Figure 2: Development precinct and staging (includes current modification for Lot 42/Stage 3)

1.3 Background – Lot 42

The form and type of development on Lot 42 has evolved throughout the ongoing assessment process. At the time of lodgement of the original Concept and Project applications, the site was listed as Category 1 land to be retained for industrial purposes under the Draft South Subregional Strategy.

The Director-General's Assessment requirements required an appropriate amount of land to be conserved for industrial / employment purposes. Accordingly, the original Concept Plan proposed bulky goods retailing on Lot 42 (Note: the lot was then known as Lot 41). A concurrent project application lodged for Lot 42 proposed a 4/5 storey bulky goods premises accommodating 30,367m² of gross floor area. In addition to bulky goods retailing, other proposed uses included commercial, trade and general retail, and a gymnasium.

The department undertook a detailed assessment of the economic and employment impacts of the proposed non-residential uses for Lot 42 and found them appropriate. This conclusion was underpinned by an independent report prepared by Hill PDA which advised that there was a sufficient undersupply of both supermarket and bulky goods retailing in the area.

The Director-General's assessment report for the Concept Plan was sent to the Planning Assessment Commission (PAC) for a review of the reasonableness of the department's recommendation. The PAC did not agree with the department's recommendation and advised that the drive to create jobs had resulted in a less than optimum mix of proposed land uses on the site. The PAC's stated preference was for a well design residential development with a supermarket, and a range of neighbourhood scale uses on the site in the vicinity of the intersection of Charlotte and Harp Streets.

In accordance with the recommendations of the PAC, the proponent prepared an amended PPR removing the bulky goods component and adding the retail, commercial and residential uses.

The Concept Plan was subsequently approved by the Minister including the following development parameters for Lot 42:

- A single storey ground floor podium comprising commercial and retail uses including a supermarket;
- Four (4) residential building envelopes above the podium ranging from 3 storeys fronting Charlotte Street and 5 storeys fronting Mackinder Street; and
- A new plaza fronting Charlotte Street with a pedestrian link connecting the plaza to Mackinder Street.

Of relevance to the current modification application, is that approval was not given to specific building envelopes for Lot 42. In this regard, Condition A1(b) specifically identifies that the approval as it relates to Lot 42 is limited to *'the use of the land for mixed uses, subdivision, demolition and remediation of land only'*, with Condition A3 stipulating a maximum floor space of 28,245m² and Condition A4 nominating maximum building heights on Lot 42 of 6 storeys. Condition A6 identifies the built form controls and design parameters for future development on Lot 42. The current modification application seeks approval for building envelopes on Lot 42 and in doing so, seeks to delete Condition A6 and to modify conditions A3 (floor space) and A4 (building heights), as detailed in **Section 2.0** below.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification application seeks approval for the following:

- To define the building envelopes (including to increase the building heights from 6 to 8 storeys) on Lot 42 comprising the following:
 - A ground level podium (up to 3 storeys in height) comprising retail, residential and community uses, loading docks and associated services and amenities; and
 - Five (5) residential building envelopes above the podium as follows:
 - Building 1: 3 storeys above the podium at the corner of Sunbeam and Mackinder Streets;
 - Building 2: 3 storeys above the podium at the corner of Sunbeam and Charlotte Streets;
 - Building 3: 4 storeys above the podium on Charlotte Street;
 - Building 4: 5 storeys above the podium at the corner of Harp and Charlotte Streets; and
 - Building 5: 5 storeys above the podium on Mackinder Streets steeping down to 3 storeys on the corner of Mackinder and Harp Streets.
- To relocate the 1,350m² publicly accessible plaza from the Charlotte Street frontage to the Mackinder Street frontage.
- To seek in principle approval for the vehicular access and loading dock arrangements as follows:
 - Loading docks on Harp Street and Sunbeam Street;
 - Retail access driveways on Harp Street and Sunbeam Street; and
 - Residential access driveway on Mackinder Street.
- To remove the specific car parking rate for supermarkets and nominate a standard maximum retail car parking rate of 4 spaces per 100m² of retail GFA regardless of the retail subsector

(this will result in the maximum permissible number of parking spaces increasing from 280 to 306 spaces).

- To modify the Future Assessment Requirements as follows:
 - To delete Future Assessment Requirement 10 – ESD;
 - To amend Future Assessment Requirement 11 – Water Sensitive Urban Design; and
 - To amend Future Assessment Requirement 20 - Access.
- To provide additional Statements of Commitments including undertakings to create a high quality urban environment, to commit to the delivery of key built form components on Lot 42 including the provision of the 1350m² central publicly accessible plaza, the activation of the street frontages and the provision of retail development.
- To re-allocate 2000m² of approved commercial GFA as follows:
 - 300m² to proposed new community use;
 - 670m² to retail; and
 - 1,030m² to residential including 80m² to Lot 41(refer Note 1 below) and 950m² to Lot 42.

Note 1: In order to respond to the market demand for one and two bedroom apartments, the proponent seeks to relocate 80m² of floor space from Lot 42 to Lot 41 to convert a number of three bedroom apartments to two bedroom apartments. This amendment will not result in any change to the combined total of GFA allocated to Lots 41 and 42 under the Concept Plan.

- It is proposed that 'supermarket' not be a separately defined use (as is currently the case in Term of Approval A3) and instead, it is proposed to consolidate the supermarket GFA into the general retail category. The total proposed retail GFA is 7,655m² (+ 670m²) and includes 3,800m² and 1,500m² of GFA being allocated to a major supermarket and a mini-major, respectively. It is proposed that the remainder of the retail GFA (i.e. 2,000m²) be allocated to speciality tenancies.
- To utilise any residual non-residential floor space within Lot 42 for the residential flat buildings above the maximum shown for that use (refer Table 1 below), but only within the maximum GFA approved for Lot 42.

The proposed redistribution of GFA across Lots 41 and 42 outlined above is shown in **Table 1** below:

Table 1 – Proposed redistribution of GFA

Lot	Use	Approved GFA	Proposed GFA
41	Mixed Use / Residential – Apartments / Open Space / Seniors Living	25,300m ²	25,380m ²
42	Residential – Apartments	19,260m ²	20,210m ²
	Retail	4,400m ²	7,655m ²
	Commercial	2,000m ²	0
	Supermarket	2,585m ²	0
	Community	0	300m ²
	Total GFA - Lot 42	28,245m ²	28,165m ²
	COMBINED GFA Lots 41 and 42	53,545m²	53,545m²

The proposed amendments to Lot 42 are illustrated in **Figures 3** and **4** below. An artist's impression of the proposed development is provided at **Figure 5**. Plans prepared by Kann Finch and an indicative scheme prepared by Group GSA are provided at **Appendix A**.

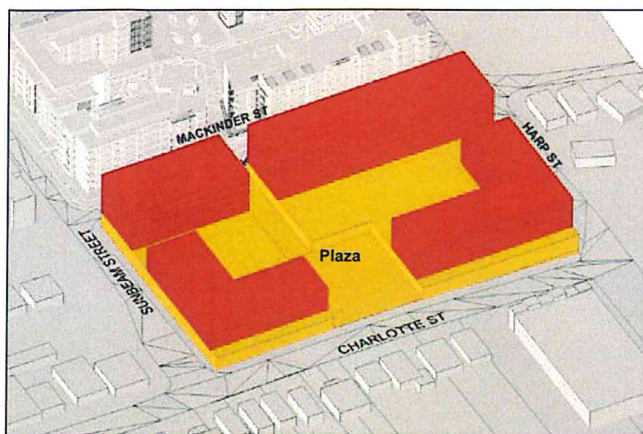


Figure 3: Lot 42- The current approved layout (as per the Terms of Approval) - with 4 building envelopes (looking west). The retail areas are indicated in the yellow and the residential buildings are red. The Plaza currently fronts Charlotte Street.

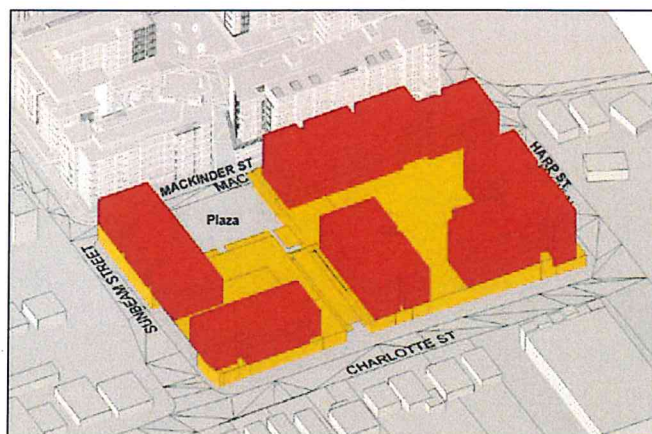


Figure 4: Lot 42- The proposed layout - with 5 building envelopes (looking west). The retail areas are indicated in the yellow and the residential buildings are red. The Plaza has been relocated to front Mackinder Street.

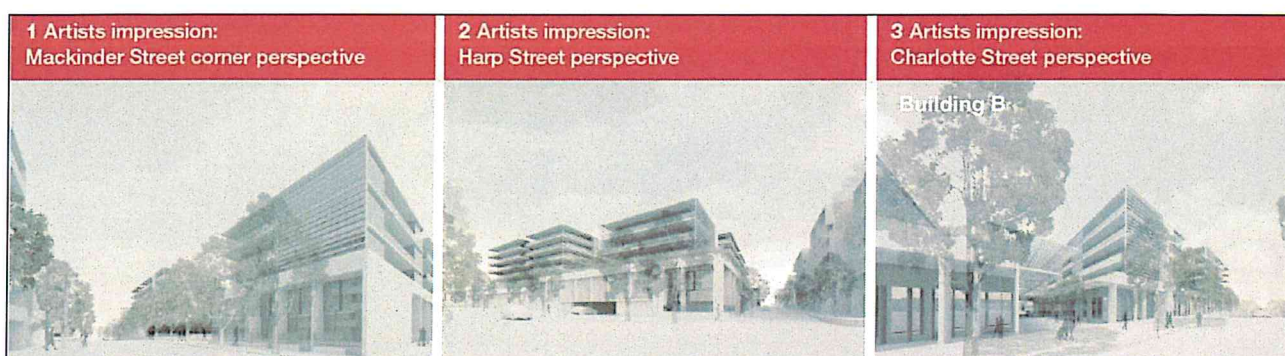


Figure 5: Perspectives of the proposed development

2.2 Amended Plans

On 3 October 2013, the proponent submitted amended plans to the department. The key elements of the amended plans are as follows:

- The relocation of Building 4 envelope (fronting Harp Street) further to the north;
- The extension of the Building 2 envelope (fronting Charlottes Street) further to the south;
- Minor reconfiguration of the mini major/grocery and supermarket;
- Corrections to the top-of-slab envelopes for Buildings 1 and 2, as the previously submitted plans provided incorrect RL's; and
- Minor reconfiguration of the proposed apartment layouts and the incorporation of 2 storey residential 'loft terraces' on the lower levels of Building 2 (fronting Charlotte Street) adjacent to the 'Mini Major/Grocer'.

The key amendments to the building envelopes are illustrated in **Figure 6**. For comparative purposes, these amendments should be read in conjunction with **Figure 4** above.

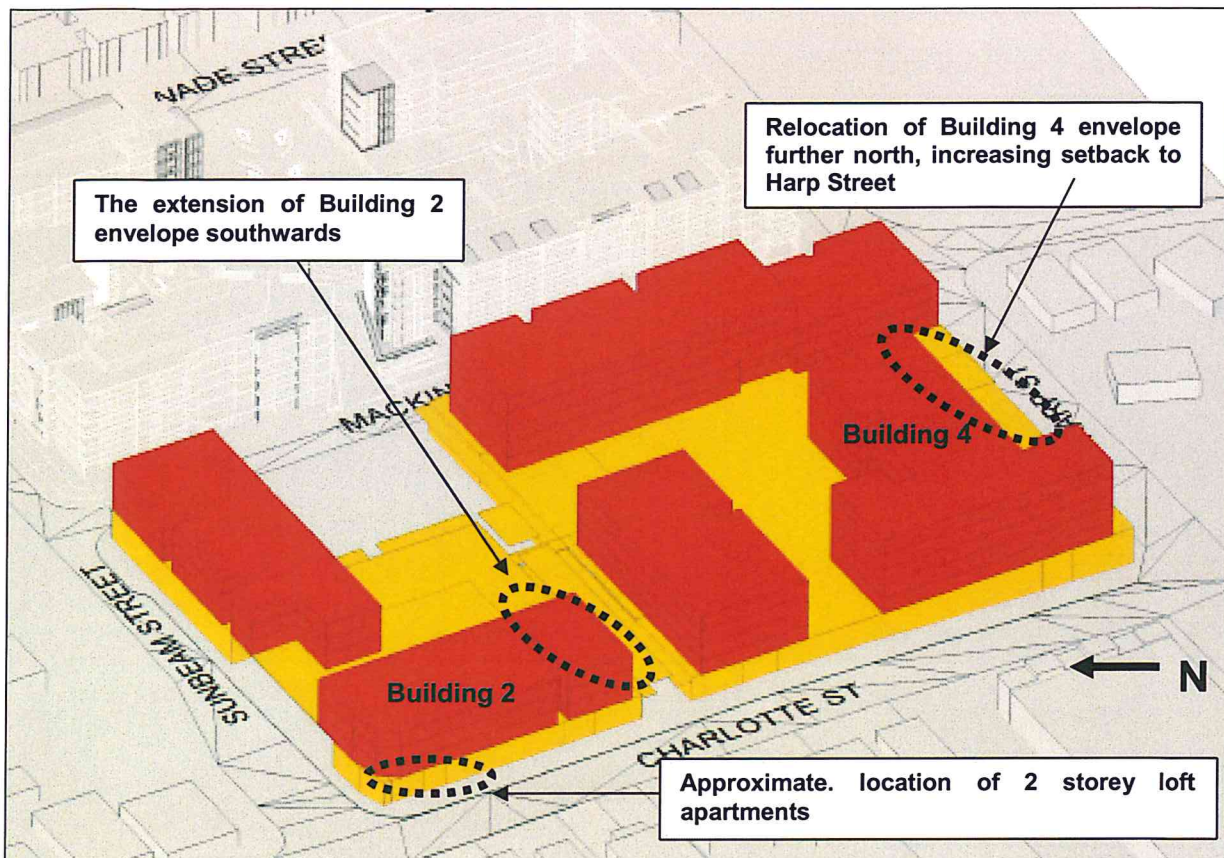


Figure 6: The amended layout for Lot 42- 5 building envelopes (looking west). The retail areas are indicated in the yellow and the residential buildings are red. The Plaza is retained in proposed location fronting Mackinder Street. The residential component above the podium of level of Building 4 is setback from the Harp Street frontage. The Building 2 envelope is extended further to the south.

With respect to the proposed amendments, the following should be noted:

- The quantum or mix of GFA proposed is unchanged from the original s75W application. This remains as presented in **Table 1** above;
- There is no change to the parking or traffic assumptions that have been detailed above with respect to the s75W application;
- There is no change to the indicative dwelling mix proposed. However, there are some changes to the indicative design scheme's compliance with the solar access and cross ventilation performance when measured against the requirements of SEPP 65. Notwithstanding this, the proposal remains compliant with SEPP 65 Rules of Thumb;
- The increased setback of Building 4 to the Harp Street frontage has resulted in improved acoustic structural isolation of the loading docks. Additionally, the increased setback has enhanced residential amenity both on and off-site including through reduced overshadowing impacts to Harp Street and properties to the south; and
- There are improvements to the street activation along Charlotte Street through the incorporation of 2 storey residential 'loft terraces' on the lower levels of Building 2 adjacent to the 'Mini Major/Grocer'.

The amended plans prepared by Kann Finch are supported by an indicative scheme prepared by Group GSA and are provided at **Appendix B**.

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

Under the Minister's delegation dated 14 September 2011, the Planning Assessment Commission may determine the application as there has been more than 25 public submissions objecting to the proposed modification.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The department:

- publicly exhibited the modification application from 16 January 2013 until 28 February 2013 (44 days):
 - on the department's website, and
 - at the following locations:
 - **Department of Planning and Infrastructure**, Information Centre, 23 – 33 Bridge Street, Sydney; and
 - **Canterbury City Council, Administration Centre, 137 Beamish St, Campsie.**
- advertised the public exhibition in the Canterbury Bankstown Express on 15 January 2013 and in the Sydney Morning Herald and Daily Telegraph on 16 January 2013; and
- notified landholders, relevant State and local government authorities in writing.

The department received a total of 41 submissions in response to the public exhibition consisting of a submission from Council, two submissions from public authorities and 38 public submissions (including one petition with 30 signatories). All public submissions objected to the proposal. A summary of the issues raised in submissions is provided below.

4.2 Council and Public Authority Submissions

Canterbury City Council

Council made the following comments in its submission:

- The proposed supermarket is inconsistent with the objectives for the B1 (Neighbourhood Centre) zone which applies to the site as it is not small scale. The most appropriate location for a supermarket of this size is on lands zoned B2 (Local Centre zone). Council therefore raises concern about the potential impact on the viability of existing supermarkets in nearby local centres, noting the important role they play in supporting the economic viability of town centres more generally; and
- Council has raised no objection to other elements of the modification application which propose amendments to the building footprints and height, building configuration and the relocation of the central plaza.

Transport - Roads and Maritime Services (RMS)

RMS did not object and made the following comment:

- RMS notes that the proposed modifications will result in a significant reduction in the traffic generation to/from the subject site compared to the previous concept approval. Therefore, RMS raises no objection the proposed modifications.

Health NSW (Health)

Health did not object and made the following comments:

- Identified that the Clemtun Park development has the potential to increase presentations to the emergency department or maternity department at Canterbury hospital;
- Heath notes the inclusion of a community facility and recommends that opportunities for social and community activities be considered in future plans;
- The inclusion of retail space including the large supermarket as well as other fresh food stores and food outlets are supported; and
- Health commended plans to provide a community garden and a private resident rooftop garden on the podium roof. Community gardens contribute to the local food supply as well as assist in developing and promoting community cohesion.

4.3 Public Submissions

The department received 37 individual submissions from the public and 1 petition with 30 signatories, all of which objected to the application. Key issues raised in the submissions are listed in **Table 2**.

Table 2: Summary of Key Issues Raised in Public Submissions

Key Issues	No of submissions which raised key issue	Proportion of submissions (%)
Traffic issues	35	92%
Parking issues	35	92%
Noise issues	28	73%
Building height – out of character with the local area	38	100%
Increase in crime/loss of personal safety	23	61%
Increase demand on utilities & services	27	71%
Park and open space in the village is inadequate	24	63%
Increased density	38	100%
Overshadowing	10	26%
Soil contamination	7	18%
General adverse amenity impacts	32	84%

Other issues raised in the submissions included:

- Location of the loading zone and service areas;
- Loss of land value;
- Air pollution;
- Loss of privacy; and
- Name of the project.

The department has fully considered the issues raised in submissions in its assessment of the proposed modification in addition to the proponent's Environmental Assessment Report and Response to Submissions. The key issues are given further consideration in **Section 5** of this report.

4.4 Amended Plans

The amended plans received on 3 October 2013, as outlined in **section 2.2** above, were notified to Canterbury City Council for 14 days and were also made publicly available on the department's website.

One submission was received from Canterbury City Council advising that it raises no objection to the proposed modifications to the building envelopes. However, the submission from Council does reiterate concerns raised (as outlined in **section 4.3** above) in relation to the proposed floor area of the proposed supermarket and the potential economic impact on existing supermarkets in the nearby existing centres. This matter is considered in further detail in **section 5.4** of this report.

No public submissions were received.

5. ASSESSMENT

Key assessment issues identified in the department's assessment of the modification application are:

- Building height and built form;
- SEPP 65 considerations;
- Traffic impacts;
- Retail impacts;
- Future Assessment Requirements; and
- Statement of Commitments.

5.1 Building height and built form

The modification application seeks approval for building envelopes on Lot 42. The proposed building envelopes for Lot 42 consist of 5 separate residential envelopes located above a one-storey podium level (generally equivalent to 2 residential levels) and two levels of basement car parking. The residential envelopes are positioned around the perimeter of the site with the exception of the eastern section of Building 4 which is setback approximately 15.5 metres from the southern boundary of the site fronting Harp Street. Refer to **Figures 7 and 8** below.

As detailed in **Section 1.2**, approval was sought for building envelopes under the original Concept Plan. However in determining the Concept Plan, these were deleted through the Terms of Approval (A1(b)). Accordingly, terms were relevantly included in the Approval to define the parameters within which future development could occur on Lot 42. The current application seeks to modify or depart from the parameters established in the Concept Approval for Lot 42 including the gross floor area (A3), height (A4) and built form (A6) as detailed in **Table 3** below:

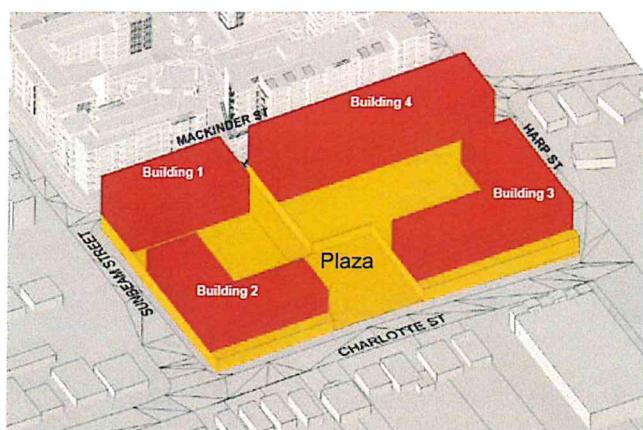


Figure 7: Lot 42 - Approved storeys/building heights

Building 1: 5 Storeys + 1 level podium = 6
Building 2: 3 Storeys + 1 level podium = 4
Building 3: 4 Storeys + 1 level podium = 5
Building 4: 5 Storeys + 1 level podium = 6

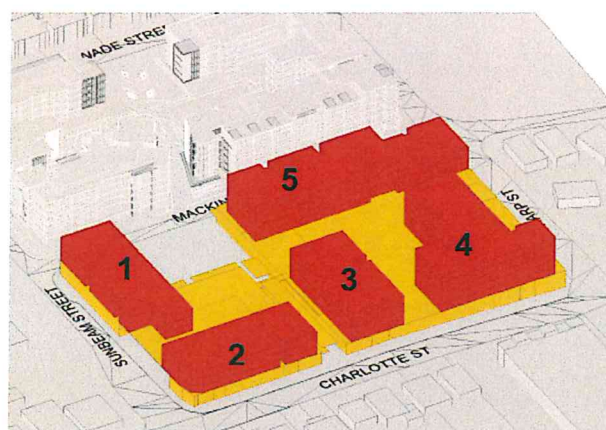


Figure 8: Proposed building heights

Building 1: 3 Storeys + 2 level podium = 5
Building 2: 3 Storeys + 2 level podium = 5
Building 3: 4 Storeys + 2 level podium = 6
Building 4: 5 Storeys + 2/3 level podium = 7/8
Building 5: 5 Storeys + 2/3 level podium = 7/8

Table 3: Proposed modifications to Terms of Approval

Term of Approval	Approved Concept Plan	Proposed modification
A1- Plans & Documentation	<ul style="list-style-type: none"> Approval for Lot 42 is limited to approval for the use of that land for mixed uses, subdivision and for remediation only. 	<ul style="list-style-type: none"> Approval is sought for building envelopes on Lot 42- refer Plans at Appendix B.
A3- Maximum Gross Floor Area	<ul style="list-style-type: none"> An FSR of 2.1:1 comprising: <ul style="list-style-type: none"> Residential- apartments - 19,260m² Retail—4,400m² Commercial- 2,000 m² Supermarket- 2,585 m² Total= 28,245m² 	<ul style="list-style-type: none"> An FSR of 2.1:1 is retained comprising: <ul style="list-style-type: none"> Residential- 20,210m² Retail-7,655m² Community- 300m² Total= 28,165m²* <i>*80sqm is allocated to Lot 41-refer discussion in Section 2.1</i>
A4- Building Height and Land Use	<ul style="list-style-type: none"> Maximum height of 6 storeys mixed use development 	<ul style="list-style-type: none"> To increase the maximum height to 8 storeys. Mixed Use development (GFA distribution changes)
A6- Built Form Controls	<ul style="list-style-type: none"> <u>Basement</u> <ol style="list-style-type: none"> Off street parking predominantly provided within a below ground area. Basement areas shall be used for car parking and related infrastructure only. <u>Ground Level Podium</u> <ol style="list-style-type: none"> Limited to maximum height of 1 storey; A central publicly accessible plaza with a minimum area of 1350m² facing Charlotte Street. Active frontages to public plaza, Charlotte Street, Harp Street and Mackinder Street at ground level . A central pedestrian link connecting the plaza on Charlotte Street to the deep soil park on proposed Lot 41. Podium roof tops are to be landscaped and made accessible. 	<ul style="list-style-type: none"> <u>Basement</u> <ol style="list-style-type: none"> Off street parking remains predominantly within a below ground area. The Harp Street end protrudes above ground due to fall across site. No change. <u>Ground Level Podium</u> <ol style="list-style-type: none"> The height of the podium is typically 6 metres (or equivalent to typically 2 residential levels). 3 storeys is proposed on the sites low point on the corner of Harp and Mackinder Streets. A central publicly accessible plaza with a minimum area of 1350m² facing Mackinder Street. Active frontages to public plaza, Charlotte Street, Harp Street (limited) and Mackinder Street at ground level. A central pedestrian link connecting the plaza on Mackinder Street to the Village Park on Lot 41 (refer Figure 9). Podium roof tops are proposed to be

	<ul style="list-style-type: none"> • <u>Residential Building Envelopes</u> <ul style="list-style-type: none"> h) 4 residential building envelopes above the podium: <ul style="list-style-type: none"> i. Maximum of 3 storeys (above podium on Charlotte Street and Sunbeam Street) ii. Maximum of 4 storeys on Harp Street and for 50% of the Charlotte Street elevation. iii. Maximum of 5 storeys (above podium) for development fronting Mackinder Street. i) The upper levels along Charlotte Street are to achieve a minimum setback of 5 metres 	<p>landscaped and made accessible.</p> <ul style="list-style-type: none"> • <u>Residential Building Envelopes</u> <ul style="list-style-type: none"> h) 5 residential building envelopes above the podium: <ul style="list-style-type: none"> i. Maximum of 3 storeys (above podium on Charlotte Street (Bldg 2) and Sunbeam Street (Bldg 1) ii. Maximum of 5 storeys on Harp Street (Bldg 4) above podium. iii. Maximum of 4 storeys (Bldg 3) and 5 storeys (Bldg 4) on Charlotte Street above podium. iv. Maximum of 3- 5 storeys above podium for development fronting Mackinder Street (Bldg 5). i) The building envelopes along Charlotte Street are not setback 5 metres. The building massing locates the tallest buildings (3 & 4) away from dwellings on the western side of Charlotte Street.
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It is also noted that the Concept Plan Approval includes a number of Future Assessment Requirements which deal with building separation (1), building articulation (5) and the design of the supermarket (18). The proponent does not seek to amend these future assessment requirements and they remain valid and relevant to the modified proposal.

The proponent has advised that the proposed building envelopes result from testing of the design parameters, whilst acknowledging the site's constraints including the land form which varies some 5.3 metres from its highest point at the corner of Sunbeam and Charlotte Streets to the low point at the corner of Mackinder and Harp Streets. This topography has resulted in sections of the basement protruding above the ground level, due to the fall across the site. A loading dock and servicing areas are located on the Harp Street frontage of this protruding basement levels.

The department has considered the proposed building envelopes in detail with specific regard to the overall precinct and its context. Having regard to the modified building envelopes, the department is satisfied that the proposed heights and the built form are generally consistent with the underlying intent of the Approved Concept Plan built form controls and will deliver an acceptable urban form outcome. In this regard, the following key conclusions are noted:

- The podium typically has a 6m floor to floor height and is equivalent to one retail floor. As illustrated in the proposal, the podium is capable of accommodating two storey residential development i.e. loft terraces. The inclusion of the residential development within the podium is considered to provide an appropriate interface and scale with neighbouring residential development along Charlotte Street and Sunbeam Street and results in improvements to the street activation. The increase to 3 storeys is considered an appropriate urban design response to the site topography/conditions.
- The 5 storey height of Building 4 above the podium is satisfactory given it is setback 15.5 metres from Harp Street and in doing so, minimises the extent of the overshadowing impacts to the dwellings on the southern side of Harp Street and has enhanced residential amenity both on and off-site. Building 4 is adjacent to the bulky (2-3 storey equivalent) industrial buildings on the western side of Charlotte Street and therefore, is considered contextually appropriate.
- The required 5 metre setback above the podium for buildings in Charlotte street can be relaxed as the amended footprints for Buildings 2, 3 and 4 improve the street activation and permeability of the site, as was the intent of the built form controls. The proposed building envelopes have reduced the massing impact on Charlotte Street as Building 3 now addresses the pedestrian thoroughfare. Additionally, the redistribution of building envelopes will have a

reduced shadowing effect on Charlotte Street. Subject to the satisfactory architectural resolution of the tower elements through the articulation and use of materials/ finishes, the department finds this aspect of the proposal to be acceptable. A Future Assessment Requirement is recommended to ensure this matter is addressed further at the development application stage.

- The location of the loading dock in Harp Street is an appropriate response to the topography of the site, subject to design refinement (refer to further comment below).
- The relocation of the public plaza to Mackinder Street is considered to result in positive outcomes for the site including to improve solar access to the through site link and public square and to improve the number of dwellings which have an outlook over the square. The relocation does not compromise the through site link to the village park as illustrated in **Figure 9** below and importantly, relocates the plaza where it is closer to the centre of the site and the higher density residential area.

The department notes that Council has raised no objection to the proposed building envelopes. An assessment of the modified proposal against SEPP 65 and the Residential Flat Design Code is provided in **Section 5.2** below and demonstrates a satisfactory level of compliance. On this basis, and subject to compliance with the Terms of Approval detailed in this report, the department considers the modified proposal provides an appropriate design response to the site and warrant support.

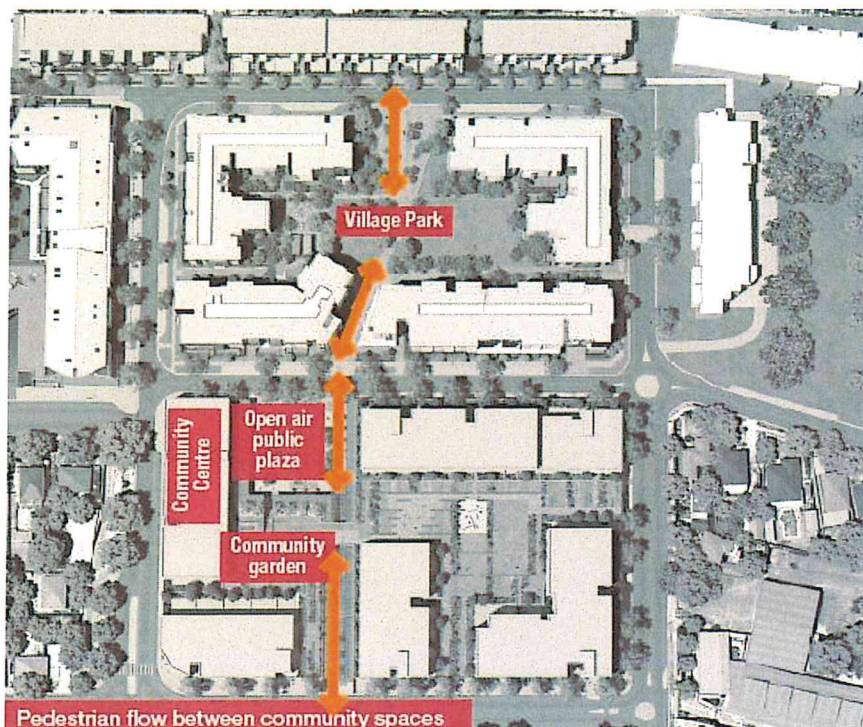


Figure 9: The proposed pedestrian flow from Lot 42 through to the deep soil park on Lot 41

Other matters relating to built form

GFA variations

The department notes that the modifications detailed above do not result in the maximum GFA for the development being increased. The GFA is being redistributed due to removing the commercial use, which was confirmed as not being viable in the location. There will be a small proportion of the GFA redistributed to Lot 41 (80sqm) to allow for a minor change in the residential mix to reflect market demand. These matters are further considered below and in **section 5.4** of the report.

Whilst the maximum GFA for the development is not being increased, the proponent seeks some flexibility with respect to the use of any residual non-residential floor space that is not used within the

proposed development of Lot 42 (refer to proposed distributions of GFA detailed in **Table 1** above). In this regard, it is proposed that the residual floor space be allocated to residential flat buildings provided the maximum GFA for the Lot is not exceeded. Whilst the department considers that this proposal has merit, it is relevant that the extent of any residual GFA be limited in order to ensure that the development is a 'truly' mixed-use development, that the design parameters underlying the concept are not compromised and that the environmental impacts are minimised (noting that they would be subject to detailed consideration with any future development application). To provide this certainty, the department recommends that the quantum of non-residential/residual floorspace which can be used in the residential flat buildings be capped at no more than 5% of the total non-residential GFA (i.e. equivalent to 398m²). It is also recommended that any residual GFA transferred to the residential component of the development not compromise the activation of the retail plaza and through site link. In this regard, the ground floor retail mix should generally be consistent with that illustrated on level 2 of the concept plan (refer to Plan S75W 2.04 dated 3.10.13 at Appendix B). It is recommended that Term of Approval A3 (maximum gross floor area) be amended to incorporate this modification.

Design of Loading Docks

The department has also recommended additional Future Assessment Requirements to ensure that appropriate privacy devices and acoustic attenuation are incorporated into the future design of the development. In particular, to ensure that noise impacts generated by the use of the loading docks, car park entrances, amenities, building plant and service areas does not compromise internal amenity of the residential development. Additionally, the department considers it preferable for the loading docks on Harp Street and Sunbeam Street to be internalised to minimise the visual and acoustic impacts on surrounding residential uses. In the event that the internalisation of the loading docks is not possible and Council is satisfied that alternative options have been fully investigated, it is recommended that appropriate landscaping and architectural treatments be provided at ground floor level to reduce the visual impact of the entry/exit to the loading docks.

Bridge link at podium level

Current Term of Approval A6(3) prevents the use of connections between tower elements and above podium elements. Specially, the Term of Approval states as follows:

Connections between tower elements and above podium elements are not permitted over public streets, pedestrian links or plaza areas.

In the design refinement of the proposal, the proponent proposes the construction of a bridge link (open to the sky) between the landscaped podium levels on Lot 42. The bridge link is located well within the site, has been designed as a single level slender structure and will assist in the resolution of fire egress issues on the site. The location of the bridge link is illustrated in **Figure 10**.

Having considered the proposed design and the location of the bridge link, the department is satisfied that it will provide an appropriate functional link between the two landscaped podiums. Its location and slender design will ensure that its visual impact is minimised and the impact on the quality of the pedestrian link below is not compromised. For this reason, it is recommended that Term of Approval A6(3) be amended to permit the construction of the bridge link in this instance.