

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we approve the modification of the Concept Plan referred to in schedule 1, subject to the Future Assessment Requirements in Schedule 2.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2013

### SCHEDULE 1

**Concept Approval:** **MP07\_0106** granted by the Minister for Planning on 4 February 2010.

**For the following:** Mixed use redevelopment of the former Sunbeam Factory including :

- multiple unit residential development, seniors living including independent living units (ILUs) and a residential aged care facility (RACF);
- use for ~~commercial offices~~, specialty retail, convenience retail, supermarket, medical centre, **community facility**, and a child care centre;
- Publicly accessible open space for a minimum 4850m<sup>2</sup>;
- Building envelopes for 3 buildings on proposed Lot 21, with a height of 3 storeys;
- Indicative building envelopes for 2 buildings on proposed Lot 31, with heights from 4 to 6 storeys;
- Building envelopes for 4 buildings on proposed Lot 41, with heights from 6 to 7 storeys;
- Building envelopes for a podium level and 4– **5** buildings above podium on proposed Lot 42, with total heights from 4– **5** to **6** **8** storeys;
- Demolition of existing buildings/structures on site and remediation of site;
- Subdivision, road layout, services, and landscaping;
- Total floor space of 76,128m<sup>2</sup>; and
- Residential display suites.

**Modification:** **MP07\_0106 MOD 4:**

- 5 building envelopes on Lot 42, for retail, residential and community uses;
- To relocate the public plaza frontage from Charlotte Street to Mackinder Street;
- To increase the permissible height from 6 to 8 storeys;
- Amend Further Assessment Requirements; and
- Provide additional Statement of Commitments.

## SCHEDULE 2

### PART A- TERMS OF APPROVAL

- a) Term of Approval A1 is amended by the deletion of the struck out words and the inclusion of bold and underlined text

#### A1. *Development in Accordance with Plans and Documentation*

- (a) The approval shall, subject to A1 (b) below, be generally in accordance with MP 07\_0106 and with the Environmental Assessment, except where amended by the Preferred Project Report, ~~and additional information to the Preferred Project Report, the section 75W Modification by Worley Parsons, dated 1 February 2011, the section 75W Modification by Australand, dated 27 March 2012, the section 75W Modification by Australand, dated 28 August 2012, the section 75W Modification by JBA Urban Planning Consultants on behalf of Australand dated 23 November 2012 as amended by the submission from JBA Urban Planning Consultants Pty Ltd dated 3 October 2013~~ and the following drawings prepared by Kann Finch:

Concept Plan Drawings prepared by <u>Kann Finch</u>			
Drawing No.	Revision	Name of Plan	Date
DA 1.01	F <u>H</u>	Concept Scheme Only Coversheet	01.08.12- <u>03.10.13</u>
DA 2.01	F <u>H</u>	Concept Plan Only Roof Level	01.08.12- <u>03.10.13</u>
DA 2.02	F <u>H</u>	Concept Plan Only Level B	01.08.12- <u>03.10.13</u>
DA 2.03	F <u>H</u>	Concept Plan Only Level 1	01.08.12- <u>03.10.13</u>
DA 2.04	F <u>H</u>	Concept Plan Only Level 2	01.08.12- <u>03.10.13</u>
DA 2.05	F <u>H</u>	Concept Plan Only Level 3	01.08.12- <u>03.10.13</u>
DA 2.06	F <u>H</u>	Concept Plan Only Level 4	01.08.12- <u>03.10.13</u>
DA 2.07	F <u>H</u>	Concept Plan Only Level 5	01.08.12- <u>03.10.12</u>
DA 2.08	F <u>H</u>	Concept Plan Only Level 6	01.08.12- <u>03.10.13</u>
DA 2.09	F <u>H</u>	Concept Plan Only Level 7	01.08.12- <u>03.10.13</u>
DA 2.10	D <u>G</u>	Concept Plan Only Level 8	01.08.12- <u>03.10.13</u>
DA 3.01	D <u>G</u>	Concept Plan Only Sections 1	12.03.12- <u>03.10.13</u>
DA 3.02	F <u>H</u>	Concept Plan Only Sections 2	01.08.12- <u>03.10.13</u>

- (b) ~~Notwithstanding any plans referred to above or any Concept Plan documentation such as the Concept Plan application, Environmental Assessment and Preferred Project Report, this approval does not approve any building envelopes for the purpose of bulky goods referred to in Stage 1. Approval for the land referred to in the Staging Plan (see above) as Lots 1 & 2 Lots 41 and Lot 42 is limited to approval for the use of that land for mixed uses, subdivision and for remediation of land only.~~



- (c) Notwithstanding any of the plans referred to above, the building envelopes shall have a variation of no greater than 5%, however the maximum GFA of 76,128m<sup>2</sup> shall not be exceeded.

- b) **Term of Approval A3 is amended by the deletion of the struck out words and the inclusion of bold and underlined text**

### **A3. Maximum Gross Floor Area**

The redevelopment of the former Sunbeam Factory Site for a mix use development involving a maximum of 76,128m<sup>2</sup>\* of GFA comprised of:

<b>Proposed Lot</b>	<b>Use</b>	<b>Floor Space</b>
11	Residential – Apartments	5,974m <sup>2</sup>
	Child Care Centre	547m <sup>2</sup>
21	Residential – Apartments*	6,514 m <sup>2</sup>
31	Residential – Seniors / Aged Care*	9,548m <sup>2</sup>
41 (FSR 2.1:1)	Mixed Use / Residential – Apartments / Open Space / Seniors Living*	<del>25,300m<sup>2</sup></del> <b><u>25,380m<sup>2</sup></u></b>
42 (FSR 2.1:1)	Residential – Apartments*	<del>19,260</del> <b><u>20,210m<sup>2</sup></u></b>
	Retail*	4,400m <sup>2</sup> <b><u>7,655m<sup>2</sup>**</u></b>
	<del>Commercial**</del>	<del>2,000m<sup>2</sup></del>
	<del>Supermarket*</del>	<del>2,585m<sup>2</sup></del>
	<b><u>Community</u></b>	<b><u>300m<sup>2</sup>**</u></b>
Total		76,128m <sup>2</sup> *

\* The maximum floor space may not be achievable within the approved height envelope as identified in condition A4.

\*\* ~~Determination of the proposed commercial use is deferred until such time as a further investigation has been undertaken into the viability of commercial offices on the subject site in terms of demand for office floor space in this location and impact upon existing town centres in the locality. This investigation is to be undertaken by a suitably qualified professional and is to be submitted to and determined by the Department prior to the issue of a Construction Certificate for development on proposed Lot 42.~~

**\*\* Any residual floorspace not used by other uses within Lot 42 can be reallocated to the residential flat buildings above the maximum shown for that use, but only if the maximum GFA approved for Lot 42 is not exceeded and the quantum of GFA reallocated does not exceed 5% of the total GFA allocated to the non-residential uses. Any such GFA reallocation shall not compromise the activation of the retail plaza and through site link and the retail mix as illustrated in the Concept Plan for Level 2 (refer to Plan S75W 2.04 Issue H dated 31.01.13) and Statement of Commitment 14.7.**

- c) **Term of Approval A4 is amended by the deletion of the struck out words and the inclusion of bold and underlined text**

### **A4. Building Height and Land use**

All future buildings erected on the site shall not exceed the following building heights and all future buildings shall be limited to the land uses identified on each lot as follows:

Lot / Building	Land use	Maximum Height Storeys / RL
Lot 42	Mixed use	<b>6 8</b> storeys (refer to A6 <b>Concept Plan drawings</b> for height range)
Lot 41	Residential/ Open Space	7 storeys (refer to A6 for height range)
Lot 11	Residential/ Childcare	4 Storeys/ RL 40.2 AHD
Lot 21	Residential	3 Storeys/ RL 36.4 AHD
Lot 31 Building 5A	Seniors living	4 Storeys/ RL 32.75 AHD
Lot 31 Building 5B	Seniors living	6 Storeys/ RL 38.75 AHD

To allow for minor variations, each block shall not exceed the maximum RL height referred to in the above table by more than 5%, however the maximum number of storeys (as defined within the Residential Flat Design Code) shall not be exceeded.

- d) **Term of Approval A5 is amended by the deletion of the struck out words and the inclusion of bold and underlined text**

#### **A5. Car Parking**

The number of car spaces to be provided for the entire development shall not exceed the following maximum car parking rates:

Land Use	Rate
Retail Premises/Business Premises	1 space per 34m <sup>2</sup> <b>25m<sup>2</sup></b>
<del>Supermarket</del>	<del>1 space per 28m<sup>2</sup></del>
Seniors living - Independent Living Units (Lot 31)	0.5 spaces per bed 1 visitor space for 5 units
Seniors living - High Care (Lot 31)	1 space per 10 beds 1 space for every 2 staff
Child Care	1 space for every 2 staff
Residential	1 space for 1 bedroom units 1.2 spaces for 2 bedroom units 2 space for 3 bedroom units 1 space per 5 units for visitors
Commercial	1 space per 40m <sup>2</sup>

- e) **Term of Approval A6 is amended by the deletion of the struck out words and the inclusion of bold and underlined text**

#### **A6. Built form controls**

##### **(1) ~~Future development on proposed Lot 42~~**

~~The Concept Plan is modified on proposed Lot 42 to provide for the following development:~~

##### ~~Basements~~

- ~~a) Off street car parking is primarily to be provided within a below ground parking area.  
b) Basement areas shall be used for car parking and related infrastructure only.~~

##### ~~Ground level podium~~

- ~~c) Any proposed podium is to be limited to a maximum height of 1 storey.  
d) A central publicly accessible plaza with a minimum area of 1350m<sup>2</sup>, facing Charlotte Street.  
e) Active frontage to the public plaza, Charlotte Street, Harp Street and new Alfred St at ground level.  
f) A central pedestrian link connecting the plaza on Charlotte Street to the deep soil park on proposed Lot 41.  
g) Podium roof tops are to be landscaped and made accessible for residents.~~



#### Residential Building Envelopes

- h) ~~4 residential building envelopes above the podium level with heights ranging from:~~
  - ~~i) a maximum of 3 storeys (above podium) on the Charlotte and New Troy Street elevations,~~
  - ~~ii) a maximum of 4 storeys (above podium) on the Harp Street elevation and for less than 50% of the Charlotte Street elevation,~~
  - ~~iii) a maximum of 5 storeys (above the podium) for development fronting New Alfred Street~~
- i) ~~The upper levels along Charlotte Street are to achieve a minimum setback of 5m.~~

#### (2) Future Development on Lot 41

The Concept Plan is modified on proposed Lot 41 to provide for the following development:

- a) 4 separate residential building envelopes with heights ranging from:
  - i) a maximum of 7 storeys for development fronting Mackinder Street (formerly referred to as New Alfred Street) and Tedbury Street (formerly referred to as New Harp Street);
  - ii) a maximum of 6 storeys for the remainder of the site
  - iii) The upper level of building C is setback a minimum of 7m on the southern eastern side from the Tedbury Street property boundary
- b) A publicly accessible park is to be provided facing Victa Street (formerly referred to as New Wade Street) with a minimum area of 3500m<sup>2</sup> and is consists entirely of deep soil area.

#### (3) Connections between tower elements and above podium elements are not permitted over public streets, pedestrian links or plaza areas, **with the exception of the following:**

- a) **a bridge link between the landscaped podiums on Lot 42 generally in the location shown on Plan S75W 2.06 Issue H dated 03.10.13, subject to the bridge being open to the sky (not enclosed) and slender in design.**

## SCHEDULE 3

### PART B – FUTURE ASSESSMENT REQUIREMENTS

- f) Future Assessment Requirement 10, 11 & 20 is amended by the deletion of the struck out words and the inclusion of bold and underlined text. Future Assessment Requirement 21 - 26 have been added.

**~~10. ESD~~**

~~Future applications for all retail development shall demonstrate that a minimum 5 Star Green Star rating (pilot or otherwise), has been achieved.~~

**11. Water Sensitive Urban Design**

Future stages of development shall demonstrate that Water Sensitive Urban Design practices have been maximised by:

- (a) Treating stormwater runoff to NSW EPA draft best practice treatment objectives **to achieve stormwater reduction targets recommended for urban development set out in the Botany Bay & Catchment Water Quality Improvement Plan 2011, as follows :**
- 85% reduction in Total Suspended Solids
  - 65% **60%** reduction in Total Phosphorus
  - 45% reduction in Total Nitrogen
- (b) Maximising stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.
- (c) Preparing a Water Management Plan for the site to ensure efficient and minimised use of potable water and positive impacts for improved water quality for water leaving the site.

**20. Access**

Future applications for development on proposed Lot 41 and proposed Lot 42 are to demonstrate that accesses to basement parking and loading and unloading areas ~~have been designed in consultation with the Roads and Traffic Authority~~ **achieve compliance with applicable requirements of AS2890.1 and AS2890.2 and Council, as relevant.**

**21. Retail car parking on Lot 42**

**Future applications for development on proposed Lot 42 are to demonstrate the following:**

- a) **There is adequate car parking spaces for the retail GFA of 7,655m<sup>2</sup> and that compliance is achieved with the maximum rate of 1 car space per 25 m<sup>2</sup>.**
- b) **There is appropriate signage in the retail car park for drivers to use the correct exit for their destination.**
- c) **Any stacked car parking space is allocated to the same retail tenancy staff (if retained in the design). No stacked parking should be provided in the public parking area.**

**22. Unit Amenity (Lot 42)**

**Future applications for development on proposed Lot 42 are to demonstrate that there is appropriate privacy and acoustic attenuation provided to units addressing Sunbeam Street, Mackinder Street, Harp Street and Charlotte Street to ensure that their internal amenity is not compromised.**

**An acoustic report is to be submitted with the future application demonstrating that appropriate acoustic attenuation measures have been incorporated into the building design to minimise the noise impacts generated by the use of the loading docks and car park entries/exits, amenities, building plant and service/garbage areas.**



### **23. Loading Docks (Lot 42)**

- a) Future applications for development on proposed Lot 42 are to demonstrate that the loading docks on Sunbeam Street and Harp Street are internalised to minimise the acoustic and visual impacts on the surrounding residential uses.
- b) Where it is demonstrated that the internalisation of the loading dock/s is not possible as required by 23(a) above (ie. through analysis of alternative design options), appropriate landscaping and architectural treatments are to be provided at ground floor level to reduce the visual impact of the entry/exits points.
- c) Appropriate swept path plans are to be provided at critical locations for all loading dock driveways.

### **24. Building 4 (Lot 42)**

The future application is to incorporate the following design requirements:

- a) The podium level of Building 2 fronting Charlotte Street is to accommodate 2 storey residential development ie. loft terraces. The design is to be generally in accordance with Drawings SK111 Rev.C and SK 113 Rev C prepared by Group GSA dated 24/09/2013.
- b) The built form above the podium level fronting Charlotte Street is to be articulated (including by use of architecture, materials and finishes) to break-up its visual mass.

### **25. Pedestrian links**

The pedestrian links between proposed Lot 42 and adjoining blocks are to be resolved to minimise the potential for pedestrian and vehicular conflict. In particular, the potential conflict between the proposed residential driveway on Mackinder Street and the nearby raised pedestrian threshold should be resolved.

## SCHEDULE 4

### MP 07\_0106 FORMER SUNBEAM SITE REDEVELOPMENT

#### STATEMENT OF COMMITMENTS

- g) The Statement of Commitments are amended by the the inclusion of bold and underline text

#### FINAL STATEMENT OF COMMITMENTS - FORMER SUNBEAM SITE CAMPSIE CLEMTON PARK VILLAGE SITE

##### 14. Proposed Lot 42

14.1 Off street car parking will be provided generally within a below ground parking area.

14.2 Basement areas will be used for car parking and related infrastructure only.

14.3 A central publicly accessible plaza with a minimum area of 1350m<sup>2</sup>, facing Mackinder Street will be provided.

14.4 Activate frontages at ground level will be provided to:

- the majority of the public plaza and Charlotte Street frontages; and
- part of the Sunbeam Street and Mackinder Street frontages.

Note: Active frontages are defined as any frontage that provides some visible activity and includes retail, residential and the alike.

14.5 A central pedestrian link connecting the plaza on Charlotte Street to the deep soil park on proposed Lot 41 will be provided.

14.6 Podium roof tops will be landscaped and made accessible for residents.

14.7 Retail development will be generally in accordance the following table:

<u>RETAIL COMPONENT</u>	<u>AREA</u>	<u>POTENTIAL TENANT / USE</u>
<u>Full Line Supermarket</u>	<u>3,800sqm (maximum)</u>	<u>Coles / Woolworths / IGA.</u>
<u>Mini Major</u>	<u>1,500sqm (maximum)</u>	<u>Specialist grocer; discount supermarket; gym; discount pharmacy; liquor; large format green grocer.</u>
<u>Specialty Tenancies</u>	<u>2,000sqm (minimum)</u>	<u>Butcher; baker; chicken; fish; cafe; fruit and veg; sandwich shop; florist; health foods; nails; hair; barber; newsagent; restaurants; juice bar; key cutting; bank; travel agent; real estate agent; sushi; chemist; dry cleaner.</u>
<u>BOH / Storage / Amenities</u>	<u>200sqm (minimum)</u>	<u>Toilets; parents room; centre management / security office.</u>

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End of Modification MP07\_0106 MOD 4