

Section 75W Modification (MP 07_0106) Concept Plan Modification



Clemton Park Village (former Sunbeam Factory Site)

Lot 31 (Seniors Housing) Concept Plan Modification

Submitted to Department of Planning and Infrastructure
On Behalf of SDH & Associates c/- Bupa

November 2013 ■ 13366

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

Stephanie Ballango

21/11/2013

This report has been reviewed by:

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Michael Rowe

21/11/2013

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Executive Summary

The purpose of this report is to request the Minister for Planning and Infrastructure (or his delegate) modify the Clemtown Park Village Concept Plan (MP 06_0107) approval under section 75W and Clause 3C of Schedule 6A of the Environmental Planning and Assessment Act, 1979 (EP&A Act). It seeks to modify this approval by reconfiguring the approved building envelopes on Proposed Lot 31 and updating and reconciling the Further Environmental Assessment Requirements and approved Final Statement of Commitments.

The Clemtown Park Village project, formerly referred to as the Sunbeam Factory site, was granted Concept Plan approval on 4 February 2010 for 76,128m² of mixed uses over five development blocks. Conditions of approval imposed on the Concept Plan approval further articulate the design intent that future development applications must address, including built form controls for individual development blocks across the site.

Under the approved Concept Plan, Proposed Lot 31 is intended to be developed for seniors housing and aged care living within two buildings known as 5A and 5B of 4 and 6 storeys respectively, and capable of accommodating a maximum 9,548m² of gross floor area (GFA). Bupa Care Services (Bupa) is in the process of purchasing Proposed Lot 31 from Australand Holdings Limited. The detailed design for Proposed Lot 31, being Stage 5 of the Clemtown Park Village project is currently underway, with Bupa intending to submit a development application (DA) to Canterbury City Council in the near future. The current planning for Proposed Lot 31 indicates that the flooding and drainage constraints preclude the development of the site in accordance with the approved Concept Plan. In addition, the approved building envelopes do not recognise the contemporary operational and service delivery requirements of the seniors living/aged care sector. Bupa's design team has therefore identified the opportunity to refine and improve the proposed building envelopes to better respond to adjoining properties, as well as cater to operational and service delivery objectives. The proposed modification therefore seeks to replace the approved building envelopes with a new layout, but does not seek additional height or GFA.

Further, the modification seeks to update and reconcile the approved Final Statement of Commitments to reflect the currently approved documentation.

1.0 Introduction

This Section 75W Modification has been prepared to modify the approved Concept Plan for the former Sunbeam Factory site, now known as Clemton Park Village. It is submitted to the Minister for Planning and Infrastructure (or his delegate) pursuant to section 75W and Clause 3C of Schedule 6 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), on behalf of Bupa Care Services (Bupa).

Bupa is seeking to replace the approved building envelopes permitted on Proposed Lot 31 with a revised layout. The approved Further Environmental Assessment Requirements and Final Statement of Commitments are both also proposed to be updated and reconciled to reflect the currently approved documentation and amendments proposed by this section 75W Modification.

This report has been prepared by JBA Urban Planning Consultants Pty Ltd, for Bupa, and is based on plans and drawings provided by Kann Finch (**Appendix A**) and Group GSA (**Appendix B**). It describes the proposed Concept Plan modification and includes an assessment of the proposal against the relevant considerations of the EP&A Act. It should be read in conjunction with the Concept Plan Instrument of Approval (06_0107) (as modified).

1.1 Background

1.1.1 Approved Concept Plan

The Clemton Park Village Concept Plan (as modified) was approved by the (former) Minister for Planning on 4 February 2010. It provides for a mixed use development 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, and a child care centre;
- publicly accessible open space for a minimum 4,850m²;
- 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 5 to 6 storeys;
- building envelopes for a podium level and 4 buildings above podium on proposed Lot 42, with total heights from 4 to 6 storeys;
- demolition of existing buildings/structures on site and remediation of site;
- subdivision, road layout, services, and landscaping;
- total floor space of 76, 128m²; and
- residential display suites.

The detailed design of each development block is subject to obtaining development consent under Part 4 of the EP&A Act, consistent with the terms of the Concept Plan approval. Condition No. A1(a) of the Concept Plan approval specifically identifies the plans which form the basis of the building envelopes approved for Proposed Lot 31.

Condition A3 identifies that a maximum GFA of 9,548m² may be achieved by detailed development applications for Lot 31. Condition A4 specifies the maximum building height for each development block across the site including Proposed Lot 31 - a maximum of 4 and 6 storeys, equating to RL 32.75 AHD and RL 38.75 AHD respectively on Proposed Lot 31.

Schedule 3 of the Concept Plan identifies the Further Environmental Requirements that apply to future applications within the Clemton Park Village site. The Requirements address a range of matters including building separation, privacy, car share requirements and also identify the documentation and matters that may need to be addressed by future applications.

In addition to the conditions of approval and Further Assessment Requirements, the Final Statement of Commitments approved under the original Concept Plan identify a series of criteria that future development applications are required to address, including:

- heritage;
- transport and traffic;
- noise impacts;
- flooding;
- environmental sustainability;
- contamination;
- waste management;
- infrastructure;
- landscaping;
- construction; and
- subdivision.

The originally approved Concept Plan has been modified three times and the approved plans and Final Statement of Commitments have been revised accordingly, as follows:

1. Modification No. 1 was approved on 15 December 2011 and corrected a number of minor typographical errors, introduced greater flexibility related to the design of building envelopes, and revised the maximum floor space and building height permitted on Proposed Lot 11.
2. On 1 June 2012, the Minister for Planning and Infrastructure's delegate approved Modification No. 2 to the Concept Plan. Modification 2 reflected Australand's intention to construct three buildings on Lot 21 rather than the six buildings initially approved under the Concept Plan.
3. Modification No. 3, determined on 29 January 2013, amended the maximum permissible height (i.e.: number of storeys) on Proposed Lot 41, and updated and reconciled the Further Environmental Assessment Requirements and approved Final Statement of Commitments.

Most recently Modification No. 4, which seeks revised building envelopes for retail, residential and community uses on Lot 42 has been submitted to the Department of Planning and Infrastructure and is expected to be approved shortly. The proposed modifications as requested in this Section 75W Modification acknowledge the proposed amendments to Lot 42 if Modification No. 4 is approved, however suggested mark ups to the Concept Plan conditions of approval and Further Assessment Requirements have been made to the currently approved wording, not as proposed to be amended under Modification No. 4. The DoPI will, when preparing the Instrument of Approval in respect of this

Section 75W Modification, need to ensure that any modifications resulting from Modification No. 4 are reflected.

It should also be noted that since approval of the Concept Plan, Canterbury City Council has approved a street naming strategy for the entire Clemton Park Village site. Accordingly, the street names referenced in the Concept Plan Instrument of Approval and Final Statement of Commitments has been superseded. The new street names for Proposed Lot 31 are now known as Tedbury Street (south) (formerly known as New Harp Street).

1.1.2 Project Application and Development Applications

A Stage 1 Project Application was concurrently approved with the Concept Plan for the demolition of the former site buildings and structures and construction of a new residential building and a child care centre on Lot 11 (MP 08_0087). The demolition works have been completed and the site has now been remediated. Construction of the new residential building and child care centre is underway.

Development Applications submitted by Australand for Stages 2 and 4 were approved by Canterbury City Council and the JRPP on 16 August 2012 and 6 February 2013 respectively. Construction on Stages 2 and 4 are now underway.

Bupa is now progressing preparation of a development application for Proposed Lot 31, being Stage 5 of the Clemton Park Village Project. It has become apparent during the detailed design process for Proposed Lot 31 that variations to the approved envelopes are required to overcome the flooding constraints of the site, as well as better meet Bupa's service delivery and operational requirements. This Section 75W Modification therefore seeks to reconfigure the approved building envelopes to provide for the orderly development of Proposed Lot 31. As outlined above, this Modification also seeks approval to update the approved Final Statement of Commitments and is described in further detail in Section 3.2.

2.0 Description of Proposed Modifications

The proposed modifications to the Concept Plan approval (as modified) are outlined below. This section 75W modification seeks:

- replacement of the two approved building envelopes on Proposed Lot 31 with a single building envelope and consequently reconcile the relevant conditions of the Concept Plan approval to permit a maximum of 3 storeys or RL 34.0m (AHD); and
- streamline and update the approved Final Statement of Commitments for the Concept Plan approval.

2.1 Proposed Modifications to the Approval

Words proposed to be deleted are shown in bold strike through and words to be inserted are shown in bold italics.

Schedule 1 - Part A, Table

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, and a child care centre.*
- *Publicly accessible open space for a minimum 4850m²;*
- *Building envelopes for 3 buildings on proposed Lot 21, with a height of 3 storeys;*
- *Indicative building envelopes for ~~2~~ **1** building on proposed Lot 31, with ~~heights from 4 to 6 storeys~~ **a maximum height of 3 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 buildings above podium on proposed Lot 42, with total heights from 4 to 6 storeys;*
- *Demolition of existing buildings/structures on site and remediation of site;*
- *Subdivision, road layout, services, and landscaping;*
- *Total floor space of 76,128m²; and*
- *Residential display suites.*

Reason for Modification: Amendment to the development description is proposed to reflect the proposed replacement of two building envelopes with a maximum height of 4 to 6 storeys with a single building envelope of up to three storeys on Proposed Lot 31 as discussed in detail below. If approved, the development description provided within the Instrument of Approval will need to be updated in accordance with the marked up changes above.

A 1. 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 JBA, dated 28 August 2012 and the following drawings prepared by Kann Finch:

Concept Plan Drawings Prepared by Kann Finch:			
Drawing No.	Revision	Name of Plan	Date
DA 1.01	F J	Concept Scheme Only Cover Sheet	01.08.12 13.11.13
DA 2.01	F J	Concept Plan Only Roof Level	01.08.12 13.11.13
DA 2.02	F J	Concept Plan Only Level B	01.08.12 13.11.13
DA 2.03	F J	Concept Plan Only Level 1	01.08.12 13.11.13
DA 2.04	F J	Concept Plan Only Level 2	01.08.12 13.11.13
DA 2.05	F J	Concept Plan Only Level 3	01.08.12 13.11.13
DA 2.06	F J	Concept Plan Only Level 4	01.08.12 13.11.13
DA 2.07	F J	Concept Plan Only Level 5	01.08.12 13.11.13
DA 2.08	F J	Concept Plan Only Level 6	01.08.12 13.11.13
DA 2.09	F J	Concept Plan Only Level 7	01.08.12 13.11.13
DA 2.10	F H	Concept Plan Only Level 8	01.08.12 13.11.13
DA 3.01	F H	Concept Plan Only Sections 1	01.08.12 13.11.13
DA 3.02	F J	Concept Plan Only Sections 2	01.08.12 13.11.13
DA 3.03	A	Concept Plan Only Sections 3	13.11.13

except for as modified by the following pursuant to section 750(4) of the Act.

Reason for Modification: Concept Plan Drawings DA 1.01 to DA 3.02 inclusive are proposed to be updated. The revised Concept Plan drawings are the result of more detailed design work undertaken in relation to the development application currently being prepared for Proposed Lot 31. A new drawing DA 3.03 has been prepared and is also provided at Appendices A and B to provide new sections through the proposed building envelope labelled as Sections GG and HH, as the currently approved Sections CC and DD on Lot 31 were positioned in relation to the approved building envelopes and are therefore no longer relevant.

As outlined in Section 1.1 of this report, Lot 42 is the subject of a pending Section 75W Modification to the approved Concept Plan and also seeks revised building envelopes to those currently approved. Bupa has therefore taken the opportunity to prepare two sets of Concept Plan drawings, as follows:

- one set of plans indicating the currently approved Lot 42 building envelopes and proposed Lot 31 building envelopes (**Appendix A**); and
- one set of plans indicating the proposed Lot 42 building envelopes and proposed Lot 31 building envelopes (**Appendix B**).

Both sets of revised Concept Plan drawings take into account all the relevant conditions of approval. Bupa's preliminary plans for the development application documentation have been provided at **Appendix C** for illustrative purposes to show the proposed future layout. The plans are provided for information purposes only and approval is not sought for the Indicative Plans as part of this Section 75W Modification.

It should be noted that no modification is proposed to Conditions A1(b) and (c) of the current Concept Plan approval.

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	6 storeys (refer to A6 for height range) ←
Lot 41	Mixed Use/Open Space	7 storeys (refer to A6 for height range)
Lot 11	Residential/Child Care	4 storeys / RL 39.5 40.2AHD
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
Lot 31	Seniors Living	3 storeys / RL 34.00 AHD

Note: The Section 75W Modification in relation to Lot 42 proposed to be increased the eight to 8 storeys and remove the references to Condition A6

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 storey (as defined within the Residential Flat Design Code) shall not be exceeded.

Reason for Modification: The approved Concept Plan restricts height on Proposed Lot 31 by imposing a maximum four (4) storeys for future development within approved Building Envelope 5A and a maximum six (6) storeys for future development within approved Building Envelope 5B. This Section 75W modification proposes to amend Condition A4 to reduce the maximum permissible height on Proposed Lot 31 by 2-3 storeys and a maximum RL of 34 AHD to accommodate lift overruns and plant which is proposed to be located on top of the future building. The reduction in height is sought to reflect the revised building envelope, and also provide certainty to adjoining properties regarding the proposed bulk and scale.

2.2 Proposed Modifications to the Final Statement of Commitments

Minor amendments to the approved Statement of Commitments are proposed to incorporate the specialist reports prepared specifically for Lot 31 into the Concept Plan approval. Words proposed to be inserted are shown in bold italics.

FINAL STATEMENT OF COMMITMENTS - FORMER SUNBEAM SITE CAMPSIE

A 1. GENERAL

1.1 The project will be carried out generally in accordance with the plans and material submitted as part of the Environmental Assessment for Major Project No. 07_0106, except where amended by the Preferred Project Report dated May 2009, the Revised Preferred Project Report dated December 2010 and the subsequent modification applications under section 75W, as described in:

- a) Environmental Assessment Report and associated appendices dated 27 October 2008 as amended by the Preferred Project Report dated May 2009;*
- b) Approved Architectural Drawings contained within Modification A1 of this approval;*
- c) Amended Landscape Plans prepared by Habitation dated 24 April 2009;*

- d) Amended subdivision plans prepared by Dunlop Thorpe dated 13 27 June 2012;*
 - e) BASIX Assessment, BASIX Certificate prepared by Cundall;*
 - f) Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009 **except as amended by the letter prepared by Traffix dated 22 October 2013 and titled "Clemton Park Section 75W Application to the Concept Plan Approval"**;*
 - g) Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008 **except as amended by the Flood Management Report prepared by Craig and Rhodes dated 28 October 2013 "**;*
 - h) Utilities Investigation Report prepared by Hyder Consulting dated September 2008;*
 - i) Infrastructure Report and Plan prepared by Hyder Consulting dated October 2008 and plans prepared by Craig and Rhodes dated 9 June, 27 June, 6 July, 13 July and 16 July 2012;*
 - j) Waste Management Plan prepared by JD Macdonald dated October 2008;*
 - k) Construction Management Plan prepared by Davids Group dated October 2008;*
 - l) Demolition Management Plan prepared by Metropolitan Demolitions dated 27 March 2009.*
- 1.2. The Proponent will ensure that all contractors engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 07_0106 (as modified).*

3.0 Environmental Assessment

This section demonstrates that the reconfigured building envelope on Proposed Lot 31 and the requested amendments to the Final Statement of Commitments do not compromise the merits of the approved Concept Plan. A range of site constraints and amenity factors have been considered in formulating the proposed design. The proposed amendments sought by this Section 75W modification are consistent with the design principles of the Concept Plan approval and continue to incorporate the intent of the urban design improvements that were imposed as the relevant conditions of approval.

The amendments to the Final Statement of Commitments are sought to:

- they continue to reflect the general terms of the Concept Plan approval and associated further environmental assessment requirements;
- better reflect Bupa's proposed approach to responding to key design, environmental and construction issues during the detailed design and delivery of subsequent stages;
- revise and update the Statement of Commitments to facilitate the proposed future development of Proposed Lot 31;
- clarify the intent of the conditions; and
- reduce duplication currently present throughout the Commitments.

3.1 Built Form

The location of the reconfigured built envelope has been informed by the opportunities and constraints illustrated in **Figure 1** below including the extent of flooding on Lot 31 (discussed in Section 3.3 below), the presence of stormwater drainage easements on the site, the need for visual privacy to Viking Street residents, Council approved vehicular access and traffic management arrangements and the site's orientation.

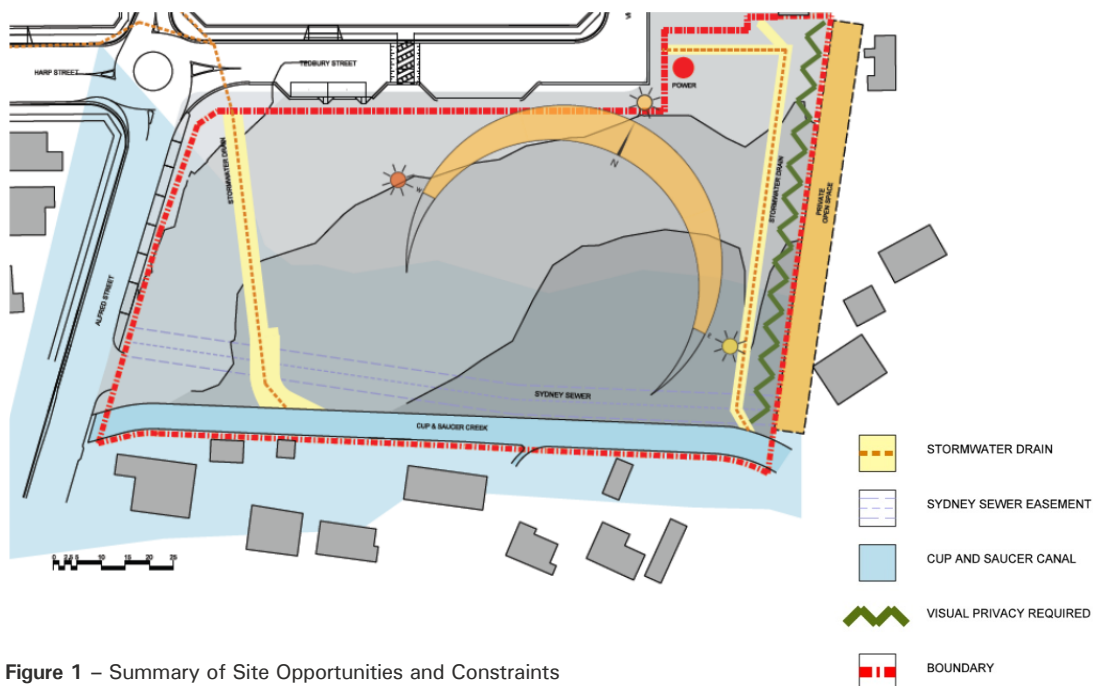


Figure 1 – Summary of Site Opportunities and Constraints

In addition and along with continually increasing demand for aged care, the objectives for the delivery of aged care have also changed. The currently approved building envelopes for Lot 31 do not meet the changing care needs of the aged care sector, or emerging trends to provide quality care and accommodation that facilitate ageing in place, and concentrating and centralising aged care services and facilities and the provision of “higher order” facilities. Furthermore, advancements in standards of care, the manner in which it is delivered and the expectations of the residents of aged care accommodation have further informed the reconfigured building envelope now proposed for Lot 31, shown in **Appendices A - C**.

The proposed reconfiguration is appropriate to the site in the context of contemporary models of care and their spatial requirements which have evolved since the Concept Plan was approved. The reconfigured building envelope, in place of the currently approved fragmented envelopes also enabling improved economic use of land and cost efficiencies to be realised.

3.1.1 Building Height

This Section 75W Modification proposes to reduce the currently approved building height from 4 and 6 storeys to a maximum of 3 storeys. This will minimise the apparent height of the reconfigured building envelope when viewed from surrounding streets and residential properties. The reduced height is considered to appropriately respond to the varied built form surrounding Lot 31, including single storey dwelling houses to the east and south and the taller residential buildings to the north on Lot 41. The height, bulk and scale will provide an appropriate transition from the character of the lower scale residential development to the south and east to the mixed uses precinct that is Clemton Park Village. As the existing Concept Plan approval provides for seniors living on Lot 31, the Section 75W Modification will not result in any significant change to the character of the Lot 31 or the broader Clemton Park Village site in terms of the mix and scale of uses.

The stepping of the building height as shown in Section GG at Appendices A and B, the overall reduction in building height, and the consistency of the proposed setbacks all serve in meeting design objectives for consistency with the desired future character contemplated by the Concept Plan approval. The proposal takes advantage of topography, whilst simultaneously responding to the flooding constraints on the Lot 31. The proposal takes advantage of these site characteristics to concentrate the bulk and height of the reconfigured building envelope towards the centre of Lot 31 and Tedbury Street, while minimising apparent height and bulk at street frontages. Consequently, the proposed 3 storey building height at Tedbury Street (RL 34.0) transitions well to the approved residential apartment buildings on Lot 41 (RL 38) (refer to the sections at **Appendices A and B**).

3.1.2 Setbacks and Building Separation

Referring to the drawings provided at Appendices A and B, the reconfigured building envelope observes the following setbacks:

- 9.67m from the eastern boundary (resulting in a separation from Viking Street dwellings of approximately 16.68m);
- 9.8m from the southern boundary (providing a separation of approximately 19.46m from dwellings on Alfred Street and Ridge Street); and
- 3.66m from the northern boundary, resulting in a separation of approximately 21m from the adjacent residential flat development within Lot 41.

The manner in which these setbacks ensure that the proposal is consistent with the Viking Street, Alfred Street, and Tedbury Street streetscapes and minimise adverse amenity impacts is reinforced in less building height, and differences in floor levels between the proposed development and adjacent residences. Consistent with the approved Concept Plan and particularly Further Environmental Assessment Requirement No. 6, the future Development Application will also implement, where necessary, additional privacy measures including offset windows, landscaping and screening. On balance, the reconfigured building envelope will not result in adverse privacy impacts.

Furthermore, the layout of aged care units within the reconfigured building envelope is consistent as far as practicable for an aged care facility with the guidelines in the DoPI's Residential Flat Design Code (RFDC). Within the parameters allowed by the provision of residential aged care and associated facilities, the proposed Section 75W Modification proposes a building envelope which is capable of:

- flattening the building, thereby providing the opportunity to improve building efficiencies and service delivery, and enhance access to amenities distributed throughout the building;
- providing as far as practicable separation between proposed building envelopes and neighbouring buildings;
- locating quieter living areas adjacent to one another; and
- separating noisy spaces from quiet spaces and positioning noisy parts of the facility to the centre of the building to stop noise escaping to the local residences.
- Technical solutions to ensure adequate acoustic privacy may need to be implemented as part of the future Development Application. These may include door seals and acoustic treatment to plant as required double glazing.

3.1.3 Visual Impacts

Future development of Lot 31 will be subject to a subsequent Development Application, and as such the Section 75W Modification will not in itself result in any visual impact. Notwithstanding, Bupa and its consultant team has considered the future visual impacts of the reconfigured building envelope. The discussion below demonstrates that reconfigured building envelope's siting proposed in this Section 75W Modification adequately allows for future visual amenity and vistas from surrounding properties, and particularly from Viking Street.

As outlined at Sections 2.1 and 3.1.1 and the illustrated by the drawings at **Appendices A and B** the reconfigured building envelope is 2-3 storeys less than the currently approved building heights for Lot 31. The broken up built form and proposed setbacks are also more generous than that currently approved, thereby ensuring the views to the site from Viking Street residences are likely to be improved and characterised by more skyline views. The reconfigured building envelope also results in less building mass presenting to the Viking Street residents, improving local views from these residences.

In addition, the future provision of landscaping (as shown in the indicative landscaping plan provided at **Appendix F**) including trees along the eastern boundary between the building setbacks and the rears of Viking Street and Reid Avenue properties (i.e.: south of Cup and Saucer Creek) will soften the appearance of the proposed development, thereby further minimising visual impact.

3.2 Access and Parking

3.2.1 Vehicular Access

Traffix has assessed the potential traffic and parking impacts of the revised building envelope (**Appendix D**). The assessment recognises the approved Traffic Management and Accessibility Plan approved as part of the Concept Plan approval, describes the existing traffic and parking conditions around the Clemton Park site in the surrounding area, and assesses the likely impacts of the proposed modification. The assessment notes that the proposed modification seeks to:

- increase the overall development yield from 109 beds including 50 high care seniors living and 59 independent living units to 144 beds including 108 High Care Seniors Living and 36 dementia beds;
- relocate the car park and service access to Alfred Street; and
- increased parking provision in accordance with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

3.2.2 Traffic Generation and Access Arrangements

Traffix predicts the proposed modification will generate 15 veh/hr during the AM and PM peak period, equating to a traffic generation rate for Lot 31 that is generally consistent with the traffic generation rate deemed acceptable under the approved Concept Plan. Traffic distribution is therefore expected to remain largely unchanged from that adopted in the approved Concept Plan, with the exception of localised changes arising from the proposed access arrangements. As outlined at **Appendix D**, access to Lot 31 was previously proposed via a driveway at the eastern end of Tedbury Street. As a consequence of the detailed design process, and acknowledging the future road upgrades to Alfred Street required under Condition B17 of the Concept Plan approval, Bupa now proposes to provide primary vehicular access to Lot 31 from Alfred Street with a port-cochere for pick-ups and drop offs at Tedbury Street to provide safer on-grade access for residents of the facility.

Traffix has advised that the relocation of the access will result in a minor increase in daily traffic movements along Alfred Street (approximately 120 additional vehicles per day compared to the 4,500 existing movements). The increase equates to 2.9% and would have no material impact on the operation of the critical intersection of Alfred Street with Harp Street, which will continue to operate as previously modelled and deemed acceptable under the TMAP that was approved as part of the Concept Plan.

Whilst only 'in principle' approval is sought for the proposed access arrangements at this stage(as the performance of the proposed access driveways will be assessed in detail as part of the future development application for Lot 31), Traffix has confirmed that the location and design of the proposed access arrangements can be designed to fully comply with the relevant requirements of AS2890.1 (2004) Part 1: Off-street Car Parking.

3.2.3 Car Parking

Bupa does not seek to amend the approved car parking rates, and accordingly the provision of parking to be provided in accordance with the parking rates will be as per the rates set out under the State Environmental Planning Policy (Housing for Seniors or People with a Disability).

The Section 75W Modification will result in a revised parking requirement of 38 spaces compared to the 65 spaces proposed under the Concept Plan approval, which comprised additional parking to service the previously proposed independent living units. Traffix has concluded that the reduced parking provision can be accommodated on-site with no reliance on on-street parking.

3.2.4 Loading and Servicing

Servicing of the site is to be undertaken wholly within the site making use of the proposed driveway crossing to Alfred Street. It is proposed that all servicing, including garbage collection, be undertaken by private contractor and accordingly the design ensures full compliance with AS2890.2 (2002) Part 2: Off-street commercial vehicle facilities can be demonstrated during the future Development Application.

3.2.5 Pedestrian Access

Access to the reconfigured building envelope will primarily be via Alfred Street and from the on-site car park. The access and internal design aspects have been reviewed and confirmed to be capable of compliance with AS2890.1 and AS2890.2. Detailed design will however be undertaken during the Development Application stage to ensure full compliance with the relevant standards is met.

3.3 Water Cycle Management and Flooding

The Concept Plan, as originally approved, recognised that the 100 year ARI flood levels along Cup and Saucer Creek encroach into Proposed Lot 31 extends through the site varying from approximately 22.4m AHD at the upstream of the Alfred Street bridge to approximately 20.6m AHD at the eastern (downstream) side of the site as shown in **Figure 2**.

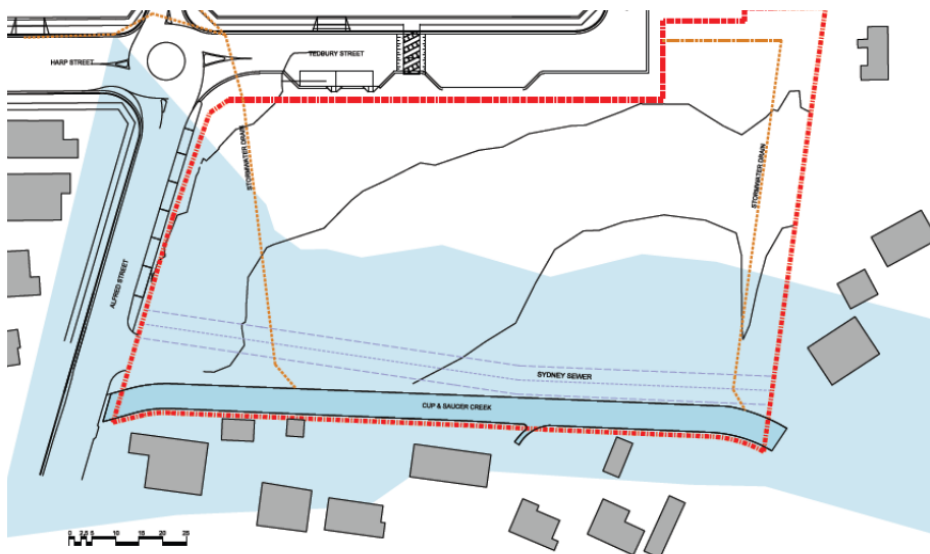


Figure 2 – Extent of flooding from Cup and Saucer Creek on Lot 31

The proposal has been considered by Craig and Rhodes to ensure that reconfigured building envelope appropriately responds to the flooding constraints on Proposed Lot 31 (**Appendix E**). The Assessment indicates that the Section 75W Modification will not result in any adverse impacts as:

- the lowest habitable floor level of the proposed reconfigured building envelope is 22.90 which is more than 500mm higher than the highest adjacent 100 year flood level at the corner of Alfred Street and Harp Street, and as such the proposed floor level will mitigate any affect to the existing 100 year flood regime;
- compensatory storage will be provided as part of the future Development Application where the reconfigured building envelope encroaches into the existing flood storage volume, and can be achieved through minor re-profiling of the site between Cup and Saucer Creek and the proposed building; and
- the eastern portion of the revised building envelope will be built on columns above the 100 year flood extent to ensure there is no impact on the flood plain.

4.0 Conclusion

This Section 75W Modification to Concept Plan MP 06_0107 seeks approval to reconfigure the approved building envelopes within Proposed Lot 31 of the Clemtown Park site.

Proposed Lot 31 has specifically been approved under the Concept Plan for seniors living and aged care development. The reconfigured envelope will therefore satisfy subregional planning objectives in this regard, while also serving State Government objectives for “ageing in place” and promoting affordable housing through general increases in housing supply.

As demonstrated throughout this report, the proposal has been designed so as not to result in adverse environmental impacts, particularly in terms of built form character and amenity. The reconfigured envelope is justified given the multiple influences that have informed the site's flooding and drainage constraints, its relationship to adjoining residential properties, and the service delivery requirements of Bupa to deliver high quality and functional aged care services. In addition, the reconfigured building envelope continues to satisfy the objectives of the terms and requirements of the Concept Plan Approval, particularly in relation to car parking and vehicular access arrangements within Proposed Lot 31 and surrounding the Clemtown Park Village Site generally.

The Section 75W Modification seeks to amend the Further Assessment Requirements to provide greater clarity. It also seeks to update and reconcile the approved Final Statement of Commitments to reflect the currently approved documentation. The proposed scope of amendments is considered minor given the stage of the project, the overall terms of the Concept Plan approval and further environmental assessment requirements, and the ability for Canterbury City Council to impose conditions of consent of future development applications. There is no material impact on the approved Concept Plan.

On the basis of the merits of the proposal, its positive social and economic impacts and in the absence of resultant adverse impacts, we have no hesitation in recommending that the Minister (or his delegate) approve the Section 75W Modification to MP 06_0107 pursuant to the provisions of Section 75W and Clause 3C of Schedule 6A of the EP&A Act.