

MODIFICATION REQUEST:

***Clemton Park Village, 60 Charlotte Street,
Campsie
Former Sunbeam Factory
Concept Plan MP07_0106 MOD 5***



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

June 2014



Cover Photograph: Artist impression of Lot 31 - Seniors Living precinct, reproduced from the Proponent's Appendix C Indicative Scheme.

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1. BACKGROUND

1.1 The Site

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

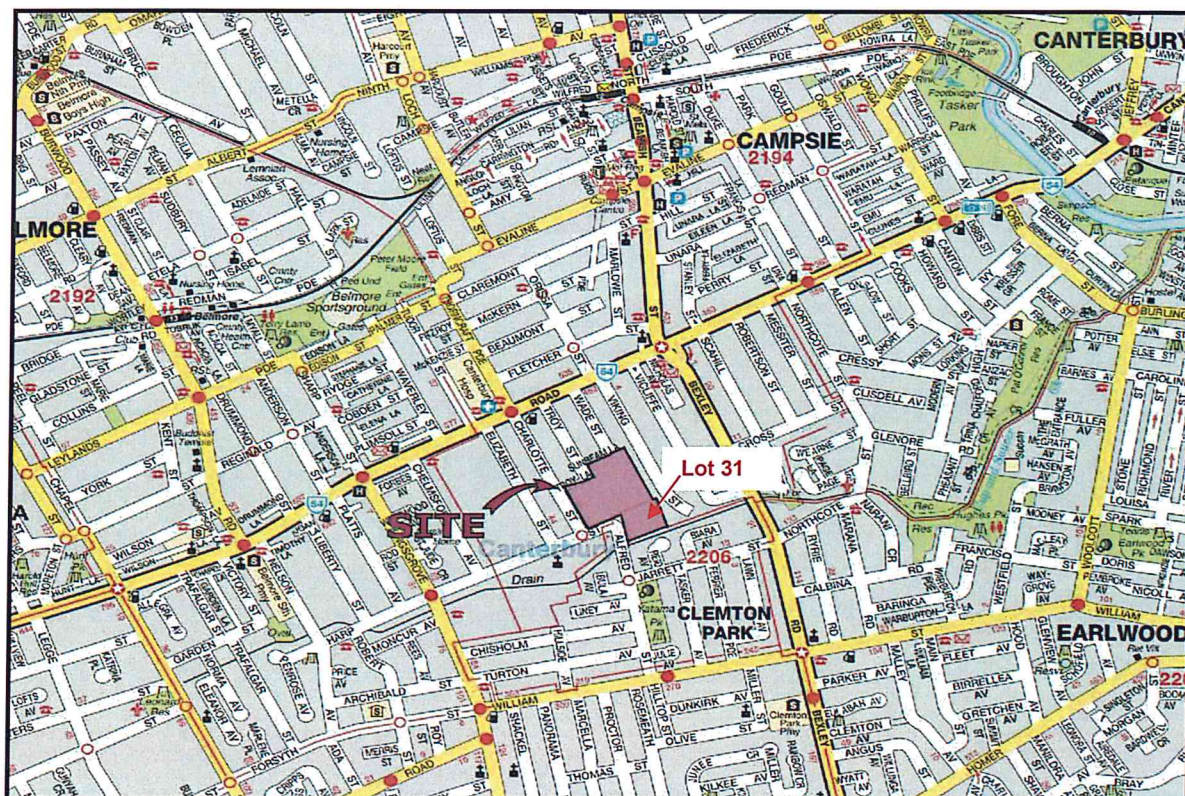


Figure 1: Site Location and the position of Lot 31 in relation to the entire site

1.2 Previous Approvals

On 4 February 2010, the then Minister for Planning approved a Concept Plan, MP07_0106, for the redevelopment of the former Sunbeam Factory site for a mixed use development, including residential, commercial and retail uses, a medical centre and a child care centre. Lot 31 is identified in the Concept Plan for Seniors Living.

The Minister also granted project approval (MP08_0087) for Stage 1 of the development comprising a 4 storey residential building with 58 units and a child care centre, with a total floor area of 6,512m². Construction of Stage 1 is currently underway.

The Concept Plan has previously been modified on four occasions:

MP 07_0106 MOD 1: On 15 December 2011, the Department approved a modification to allow for a 5% variation to the approved building footprints and building heights and to include residential display suites within the approval.

MP 07_0106 MOD 2: On 1 June 2012, the Department approved a modification to allow for modified building envelopes within Stages 1 and 2.

MP 07_0106 MOD 3: On 29 January 2013, the Department approved a modification which amended building envelopes and increased the building height on Lot 41, modified open space requirements and amended the Statement of Commitments.

MP 07_0106 MOD 4: On 18 December 2013, the Planning Assessment Commission approved a modification which amended building envelopes and increased the building height on Lot 42, relocation of the public plaza, amended parking and access requirements and amended the Statement of Commitments.

1.3 Other relevant applications

The department is currently assessing MP07_0106 Mod 6 which involves:

- an increase to building envelopes within proposed Lot 42;
- reallocation of floor area from Lot 31 to proposed Lot 42;
- increase in floor space ratio for proposed Lot 42;
- redistribution of the floor area land use mix within proposed lot 42; and
- amendments to conditions.

The application will be exhibited from 28 May 2014 until 27 June 2014.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification application seeks to:

- amend building envelopes on Lot 31, replacing the approved 2, 4-6 storey building envelopes with a single building envelope (having a larger footprint) with a height reduced to 3 storeys.
- relocate the vehicular entrance from Tedbury Street (north) to Alfred Street (west); and
- amend the Statement of Commitments to reflect updated traffic and flooding reports submitted with this application.

The approved and proposed layout for Lot 31 is shown in **Figures 2 and 3** below.

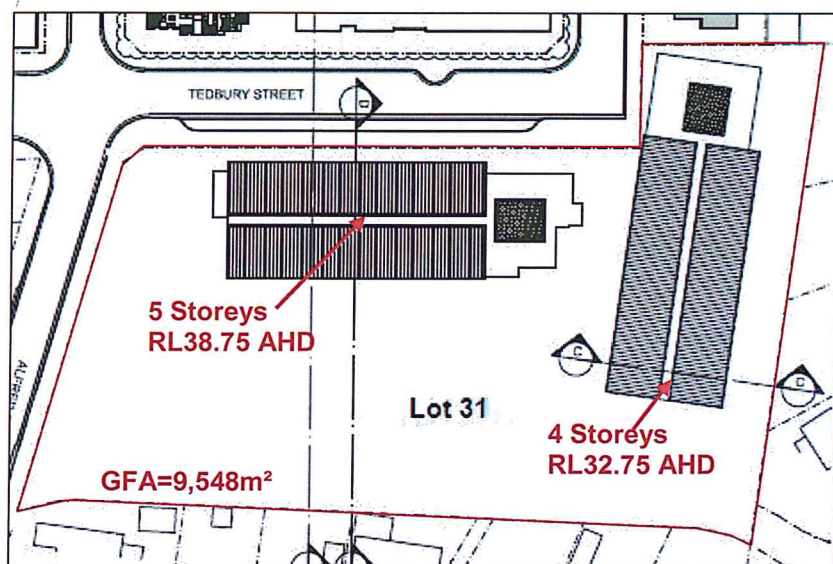


Figure 2: Lot 31 Approved Layout

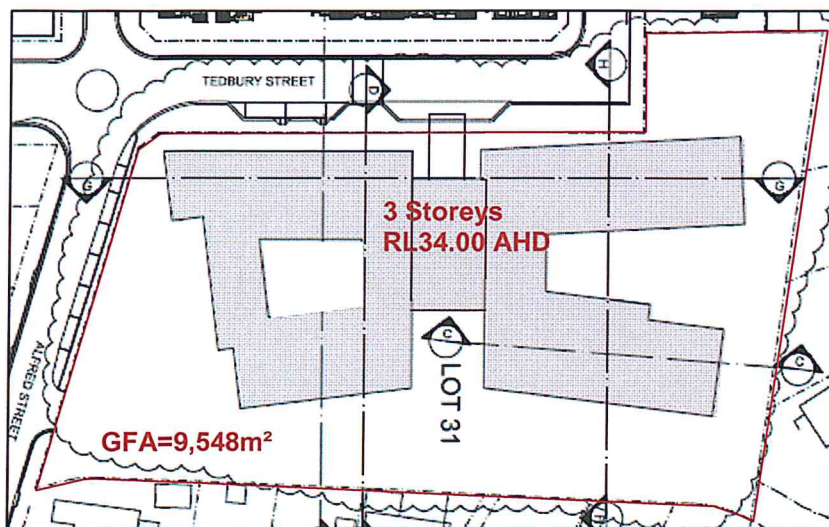


Figure 3: Lot 31 Proposed Layout

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 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.

3.3 Environmental Assessment Requirements

Section 75W(3) of the Act provides that the Secretary may notify the Proponent of environmental assessment requirements (EARs) 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 of Planning and Environment (the Department) to consider the application.

3.4 Determination under Delegation

The Minister has delegated responsibility for the determination of section 75W modification requests to the Department where:

- the Council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has been made, but only in respect of a previous related application.

The Department received only four public submissions and Canterbury Council has not objected. A political donation statement was made with the original application, but none has been made with the subject application. Accordingly the Executive Director, Development Assessment Systems & Approvals, may exercise his delegations and determine the application.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Secretary is required to make the modification request publicly available. The Department publicly exhibited the application from Wednesday 27 November 2013 until Tuesday 10 December 2013 (14 days) on the Department's website and at the City of Canterbury Council offices at 137 Beamish Street, Campsie. The Department also provided written notification to surrounding land owners.

The Department received 5 submissions in response to the exhibition including a submission from Canterbury Council and 4 submissions from the general public. A summary of the issues raised in submissions is provided below.

4.2 Council submission

Canterbury Council does not object to the proposed modification. It originally raised the issue of providing pedestrian links through the site but has subsequently advised it would not be pursuing a pedestrian link through Lot 31.

4.3 Public Submissions

Four submissions were received from the public, each objecting to the proposed modification. The key issues raised in public submissions related to the privacy, overshadowing, and increased bulk impacts associated with the reduced setbacks to the southern boundary. The Department has considered the issues raised in submissions in its assessment of the proposed modification.

4.4 Proponent Response to Submissions

The proponent submitted a response to submissions on 1 April 2014 addressing the issues raised in submissions. In particular, the proponent clarified the setbacks, provided additional information on flooding impacts and the potential pedestrian through site link.

5. ASSESSMENT

The key issues in the Department's assessment are:

- building form and setbacks;
- traffic;
- flooding; and
- through site link.

5.1 Building form and setbacks

The proposed modification involves a significant amendment to the building form whereby:

- two buildings are replaced by one, with a larger footprint;
- the overall height is reduced from 4-6 storeys to 3 storeys; and
- the overall floor space is reduced from approximately 9,548m² to 7,833 m².

The proposal also seeks to reduce the setback to the southern boundary. The existing approved envelopes were located between 22 to 40 metres away from the southern boundary. The proposal involves a reduced setback ranging between 14.5m to 27.5m (refer to **Figure 4**).

Residents in Reid Avenue raised concern in relation to the impact of the reduced setback of the proposal to the southern boundary. In particular, concerns were raised with regard to:

- adverse overshadowing impacts;
- privacy and overlooking impacts; and
- overbearing and visual bulk impacts.

The Department notes that despite a reduction in setbacks, the proposal still comfortably complies with Council's DCP which requires a setback of 4 or 6 metres from the side and rear boundaries respectively.

In terms of overshadowing, The Residential Flat Design Code recommends that living areas and open spaces achieve a minimum of 3 hours solar access in midwinter. The proponent's shadow analysis indicates that the proposal would result in no shadowing of Reid Street properties between 9.00am and 1.00pm in mid-winter. It is therefore considered that the impacts are satisfactory, noting that all residential properties would retain a minimum of 4 hours access to sunlight in mid-winter.

In terms of privacy, the Department notes that the reduced height of the development will result in fewer opportunities for overlooking. The minimum 14.5 metre setback provides an adequate space for dense landscaping to screen the development and maintain the privacy of adjoining dwellings. In addition, this matter can be further considered by Council in the future assessment of a DA for the development.

Although the building will be closer to the boundary than previously approved, it is considered that the significant reduction in height will also result in an overall improvement in visual impacts at the boundaries. The building design has been articulated, with deep recesses to reduce the appearance of bulk and scale along the Tedbury Street frontage and the rear aspect facing Reid Avenue. The Department also notes that the setbacks provide ample room for dense landscaping to screen the proposed development (refer to indicative landscape plan in **Figure 4**). This matter can be further addressed at the detailed DA stage with Council.

The proposed changes to the built form are therefore considered to be appropriate.

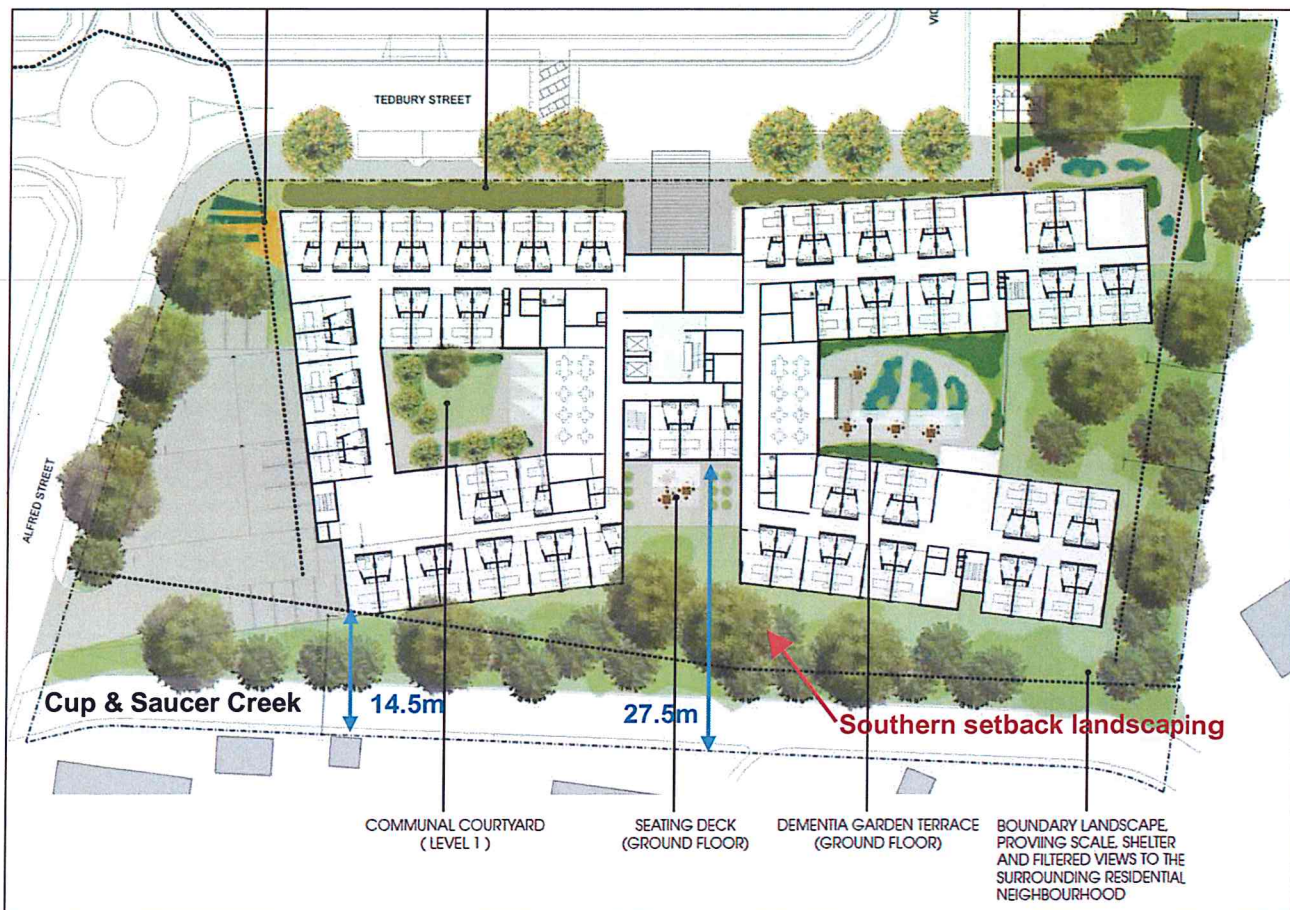


Figure 4: Extract from indicative landscape plan

5.2 Traffic

A traffic impact assessment has been submitted with the proposal, to address the impact of the relocation of the proposed driveway entrance from Tedbury Street to Alfred Street. Although a port-cochere will remain available from Tedbury Street for pickup and drop off for residents and visitors at the front of the building, all parking and deliveries will be accessed from Alfred Street.

The traffic impact assessment notes that this change will result in an increase in traffic movements of 120 vehicle movements on Alfred Street per day. It is noted that this increase is only 2.9% of the current exiting vehicle movements along Alfred Street of 4,500, and is therefore unlikely to materially affect the operation of any intersections adjoining the site.

Furthermore, the traffic assessment notes that there is likely to be a change in the type of seniors living accommodation provided on the site compared to that anticipated in the original Concept Plan. The Environmental Assessment submitted with the Concept Plan indicated the likely provision of 59 independent living units and 50 high care beds (however final numbers may vary subject to future DA design).

The traffic assessment and s75W request now indicates that up to 144 seniors living accommodation beds will be provided (all high care and dementia beds). The deletion of the independent living units would significantly reduce the parking provision and traffic generation of the development, with the number of parking spaces likely to be reduced from 65 to 38 spaces and traffic generation is also likely to be reduced from 17 to 15 vehicles per hour during the peak times.

Final number of beds and internal layout will still be the subject of a future DA to be assessed by Council, and therefore traffic impacts may vary slightly from those predicted, but it is considered that due to overall floor space on Lot 31 being reduced, the proposed modifications will not result in a net adverse traffic impact to the locality.

5.3 Flooding

Flooding was a key issue addressed in the Department's assessment of the Concept Plan. Lot 31 has a storm water culvert located along the southern boundary (refer to **Figure 4**). The original buildings were located clear from the flood zone, however the proposed modification involves building envelope within the potential flood zone. The proponent's flood report advises that the highest 100 year flood level in proximity to the site is 21.3m AHD at the corner of Harp and Alfred Streets.

The consultant report has identified there will be a slight increase in flood water velocity adjacent to the new building envelope, but that the velocity / depth ratio will be significantly reduced and that overall flood levels would not be increased by the proposal.

The report advises that the proposed development has been designed to accommodate the 100 year flood event by:

- setting habitable floor levels more than 500mm above the flood level: the lowest habitable floor level for the proposed building would be 22.90m AHD, which is 1.6m higher than the 100 year flood level;
- providing compensatory storage where necessary: this will be achieved by slight re-profiling the existing site between Cup and Saucer Creek and the proposed building to compensate for increased building volume within the flood plain and will be detailed as part of the future DA; and
- building above the flood plain: the eastern half of the building will be built on columns above the 100 year flood extents which will not affect the flood plain.

The amended statement of commitments provides that future development on the site will be carried out in accordance with the stormwater report (Commitment 1.1(g)). Furthermore, any future development application will need to address Further Assessment Requirement No. 15 and

Statement of Commitment No 5 which requires the provision of a flood study, demonstration that habitable floor levels exceed the 100 year flood level, and flood and emergency evacuation plans.

While the report does not specifically address safety of access to and from the site during flood events, the main entrance point is located on the northern side of the site in an area unaffected by flooding, and as such, residents and visitors will be able to safely access and leave the site during a flood event. Management of other egress points, including the carpark and driveway entry point which will be within the flood zone, will need to be considered as part of future emergency and management plans required to be submitted as part of future applications.

The Department is satisfied that with the implementation of Further Assessment Requirement No. 15 and Statement of Commitments Nos 1.1(g) and 5, the proposal can be delivered without unacceptable flooding risk.

5.4 Through site link

Future assessment requirement No 17 of the concept approval requires that the proponent demonstrate that pedestrian links between the site and Bexley Road have been fully investigated with additional links provided and existing links upgraded where possible.

Council's original submission in response to this modification request raised the issue of a potential pedestrian link running along the southern edge of Lot 31, or an alternative link through the site to connect it to Bexley Road. In response, the proponent advised it had investigated opportunities and provided details of a potential link through the southern part of the site. However Council subsequently advised it would no longer be pursuing a link through Lot 31, due to security and safety issues associated with the pedestrian link.

The proposed modified concept plans do not include details of a pedestrian link on the site, but as further environmental assessment requirement 17 remains in place, the inclusion of pedestrian links through the site may still be considered as part of future development applications. The Statement of Commitments has been amended to delete a reference to the link shown on concept landscape plans but not yet formally approved.

6. CONCLUSION

The Department is satisfied that the modification request to the approved Concept Plan will ensure a satisfactory level of amenity for residents of the development and surrounding residences.

The modified proposal achieves the same objectives as the original Concept Approval and will not alter the overall nature, need or justification of the project. The modified Concept Plan will allow existing and future Development Applications to be determined in accordance with the approved Concept Plan.

It is therefore recommended that the modification request be approved, subject to the amended Modifications and Statement of Commitments.

7. RECOMMENDATION

It is **RECOMMENDED** that the Executive Director, Development Assessment Systems & Approvals as delegate for the Minister for Planning:

- **note** the information provided in this report;
- **approve** the modification request, subject to conditions; and
- **sign** the attached modifying instrument.

Endorsed by:

A. Watson 3/6/14

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11.6.14

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APPENDIX A MODIFICATION REQUEST

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

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
