



***MODIFICATION REQUEST:***

***Clemton Park Village,  
60 Charlotte Street, Campsie  
Former Sunbeam Factory  
Concept Plan MP 07\_0106 MOD 6***

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

September 2014

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## 1. BACKGROUND

The purpose of this report is to assess an application to modify the approved Concept Plan of the Clemtown Park Village project (formerly known as the Sunbeam Factory site) (MP 07\_0106) under Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The application seeks approval to make amendments to the floor space mix and building envelopes.

### 1.1 The Site

The subject site, Clemtown 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 5.5 hectares in area. The site locality is illustrated in **figure 1**. This modification application relates predominantly to Lot 42, located in the western part of the site.

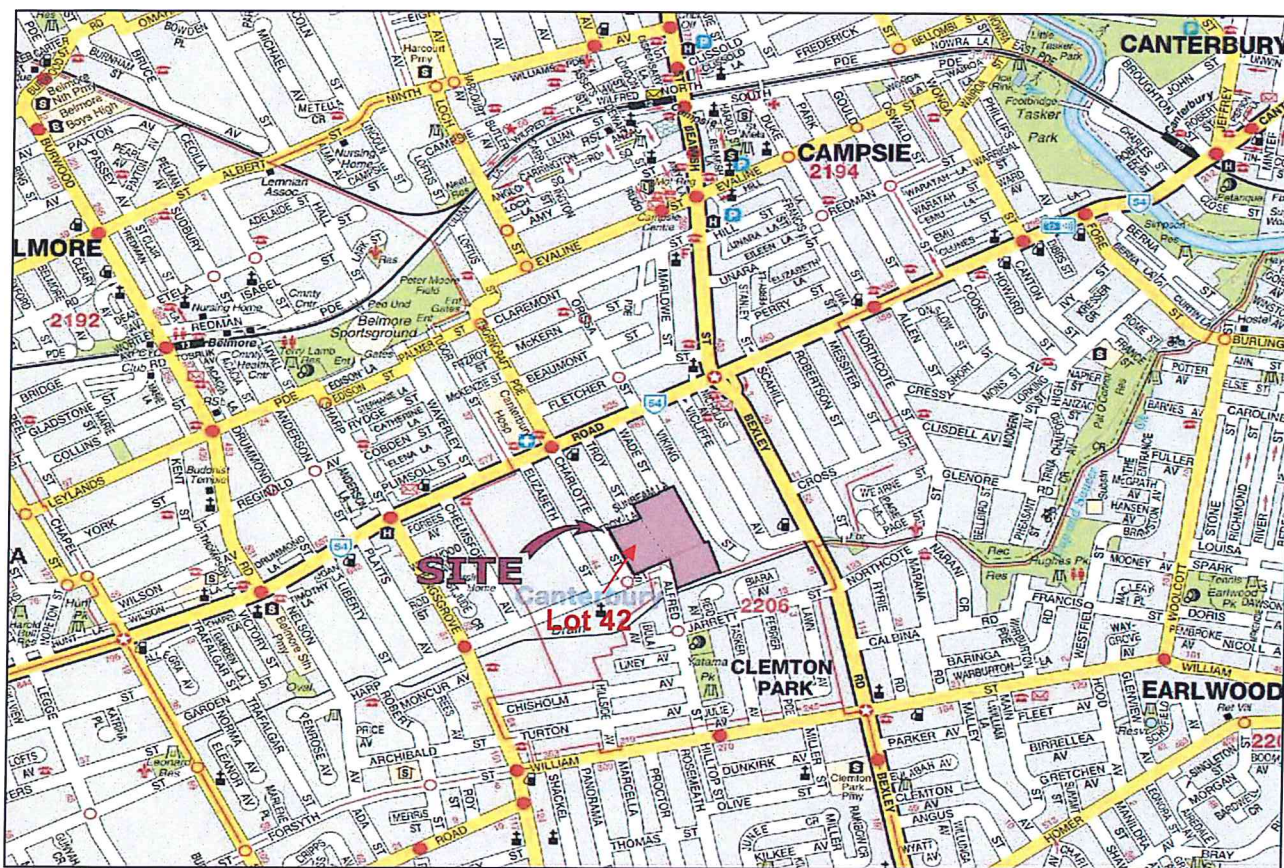


Figure 1: Site Location and the position of Lot 42 in relation to the entire site

### 1.2 Previous Approvals

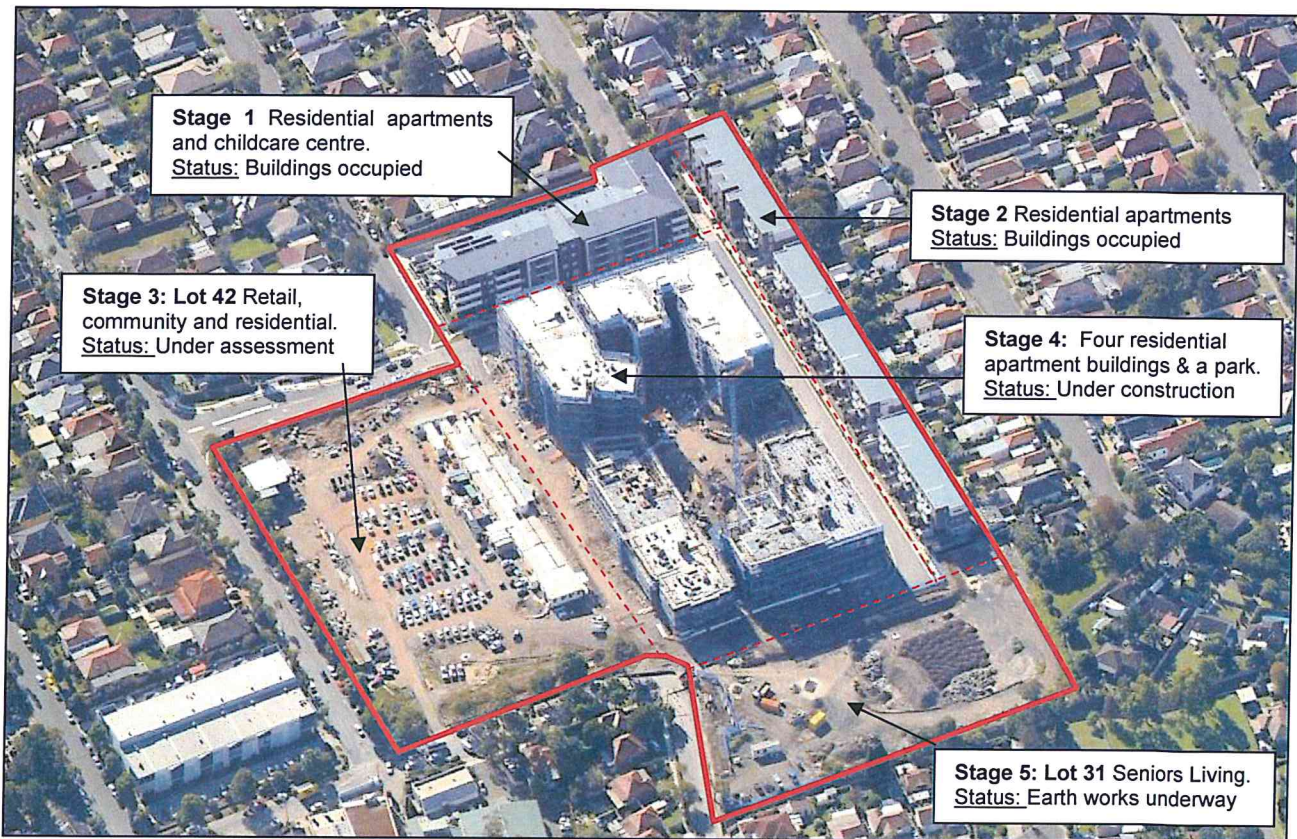
On 4 February 2010, the then Minister for Planning granted a Concept Approval, MP07\_0106, for the redevelopment of the former Sunbeam Factory site for a mixed use development, including residential, commercial and retail uses, a medical centre and a child care centre. The development was over 5 allotments:

- Lot 11 (Stage 1) residential apartments and child care;
- Lot 21 (Stage 2) residential apartments;
- Lot 42 (Stage 3) mixed use retail, commercial and residential;
- Lot 41 (Stage 4) residential apartments and a park; and
- Lot 31 (Stage 5) seniors Living.

The Minister also granted project approval (MP08\_0087) for Stage 1 of the development.



Other stages are the subject of development applications to Canterbury Council. The development of the site is shown in **figure 2**.



**Figure 2:** Aerial View of site (source: Nearmaps, photo taken 5 May 2014)

The Concept Plan has previously been modified on five 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.

**MP 07\_0106 MOD 5:** On 11 June 2014, the Department approved a modification which amended building envelopes and reduced building heights on Lot 31 and amended the Statement of Commitments. This resulted in a reduction in GFA in the order of 1,715m<sup>2</sup>.



### 1.3 Background for Stage 3 / Lot 42

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 original Concept Plan proposed bulky goods retailing and other non-residential uses upon what is now known as Lot 42.

The Department undertook a detailed assessment of the proposed non-residential uses and found them appropriate. The application was referred to the Minister for the Planning for determination. The Minister referred the project to the Planning Assessment Commission (PAC) to review the reasonableness of the Department's recommendation.

The PAC considered a range of issues in its review and concluded that the site was not suited to the retention of industrial uses and would be better suited to a mixed use development incorporating a supermarket and neighbourhood scale uses.

In accordance with the recommendations of the PAC, the Department undertook further negotiations with the proponent, which resulted in the submission of an amended Preferred Project Report (PPR) where the bulky goods component was deleted from Lot 42 and replaced with a mixed use building with a ground floor podium for commercial/retail uses, 4 residential building envelopes above, a new plaza fronting what is now known as Mackinder Street and a central pedestrian link.

The Minister subsequently approved the amended Concept Plan (with some recommended design modifications).

Modification application MP07\_0106 MOD 4 was determined by the PAC and subsequently amended the development on Lot 42. It increased the height of the podium and amended the building envelopes of the residential flat buildings above the podium level, by increasing the number of buildings, amending their location and layout and increasing the height of the buildings from 4 to 5 storey (above podium) on Harp Street and from 3 to 5 storeys (above podium) at the southern end of Charlotte Street. It also redistributed the approved floor space on Lot 42 by deleting previously proposed commercial floor space and increasing retail and residential floor space. It also added 300m<sup>2</sup> of community use floor space.

The current approval therefore now allows for the following on Lot 42:

- a 1-2 storey podium level incorporating both retail and residential uses;
- 5 building envelopes ranging in height from 3 storeys to 5 storeys above the retail podium incorporating residential and community uses;
- total GFA of 28,165m<sup>2</sup> including:
  - 20,210m<sup>2</sup> residential;
  - 7,655m<sup>2</sup> retail; and
  - 300m<sup>2</sup> community uses;
- basement level parking; and
- a ground floor level plaza and pedestrian link.

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

This modification application seeks to redistribute the approved floor space mix on Lot 42 and Lot 31 while maintaining the overall floor space of 76,128m<sup>2</sup> approved across the Concept Plan as outlined in **Table 1**.

#### Lot 31

A recently approved modification (MP07\_0106 MOD 5) relating to Lot 31 for Seniors Living Aged Care, amended building envelopes on that site, which means that the approved quantum of floor space for that site cannot be realised. There is a surplus floor space of 1,715m<sup>2</sup> which the proponent is seeking to transfer to Lot 42.

#### Lot 42

It is proposed to provide an additional 2,529m<sup>2</sup> of residential floor space on Lot 42, made up of the 1,715m<sup>2</sup> transferred from Lot 31, a reduction in retail floor space by 750m<sup>2</sup> and a reduction in community floor space by 64m<sup>2</sup> (refer to **Table 1**).

**Table 1: Approved and proposed land use distribution**

| Use                           | Approved                   | Proposed                   | Difference           |
|-------------------------------|----------------------------|----------------------------|----------------------|
| Lot 31 – Seniors / Aged Care  | 9,548m <sup>2</sup>        | 7,833m <sup>2</sup>        | -1,715m <sup>2</sup> |
| Lot 42 – Residential          | 20,210m <sup>2</sup>       | 22,739m <sup>2</sup>       | +2,529m <sup>2</sup> |
| – Retail                      | 7,655m <sup>2</sup>        | 6,905m <sup>2</sup>        | -750m <sup>2</sup>   |
| – Community                   | 300m <sup>2</sup>          | 236m <sup>2</sup>          | -64m <sup>2</sup>    |
| – Total                       | 28,165m <sup>2</sup>       | 29,880m <sup>2</sup>       | +1,715m <sup>2</sup> |
| <b>Total Concept Plan GFA</b> | <b>76,128m<sup>2</sup></b> | <b>76,128m<sup>2</sup></b> | <b>0</b>             |

The application also proposes to increase building envelopes on Lot 42 to accommodate the additional floor space by:

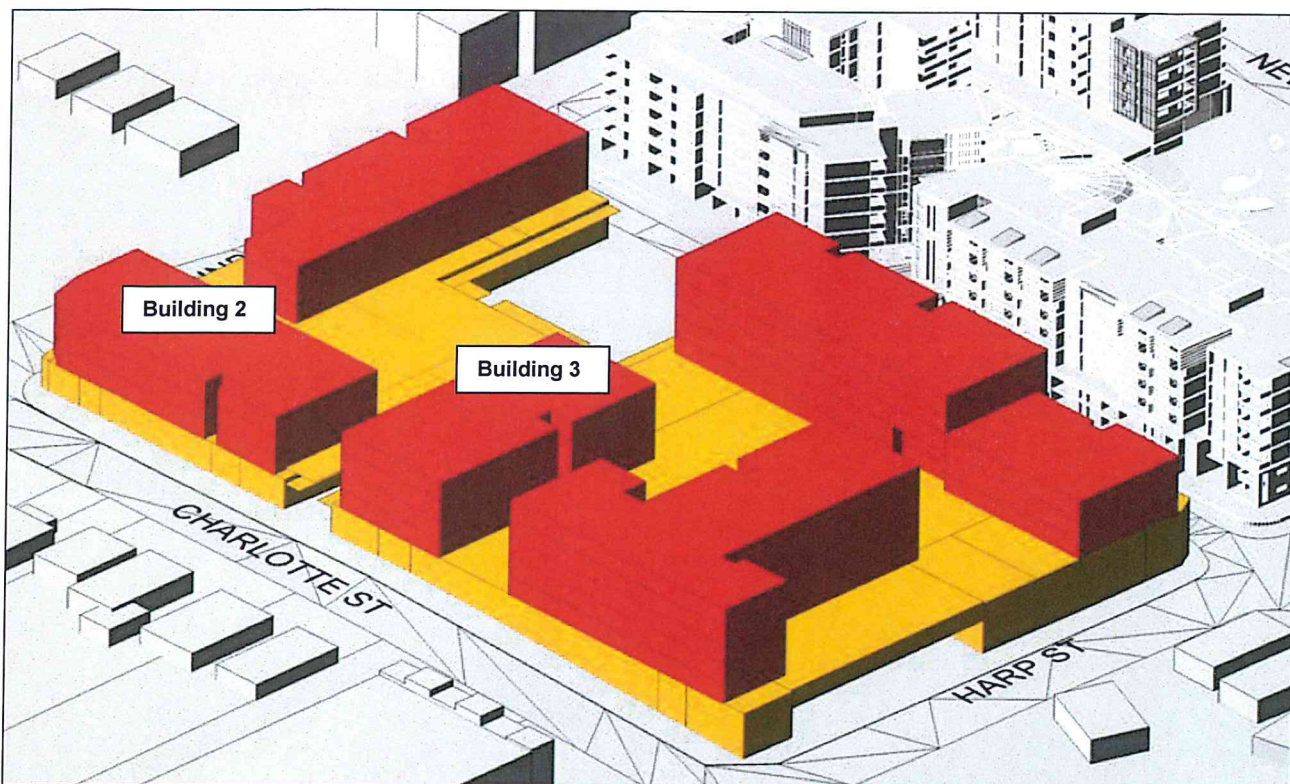
- increasing the height of Building 2 by 1 storey (from 3 to 4 storeys above the podium); and
- increasing the height of Building 3 by 1 storey (from 4 to 5 storeys above the podium).

A comparison of the approved and proposed building envelopes is shown in **figures 3 and 4**.

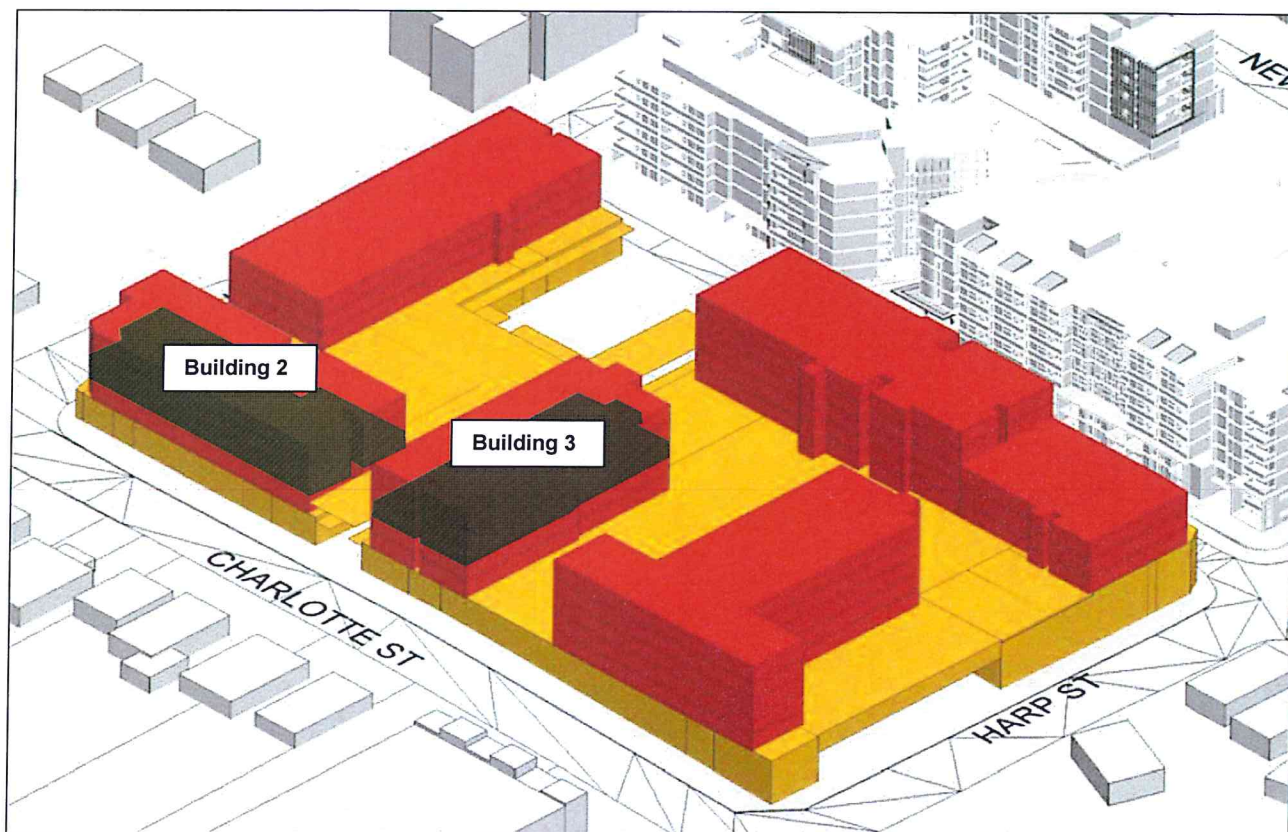
The above changes will also result in a small increase to the approved FSR on Lot 42 (from 2.10:1 to 2.13:1), but overall floor space and FSR across the Concept Plan site will remain unchanged.

It is also proposed to delete a note to Condition A3 which enables up to 5% of non-residential floor space on Lot 42 to be used for residential purposes.





**Figure 3:** Lot 42 Likely building envelopes as approved (Source: Proponent's application)



**Figure 4:** Lot 42 Likely building envelopes as proposed (Source: Proponent's application)



### 3. STATUTORY CONTEXT

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#### 3.1 Continuing Operation of Part 3A to Modify the Project Approval

In accordance with clause 3 of Schedule 6A of 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 seeks to modify requirements proposed on the Concept Plan which require further assessment.

#### 3.3 Environmental Assessment Requirements

Section 75W(3) of the Act provides that the Secretary may notify the proponent of environmental assessment requirements 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, as sufficient information was provided to 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 Executive Director, Development Assessment Systems and Approvals, 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 six 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

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#### 4.1 Exhibition

Under Section 75X(2)(f) of the Act, the Secretary is required to make the modification request publicly available. The Department publicly exhibited the application from Wednesday 28 May until Friday 27 June 2014 (30 days) on the Department's website, at the Department's offices and at the City of Canterbury Council offices. The Department also provided written notification to surrounding land owners.

The Department subsequently renotified the proposal from Wednesday 9 July until Wednesday 23 July 2014 (14 days) to clarify the extent of the modifications proposed.

The Department received 6 public submissions in response to the original exhibition and 4 of the submitters also sent a further submission in response to the re-notification. Canterbury Council did not make a submission. A summary of the issues raised in submissions is provided below.

## 4.2 Public Submissions

Submissions were received from 6 members of the public in the form of objections. The key issues raised in public submissions related to:

- parking and traffic impacts;
- amenity impacts to neighbours in terms of privacy, noise and visual impacts; and
- infrastructure impacts, particularly mobile phone coverage, electricity supply, and hospital provision

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

## 5. ASSESSMENT

The key issues in the Department's assessment are:

- building form and height;
- amenity impacts; and
- traffic and parking;

### 5.1 Building form and height

The proposal seeks an increase to the height of Buildings 2 and 3 by one storey (3m). **Table 2** below provides a summary of proposed building height changes.

**Table 2: Increase in building heights**

| Building                   | Proposed Building Height                                | Change     |
|----------------------------|---|------------|
| <b>Building 2</b>          | 5 storeys (17 metres)<br>(4 storeys above podium)       | + 1 storey |
| <b>Building 3</b>          | 6 storeys (20.5 metres)<br>(5 storeys above the podium) | + 1 storey |
| <b>Building 1, 4 and 5</b> | As Approved   | No Change  |

The changes to the building envelopes would accommodate the additional 1,715m<sup>2</sup> of floor space being transferred from Lot 31 to Lot 42.

The LEP height control applying to the site sets a maximum height of 10 metres.

The proponent advises that building envelopes have been carefully designed and chosen to minimise impacts of the transferred floor space. Buildings 2 and 3 were considered most appropriate by the proponent to accommodate additional height as they:

- had the least impact on the neighbourhood in terms of overshadowing, visual privacy and solar access;
- would still comply with the building height requirements of Condition A4 of the Concept Approval which allows for a maximum height of 8 storeys on Lot 42;
- would have minimal change to the overshadowing of the central plaza and communal open space;
- would have an imperceptible increase in the general bulk of the site; and
- would retain existing building separation, orientation, access and established building form.

In terms of visual impacts, the Department's assessment concludes that the proposed increase in height is acceptable. The increased height of Buildings 2 and 3 falls within the range of heights (3 to 8 storeys or 10.2 to 25 metres) already approved on the Concept Plan site and on Lot 42 (all of which already exceed the 10m LEP height control). As such the proposed modification does not increase the overall maximum height or any substantive visual impacts.



Furthermore, Lot 42 was designed to incorporate substantial breaks in building massing above the podium level along Charlotte Street. These visual breaks are maintained under the modification and assist with offsetting the additional visual bulk of the proposed additional storey on Buildings 2 and 3.

Despite the additional storey, Building 2, would remain smaller than Buildings 3, 4 and 5 on Lot 42 and therefore is not considered to present as overly dominant within the locality, or result in any material adverse visual impacts.

The impact of the additional massing from Building 3 is considered relatively minor as it presents only a short edge to Charlotte Street. Further, Building 3 achieves the same maximum RL height as Building 4 adjoining to the south. Therefore, Building 3 is not considered to present as overly dominant within the streetscape, despite the proposed increase in height.

In terms of amenity impacts, as discussed below in **Section 5.2**, the additional height does not result in any unacceptable overshadowing or amenity impacts to adjoining development on Charlotte Street. Buildings 2 and 3 are also considered to be the best location for the provision of any additional floor space on Lot 42, as increases in the height of other buildings on the site would result in substantial additional overshadowing of the public plaza or communal open space areas or would increase the overall maximum height of development on the site, increasing its visual dominance within the locality.

## 5.2 Amenity Impacts

### Overshadowing

The proposed increase in building heights will mostly impact the front facades of dwellings on Charlotte Street opposite the site between 9am and 10am midwinter. However, after 10.00am, the proposal does not result in any shadow impacts to those properties, which all receive in excess of 3 hours of solar access to their front facades and to their private open space areas in mid-winter. As such the proposal does not result in any unacceptable overshadowing impacts.

The proposal also results in some additional internal overshadowing within the site. However the impacts are minor and the affected dwellings all remain capable of achieving at least 3 hours of solar access in accordance with the Residential Flat Design Code (RFDC).

### Privacy

In terms of privacy, the proposed additional units will be setback more than 25 metres from the front facades of dwellings on Charlotte Street and more than 45 metres from the rear gardens of those dwellings. When considered in light of the Residential Flat Design Code which recommends that residential flat buildings 5 to 8 storeys in height should have separation of 18 metres between habitable rooms and balconies, the separation in this case is considered to be generous and would not result in an unacceptable privacy impact to dwellings on Charlotte Street.

### Internal Amenity

The additional storey on Buildings 2 and 3 have the same floor plate as the levels below and will achieve adequate cross ventilation and building separation consistent with the RFDC. Internal amenity is therefore considered acceptable.

## 5.3 Traffic and Parking

A traffic impact assessment was submitted which addresses the impact of the proposed land use redistribution on the site. The report demonstrates that the increase in the number of peak hour trips associated with the increased residential floor space (+ 8 vehicles / hour) will be offset by a reduced number of peak hour trips as a result of the reduced retail and community floor space (- 15 vehicles / hour). On this basis, there would be an improvement in the overall traffic conditions



on and surrounding the site. The proposal is therefore considered acceptable with regard to traffic impacts.

Basement level car parking is proposed to be provided for the additional floor space in accordance with the parking rates in condition A5 of the Concept Approval. The proponent estimates that car parking will reduce from 695 spaces to 675 spaces as a result of the reduction in retail floor space and possible future dwelling mix. This detail will however be subject to assessment in a future Development Application. As such the Department is satisfied that the proposal will not result in any unacceptable parking impacts for the locality.

## 5.4 Other Issues

### Reduction in retail and community floor space.

As detailed in **Section 2**, it is proposed to reduce both retail and community floor space from 7,655m<sup>2</sup> to 6,905m<sup>2</sup>, and 300m<sup>2</sup> to 236m<sup>2</sup> respectively.

The note to requirement A3 of the Concept Approval already specifically permits a transfer of up to 5% of the non-residential floor space to residential uses on Lot 42 providing it does not compromise the activation of the retail plaza and through site link, nor compromise the retail mix. The modification in this case results in a transfer of 10% of the non-residential floor space on Lot 42.

Although the amount transferred exceeds the 5% permitted by the condition, the reduction in retail and community floor space is considered to be minor and would not result in any substantial economic or employment impacts, especially as compared to the Concept Plan as originally approved, which included only 6,985m<sup>2</sup> of retail floor space and no community floor space on Lot 42.

Further, the proposal maintains the activation of the plaza and through site link and maintains the retail mix by retaining a supermarket, mini-major, and specialty retail stores. As such, the modified proposal is considered to be consistent with the intent of the approval.

On this basis, the note to condition A3 should be deleted as the land use mix on the site is resolved through this modification.

### Transfer of Floor Space from Lot 31 to Lot 42

The built form, amenity and traffic impacts of the additional 1,715m<sup>2</sup> of floor space transferred from Lot 31 to Lot 42 have been discussed in **Sections 5.1, 5.2 and 5.3** and shown to be acceptable. Further, any minor impacts are offset by improved outcomes on Lot 31. The impacts of the reduction in the building envelopes on Lot 31 were assessed under MP07\_0107 MOD 5 and it was found that the modification would result in improved amenity for adjoining development in terms of privacy, visual impacts and reduction in traffic generation.

As such the proposed transfer of floor space from Lot 31 to Lot 42 is considered to be acceptable and to result in no net adverse environmental impacts to the locality, as the overall floor space for the Concept Approval remains unchanged at 76,128m<sup>2</sup>.



## Impacts on Infrastructure

Concerns were raised in public submissions about the impact of the development on infrastructure, particularly mobile telephone reception, electricity and demand for medical / hospital services. Given that overall floor space across the concept plan site will remain unchanged, the proposed modification would have negligible impacts on infrastructure such as electricity and health services. The Department also considers that the provision of a single additional storey on 2 buildings that does not increase the overall maximum height of the development would be unlikely to have material impacts to the telecommunications network.

## 6. CONCLUSION

The Department is satisfied that the proposed modification to the approved Concept Plan will allow a satisfactory level of amenity for residents of the development and the surrounding area.

The proposed redistribution of floor space from Lot 31 to Lot 42 and change in the land use mix within Lot 42, will not affect the overall GFA of 76,128m<sup>2</sup> approved across the Concept Plan.

Further, the proposed additional storey on Buildings 2 and 3 is considered acceptable and will not result in any adverse visual or amenity impacts.

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.

## 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.

Prepared by: Natasha Harras  
Senior Planner

Endorsed by:



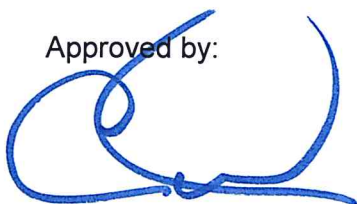
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5. 9. 14

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## **APPENDIX A      MODIFICATION REQUEST**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)



## **APPENDIX B    RECOMMENDED MODIFYING INSTRUMENT**

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