



27 March 2012

The Director-General
Department of Planning & Infrastructure
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Attention: Mr Alan Bright, Acting Director Metropolitan and Regional Projects

Dear Mr Bright,

Section 75W Application Clemton Park Village Concept Plan

Australand Holdings Limited seeks approval to modify the Concept Plan Approval MP No 07_0106 in response to matters raised during the detailed design phase for the Stage 2 development application (DA 626/2011) submitted to City of Canterbury Council ("Canterbury Council"). The Stage 2 development application relates specifically to Lot 21 and comprises three residential apartment buildings containing 78 apartments.

1.0 INTRODUCTION

The approved Concept Plan (MP 07_0106) for the former Sunbeam Factory site, now known as Clemton Park Village, provides for a mixed use development including:

- Land uses, building envelopes, gross floor areas and maximum building heights for five (5) individual developments sites;
- Demolition of existing buildings and structures on the site and remediation of site;
- Subdivision, road layout, services and landscaping; and
- Total maximum gross floor area for the site of 76,128m².

This application is submitted to the Minister for Planning and Infrastructure (or delegate) requesting modification of the Concept Plan 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 the approved Concept Plan building envelopes for Lot 21 to enable determination of the Stage 2 development application proposal lodged with Canterbury City Council.



2.0 BACKGROUND

On 4 February 2010, approval was granted to Concept Plan MP No 07_0106 and Project Application MP 08_0087 for the Clemton Park Village site. Both consents were subsequently modified on 15 December 2011.

Demolition of the former site buildings and structures has been completed and the site has been remediated. Construction of the Stage 1 building has commenced.

A development application (DA) for Stage 2 of the Clemton Park development was submitted to Canterbury Council on 22 December 2011. The detailed design for Stage 2 resulted in a proposal comprising 3 buildings rather than the 6 buildings envisaged for the subject lot 21 by the Concept Plan Approval. A modification to the Concept Plan Approval is therefore required.

Furthermore, the Statement of Commitments does not appear to have been updated in to reflect the Concept Plan documentation in its final form. Accordingly, this application seeks to update the Statement of Commitments to ensure the commitments are consistent with the approved development.

3.0 DESCRIPTION OF PROPOSED MODIFICATIONS

The proposed modifications to the Concept Plan Approval are outlined below. This Section 75W application essentially seeks to modify the relevant conditions in accordance with the detailed design contained in the Stage 2 development application for Lot 21 and update the Concept Plans to be consistent with the Project Application Approval for Stage 1 (Lot 11).

As the proposed building envelopes for Stage 2 have changed, the Concept Plan Architectural Drawings have been updated to reflect the revised building envelopes as represented in the Stage 2 DA drawings.

Additionally, the approved building envelopes for the Stage 1 Project Application Approval (as modified) have been inserted into the revised Concept Plan drawings to ensure the Concept Plan Approval remains up to date and consistent with approvals issued to date.

Modifications to other conditions of consent relevant to the Stage 2 application are also outlined in this letter, including an update to the Statement of Commitments.

Words proposed to be deleted are shown in ~~strikethrough~~ and words to be inserted are shown in **red bold**.

PART C – DEFINITIONS

In this approval the following definitions apply:

Preferred Project Report (PPR) Means Preferred Project Report prepared by Worley Parsons and dated 15 April 2009 **and the revised Preferred Project Report dated 18 December 2009**

Proponent Parkview Sydney Developments **or any party acting upon this approval**

Reason for Modification: The PPR definition is proposed to be modified to ensure references to the Preferred Project Report cover both the original preferred project report which as subsequently updated by the revised Preferred Project Report dated December 2009. Furthermore, the definition of Proponent is proposed to be updated to be consistent with the definition contained in the Project Application Approval which includes any party acting upon the approval. Australand will be the Proponent for future applications.

Schedule 1

For the carrying out of:

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.
- ~~Indicative b~~Building envelopes for **36** 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.
- Residential display suites.

Reason for Modification: The change to the wording reflects the reduction in the number of buildings proposed on Lot 21 from six buildings to three buildings.

Part A – TERMS OF APPROVAL

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, and the following drawings prepared by ~~Marchese~~ **+ Partners International Kann Finch**:

Concept Plan drawings prepared by Marchese + Partners International Kann Finch			
Drawing No.	Revision	Name of Plan	Date
DA 1.01	D E	Concept Scheme Only coversheet	20-04-09 12-03-12
DA 2.01	D E	Concept Plan Only Roof Level	20-04-09 12-03-12
DA 2.02	D E	Concept Plan Only Level B	20-04-09 12-03-12
DA 2.03	D E	Concept Plan Only Level 1	20-04-09 12-03-12
DA 2.04	D E	Concept Plan Only Level 2	20-04-09 12-03-12
DA 2.05	D E	Concept Plan Only Level 3	20-04-09 12-03-12
DA 2.06	D E	Concept Plan Only Level 4	20-04-09 12-03-12
DA 2.07	D E	Concept Plan Only Level 5	20-04-09 12-03-12
DA 2.08	D E	Concept Plan Only Level 6	20-04-09 12-03-12
DA 2.09	D E	Concept Plan Only Level 7	20-04-09 12-03-12
DA 2.10	D E	Concept Plan Only Level 8	20-04-09 12-03-12
DA 3.01	D E	Concept Plan Only Sections 1	20-04-09 12-03-12
DA 3.02	D E	Concept Plan Only Sections 2	20-04-09 12-03-12

N/A	N/A	<i>Locality and Context Plan</i>	20-04-09
N/A	N/A	<i>Site Analysis Plan</i>	20-04-09
N/A	N/A	<i>Staging Plan</i>	20-04-09
N/A	N/A	<i>Height Study</i>	20-04-09
N/A	N/A	<i>Land Use Plan</i>	20-04-09
N/A	N/A	<i>Primary and Secondary Streets</i>	20-04-09
N/A	N/A	<i>Pedestrian Movement Plan</i>	20-04-09
N/A	N/A	<i>Massing Model – 4 pages</i>	20-04-09
N/A	N/A	<i>Built Form</i>	20-04-09

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

- (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 4~~.

Approval for the land referred to in the **Concept Plan Staging Plan** (see **above**) as Lots **41** and **42** is limited to approval for the use of that land for mixed uses, subdivision, **demolition** 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 76,128m² shall not be exceeded.

Reason for Modification: Concept Plan drawings DA1.01 to DA 3.02 inclusive have been updated to include details of the approved Stage 1 Project Application (Lot 11) and the detailed design proposed in the Stage 2 DA (Lot 21) as submitted to Canterbury Council.

The modified Concept Plan drawings prepared by Kann Finch (refer to **Appendix A**) do not propose any changes to Stages 3, 4 or 5 of the Clemton Park development at this point in time. Design development for these lots is in early design phase and further Section 75W applications will be prepared to address any modifications to the Concept Plan relevant to these lots should issues arise during the detailed design process.

As identified above, this Section 75W application seeks deletion of the Locality and Context Plan, Site Analysis Plan, Staging Plan, Height Study, Land Use Plan, Primary and Secondary Streets plan, Pedestrian Movement plan, Massing Model and Built Form plan as all of these plans reflect an earlier scheme for the site. The Concept Plan approval requires design modifications to future Stages 3, 4 and 5 and therefore it is not possible to update these plans until the detailed design for future stages has been undertaken.

As the Concept Plans DA 1.01 to DA 3.02 inclusive and the conditions of approval address all the matters outlined in the above plans such as land use, height and street layout, these plans are now redundant. Plans such as the Locality and Context Plan and Site Analysis Plan provide useful information for the assessment of a Concept Plan application but are normally used for information purposes only. All references in the conditions to a Staging Plan have also been deleted as the Staging Plan was indicative and is outdated for the reasons outlined above. Furthermore, staging will occur as a function of the market and Council will be updated on the staging strategy for the overall site with each individual development application submitted.

SCHEDULE 3

Future Assessment Requirements

1. Building Separation

*Future applications for residential development shall provide adequate building separation distances between buildings in order to maintain privacy and to provide an acceptable built form outcome for the site. Future applications for residential development **on Lots 41 and 42** shall demonstrate compliance with the building separation controls prescribed by the Residential Flat Design Code ~~at the time of lodgement~~. **Development that proposes less than the recommended building separation distances must demonstrate that daylight access, urban form and visual and acoustic privacy have been satisfactorily achieved.***

Reason for Modification: The Director-General's Report for the Concept Plan application indicates that this condition was imposed to address specific concerns with regard to the design of Lot 42, however the condition in its current form applies to all sites within the development. Worley Parsons have concluded in the Statement of Environmental Effects for the Stage 2 DA that adequate building separation distances between the three buildings have been provided which achieve a reasonable level of amenity to all residential apartments and an appropriate built form with respect to the approved Stage 1 building.



Artist's Impression of Stage 2 Proposal

Furthermore, the Design Verification Statement submitted with the Stage 2 DA (copy attached at **Appendix B**) responds to the issue of built form and demonstrates that the reduction in buildings from six to three is an improved design outcome for this lot.

The Stage 2 DA proposes a minimum building separation distance of 4.7m between Buildings A and B and 6m between Buildings B and C. There will be no privacy impacts between habitable rooms within these buildings as high level windows are proposed for all rooms that face other units within the development. In most cases the high level windows of habitable rooms facing another building function are secondary windows for those rooms with principal windows facing the front or rear of the site. A copy of the Stage 2 DA plans are provided at **Appendix C** for your information.

3. **Housing for Seniors or People with a Disability** ~~Seniors Living Provision~~

- (a) As part of any future development on Lot 41, it shall be demonstrated that a minimum of 34 units on that allotment will be designed as ~~Independent Living Units for Seniors~~ **adapted apartments suitable for seniors or people with a disability**.
- (b) **As part of any future development on Lot 42, it shall be demonstrated that a minimum of 10% of apartments are designed as adaptable apartments.**

- (bc) Details are to be provided with the future applications demonstrating that a minimum of 19% of the total residential units proposed for Lot 31 are designed as high care seniors living units.

Reason for Modification: It is proposed to modify Condition 3 to enable the 34 residential units required to be constructed on Lot 41 to be used either for seniors or people with a disability to provide greater housing options on the site for people with disabilities regardless of their age.

Despite the voluntary provision of adaptable housing within Stage 1 and the 34 seniors living units on Lot 42, which by the nature of their design are also suitable for people with a disability, the Concept Plan Approval does not currently require the provision of any adaptable housing within the Clemton Park Village site. Furthermore, Council's Access DCP does not contain any provisions relating to residential apartment buildings.

There are no adaptable apartments proposed for Stage 2 as this development promotes housing choice within the development through proposed three storey "walk up" apartment buildings. Detailed plans for future Stages 3 and 4 (Lots 42 and 41 respectively) are yet to be developed.

Australand proposes to provide 10% of future apartments within Lot 42 as adaptable apartments and requests the flexibility to develop the 34 residential units on Lot 41 (which equates to more than 10%) as suitable for seniors or people with a disability.

FINAL STATEMENT OF COMMITMENTS – FORMER SUNBEAM SITE CAMPSIE

A – GENERAL

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 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) Amended **Concept Plan Architectural** Drawings ~~for Lots 2,3,4 and 5~~ prepared by **Kann Finch Architects Marchese and Partners** dated **20 April 2009 12 March 2012**;
 - ~~c) Amended Architectural Drawings for Lot 1 prepared by Buchan group dated 24 April 2009;~~
 - d) Amended Landscape Plans prepared by Habitation dated 24 April 2009;
 - e) Amended subdivision plans prepared by Dunlop Thorpe dated 1 June 2009;

- f) *BASIX Assessment, BASIX Certificate prepared by Cundall;*
- g) *Amended Traffic Impact Assessment (TMAP) prepared by Traffix (Version 10) dated 24 April 2009*
- h) *Stormwater and Flood Management Report prepared by Hyder consulting dated October 2008;*
- i) *Utilities Investigation Report prepared by Hyder consulting dated September 2008;*
- 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; and*
- ~~m) *Amended Draft Voluntary Planning agreement prepared by Maddocks dated April 2009.*~~

Reason for Modification: To ensure the plans referred to in the Statement of Commitments reflect the approved Concept Plans (as modified). The plans listed in Commitment 1 (b) and (c) above do not reflect the approved Concept Plan drawings.

The draft VPA prepared by Maddocks has been deleted as this VPA did not progress. A new VPA is currently being prepared by Minter Ellison Lawyers.

- 2. The Proponent ~~(Parkview Sydney Development)~~ 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.09_0106.

Reason for Modification: As outlined earlier in this submission it is proposed to modify the definition of Proponent to encapsulate not only the former Proponent Parkview Sydney Development but also any another Party acting upon the approval.

3. TRANSPORT AND TRAFFIC

- 3.2 *Parking to be generally in accordance with the maximum car parking rates required under Condition A5 of the Concept Plan approval. ~~Council's requirements with concessions to promote alternate travel modes as appropriate.~~*

Reason for Modification: Condition A5 of the Concept Plan approval prescribes the maximum car parking rates for all future development within the Clemton Park Village site. The Statement of Commitments is proposed to be updated accordingly as the



requirements of Condition A5 will prevail to the extent of any inconsistency with Council's DCP requirements.

- 3.3 Construction of New Troy Street between Charlotte Street and Troy Street **in accordance with the approved plans for roadwork**.~~which includes the adjustment to the road reserve boundary so that New Troy Street is wholly within a new lot to be dedicated to Council.~~

Reason for Modification: The proposed roadworks already form part of the Project Application Approval. All roads within the site are to be dedicated to Council. The approved plans include construction of a section of road immediately adjoining the boundary of the site between Charlotte Street and Troy Street. It is not possible for the Proponent to dedicate land to Council which is not within its ownership. The existing approval does however permit the Proponent to undertake the necessary road works on the adjoining parcel of land to construct New Troy Street.

NOISE IMPACT

- 4.10 Delivery Hours: ~~No~~ **All** deliveries, loading or unloading associated with the premises at Lot 1 are to take place between the hours of 6am and 9pm on any day.

Reason for Modification: As this commitment is contained in the noise impact section of the Statement of Commitments we assume that this commitment contains a typographical error as deliveries to retail centres typically occur during daytime periods to minimise noise impacts on surrounding residents. The existing commitment would require all deliveries to occur between 9pm and 6am.

ENVIRONMENTAL SUSTAINABILITY

Transport

- 6.30 New bus stops will be provided **along Charlotte Street** to serve the site to encourage the use of public transport, a low-emissions mode of transport, **where required**.~~A commitment is being sourced from bus service providers to reroute bus services to serve the site.~~

Reason for Modification: A letter from Transport NSW dated 8 April 2011 advises that the Department of Transport would not support the circulation of regular STA bus route services on the internal street network, however subject to further investigation the potential may exist to divert STA Route 490 via Harp and Charlotte Streets. A copy of the letter is attached at **Appendix D**.



7. CONTAMINATION

7.1 *The Proponent will:*

Prepare an Evaluation and Assessment Plan prior to the commencement of each stage

Reason for Modification: The site has already been remediated and a Site Audit Statement has been issued.

CONSTRUCTION

11.10 *All excavations associated with the erection or demolition of the building are to be properly **secured guarded** and protected to prevent them from being dangerous to life or property.*

Reason for Modification: Each stage of site works will be secured in accordance with this Commitment. This can be achieved without the use of a guard.

4.0 CONCLUSION

The project as proposed to be modified by this application will be generally the same development as that approved. No changes are proposed to the overall gross floor area or height of the development or to the proposed land uses. Furthermore, the proposed modification to the building envelopes for Lot 21 (Stage 2) will result in an acceptable built form.

We look forward to a timely assessment and determination of this application. Should you require any further information please do not hesitate to contact me on 9767 2000.

Yours faithfully

A handwritten signature in blue ink, appearing to read "A. Pizzolato".

Tony Pizzolato
Development Director
Residential NSW



APPENDIX A

Proposed S75W Concept Plan Drawings



APPENDIX B

Copy of Stage 2 DA SEPP 65 Design Verification Statement



APPENDIX C

Stage 2 Development Application Plans



APPENDIX D

Letter from Transport NSW