



**MODIFICATION REQUEST
Former Sunbeam Factory
60 Charlotte Street Campsie
MP07_0106 & MP08_0087 MOD 1**



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

December 2011

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1. THE SITE

The subject site is known as the former Sunbeam Factory site, located at 60 Charlotte Street Campsie. The site lies within the Canterbury LGA and is approximately 1.2 kilometres south of Campsie town centre and approximately 250 metres south of Canterbury Road. The site is irregular in shape and has an area of approximately 5.5ha. The land to be developed includes Lot 1 DP 721721 and Lot A DP 431356. The site locality is illustrated in **Figure 1**.

The site is currently zoned 4(b) Light Industrial and adjoins 2(b) Residential zoned land on most boundaries, with some industrial zoned land to the southwest of the site. The Canterbury Planning Scheme Ordinance 1970 was amended by an order under S75R (3A) of the *Environmental Planning and Assessment Act 1979* (EP & A Act) to make the approved Concept Plan land uses permissible on this site.

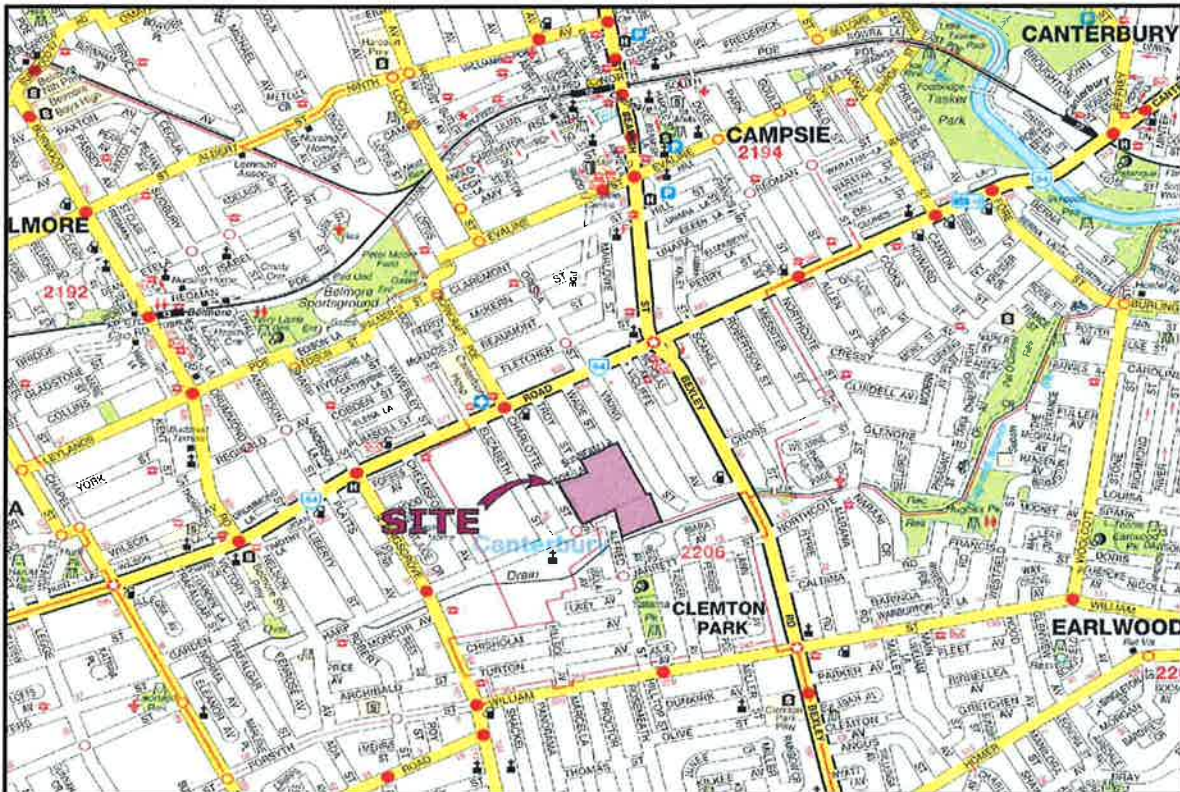


Figure 1: Site Location

2. MAJOR PROJECT APPROVAL

In late 2007, Parkview Sydney Developments Pty Ltd lodged a Concept Plan and Project Application for the redevelopment of the site. The Concept Plan sought approval to redevelop the entire site for a mixed use development, including residential, commercial, retail (including bulky goods) and a medical and child care centre. The Project Application sought approval for the first stage of the redevelopment for a 58 unit Residential Flat Building.

Prior to determining the application, the then Minister for Planning referred the application to the Planning Assessment Commission (PAC) for review. The PAC raised concern that the bulky goods component of the original proposal resulted in a less than optimal design layout and mix of land uses for the site, than if it were devoted to residential/commercial and retail development.

The PAC noted the site presents an ideal opportunity for a high quality, well designed residential development, and considered there is a good case for a supermarket and neighbourhood scale uses in the vicinity of the Charlotte and Harp Street intersection.

The PAC requested the Department undertake further discussions with the Proponent to remove the bulky goods component of the proposal. Following these discussions, the Proponent submitted a revised Preferred Project Report (PPR) which incorporated the key recommendations made by the PAC including deletion of the bulky goods component and the relocation of the supermarket and other retail/residential scale uses to the site.

On 4 February 2010, the then Minister for Planning approved a Concept Plan (MP07_0106) and Project Application (MP08_0087) consistent with advice from the PAC, as follows:

Concept Plan

Mixed use redevelopment of the former Sunbeam Factory Site for:

- indicative building envelopes for 16 buildings ranging in height from 3 to 6 storeys which have a GFA of 76,128m²;
- multiple unit residential development including independent living units (ILUs) for seniors and a residential aged care facility (RACF);
- employment floor space including commercial offices, specialty retail, convenience retail, supermarket, medical centre, and a child care centre;
- a minimum 4850m² of public space;
- demolition of existing buildings/structures on site and remediation of site; and
- subdivision, road layout, services, and landscaping;

The Concept Plan determined that all future stages of the project are subject to Part 4 of the *Environmental Planning and Assessment Act 1979*.

Project Application

Project Application approval was granted for Stage 1 which includes:

- development of proposed Lot 11 to construct a four (4) storey multiple-unit residential building with 58 residential units, and a 636 m² child care centre (total floor area of 6,521m²);
- demolition, remediation and Torrens Title subdivision; and
- construction of associated roads, landscaping and infrastructure.

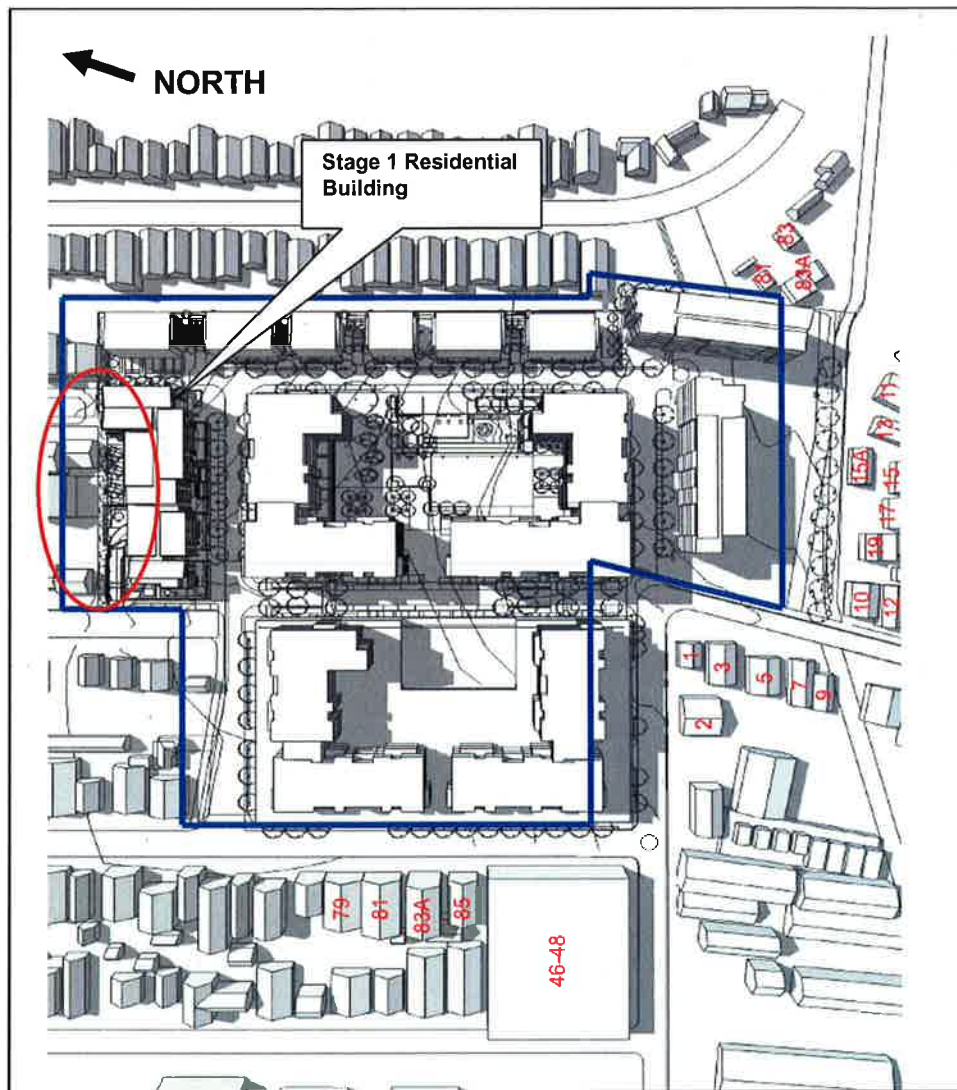


Figure 2: Approved Built form – Concept Plan (blue) and location of the Stage 1 Residential Building (red).

3. PROPOSED MODIFICATION

On 7 February 2011, Worley Parsons on behalf of Parkview Sydney Developments Pty Ltd lodged the application to modify both the Concept Plan and Stage 1 Project Application as follows:

Concept Plan (MP07_0106)

- a 5% variation to the approved building footprint and height; and
- provision of an on-site display suite.

Note: The Proponent has requested that the building height and building footprint allowances include a 5% variance. Under Part 4 of the Act, the Council is unable to vary the height or building footprint as outlined within the approved Concept Plans. The proposed variation is sought to provide flexibility for future designs whilst ensuring the project remains consistent with the approved Concept Plan.

Project Application (MP08_0087)

- increase the building height from RL 39.5 AHD to RL 40.20 AHD;
- amend the internal layout to increase the number and mix of residential units from 58 to 76 and reduce the floor area of the childcare centre from 636m² to 547m²;
- remove privacy screens from the northern side of the building;

- minor changes to the landscape plan and re-location of services including substation; and
- a Strata Subdivision of the building.

The modifications proposed do not result in any change to the approved GFA of the site including the Stage 1 buildings.

4. STATUTORY CONTEXT

4.1 MODIFICATION OF THE MINISTER'S APPROVAL

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

4.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGR's.

4.3 DELEGATED AUTHORITY

The Minister has delegated his functions to determine s75W modification requests to the Department where:

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

The Department received no public submissions and although council has made a submission this is only to recommend conditions and council has not made an objection to the proposal. There has also been no political disclosure statement made for this modification request and no disclosures made by any persons who have lodged an objection to this application.

Accordingly the application is able to be determined by the Deputy Director General, Development Assessment & Systems Performance, under delegation.

5. CONSULTATION AND EXHIBITION

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. The proposal involves minor modifications to the Concept Plan and Project Application, therefore the applications were not publicly exhibited.

Notwithstanding, the modification was placed on the Department's website and referred to Canterbury City Council (Council) for comment. One submission from Council was received. No public submissions were received.

Canterbury City Council

On 18 March 2011, the Council provided comments on the proposed modifications. The submission raised no objection to the proposed modifications subject to the project's continued compliance with State Environmental Planning Policy 65 (including the Residential Flat Design Code), open space commitments and childcare provision. The Council also recommended an amended Section 94 contribution as a result of the additional dwellings.

6. CONSIDERATION OF PROPOSED MODIFICATIONS

6.1 CONCEPT PLAN

Height

The approved Concept Plan restricts height by imposing both a maximum Reduced Level (RL) height (in metres) and storeys for each building envelope. The application proposes to allow for minor variations (5%) to the approved building height to provide flexibility for future building designs.

The 5% variation will result in a maximum height difference of approximately 2m for future buildings. This will provide sufficient flexibility from the prescriptive RL height controls, whilst still maintaining the approved number of storeys, consistent with the Concept Plan approval.

The Department considers that a 5% variation to the height control is acceptable. The variation is minor and it will not result in any significant change to the bulk and scale of the buildings or add additional storeys. Council, which will be the consent authority for future stages of the development, will be able to assess height within the allowable variation, ensuring each building sits well within its surrounds.

Building Footprint

The modification to the Concept Plan also proposes to vary the footprint of each building (inclusive of balconies) by a maximum of 5%. The variation is to allow for greater flexibility in the design of the buildings which can not occur due to the prescriptive nature of imposed modifications and future assessment requirements.

The Proponent has stated that the total GFA will remain unchanged and that any increase in building footprint will remain within the boundary of the basement areas, thereby not impacting upon the site's open space provisions. Further, existing modifications A1(d), A2(b) and Schedule 3 Condition 13 of the Concept Plan approval ensure that the proposed modifications will not impact on the proponent's ability to provide adequate open space.

The Department considers that the 5% variation is acceptable. The variation is minor and it will not result in any additional floor space nor will it reduce open space across the site. Additionally, the variation will allow greater flexibility for future designs whilst ensuring the project remains consistent with the approved Concept Plan.

Residential Display Suite

The proponent seeks to modify the Concept Plan to include a display suite to market future stages of the development. Concept Plan approval is required in order to make the display suite a permissible land use consistent with the overall Concept Plan approval.

The Proponent has indicated that the display suite will be initially located on the southern section of the site on the corner of Alfred Street and the proposed extension to Harper Street (**Figure 3**). The submitted plans indicate that the display area will be made up of 803m² including a display suite (approximately 230.4m²), associated landscaping and the provision of 8 parking spaces. The proposed suite is to be a single storey building with access from Alfred Street.

The Proponent has stated that over the construction period, it would be required to relocate the display suite and that provision be made within the Concept Plan for this relocation without the need for further approval.

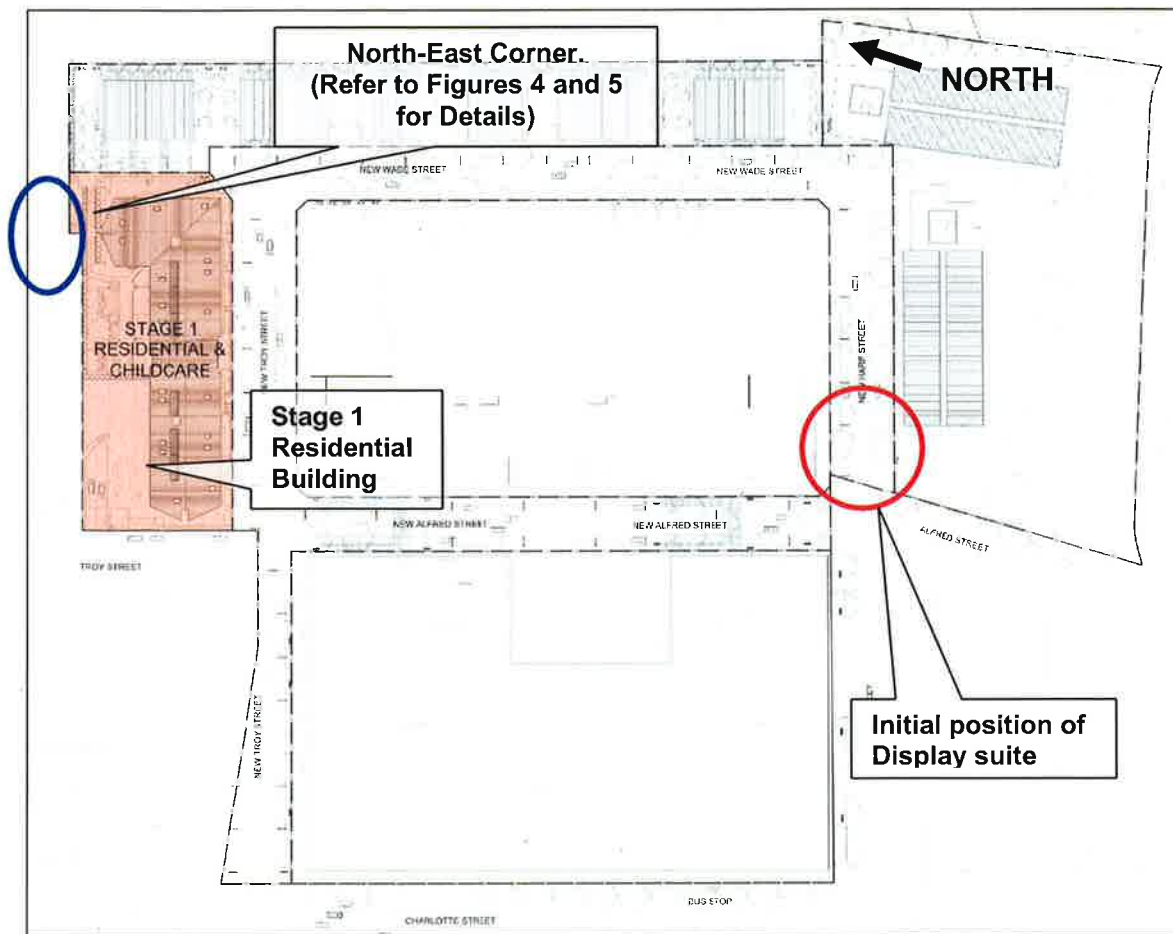


Figure 3: Residential Display Suite and location of Stage 1 Residential Building

The Department considers that a display suite is necessary to market the redevelopment, and given its temporary nature, the display suite will not alter the intent of the Concept Plan. However, further details of the display suite will be required to form part of separate applications to Council under Part 4 of the Act including subsequent relocation of the display suite.

6.2 PROJECT APPLICATION

Unit Mix

The modification to the Project Application involves increasing the number of residential units from 58 to 76. The unit increase results in the loss of all 3 bedroom units and the inclusion of additional 1 bedroom units (See Table 1). The revised building layout also results in alterations to the building footprint, the expansion of the basement car park, subdivision and revised Section 94 Contributions.

	Approved	Proposed	Difference
1 Bed Units	11	37	+26
2 Bed Units	39	39	Nil
3 Bed Units	8	0	- 8
Total	58	76	+18
Childcare Centre	636m ²	547m ²	- 89m ²
Parking Spaces	93	110	+17
Residential Floor space	5,885m ²	5,974m ²	89m ²
Section 94 Contributions	\$469,453.02 (\$8,094.01 per unit)	\$679,594.40 (\$8,942.03 per unit)	+\$210,141.38

Table 1: Proposed Changes to Apartment Mix and Section 94 Contributions

The Department considers that the amended unit mix is consistent with the strategic direction for the area outlined in the Metropolitan Plan and the context of the Concept Plan approval which seeks to create a "village centre" precinct within walking distance to shops and other services. The provision of additional 1 bedroom units is a common market response which will assist in providing greater housing choice and affordability within the Sydney metropolitan area. On this basis the modified unit mix is therefore supported.

State Environmental Planning Policy (SEPP) No. 65 and Residential Flat Design Code (RFDC)

The proposal has been assessed in accordance with the provisions of SEPP No.65 – Design Quality of Residential Flat Development and the Residential Flat Design Code (RFDC).

The Department considers that the development as modified is consistent with SEPP 65 and the requirements of the RFDC. **Table 2** below outlines the proposal's compliance with the various provisions of the RFDC.

		Proposed	RFDC	Complies
Unit Size	1 Bed	50-58m ²	50m ²	Yes
	2 Bed	73-82m ²	70m ²	Yes
Building Separation/ Privacy		17-19m	18m	<u>Note:</u> Privacy screens are required on the northern corner balconies to protect privacy and amenity.
Solar Access		76%	70%	Yes
Ventilation		60%	60%	Yes
Building Depth		18m	10-18m	Yes
Balcony Depth		2m	2m	Yes

Table 2: Residential Flat Design Code (RFDC)

The development is generally consistent with the requirements of SEPP 65 and the RFDC. Where the scheme does not strictly meet the RFDC guidelines (Building Separation/Privacy) conditions have been imposed to mitigate any potential impacts upon the amenity of future occupants and existing neighbouring residents.

The proposal achieves sufficient cross flow ventilation (60% of units) and solar access (76%) and will achieve a satisfactory level of amenity for future occupants consistent with SEPP 65 and the RFDC.

Privacy

The modification proposes to amend condition B34 which requires fixed upward facing louvres to be attached to the top of the balustrade of **all balconies** facing the northern elevation. The modification proposes louvres to be only fitted to the balconies at the north-eastern corner of the building, as these are the only balconies that are likely to result in any overlooking of neighbouring properties.

The submitted plans illustrate that (with the exception of the north-eastern corner), the building will be setback 17-19 metres from the northern boundary. This setback is consistent with the original Project Application approval. This setback, together with the width of the adjoining Sunbeam Lane and rear gardens (of properties to the north) results in a separation distance between the proposed balconies and neighbouring windows to habitable rooms of approximately 22 metres which is substantially greater than the 18 metres suggested within the RFDC. The Department considers this separation distance will provide sufficient amenity and does not require fixed louvres for all north facing units.

The setback of the balconies from the boundary at the north-east corner will be reduced from approximately 6.5 metres to approximately 5.8 metres. As illustrated by **Figures 4 and 5**, the reduced separation sought in the modified layout will impact upon the privacy of neighbouring

residential properties. The Department therefore considers it necessary to retain the louvers (as required by Condition B34 of the approval) on this part of the building and only for levels 1 to 3. The Department considers the proposed landscaping and boundary fencing is adequate to prevent direct overlooking at ground level. The condition will be amended as follows:

*'Fixed upward facing louvers must be attached to the top of the balustrade of all of the balconies on the northern **north-east corner** elevation of the building **for levels 1- 3 (6 units)** on proposed Lot 11. The louvers must extend to the underside of the ceiling of the balcony, and must be sliding to cover a minimum 50% of the width of each balcony of the building to protect neighbours' privacy'*

Building Envelope

The modification will slightly alter the approved building envelope including a 0.69 metre increase in the overall building height. The majority of changes result from increased articulation to the building's façade, the enlargement/alteration of the balconies and a slight protrusion of the proposed basement. The protrusion of the basement is however less than 1.2 metres above ground level and will not be visible from the public road way.

The modifications will extend the building approximately 1 metre closer to the northern boundary (Sunbeam Lane) and 5 metres closer to the western boundary (Troy Street). The proposed encroachments into the approved building setbacks are limited to balcony projections, with the building's façade largely remaining within the approved building envelope. Where balconies extend beyond the approved building envelope, they remain setback a sufficient distance to generally comply with RFDC separation requirements and do not substantially alter the approved building envelope. The changes add more interest to the external appearance of the building and the floor area of the building will remain unchanged. The proposed building modifications are therefore supported.

Parking

The modification includes increasing the number of basement level car parking spaces from 93 to 110 and bicycle spaces from 17 to 27. The increase in parking results from the introduction of additional residential units. The proposal maintains 8 parking spaces for the child care centre. The approved basement car park has been reconfigured and slightly enlarged to accommodate the additional 17 parking spaces. The basement is to be extended approximately 2.5 metres at its eastern end. The reconfiguration results in a shortened access ramp, reduced garbage and services room, and relocation of stair wells and disabled parking. Disabled parking remains compliant and within close proximity to lift facilities. The additional parking spaces satisfy Council's parking DCP and are considered to be acceptable.

Section 94 Contributions

Condition B1 of the approval required a payment to Council of \$469,453.02 for contributions towards open space acquisition, recreation facilities, administration and community facilities. Contributions were calculated using the Canterbury City Council's Section 94 Contributions Plan 2005. Council has recalculated the required contribution taking into consideration the modified unit mix and unit size. A Section 94 contribution payment of **\$679,594.40** (\$8,942.03 per unit) is now required as a result of the modifications.

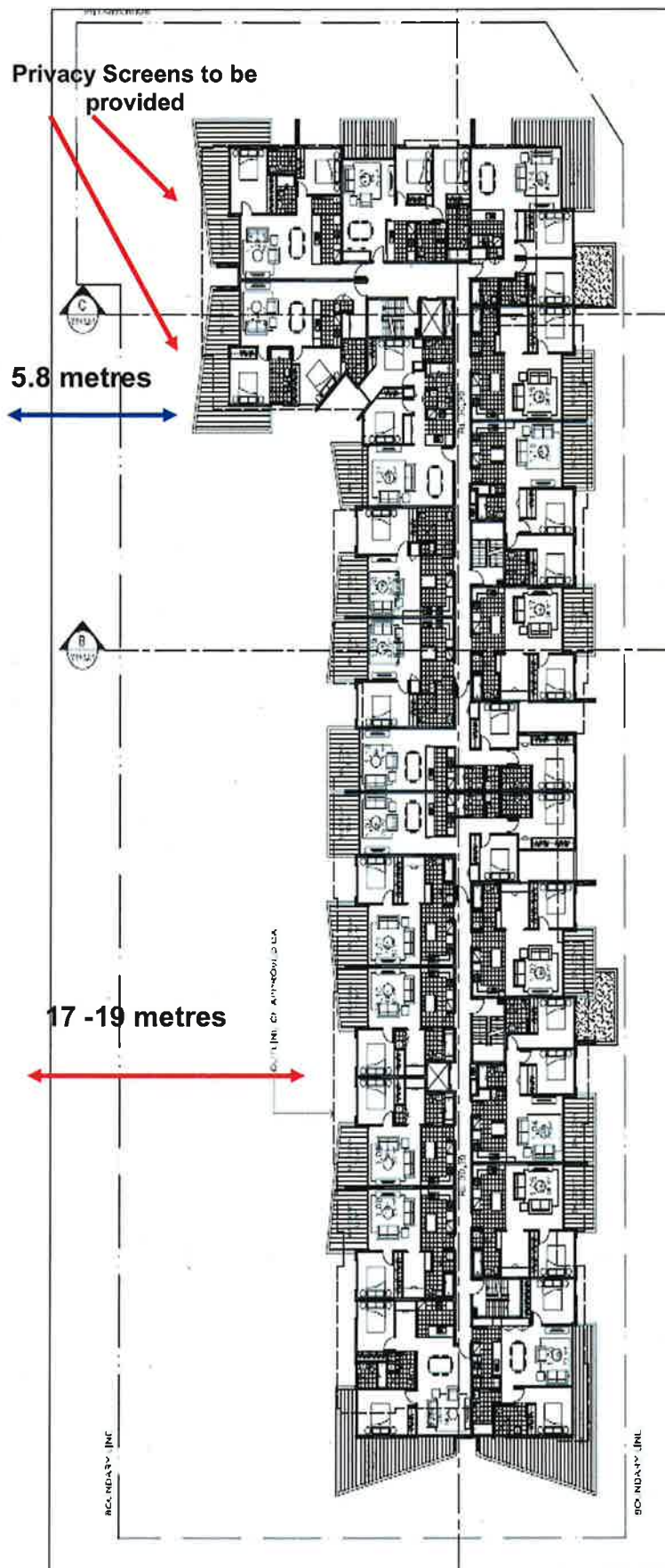


Figure 4: Proposed Stage 1 Setbacks

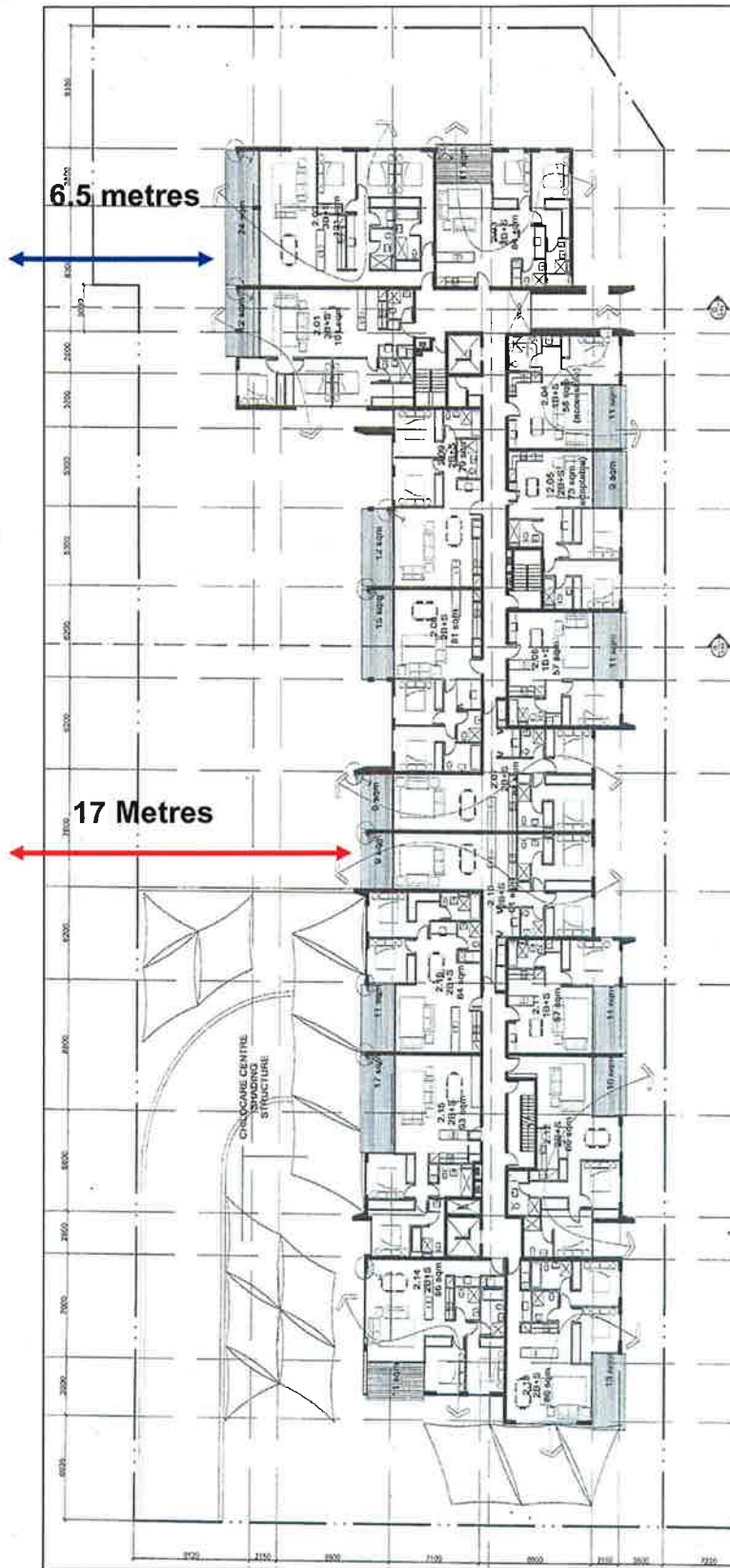


Figure 5: Approved Stage 1 Setbacks

Childcare Centre

The modification to the internal layout of the stage 1 building results in an 89m² (14%) reduction in the floor space of the child care centre from 636m² to 547m². The reduced floor space is minor and will not result in any significant reduction in the provision of on-site child care facilities.

Landscaping and relocation of Substation

The landscaping plan has been amended to correspond to the altered building layout and generally involves the reconfiguration of planting beds, trees and pathways. The modification to landscaping also includes the introduction of a 2 metre high sound mitigation wall, increasing the height of the boundary fence from 1.6 metres to 1.8 metres and the relocation of an electricity substation.

A sound mitigation wall is proposed to be erected midway along the western side of the building. The wall will separate the play area of the childcare centre and the residential communal open space. The wall will allow for enhanced acoustic privacy, will be landscaped and will not be visible from the street or adjoining properties.

The approved substation measured approximately 3 x 6 metres and was located in the north-east corner of the Stage 1 site at the southern end of Wade Street. The modification includes reducing the size of the substation to approximately 3 x 3 metres and moving it approximately 3 metres to the west. Access to the substation will remain from Wade Street and the reduced size will allow for additional landscaping thereby reducing its visual impact upon the locality (**Figures 6 and 7** illustrate the repositioned Substation).

The Department considers the changes to the landscaping to be minor as they will not result in any significant change to the nature of the scheme as approved. The inclusion of the sound mitigation wall and the relocated substation will also improve the layout and appearance of the landscaped area.



Figure 6: Approved Location of Substation

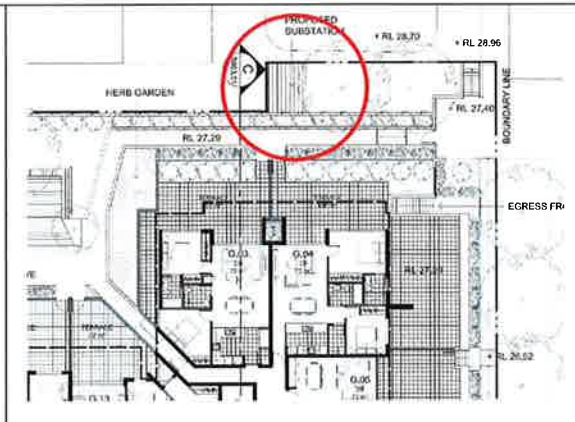


Figure 7: Proposed Location of Substation

Stratum/Strata Subdivision

The modification includes the introduction of strata subdivision of the stage 1 building and stratum subdivision for the creation of two separate lots within the building for the approved land uses (residential and child care) including associated parking spaces. The proposed subdivision has been assessed against the approved and proposed plans and is considered to be generally consistent. The buildings, car parking numbers and location of private space is consistent with the plans provided as part of this modification application. The Department considers that the introduction of the subdivision to be acceptable as the project will remain consistent with the original approval.

7. CONCLUSION

The Department has considered the key issues associated with the proposed modifications and finds the proposed modifications to be acceptable. The Concept Plan (as modified) continues to achieve the objectives as assessed in the original approved development and does not alter the overall nature, need or justification of the approved project.

The proposed changes to the building design of the Project Application are consistent with the character of the approved building and will add greater housing choice to the region with improve residential amenity and urban design.

Subject to the recommended conditions, the Department is satisfied that all the impacts of the proposed modifications have been satisfactorily addressed within the Proponent's submission.

8. RECOMMENDATION

It is **RECOMMENDED** that the Deputy Director-General, Development Assessment & Systems Performance, as delegate for the Minister for Planning and Infrastructure:

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

Prepared by:
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5.12.11



Richard Pearson
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15/12/11

APPENDIX A MODIFICATION REQUEST & RELEVANT REPORTS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4575

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http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4573

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT – PROJECT APPROVAL
