

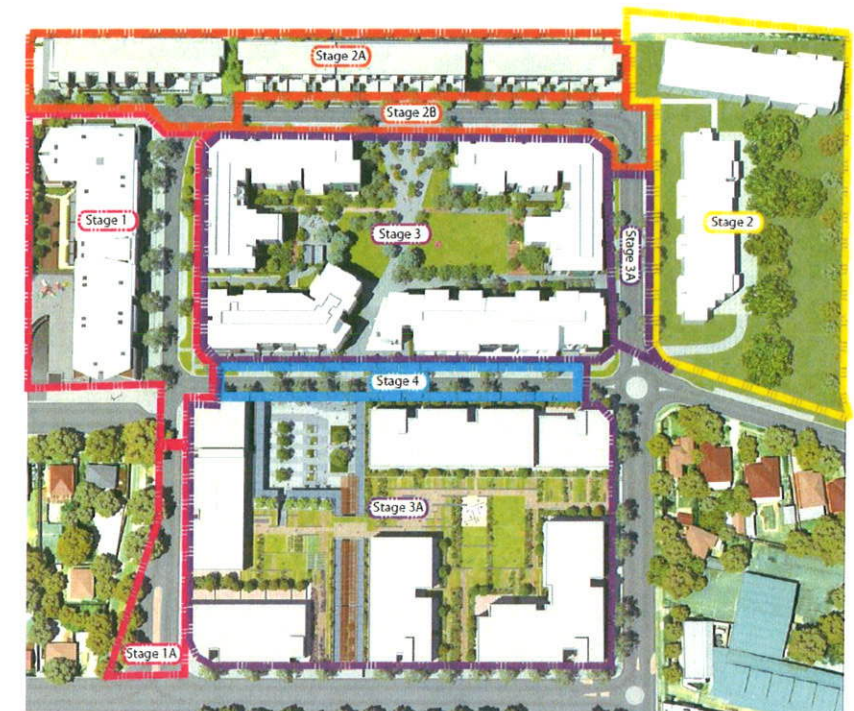


MODIFICATION REQUEST

***60 Charlotte Street, Campsie
(Former Sunbeam Site)***

MP08_0087 MOD 3

***Modifications to Stage 1
Project Application including changes to
subdivision staging***



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

March 2013

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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 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**.

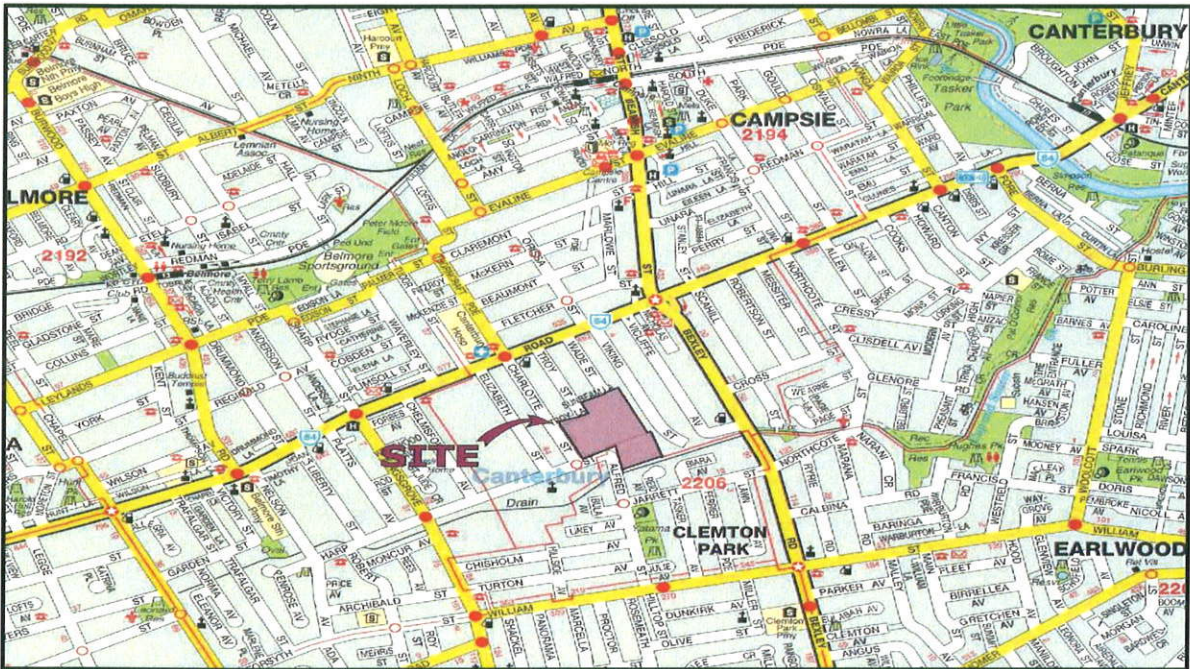


Figure 1: Site Location

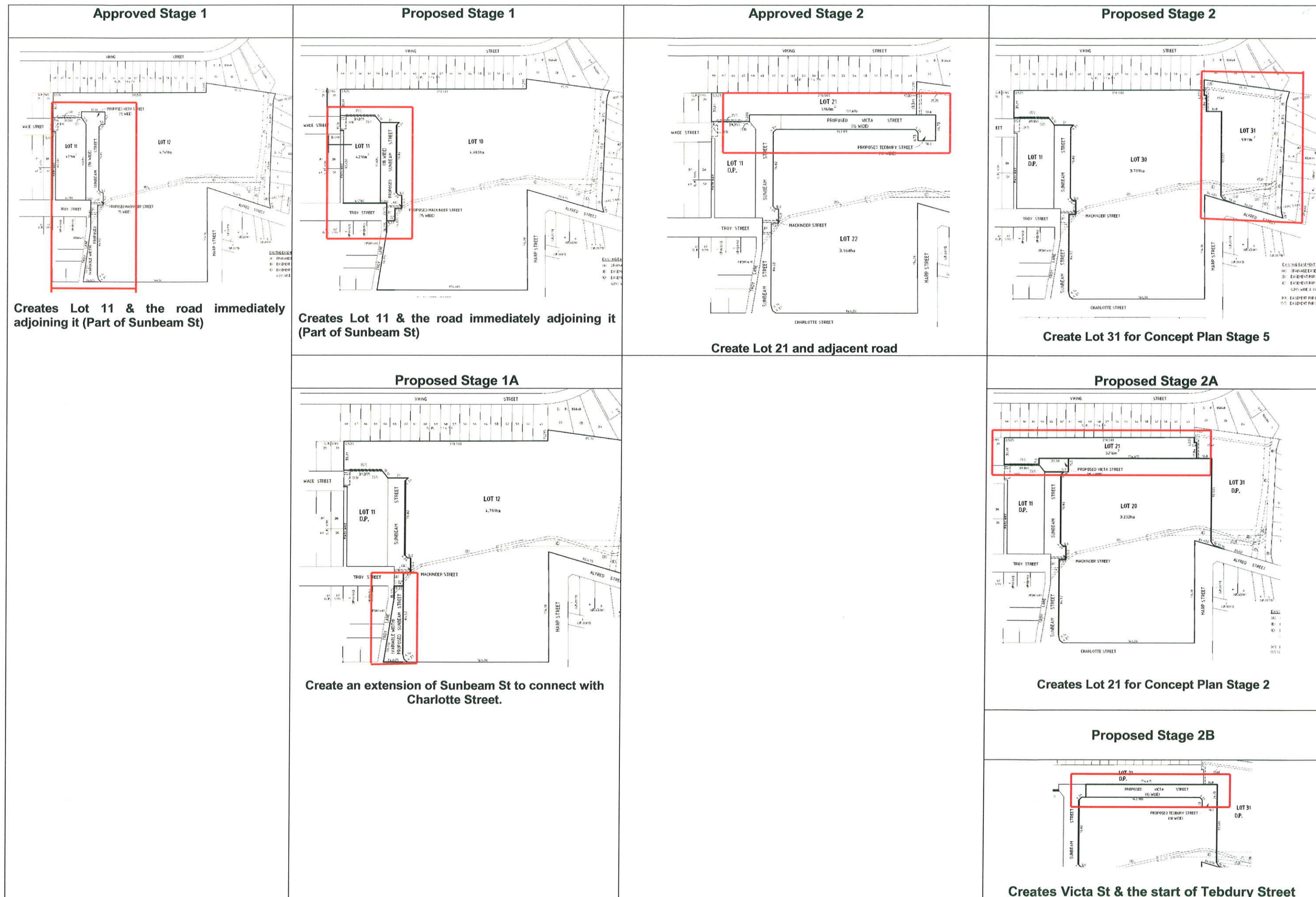
1.2 PREVIOUS APPROVALS

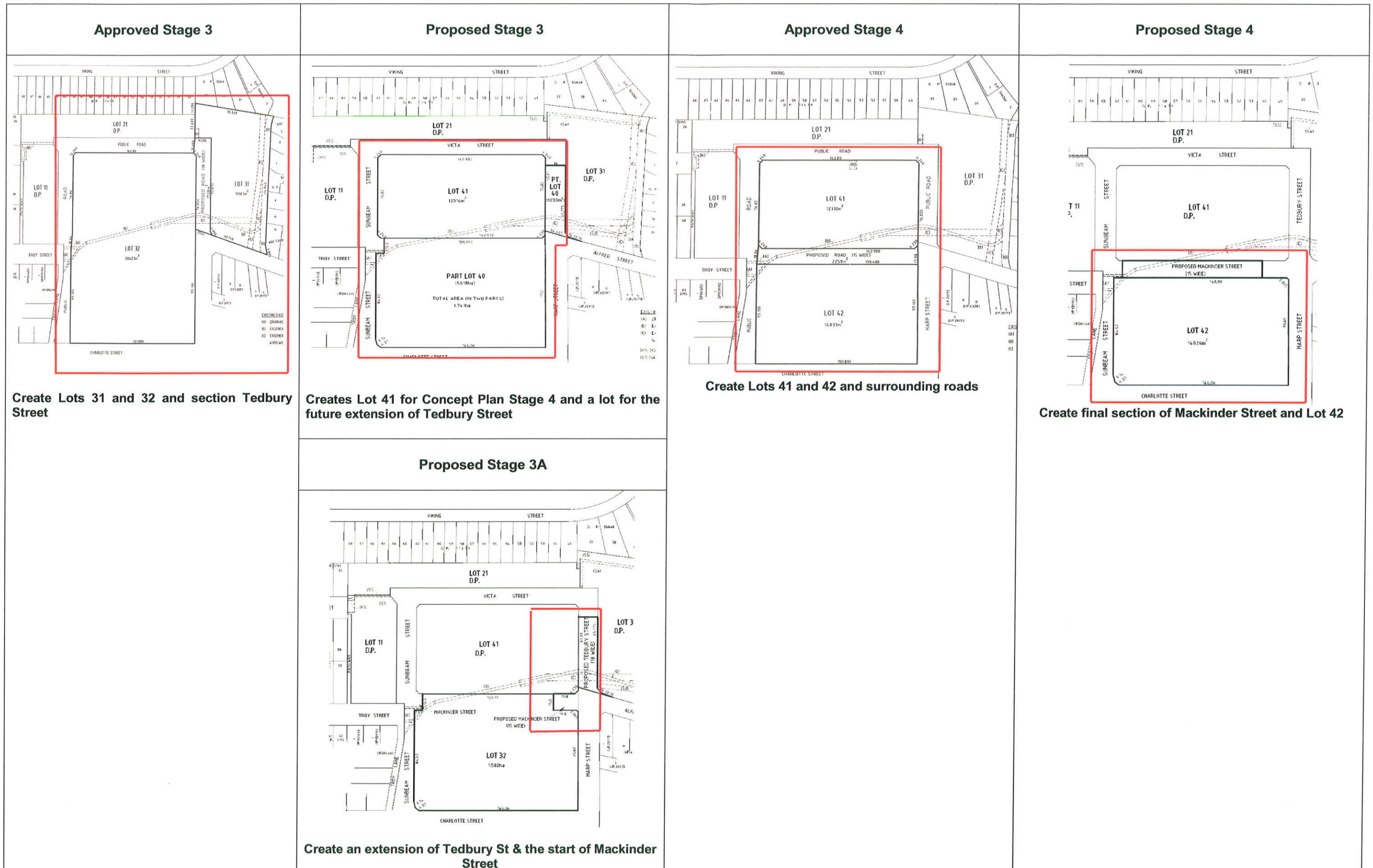
On 4 February 2010, the then Minister for Planning approved Concept Plan, MP07_0106, for the redevelopment of the former Sunbeam Factory site for a mixed use development, including residential, commercial and retail uses, a medical centre and a child care centre. The Minister also granted project approval (MP08_0087) to Stage 1 which consisted of multiple-unit residential buildings, a child care centre, roads and infrastructure and Torrens Title subdivision. The Concept and Project approvals have each been subsequently modified.

The Department is currently assessing a further modification application (modification 4) to the approved Concept Plan, which seeks to change the layout and design of the retail, residential and community uses on Lot 42.

2. PROPOSED MODIFICATION

The approved plans of subdivision allow for the division of the site in four stages. Approval is sought to create sub-stages and amend the elements contained in the stages. The approved and proposed stages are outlined in the table below:





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 EP&A Act, Section 75W of the EP&A 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. The project application was approved on 4 February 2010. The project is therefore a transitional Part 3A project within the meaning of Clause 2 of Schedule 6.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or refuse the modification of the project under Section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

The modification has been lodged with the Director-General pursuant to Section 75W of the EP&A 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*.

The subject modification seeks to change the terms of the Minister's determination through amending the conditions of approval. On this basis, a modification is required.

3.3 Delegation

The Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the EP&A Act 1979 to the Executive Director, Development Assessment Systems & Approvals in instances where:

- the relevant local council has not made an objection; and
- a political donation disclosure statement has been made, but only in respect of a previous related application; and
- less than 10 public submissions in the nature of objections are received.

The Department received no public submissions and Council has not made an objection.

The Proponent for this application has not lodged a political disclosure statement. A political donation disclosure statement did accompany the original application, and related to a donation made by the original Proponent.

4. 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 only minor amendments to the approved development and therefore the application was not publicly exhibited.

The modification request was placed on the Department's website and referred to Canterbury City Council for comment. No public submissions were received and Council raised no objection to the proposed modification. In their submission, Canterbury City Council agreed it would be beneficial to align the civil construction with the creation of the road subdivision.

5. ASSESSMENT

5.1 Amendments to subdivision

The approved subdivision plan allows for the subdivision of the site in four stages. The Proponent has undertaken further detailed design development and construction programming since obtaining its approval and wishes to amend the subdivision staging to reflect its construction program.

The Department supports the proposed amendments to the subdivision plans for the following reasons:

- It does not alter the overall site area, but does change the timing of the delivery of the stages;
- It does not lessen the Proponent's obligations in relation to the provision of infrastructure/public benefits;
- It is reasonable for the subdivision to reflect the proponent's construction program and therefore allow them to deliver their project in a timely manner; and
- It is a sensible arrangement as it allows the roads and infrastructure to be provided when the demand for them is generated by the development.

5.2 Modifications to conditions of approval

Internal Road Construction

The Proponent seeks to amend condition E5, Internal Road Construction. The requested amendments will assist in interpretation of the condition and provide the Proponent with some flexibility in the timing of the delivery of the roads. The condition still provides certainty that the roads required for that stage will be provided and is supported. The amended condition is as follows:

E5 Internal Road Construction

Prior to the release of the Subdivision Certificate for each stage the proposed roads **relevant to required for** that stage are to be constructed. The works are to include the construction of kerb and gutter, road pavement, dish drains and services. All work being carried out by an approved contractor, at the Proponent's cost. **Alternatively, the proponent, at its cost, is to provide an Insurance Bond to the relevant authority to secure the provision of such roads and construction of kerb and gutter, road pavement, dish drains and services within an appropriate time frame.**

Staging condition

The Proponent has requested that an additional condition be added to its approval to provide them with flexibility in its staging. The Department does not raise any objections to there being flexibility in the staging as the overall development will still be delivered. The revised staging will also allow OCs and CCs to be issued for each building when it is completed. The following addition section is recommended to be added as part three of condition A2:

Stages 1 & 1A may be carried out in any order, separately, or any, or all concurrently. Stages 2, 2A and 2B are to be completed following Stage 1A, but Stages 2, 2A and 2B may be carried out in any order, separately, or any, or all concurrently. Stages 3, 3A and 4 are to be completed after Stages 2, 2A and 2B, but Stages 3, 3A and 4 may be carried out in any order, separately, or any, or all concurrently."

5.3 Statement of Commitments

The Statement of Commitments includes a reference to the old subdivision plans and it is necessary for that to be updated to reflect the plans which form part of this application.

6. CONCLUSION

The proposed amendments to the plan of subdivision and conditions of approvals are reasonable. They will allow the Proponent to deliver the project in a timely manner, whilst still achieving the same level of public benefit.

7. RECOMMENDATION


It is recommended that the Executive Director, Development Assessment Systems & Approvals, 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.

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Endorsed by:

Approved by:


Karen Jones 12/3/13
Director
Metropolitan & Regional Projects South

Chris Wilson
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