

Figure 8. 100 year flood comparison of existing and proposed development

5.3 HEIGHT AND BUILT FORM – CONCEPT PLAN

To establish an appropriate height and built form across the site, the proponent designed a massing strategy which located the taller buildings within the centre of the site and lower scale buildings towards the edges of the site. The massing of the proposed development can be seen below in **Figure 9**.

Generally the proposed development is considered to be satisfactory as the massing strategy has established an appropriate height transition from the surrounding 1-2 storey residential development, particularly along the northern and eastern boundary interface. The proposed massing strategy will reduce the visual impact of the proposal when viewed from the surrounding streets and amenity impacts on neighbouring properties in the form of overshadowing and privacy.

The Department does however raise concerns with particular aspects of the proposed height and built form including:

- the height, building separation and articulation of the residential development on Lot 2;
- the height, access and usability of the open space podium; and
- the height of the seniors living building known as 5A.

The above issues are discussed below:

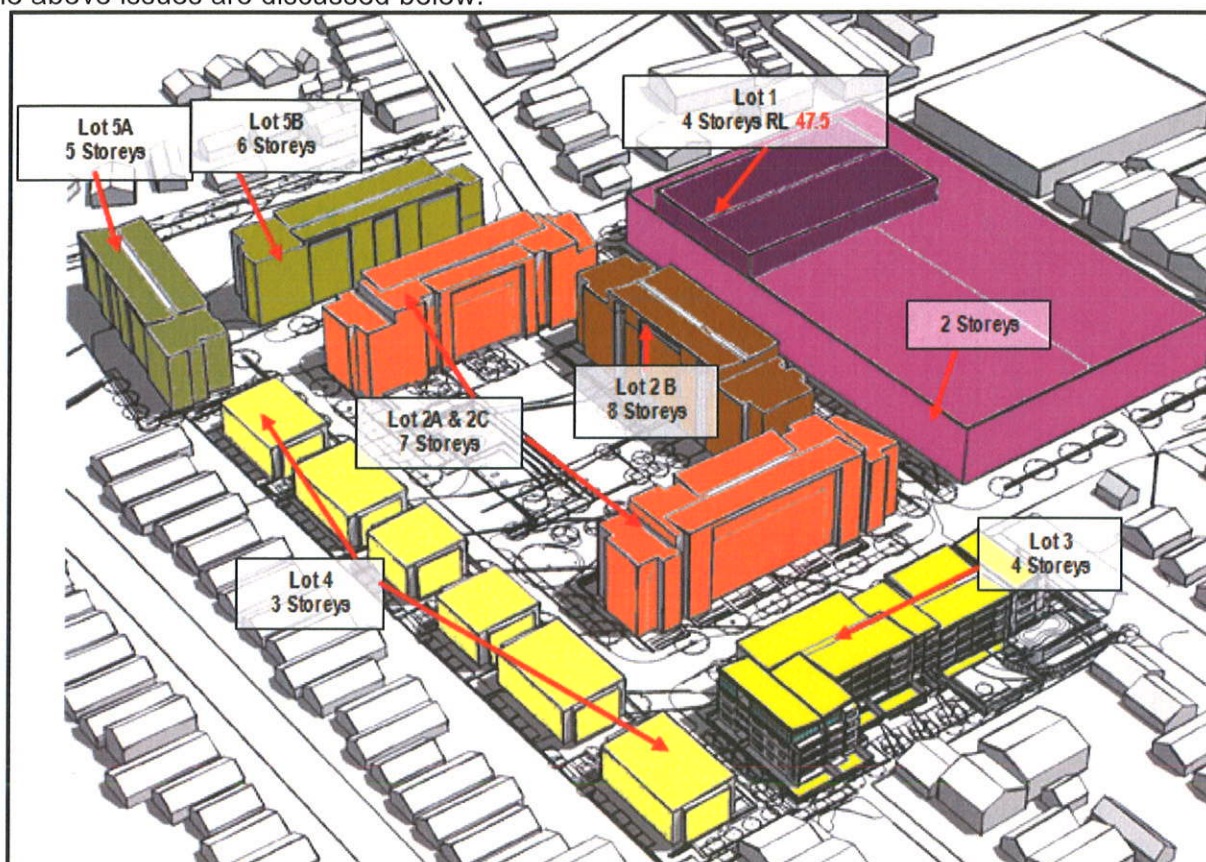


Figure 9. Massing model with annotations

Concept Plan- Lot 2 Residential/Open Space

Lot 2 consists of 3 separate residential building envelopes located around public open space within the middle of the site. The amended plans submitted with the PPR have redistributed GFA from the deleted seniors living block 5C to Block 2 which has resulted in 1 additional storey being added to Building 2A (now 7 storeys), 2B (now 8 storeys) and 2C (now 7 storeys).

The Department has identified 3 key urban design issues associated with block 2 which will require further details/assessment at future application stages and include:

Building Articulation

The proposed residential buildings on lot 2 range in length between 70 - 80m each and are arranged around the perimeter of the block, fronting 3 streets. Whilst some articulation is shown on the building envelope plans, concern is raised that buildings of this size, with such extensive street frontages will be visually dominant/monotonous in the streetscape. To address this issue a modification is proposed on the Concept Plan approval requiring future applications to require highly articulated and modelled facades with consideration of breaks in the built form in order to reduce the bulk and scale of the buildings.

Building Separation/Size

The Residential Flat Design Code/SEPP 65 sets a minimum building separation distance between habitable rooms of 18m for buildings between 12m and 25m in height, and 12m up to 12m in height. The proposed building separation between lots 2A and 2B and 2B and 2C is approximately 10m and therefore does not comply with the control. The proposed building separation is considered to be too narrow and will result in a poor urban design outcome. Furthermore the lack of appropriate building separation reduces visual and acoustic privacy between units (particularly balconies). It is therefore recommended that future applications for development on Lot 2 shall provide an increased separation to comply with the RFDC, in order to improve privacy impacts and to reduce the bulk and scale of the buildings. This requirement forms a proposed modification of the Concept Plan approval.

Height of residential buildings

Following exhibition of the proposal, the Department raised concern regarding the proposed building heights within Lot 2 due to overshadowing of the open space and adjoining apartments. Since then, the proponent has increased the building height of the 3 towers by one storey each (now 7 to 8 storeys). The proponent has justified the increase in height by stepping the additional storey back to reduce overshadowing impacts from the additional height.

The addition of an extra storey is not supported in this instance as the additional height reduces the effective height transition established in the original EA, which is an important aspect of this proposal, given the contrast in height from the surrounding 1-2 storey development. The additional storey erodes this transition and it is considered that the original heights of 6/7 storeys should be reinstated. Furthermore, the additional height increases overshadowing of adjoining units, particularly the lower levels of the seniors living building at 5B and the public open space. A maximum height of 6/7 storeys would reduce the overshadowing impact on the seniors living development and provide a more effective height transition between the development and the surrounding suburban area.

Open Space / Podium

Concern is also raised regarding the useability and accessibility of the proposed public open space on Lot 2. The park sits on a podium above a proposed supermarket, car park and loading dock and is surrounded by residential development to the North South and West. The main access to the park is from New Wade Street, however, the difference in levels between the street and the open space at its highest point is over 5m is unresolved. The park should be easily read as an open space area from the surrounding public domain and easily accessible to the public. The car park, loading dock and supermarket underneath the park dictate the height of the open space podium, which can be seen below in **Figure 10**.

It is considered that the accessibility of the park is an issue which will require further resolution at future detailed design stage therefore no approval is granted for the height of the open space podium. To ensure this issue is resolved a modification is proposed on the Concept Plan approval requiring the submission of further design details to ensure the public open space corresponds to the public domain (particularly along New Wade Street) and is easily accessible without the need for steep changes in gradient.

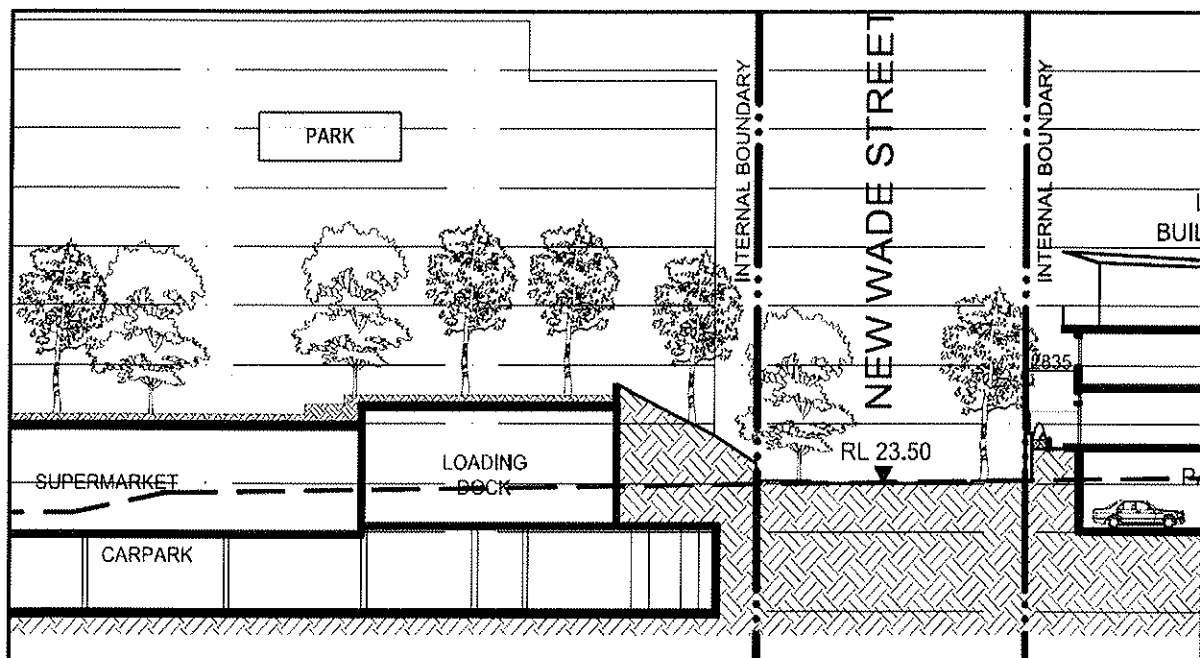


Figure 10. Open Space – Levels

Lot 5 - Seniors Living

Following exhibition of the proposal Lot 5C situated along the southern boundary of the site was deleted due to the site being flood affected. The removal of 5C reduced the overshadowing, privacy and visual impacts on neighbouring properties along the southern edge of the site. The remaining blocks 5A and 5B are 5 and 6 storeys in height respectively. The height and built form of block 5B is considered to be acceptable given the generous setback from the neighbouring residential properties on the Southern boundary. However, concern is raised regarding the height of Block 5A given its position and contrast in height in relation to the neighbouring dwellings facing Viking Street. The proposed building does not form an effective height transition with the neighbouring 1-2 storey buildings and it will adversely impact upon the privacy of the neighbouring properties. To resolve this issue a modification will be imposed on the Concept Plan approval reducing the height of Block 5A from 5 to 4 storeys which is considered to be a more appropriate height at this location.

Further consideration should also be given to the above ground car parking associated with Block 5A and 5B. The car park has been elevated due to flooding levels. However, above ground car parking leads to a poor urban design outcome for the southern elevation of this building. To address this issue a modification is proposed requiring the at grade car parking to be appropriately screened so that it integrates with the overall design of the building. Further consideration of the built form and design of these buildings will occur at future application stages.

Project Application

During the exhibition period, concern was also raised regarding the bulk and scale of the proposed bulky goods building on Lot 1 and the proposed residential flat building on Lot 3, which are discussed in detail below.

Lot 1 Bulky Goods/Commercial

The proposed development on Lot 1 comprises a 4 part 5 storey bulky goods premises with a height of 25.1m and a footprint covering the majority of the lot. Concern was raised regarding the visual bulk and scale of this building particularly the commercial component. The Department has assessed the proposal and considers that the bulky goods building is appropriate for the following reasons:

- The height/scale is not dissimilar to the existing industrial buildings currently on site;
- The proposed building materials such as aluminium panel, steel cladding, precast panels and louvers will provide appropriate articulation.

- Retail shop fronts at street level on Harp Street and New Alfred Street, will give the building some architectural interest at street level;
- Retention of the existing street trees particularly along Charlotte Street will soften the appearance of the building; and
- The Commercial component of the building has been reoriented and setback from the Charlotte and Alfred Street to reduce overshadowing and privacy concerns.

For these reasons the proposed bulky goods building is considered to look appropriate in its context and is acceptable.

Lot 3 – Residential Flat Building/Childcare Centre

The height, bulk and scale of the proposed 4 storey residential flat building on lot 3 is considered to be acceptable. The proposed building provides an appropriate transition in height from the surrounding 1-2 storey development to the north of the site. Much of the northern boundary has been cut to a depth of approximately 1 storey (see **Figure 11**) which further reduces the height and visual impact of this building. The proposed materials, finishes and building projections are considered to be acceptable and provides sufficient visual interest and building articulation. The proposal has also been assessed against SEPP 65 and the RFDC (**Appendix E**) and is considered satisfactory despite some minor non compliances. The Department considers that the built form as proposed provides an appropriate design solution which is sympathetic and respectful to the scale of the adjoining buildings and responds to the constraints and opportunities associated with the site.

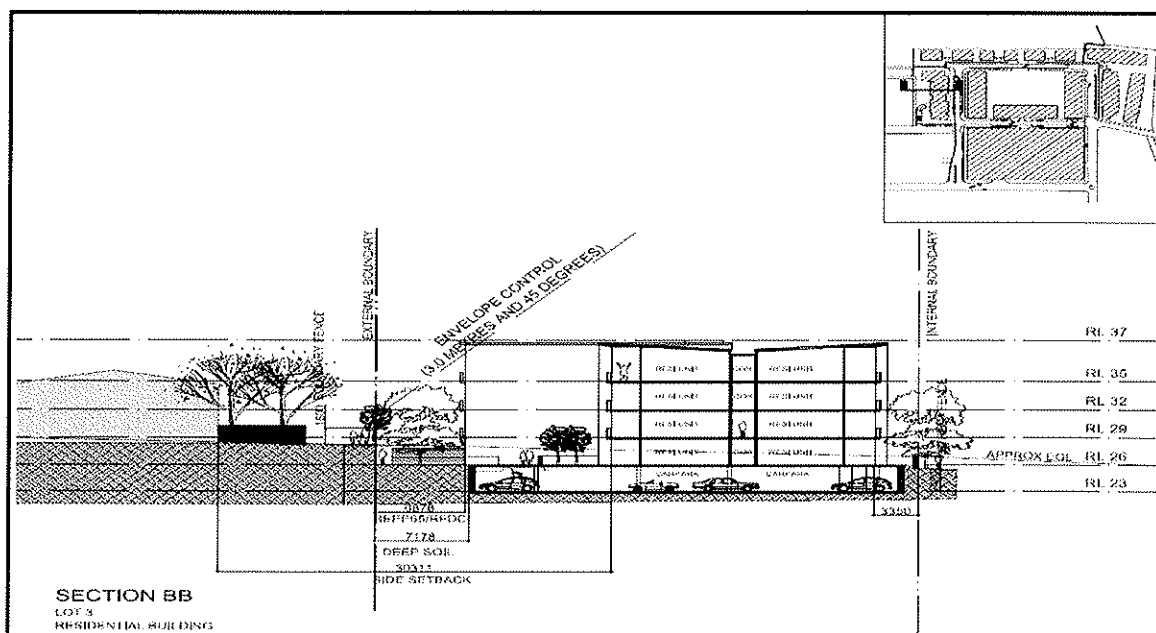


Figure 11. Section plan for residential building - Lot 3

5.4 SENIORS LIVING

The revised design for the PPR includes the deletion of senior living building 5C as that part of the site is flood affected. The deletion of building 5C decreased the overall number of units for seniors living by 38%, in particular the number of 'high care' units were reduced by 46%, whilst the total number of units for the entire development were reduced by only 7%.

Council advised that one of it's main expectations in supporting the application was community benefits associated with the supply of seniors living units. Council were concerned that the number of units for seniors living, and high care units in particular, have been reduced so significantly to the extent where this component of the development may not be sustainable and therefore, not likely to be constructed.

As much of the units above the medical centre on Lot 2 are accessible, and in close proximity to the seniors living buildings, the Proponent has indicated that they are willing to provide additional adaptable units in this location in lieu of seniors living units, as a way of minimising any unnecessary management issues for future operators of the seniors living development. This is considered to be an acceptable outcome and the following condition should be applied:

The Proponent has indicated that are willing to provide additional adaptable housing (15%) in building 2C to offset reduced seniors living apartments, in place of the Council's suggestion which would designate units specifically for seniors living within building 2C. They indicated that Council's proposed condition would pose unnecessary management issues for future operators of the seniors living development. The provision of additional adaptable housing to offset the loss of seniors living units is considered to be reasonable. The Department therefore recommends the following condition:

As part of any relevant future application for proposed building 2C, it shall be demonstrated that the number of adaptable residential units provided is a minimum of 15%. It shall also be demonstrated that a minimum of 19% of the total residential units proposed for Lot 31 are designed as 1 bed high care seniors living units.

5.5 OVERSHADOWING, PRIVACY AND AMENITY

Overshadowing

Shadow diagrams were prepared for the PPR which included a comparison of the existing development and the proposed development at hourly intervals at the Winter Solstice. The shadow diagrams illustrate that the majority of shadows cast from the proposed development will occur within the subject site. However, additional overshadowing will occur over properties West along Charlotte Street and to the South along Harp and Alfred Street.

Neighbouring properties to the west including 77 - 85 Charlotte Street and 46-48 Charlotte Street will be overshadowed until 10am during the Winter Solstice. No additional overshadowing will occur to these properties past 10am. Neighbouring properties to the south will be overshadowed by the proposal shortly after 12noon. The proposal will not cast shadows over these properties before 12noon.

While there is an additional morning shadow cast from the proposed development, the shadows are not expected to unduly prejudice the amenity of adjoining residential properties. The shadows cast over adjoining properties to the south and west are considered to be acceptable with all neighbouring properties receiving at least 2 hours of sunlight to at least 50% of their private open space during the winter solstice, complying with the Council's minimum requirements. On this basis the proposal is considered to be acceptable.

Privacy and Amenity

Lot 1- Bulky Goods/Commercial

Concern was raised regarding the potential for noise and vibration impacts from the proposed bulky goods access on Charlotte Street. To resolve this issue a condition will be imposed on the project approval, requiring the loading dock to be enclosed, limiting all loading to be on site and that all vehicles must enter/exit the site in a forward direction.

Concern was also raised regarding potential overlooking from the commercial/bulky goods premises on Lot 1. As discussed earlier the commercial component of the building has been reorientated away from Charlotte and Harp Street which will reduce overshadowing and privacy impacts. The bulky goods building will not have an adverse impact on privacy as there is sufficient separation distance between the proposal and neighbouring residences and the bulky goods premises contains few windows, which limits the opportunity for overlooking.

Lot 3 - Residential/Childcare Centre

Council, the Department and public submissions raised concern regarding potential overlooking of the child care centre on the ground floor of lot 3 and overlooking of properties facing Troy Street and Wade Street. To minimise potential overlooking of the child care centre and neighbouring dwellings, a condition is proposed requiring fixed upward facing louvres to be attached to the top of the balustrade of all of the balconies on the northern elevation, covering a minimum 50% of the width of each balcony to protect neighbours' privacy.

Lot 4 - Residential

The Concept Plan illustrates the residential buildings on lot 4 having a 4.5m setback from the rear boundary. Council have requested that the rear setback be increased to 5m to ensure adequate separation of the buildings from the rear boundary and to reduce amenity impacts on neighbouring residents. The Department considers this request reasonable given the change in land use, the height of the residential buildings and potential for privacy impacts. Modifications are also proposed requiring adequate landscape screening, and privacy treatment for future applications on this site.

5.6 TRAFFIC, PARKING & PUBLIC TRANSPORT

Traffic Impacts

The Council, RTA and public submissions raised concern regarding traffic impacts of the proposal. The proponent engaged Traffix to examine the traffic impacts on the surrounding street network and submitted an amended traffic report as a part of the PPR to address these concerns.

The report found that the volume of traffic will increase on the surrounding street network compared with current situation, particularly given the Sunbeam Factory is no longer in use. To cater for this increase in traffic volume the following traffic management / capacity improvement works are proposed:

- *Increase in length of existing peak period "No Stopping" signs on western side of Charlotte Street on approach to Canterbury Road;*
- *Increase length of right turn bay in Kingsgrove Road for turn into Harp Street and introduction of an additional right turn phase;*
- *Improvements to the left turn radius at the existing roundabout at the intersection of Harp Street with Charlotte Street;*
- *Construction of a new four way intersection at the junction of Harp Street with Alfred Street;*
- *Construction of two traffic calming "Type C" entry thresholds (one in Jarrett Street and one in Alfred Street);*
- *Construction of three traffic calming "Type B" slowpoints (2 in Alfred Street and 1 in Jarrett Street); and*
- *Construction of two traffic calming "Type A" platform devices in Charlotte Street.*
- *Construction of six pedestrian crossings on the external road system;*
- *Dedicated bicycle lanes along the Charlotte Street and Harp Street frontages, with improved channelisation;*
- *Bus stops and shelters in Charlotte Street (both sides);*

Traffic modelling was undertaken on a before and after scenario for key intersections surrounding the site. Based on the above improvement works, traffic conditions and intersection performances were only moderately affected with only minor increases in delays at all intersections examined with no changes in the level of service.

Council raised particular concern regarding the traffic impact upon Alfred Street and recommended conditions requiring the following:

- *Further analysis of the Intersection of Alfred and William Street be undertaken to determine if/what level of service upgrade is required;*
- *The Alfred Street road configuration between Harp and Jarrett Street is to be assessed to determine whether it can accommodate the additional traffic. If the Alfred Street configuration*

fails to comply a report investigating the possible closure of Alfred Street is to be prepared. If Alfred Street can remain open a new road-a-bout to be installed at its intersection with Harp Street; and

- *Community consultation be undertaken in conjunction with Council on the proposed road changes to the Harp and Kingsgrove Road intersection, Charlotte and Canterbury Road intersection, Charlotte and Troy Street intersection, closure of Troy Street, traffic calming measures on Charlotte Street.*

The Department supports further analysis of Alfred Street and the Alfred Street/William Street intersection being undertaken due to the expected increase in traffic volume and the local nature of this Street. The Department further support the proposed consultation requirements in relation to the proposed road works. The Department considers that Council's proposed traffic conditions are reasonable and will be included as recommended conditions of approval.

The PPR was also referred to the RTA for comment and the RTA raised no objection. The RTA did however make the following recommendations:

- *Extend the no stopping provision on the western side of Charlotte Street for an additional 40m to the South;*
- *Extend the right hand turn bay north bound on Kingsgrove Road at the Harp Street Intersection to 70m;*
- *That a Local Area Traffic Management Plan be prepared in order to further address the concerns raised by local residents and Council;*
- *That the recommendations made within the proponent's TMAP be endorsed;*
- *Internal roads be designed in accordance with AMCORD;*
- *Internal roads should be design to cater for semi trailers and designed in accordance with AUSTROADS;*
- *Off street car parking to be designed in accordance with Australian Standards; and*
- *All works to be at the full cost to the developer.*

The RTAs comments will also form recommended conditions. Further conditions will also be recommended including the provision of car share spaces and further negotiations with local bus providers with a view to divert a bus service past the site to further reduce traffic generation and to provide alternative forms of transport.

The Department has taken into account the findings of the traffic report as well as the advice from the RTA and Council. Despite an increase in traffic, it is considered that the proposed traffic management / capacity improvement works along with the RTA's and Council's recommended conditions will provide an adequate solution to manage the increased traffic generation associated with the proposal.

Parking

Concept Plan

The overall number of car parking spaces proposed on the site is 1513, while the number required under Council's controls is 1569 spaces which represent approximately a 4% reduction in car parking for the entire proposal.

The Department supports the minor reduction in car parking spaces on this site. It is envisaged, the reduced car parking rate will encourage public transport patronage, walking, cycling, reduce private vehicle use and reduce traffic congestion within this inner city area. For these reasons it is considered that the reduced car parking rate applied to the proposal is acceptable. It should also be noted that Council and the RTA raised no objection towards the reduced car parking rate. The proposed car parking rates are recommended to be set as maximum car parking requirements for the proposed development.

Project Application

The proponent has provided 695 car parking spaces for Lot 1 (Bulky Good/Commercial) of the proposal. The Council's controls require 668 spaces which represents an over allocation of 27 spaces or approximately 4%. The over allocation of spaces is largely attributed to specialty retail component on lot 2 requiring 17 spaces to be located in the basement of lot 1. The proposed car parking rate for Stage 1 of the proposal is considered to be reasonable as the proposed car parking rates are largely consistent with Council's controls and the slight over allocation of car parks is cancelled out by the reduced car parking rate applied for the entire development. The RTA and Council raised no object towards the proposed car parking rates.

The proposed car parking spaces for the Residential and childcare proposal comply with Council's controls which require 85 spaces for the residential units and 8 spaces for the child care centre. Council have suggested that an additional drop off point be provided on New Troy Street to assist parents arriving from the north and disabled on street car parking spaces should be provided for the proposal. The Department considers this request to be reasonable and has proposed a condition requiring a new drop off point to be located on New Troy Street along with disabled on street car parking spaces.

Public Transport

Concern was raised regarding the lack of public transport servicing this site. However, existing bus services are available in surrounding streets, the nearest being on Canterbury Road, 250m from the site and Bexley Road, approximately 300m from the site.

The proponent prepared a TMAP for the site which indicates that there is the potential to divert some existing bus services along Charlotte Street, adjacent to the development, and bus stops are proposed along Charlotte Street in both directions. The proponent has advised that State Transit Authority have agreed to investigate the potential diversion of buses along this route, however no confirmation has been given that this will definitely occur once the development is established. To ensure adequate provision of public transport to this site, a modification is proposed to the Concept Plan requiring the applicant to enter into negotiations with State Transit Authority and private bus companies servicing the area regarding the alteration of existing bus routes to provide services to the site and bus stops/shelters and bus zones.

The Department also raises concern regarding the provision of adequate public transport for seniors. The development proposes to incorporate shopping and medical facilities within the site. However, until such time as shopping and medical facilities are well established on the site, or regular bus services are confirmed to be running adjacent to the development, then the seniors living proposal is to incorporate a courtesy bus to facilitate the needs of the less mobile. Accordingly a modification is proposed to the Concept Plan requiring provision of a seniors courtesy bus to the adjacent centres until shopping and medical services are established on site.

5.7 CONTRIBUTIONS / VOLUNTARY PLANNING AGREEMENT (VPA)

A Voluntary Planning Agreement (VPA) was originally proposed for the development, however the Council and the Department deemed it to be inadequate, so it was consequently abandoned. The Council and the proponent then negotiated Section 94 Contributions for Stage 1 based on the proposed Concept Plan. However, legally the Department is unable to impose Section 94 Contributions on a Concept Plan. Accordingly, the contributions for Stage 1 can be imposed in accordance with Council's Section 94 Contributions Plan for similar development without the reductions for works proposed in later stages. Contributions for later stages will have to be determined by the Council as part of those specific projects.

The amount payable for the residential component of Stage 1 is currently calculated as follows but will be adjusted at the time of payment in accordance with the contributions plan if it is not paid within the current quarterly period:

Open Space Acquisition	\$263,486.40
Recreation Facilities	\$44,219.50

Monitoring, Research and Administration	\$21,539.40
Community Facilities	<u>\$140,207.72</u>
Total	\$469,453.02

5.8 HERITAGE

A Heritage Assessment of the site was undertaken in November 2003 and submitted with the PPR. This report details that the Sunbeam Corporation had erected a factory on the Campsite site by 1954, and had begun manufacturing electrical appliances there. In 1971 the site became the centre of all manufacturing for the company. In terms of heritage significance the Sunbeam Factory building was indicated as a good representative example of the Post-war international architectural style applied to an industrial building. The site is not included on the State Heritage Register, and is not affected by any Interim Heritage Order.

In 2003 the site was under consideration for inclusion as an item of local heritage significance under the Canterbury Local Environmental Plan No. 148 – Campsie Precinct 2002. However, the report submitted as part of the EA indicates that Council has declined to list the site on the basis that although the site has contributed to the growth and operation of the Sunbeam company, it is considered that other sites that first manufactured Sunbeam goods are more significant. It also indicates that the architectural merits of the building do not support a listing.

In this respect demolition of the site can be considered appropriate, provided the site is adequately recorded prior to demolition for archival reasons. It would also be appropriate for a memorial recognising the former use of the site to be established on the site in a prominent location. Accordingly a condition is proposed for the Project Application Approval requiring an archival recording of the site must be prepared by a suitably qualified person prior to any demolition, and a commemorative plaque and interpretive display should be erected at an appropriate location.

5.9 DEMOLITION / REMEDIATION AND SUBDIVISION STAGING

Demolition and Remediation works

The proponent seeks approval for staged/progressive demolition and remediation of the site. It is considered that staged demolition and remediation of the site would result in a poor outcome in terms of safety and amenity and would not give certainty that the remediation and demolition works would occur in a timely manner.

It is therefore considered appropriate that remediation and demolition works be undertaken for the whole site as a part of Stage 1 of the proposal. Accordingly, a condition is imposed to address this issue.

Subdivision

Council requested that conditions be imposed requiring all road/infrastructure works associated with the staged subdivision be undertaken as a part of Stage 1 of the proposal, to ensure that all lots are adequately serviced. The Department considers it possible for the lots to be adequately serviced, even if the development is staged. Accordingly, requiring complete construction of the subdivision as part of Stage 1 would be an unnecessary imposition upon the Proponent without significant public benefit. It is considered appropriate for the Proponent to stage the infrastructure works as requested, ensuring that the timing and delivery of infrastructure works coincide with each stage of the proposed subdivision.

5.10 THE PUBLIC INTEREST

The proponent provides that the proposal is in the public interest for the following reasons:

- The proposal will provide local employment (of up to 1000 jobs) to assist in meeting the target for 500 jobs in the Canterbury LGA as outlined in the Draft South Subregional Strategy.
- It will provide a variety of housing with up to 395 units proposed and will assist in meeting the LGA target of 7,100 new dwellings by 2031.

- The proposal will provide a large component of Seniors Living and High Care
- The proposal will provide 5,378m² of publicly accessible open space
- The proposal will provide Medical and Child Care facilities
- New local village centre, local shopping and recreation opportunities, will provide improved amenity and access to services for surrounding residents.

6. CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The proposal was exhibited over a 55 day exhibition period from 10 December 2008 until 2 February 2009. The EA was made available to the public via the Department's website and in the Department's Information Centre, and at Council's offices.

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the Act. Letters were sent to adjoining land owners as well as relevant agencies, inviting submissions.

6.2 SUBMISSIONS SUMMARY

During the exhibition period, the Department received a total of 18 submissions. Of these, 13 submissions were received from the public, including one with a petition signed by 32 residents and 5 submissions from were received from public authorities being:

- Canterbury City Council
- Department of Environment and Climate Change (DECC)
- Roads and Traffic Authority (RTA)
- Ministry of Transport (MoT)
- Sydney Water

The main issues raised by the public included:

- | | |
|--|-------------------------------------|
| • Traffic Increase | • Contamination / Remediation |
| • Lack of Public Transport | • Community facility provision |
| • Noise and Air Pollution | • Out of centre location for retail |
| • Privacy, Overshadowing and Visual Impact | • Flooding and Drainage |

A summary of all submissions received can be found in **Appendix C**. The proponent responded to these submissions in the Preferred Project Report, received on 13 May 2009 (**Appendix D**).

6.3 SUBMISSIONS FROM PUBLIC AUTHORITIES

The submissions from public authorities are summarised below with further details available at **Appendix C**.

Canterbury City Council (Council)

Council raised the following issues:

- **Traffic** - The Council raised concerns regarding the large volumes of traffic that the development may generate being beyond the capacity of the existing local road network. They further note that current bus routes do not serve the proposed new centre and it is not within walking distance to a train station increasing the car dependant nature of the development.
- **Economic Impacts** - Council are concerned about the economic impacts a new town centre would have on existing centres and would prefer the retail component provide a purely convenience role. Council estimates the employment numbers to be lower than that expected by the Proponent and raises concerns that the jobs created would exhibit a lower skills profile and have a greater proportion of part-time employment than may have been generated with a light industrial use.
- **Flooding** - Council noted that the proposed Lot 5 is currently affected by flooding where it acts as a flooding storage during heavy rain periods and requested that Sydney Water approve the proposed measures to act in place of the current flooding storage area.
- **Seniors Living Location** - Council indicated that Seniors Living is a desirable use on the site with a direct and net contribution to the community but they are concerned that its location at

the site is within a flood affected area and is at the furthest point from local services such as medical services and the bus network on Canterbury Road.

- **VPA** - Council indicated that the proposed Voluntary Planning Agreement (VPA) was not acceptable, specifically that the Council does not want to accept the stratum public park due to it being located above proposed basement car parks and supermarket and therefore limited in depth with potential waterproofing issues. The VPA also does not make clear who will complete the necessary road works for the development. Council further indicated that appropriate Section 94 contributions should be negotiated to enable Council to provide necessary long term road upgrades, community facilities and environmental amenity improvements.
- **Visual & Acoustic Amenity** - Finally, the Council is concerned that the proposed development would have a detrimental impact on the visual and acoustic privacy of immediate residential neighbours, particularly the potential for overlooking properties on Alfred, Troy and Wade Streets and overshadowing properties in Reid Avenue.

Comment:

The issues raised by Council are the integral issues which have been addressed as part of this report. Detailed assessment of these issues are within **Section 5** of this report.

- Conditions have been imposed from Council and the RTA to cater for the increase in traffic on the site. A comprehensive report on the closure of Alfred Street will be required prior to Stage 2 to ensure there is no undue stress on residential streets south of the development.
- The economic impacts of the development have been assessed and it was found that there is an undersupply of bulky goods and retail in the area. Accordingly, the impact of the development is considered to be acceptable.
- The Seniors Living component on Lot 5 was amended as part of the PPR, with the removal of one building that was within the flood affected area. Further assessment will be required prior to the issue of a Construction Certificate on ponding likely to be experienced around New Troy Street, and its impact upon the basement of Lot 1.
- The Proponent has indicated a willingness to provide additional adaptable units within Lot 2 to offset the proposed decrease in seniors living units, which the Department considers to be appropriate.
- Services are proposed within the site such as supermarket and medical centre within walking distance of seniors living. Additionally, public transport is to be further investigated, and a courtesy bus is to be provided to seniors in the event of seniors living being operational prior to a regular bus service being available adjacent to the site or services available on site.
- The VPA has been withdrawn and the Proponent negotiated Section 94 Contributions with the Council. However, the Department can not legally impose contributions on a Concept approval, so contributions will only be imposed upon the Project Application and contributions for future applications will need to be applied by the Council at those stages.
- As part of the development approval the additional height proposed as part of the PPR is to be reduced to the original heights proposed, the seniors building on the eastern boundary is to be reduced one level, and the 3 storey buildings on Lot 4 are to be set back further from the boundary.
- The Council suggested numerous conditions of consent following the PPR. The majority are to be adopted as part of the development approval.

Department of Environment, Climate Change and Water (DECCW)

DECC raised concerns regarding contamination and remediation of the site, and indicated that the site investigation and remediation to date has only addressed the contamination issues for an on-going, industrial site use. DECC requested:

- that a contaminated site assessment and remediation strategy be provided with respect to the proposed uses of the site,
- that this is reviewed by a site auditor accredited under the Contamination Land Management Act 1997, and
- that a Site Audit Statement and associated Site Audit Report issued by the site auditor demonstrate that the site can be made suitable for the proposed uses.

Comment:

- The proponent has committed to the above requirements within their Statement of Commitments, and they will also be included in the Stage 1 Project Application consent conditions. The Concept Plan approval will also require the issues to be addressed as part of future project applications.
- The DECC suggested a number of conditions of consent following the PPR. The majority are to be adopted as part of the development approval.

Sydney Water

Issues raised prior to the submission of the PPR:

- Sydney Water requested the Proponent prepare a more detailed flood analysis in relation to stormwater issues.
- They indicated that they would encourage all developers to implement best practice urban stormwater management using Water Sensitive Urban Design (WSUD)

Sydney Water suggested the following issues be addressed through conditions of consent:

- Proponent to demolish and remove the existing Sydney Water pipeline from the site once new drainage system has been constructed
- Proponent to obtain a Section 73 Certificate from Sydney Water

Comment:

The Proponent submitted additional flood analysis within the PPR which outlines that the affected building on proposed Lot 5 has been removed. The flood study indicates that the proposed buildings would result in no significant increase in flooding, are outside the Cup & Saucer Creek channel floodway and are not considered to be within environmentally sensitive land with respect to flooding (as referred to in Table 1 of the Seniors Living SEPP 2004).

The flood analysis indicated that part of the northern section of the property is also affected by flooding from storm water, and further analysis on this issue will be required as part of the Stage 1 Project Application consent conditions. The Department will also incorporate the suggested conditions from Sydney Water and will include a requirement within the Concept Plan for an assessment as part of the detailed design on proposed Lot 5 to confirm that any changes would not adversely impact on flood regimes.

Roads and Traffic Authority (RTA) – Sydney Regional Development Advisory Committee (SRDAC)

Issues raised prior to the submission of the PPR:

- The RTA raised concerns regarding intrusion of traffic on local streets, particularly Alfred Street. They were further concerned with safety of the Troy Street intersection.

The RTA requested the following information

- the modelling of several intersections and provision of existing and projected Annual Average Daily Traffic levels for all streets surrounding the site,
- the option of closing Alfred Street at the Harp Street intersection be modelled,
- the provision of a Transport Management and Accessibility Plan (TMAP),
- the provision of the accident history of the Troy Street intersection,
- the provision of disabled parking along New Harp Street, and
- the provision of pedestrian facilities and traffic calming devices.

Comment:

The PPR was referred to the RTA for further comment and the RTA raised no objection. The RTA did however make the following suggestions:

- *Extend the no stopping provision on the western side of Charlotte Street for an additional 40m to the South.*

- *Extend the right hand turn bay north bound on Kingsgrove Road at the Harp Street Intersection to 70m*
- *That a Local Area Traffic Management Plan be prepared in order to further address the concerns raised by local residents and Council;*
- *That the recommendations made within the proponent's TMAP be endorsed;*
- *Internal roads be designed in accordance with AMCORD*
- *Internal roads should be design to cater for semi trailers and designed in accordance with AUSTROADS*
- *Off street car parking to be designed in accordance with Australian Standards.*
- *All works to be at the full cost to the developer.*

The RTAs comments will form recommended conditions. Further conditions will also be recommended including the provision of car share spaces and further negotiations with local bus providers with a view to divert a bus service past the site to further reduce traffic generation and to provide alternative forms of transport.

Ministry of Transport (MoT)

Issues raised

- The MoT were concerned that the project was not supported by a TMAP and that the transport study supplied with the EA did not adequately justify the proposed parking rates.
- The MoT were also concerned that the proponents justification for rezoning the site from industrial to residential did not provide enough analysis to ensure a sustainable transport future for the proposed development.

Comment:

The Department is satisfied that the Proponent has addressed these issues in the Preferred Project Report which included a Transport Management and Accessibility Plan (TMAP).

The TMAP included suggested bus route diversions, the provision of a bus stop on Charlotte Street and a reduced number of car parking spaces in line with the reduced GFA at the site. It further highlighted pedestrian and cycle linkages and infrastructure and the shared zone to be created on New Alfred Street – the main village street, providing for a pedestrian friendly atmosphere.

6.4 PUBLIC SUBMISSIONS

Public submissions are summarised below with further details available at **Appendix C**.

There were 13 public submissions to the Environmental Assessment, with one having a petition attached with 32 signatories. There were 4 public submissions in support of the Concept Plan and Stage 1 Project proposal, including one on behalf of a group of 7 land owners / companies, and these submissions raised the following points:

- The development will improve the look and use of the site and redevelop to replace old, dilapidated buildings;
- The development will provide a local shopping centre;
- The development will provide local facilities and employment;
- The current zoning is outdated and the proposed landuse is supported;
- The proposal is generally supported, but concerns still raised with traffic increase and suggest more parking.

The majority of public submissions were objections to the development of the site and the following concerns were raised:

- Traffic Increase
- Lack of Public Transport
- Noise and Air Pollution
- Privacy, Overshadowing and Visual Impact
- Contamination / Remediation
- Crime Increase
- Community facility provision
- Out of centre location for retail
- Flooding and Drainage

Department Comment:

The Department is satisfied that the majority of issues raised by public submissions have been addressed as outlined in the Preferred Project Report and the key issues have been considered as follows in this report:

- Traffic Increase - **Section 5.5**
- Lack of Public Transport - **Section 5.5**
- Privacy, Overshadowing and Visual Impact – **Section 5.4**
- Contamination / Remediation - **Appendix E – SEPP 55 Remediation of Land**
- Out of centre location for retail - **Section 5.1**
- Flooding and Drainage - **Section 5.2**

Other issues raised are addressed as follows:

- Noise and Air Pollution – The EA included a Noise Impact Assessment in **Appendix 17**, and the design of the development incorporates some noise attenuation measures. Conditions of consent will be imposed which require a further Noise and Vibration Management Plan and the introduction of an Air Quality Monitoring Program. The Department is satisfied that these conditions address the concerns raised.
- Crime Increase – The proposal has been designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles. A CPTED report was submitted in **Appendix 19** of the EA. The Department is satisfied with this assessment, and the design responses to discourage crime included within the proposal.
- Community facility provision – Council has negotiated the provision of community facilities with the proponent. Conditions of consent are to be imposed which reflect these negotiations.

7. CONCLUSION

The Department has assessed the Environmental Assessment Report (EA) and Preferred Project Report (PPR) and considered the submissions in response to the proposal. The key issues raised in submissions relate to the strategic policy context of the site, flooding, traffic, built form, and amenity.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Environmental Assessment Report, Statement of Commitments, Preferred Project Report and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. The Department recommends that the project be approved, subject to conditions.

8. RECOMMENDATION

It is recommended that the Minister:

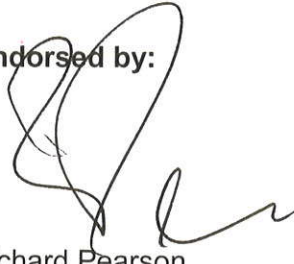
- (A) consider the findings and recommendations of this Report; and
- (B) **approve the Project Application**, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to conditions and sign the Determination (**Tag A**).
- (C) **approve the Concept Plan**, under Section 75O *Environmental Planning and Assessment Act, 1979*; subject to modifications and sign the Determination (**Tag B**).

Prepared by:



Michael Woodland
Director, Urban Assessments

Endorsed by:

 9/10/08

Richard Pearson
Deputy Director General
Development Assessment and System Performance

APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

[Note: Appendix A, B, and D may also be accessed online at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2377]

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 07_0106
Project	Concept Plan for entire site and Project Application for Stage 1 (Precinct A & B)
Location	Mixed use development - retail, commercial, residential, seniors living (including high care), childcare and medical centre.
Proponent	Former Sunbeam Factory site – 60 Charlotte Street, Clemton Park.
Date issued	Planning Workshop Australia on behalf of Parkview Sydney Developments
Expiry date	28/5/08
Key Issues	<p>If the Environmental Assessment (EA) is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.</p> <p>The EA must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: <ul style="list-style-type: none"> • SEPP 55, 65, (Housing for Seniors or People with a Disability) 2004, Infrastructure 2007, BASIX 2004; • Canterbury Planning Scheme Ordinance; • Draft South Subregional Strategy; • Relevant Development Control Plans; • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance. 2. Retail/Bulky Goods Impact Assessment <ul style="list-style-type: none"> • The EA shall address the economic/retail impact of the proposal upon existing and future development along Canterbury Road, the surrounding retail centres within the locality, having regard to the hierarchy of centres in the Metropolitan Strategy and Draft Subregional Strategy. 3. Draft South Subregional Strategy / Appropriateness of the proposed uses The site is identified within the Draft South Subregional Strategy as Category 1 - lands to be retained for industrial purposes. <ul style="list-style-type: none"> • The EA shall provide / conserve an appropriate amount of land for industrial /employment purposes. • The EA shall clearly identify and define each of the proposed uses and their compatibility / appropriateness with adjoining land in terms of both location and the types of uses. 4. Built Form The EA shall address the appropriateness of the height, bulk and scale of the proposed development within the context of the surrounding development and mitigate potential impacts relating to loss of sunlight, privacy and views at neighbouring properties. The EA shall provide the following documents: <ul style="list-style-type: none"> • Comparable height study to demonstrate how the proposed height relate to the height of the existing development surrounding the subject site and; • View analysis to and from the site. 5. Environmental and Residential Amenity (proposed development) The EA shall address solar access, acoustic privacy, visual privacy, view loss, and wind impacts and achieve a high level of environmental and residential amenity including measure for crime prevention.

	<p>6. Transport and Accessibility / Car parking / Traffic Impacts (Construction and Operational)</p> <p>The EA shall address and/or provide the following:</p> <ul style="list-style-type: none"> • A Traffic Management and Accessibility Plan (TMAP) prepared in accordance with the Draft Interim TMAP Guidelines and the RTA's Guide to Traffic Generating Developments to address the following: <ul style="list-style-type: none"> • Daily and peak traffic movements likely to be generated by the proposed development including the impact on nearby intersections and the need for funding of upgrading or road improvement works (if required). In this regard intersection modelling at 4 intersections to be provided as required by RTA (refer to letter from RTA dated 21 May 2008). • Traffic and transport infrastructure measures to promote public transport usage and pedestrian and bicycle linkages • Details of service vehicle movements, access, loading dock(s), car parking arrangements and measures to mitigate potential impacts for pedestrians and nearby residents during construction. <p>7. Ecologically Sustainable Development (ESD)</p> <p>The EA shall detail how the development will incorporate ESD principles and WSUD in the design, construction and ongoing operation phases of the development.</p> <p>8. Contributions</p> <p>The EA shall address provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.</p> <p>9. Contamination</p> <p>The EA shall address and/or provide the following:</p> <ul style="list-style-type: none"> • A contaminated site assessment and a remediation strategy with respect to the proposed uses of the site; and • A Site Audit Statement and the Site Audit Report issued by the site auditor accredited under <i>the Contaminated Land Management Act</i> to demonstrate that the site can be made suitable for the proposed uses. <p>10. Heritage (If relevant)</p> <ul style="list-style-type: none"> • The EA shall provide an assessment of heritage significance of the site and any impacts the proposed development may have upon this significance (where relevant). • The EA shall also address Aboriginal Heritage in accordance with the <i>Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005</i> involving surveys and consultation with the Aboriginal community (where relevant). <p>11. Flooding</p> <p>The EA shall provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of climate change, sea level rise and an increase in rainfall intensity.</p> <p>12. Utilities</p> <p>In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities in particular the adequacy of the existing drainage system including staging of infrastructure works.</p> <p>13. Staging</p> <p>The EA must include details regarding the staging of the proposed development.</p> <p>14. Consultation</p> <p>Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i>.</p>
Deemed refusal period	120 days

APPENDIX B. ENVIRONMENTAL ASSESSMENT

APPENDIX C. PUBLIC AND AGENCY SUBMISSIONS

Public Submissions (as at 12 February 2009)

No	Date	Support	Submission Comments	Main Issues
1	11/12/08	Support	Support this redevelopment because: <ul style="list-style-type: none"> • develop/improve the current site • provide a local shopping centre • provide much needed facilities (supermarket, medical centre, gym etc) • provide opportunity to locals for employment • - will improve the use/look of the current site 	<ul style="list-style-type: none"> • Improve site – look/use • Provide local shopping centre • Provide local facilities • Provide local employment
2	11/12/08	Support	<p>Main concern - the impacts on the traffic</p> <ul style="list-style-type: none"> • It would increase traffic enormously at all hours • Use Ward Street, Troy Street and Viking Street why not to divert some of the traffic away from Harp/Alfred and Charlotte Street. • Public transport is non existent on site therefore parking space should be increased adequately. 	<ul style="list-style-type: none"> • Traffic Increase • Divert traffic • Public Transport Lack • Increase Car Parking
3	15/12/08	Objection	<ul style="list-style-type: none"> • Noise pollution from demolition and construction work (house 150 metres away) • Destroy right to the peaceful enjoyment of property • Heavy vehicle movements and increased traffic congestion • Seven storey residential out of character with surrounding area • Impact on privacy of property, visual impact on views and district amenity • Site contamination, asbestos removal, ongoing noise and dust pollution • Working hours • Damage to local roads, on-street parking, impact on infrastructure • Impact on heritage trees • Population pressure, risks to child safety, potential increase in crime • Erode value of my property, degrade quality of life 	<ul style="list-style-type: none"> • Noise • Heavy vehicles • Traffic congestion • Height out of character • Visual impact • Pollution • Impact on infrastructure, roads and trees • Potential crime increase • Child safety risk • Erode property value • Degrade quality of life
4	18/12/08	Support	<ul style="list-style-type: none"> • Totally agrees with this 'wonderful' project 	<ul style="list-style-type: none"> • Agrees with project
5	22/01/09	Support (7 land owners/ companies)	<ul style="list-style-type: none"> • Existing buildings and improvements are old and dilapidated • Current zoning is outdated and does not reflect the current work habits of the residents in our community • Hope for approval of this development to facilitate rezoning of the adjoining industrial area 	<ul style="list-style-type: none"> • Current zoning outdated • Encourage redevelopment of old, dilapidated buildings