

Figure 10: Anticipated Zoning

The proposed project is the subject of an authorisation by the Minister to apply for approval of a Concept Plan pursuant to Section 75M of the Act as stipulated within the Department of Planning's letter dated **11 January 2008** see **Appendix 1**.

The Director General notified the proponent of the Environmental Assessment Requirements under Section 75F of the Act on **28 May 2008**, further to the Minister declaring it a Major Project and authorising the submission of a Concept Plan (S75M) and concurrent Project Application as part of Concept Plan Application.

5.3.2 Part 3A Assessment Requirements

Section 75F requires consideration of any published guidelines in the Gazette and Director General requirements.

The Director-General issued environmental assessment requirements pursuant to **Division 3 Section 75N** and referring to **Section 75F** of the EP & A Act on **28 May 2008**. The form of this document has been taken from the Director-General's requirements. The key issues are addressed in the order in which they appear in the environmental assessment requirements to ensure that each issue is systematically addressed. The table below summarises the Director – Generals' requirements. These issues are cross-referenced with the relevant sections of this report.

Table 9: DG's Requirements and report cross reference

| COLUMN 1 – AS PER DGR'S | COLUMN 2 - AS PER DGR'S | COMMENT |
|---------------------------|---|---|
| Application number | MP 07_0106 Concept Plan for entire site and Project Application for Stage 1 (Precinct A & B) | |
| Project | Mixed use development - retail, commercial, residential, seniors living (including high care), childcare and medical centre. | |
| Location | Former Sunbeam Factory site – 60 Charlotte Street, Clemton Park. | |
| Proponent | Planning Workshop Australia on behalf of Parkview Sydney | |
| Date issued | 28 May 2008 | |
| Expiry date | 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. | |
| Key Issues | The EA must address the following key issues: 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: 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. | Section 5 in total Appendix 22 Appendix 31; 32 Appendix 33 Appendix 27 Appendix 36 |
| | 2. Retail/Bulky Goods impact Assessment The EA shall address the economic/retail impact of the proposal | Section 6.1 |

| COLUMN 1 – AS PER DGR'S | COLUMN 2 - AS PER DGR'S | COMMENT |
|-------------------------|---|--|
| | 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. | Appendix 26 |
| | <p>3. Draft South Subregional Strategy 1 Appropriateness of the proposed uses</p> <p>The site is identified within the Draft South Subregional Strategy as Category 1 - lands to be retained for industrial purposes. 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.</p> | Section 5.5 Appendix 27 |
| | <p>4. Built Form</p> <p>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:</p> <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 ad from the site | Section 6.2 Appendix 9 & 10 |
| | <p>5. Environmental and Residential Amenity (proposed development)</p> <p>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> | Section 6.3 Appendix 10;11;17;18;19 |
| | <p>6. Transport and Accessibility 1 Car parking / Traffic Impacts (Construction and Operational)</p> <p>The EA shall address and/or provide the following: 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:</p> <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. | Section 6.4 Appendix 20 Appendix 20 |
| | 7. Ecologically Sustainable Development (ESD) | |

| COLUMN 1 – AS PER DGR'S | COLUMN 2 - AS PER DGR'S | COMMENT |
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| | The EA shall detail how the development will incorporate ESD principles and WSUD in the design, construction and ongoing operation phases of the development. | Section 6.7 Appendix 21 & 33 |
| | 8. Contributions 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. | Section 6.8 Appendix 16 |
| | 9. Contamination The EA shall address and/or provide the following: 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 the Contaminated Land Management Act to demonstrate that the site can be made suitable for the proposed uses. | Section 6.9 Appendix 22 |
| | 10. Heritage (If relevant) 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 Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005 involving surveys and consultation with the Aboriginal community (where relevant). | Section 6.10 Appendix 25 |
| | 11. Flooding 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. | Section 6.12 Appendix 23 |
| | 12. Utilities 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. | Section 6.13 Appendix 24 |
| | 13. Staging The EA must include details regarding the staging of the proposed development. | Section 4.6 Appendix 7 |
| | 14. Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007. | Section 6.14 & 6.15 Appendix 28 |
| Deemed refusal period | 120 days | |
| Plans and Documents to accompany the Application | | |
| General | The Environmental Assessment (EA) must include: 1. An executive summary; 2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development: | 1. Section 1 2. Section 3 Appendix 4 & 5 3. Section 4 Appendix |

| COLUMN 1 – AS PER DGR'S | COLUMN 2 - AS PER DGR'S | COMMENT |
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| | <ol style="list-style-type: none"> 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyors Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest. | <p>8</p> <ol style="list-style-type: none"> 4. Section 6 5. Section 6 & Appendix 38 6. See below 7. Page 7 of EA 8. Appendix 15 9. Section 9 |
| <p>Plans and Documents</p> | <p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating; <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sqm) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities, open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location proposed building envelopes and/or | <p>Appendix 4</p> <p>Section 3 & Appendix 5</p> <p>Section 3 & Appendix 5 Figures 1 -6</p> |

| COLUMN 1 – AS PER DGR’S | COLUMN 2 - AS PER DGR’S | COMMENT |
|----------------------------------|--|---|
| | <p>structures on the land in relation to the boundaries of the land and any development on adjoining land;</p> <ul style="list-style-type: none"> • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground, • any changes that will be made to the level of the land by excavation, filling or otherwise. <p>5 Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> • Landscape concept plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. • Shadow diagrams showing solar access to the site and adjacent properties including open space areas (where appropriate) at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and Sep 21) at 9.00 am, 12.00 midday and 3.00 pm. • Staging Plan – illustrate how the development will be staged for implementation. <p>6. A massing model of the proposed development for the entire site (Concept Plan) and detailed model for Stage 1 (Project Application).</p> | <p>Section 4.3 Appendix 8 & 9 Appendix 12 Appendix 29 Appendix 30</p> <p>Appendix 13</p> <p>Section 6.3 & Appendix 11</p> <p>Section 4.6 & Appendix 7</p> <p>Appendix 12</p> |
| Documents to be submitted | <ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy; • 12 hard copies of the EA (once the EA has been determined adequate); • 12 sets of architectural and landscape plans to scale, including 1 set at A3 size (to scale); and • 1 copy of the EA and plans on CD-ROM (PDF format), in accordance with the Department's Web Site protocol. | Noted |

5.4 Application of the Provisions of other Legislation

5.4.1 Approvals and legislation that does not apply

Part 3A Division 4 Section 75U of the EP&A Act provides that the following authorisations are not required for an approved project:

“(1) The following authorisations are not required for an approved project (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

- (a) the concurrence under Part 3 of the Coastal Protection Act 1979 of the Minister administering that Part of the Act,*
- (b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,*
- (c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,*

- (d) a permit under section 87 or a consent under section 90 of the National Parks and Wildlife Act 1974,
- (e) an authorisation referred to in section 12 of the Native Vegetation Act 2003 (or under any Act to be repealed by that Act) to clear native vegetation,
- (f) a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948,
- (g) a bush fire safety authority under section 100B of the Rural Fires Act 1997,
- (h) a water use approval under section 89, a water management work approval under section 90 or an activity approval under section 91 of the Water Management Act 2000."

5.4.2 Roads Act 1993

The **Roads Act 1993**, in **Section 138**, requires the proponent to seek the consent of Canterbury Council (as the appropriate Roads Authority for New Troy Street, New Wade Street, New Alfred Street and New Harp Street) to:

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road"*

The Concept Plan includes a new road system which is proposed to connect with Charlotte and Alfred Streets (main roads). In circumstances such as this proposal, where consent is required in respect of a classified road, the concurrence of the Roads and Traffic Authority is required prior to the granting of consent.

Section 75V Part 3A of the EP&A Act provides that consent under **Section 138** of the **Roads Act 1993** *"cannot be refused if it is necessary for carrying out an approved project and is to be substantially consistent with the approval under this Part"*.

5.5 Sydney Metropolitan Strategy

In December 2005 the NSW Government Department of Planning (DoP) released the Sydney Metropolitan Plan (the "Metropolitan Strategy"). The Metropolitan Strategy sets the framework for creating more than 600,000 new dwellings and 500,000 new jobs in the Sydney Metropolitan area by 2031.

The Metropolitan Strategy aims to enhance Sydney's livability through: providing a more diverse range of housing choices; strengthening Sydney's long term economic prosperity; providing equitable access to employment, services and lifestyle opportunities; creating a more environmentally sustainable city; and, facilitating and managing growth of Sydney over the next 25 years.

To implement the Metropolitan Strategy ten 'sub regions' have been established. The Canterbury LGA is part of the South Subregion. The Metropolitan Strategy targeted 35,000 new houses and 21,000 new jobs within the South Sydney Subregion by 2031. The Metro

Strategy identified Canterbury Road as a Potential Enterprise Corridor and an important local employment focus.

5.6 South Subregion Draft Subregional Strategy

5.6.1 Overview

The South Subregion Draft Subregional Strategy (the draft Subregional Strategy), released on 14 December 2007, was prepared by the DoP to implement the actions and objectives of the Metropolitan Strategy at a Subregional level, whilst also providing for the geographic allocation of the additional jobs and housing targets.

The 'vision' is that, by 2031, the South Subregion will:

- *“Retain its high quality environmental, tourism and lifestyle attributes.*
- *Provide superior lifestyle and amenity, allowing residents to live and work within the subregion.*
- *Support the function of the Global Economic Corridor.*
- *Have a diverse community supported by a greater range of housing choice.*
- *Have greater public transport use through a series of rail infrastructure improvements and encouragement of walking and cycling.”*

The draft Subregional Strategy identifies the South subregion as accommodating **35,000 new dwellings** and **29,000 new jobs** by 2031. Of these, the Canterbury LGA is envisaged to accommodate **7,100 additional dwellings** and **500 additional jobs**.

Planning Workshop Australia, on behalf of Parkview, made a submission to DoP regarding the draft Subregional Strategy (See **Appendix 27**) which recommended that flexibility be given to enable the development of more employment generating uses such as supermarkets, to meet the identified convenience shopping needs of the local community as well as responding to the Ministers opinion that the *“Department supports redevelopment of the site and is willing to consider some non-employment uses despite the Subregional Strategy”*.

The Metropolitan and draft Subregional Strategies establish six land use strategies: *economy and employment; centres and corridors; housing; transport; environment and resources; and, parks and public places*. The proposal is consistent with the land use policies of the draft Subregional Strategy, as demonstrated in the sections below.

5.6.2 Economy and Employment

The Metro and draft Subregional Strategies have nominated locations to support increased employment growth over time. It is anticipated that by 2031, the majority of jobs will likely be located in centres or employment lands, which will provide the basis for more sustainable and targeted infrastructure and transport planning.

The objectives of the draft Subregional Strategy include:

- “A1.1.1 South Councils to prepare Principal LEPs... which will provide sufficient zoned commercial and Employment Land to meet employment capacity targets.
- A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands
- A1.4 Contain the rezoning of Employment lands to residential rezonings across Sydney
- A1.9 Facilitate the use of old industrial areas.”

It is important to note that the subject site is currently vacant and has been so for approximately six (6) years, wherein there has been no (or negligible) employment from the site. Immediately prior, the site was used for manufacturing purposes by Sunbeam and employed approximately 1,000 persons. It is a generally agreed position between the Council, and the owner, that inserting another manufacturing operation into the site, having regard to its location amongst existing residential development, is extremely unlikely and undesirable on environmental planning grounds including truck generation and noise.

In considering the development potential of the subject site, alternative possible uses have been considered, notwithstanding the current Industrial zone under the Canterbury PSO. Given the zoning of the subject site, with an area of 5.4ha, the highest employment generator is that of Industrial and Trade Units at 570 and 960 jobs (See Table 2 of **Appendix 27**), respectively. However, these are a maximum and assume the development of the whole site for this singular purpose.

It is noted that the Draft Sub-regional Strategy sets an employment capacity target of only 500 additional jobs until 2031 for the Canterbury LGA. In this context, the redevelopment of the former Sunbeam site seeks to provide 1,415 jobs (See **Table 10**) an increase of 47% on the site, being consistent with the Metro Strategy, the Ministers and the Council's desires for MORE jobs.

Table 10 below demonstrates how the proposed employment floorspace translates to 1,401 jobs, based on the ratio of employment to floorspace.

Table 10: Project employment generation

| USE | FLOOR SPACE | RATIO OF EMPLOYMENT TO FLOORSPACE (JOB:SQM) | TOTAL EMPLOYEES |
|--------------------|-------------|---|-------------------------|
| Lot 1 | | | |
| Trade retail | 3,301 sqm | 1:55 | 60 employees |
| Bulky goods | 14,967 sqm | 1:43 | 348 employees |
| Specialty retail | 1,250 sqm | 1:24 | 52 employees |
| Commercial | 5,948 sqm | 1:15 | 397 employees |
| Gym | 1,253 sqm | EFT | 5-25 (EFT) employees* |
| Lot 2 | | | |
| Residential | 17,952sqm | 1:1,000 | 18 employees |
| Convenience Retail | 2,751sqm | 1:24 | 115 employees |
| Supermarket | 2,585sqm | 1:24 | 108 employees |
| Medical | 3,719sqm | EFT | 50-200 (EFT) employees* |
| Lot 3 | | | |
| Residential | 5,897 sqm | 1:1,000 | 6 employees |
| Child Care | 636 sqm | 1:34 | 19 employees |

| Lot 4 | | | |
|---------------------------|------------------------------------|------------------------|------------------------------|
| Residential | 6,802sqm | 1:1,000 | 7 employees |
| Lot 5 | | | |
| Residential Senior living | ILU's 10,823sqm RAC 5,800sqm | ILU 1:800 RAC 1:125 | 14 employees 46 employees |
| Total | 87,332 sqm | | 1,415 employees |

Source: Floor Space provided within architectural schedules at **Appendix 8 and 30**. Ratio of employment provided by MacroPlan

The proposal allows for a more varied mix of employment uses resulting in improved employment density above that of the former use of the site, as well as allowing the opportunity to identify the site as **“Land with potential to allow for wider range of employment uses”** being consistent with the objective of Subregional strategy of **“A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands”**.

In addition, the Industrial zone including the subject site, is well serviced by infrastructure as a long established industrial area. The public transport infrastructure links the site with a significant labour force, through bus routes along Canterbury Road and Bexley Road and access to the rail network via Campsie train station.

The explanation accompanying the actions A1.4 and A1.9 of the Draft Strategy indicate that the facilitation of the use of old industrial areas and their supporting infrastructure for employment uses, will include the identification of options for rezonings for high employment yielding uses. The policy includes reference to the need to carefully consider rezonings of industrial lands to residential purposes which could limit the potential development of employment uses.

The subject site will not result in a loss of employment land but rather will facilitate development of additional higher employment generating uses within otherwise under-utilised light industrial lands including the provision of residential land consistent with **“A1.4 Contain the rezoning of Employment Lands to residential rezonings across Sydney and A1.9 Facilitate the use of old industrial areas.”**

5.6.3 Centres and Corridors

Relevant aims and actions of draft Subregional Strategy “Centres and Corridors” include:

- *“B2 Increas[ing] densities in centres whilst improving liveability.*
- *B2.1 Plan for Housing in Centres consistent with their employment role.”*

As demonstrated above, the mix of employment and residential uses strengthens the employment role of the former Sunbeam site. By allowing for residential uses (including but not limited to Seniors living) on the site and thus increasing residential densities within walking radius of supermarket, hairdresser, restaurants etc. would make these places more vibrant and provide much needed housing choice for the ageing and changing population consistent with **“B2.1 Plan For Housing In Centre Consistent With Their Employment Role”**

In conclusion, the redevelopment of the site would provide not only employment at a rate consistent with the previous use of the site but also strengthen the concept of Clemton Park as a new local “village centre” with some 303 new dwellings, approximately 176 aged care beds/units with convenience retail services to satisfy existing and future demands, as well as child care facilities and public open space over and above that which might be anticipated from the current zoning. It is thus consistent with **B2 Increasing densities in centres whilst improving liveability**.

The former Sunbeam site has the potential to perform the support function to the existing area. The provision of a mix of uses which acts as magnet infrastructure/development or catalyst for growth, which would achieve desired development outcomes consistent with **“B3.1 Establish a stronger centre initiative”**

5.6.4 Housing

The draft Subregional Strategy aims to:

- *“C1.3 Plan for **increased housing capacity targets** in existing areas*
- *C2 Plan for a **housing mix near jobs, transport and services***
- *C2.1.1 South Councils to **ensure location of new dwellings improves the subregion’s performance** against the target for the State Plan Priority **E5Jobs Closer to Home’.**”*

The proposal will deliver approximately 303 new dwellings and approximately 176 aged care beds/units residences. The co-location of housing with employment and retail uses in close proximity to established public transport services and recreation facilities means that the proposal is consistent with the Metropolitan Strategy. The mixed of uses is environmentally sustainable as it embodies the principles of a walkable city. It will also be a catalyst for the revitalization of the Clemton park area, whilst reducing development pressures on nearby low-density residential areas.

5.6.5 Transport

The “Transport Strategy” primarily relates to increasing opportunities for walking or cycling and enhancing public transport infrastructure, for instance through the establishment of Strategic Bus Corridors.

Whilst the proposal has no direct impact on public transport infrastructure, it will increase the amount of people working and living within close proximity of the existing public transport network, therefore increasing its efficiency.

With regard to walking, the mixed use nature of the development increases the opportunity for walking.

5.6.6 Environment, Heritage and Resources

The draft Subregional Strategy aims to:

- *“E2.2 Protect Sydney’s unique diversity of plants and animals*

- E2.4 Protect Aboriginal Cultural Heritage
- E2.4 Minimise household exposure to unacceptable noise levels
- E3.2 Achieve sustainable use of water

There are no endangered flora and fauna species on the site. Canterbury Council has confirmed that the site has no known Aboriginal Cultural Heritage value. In addition, there is no evidence remaining of any significance because of the heavy modification of the site and use of the site for a number of years for light industrial purposes.

An Environmental Noise Assessment prepared by Acoustic Logic at **Appendix 17** which identifies appropriate noise criteria to ensure that existing and proposed households are not exposed to unacceptable noise levels.

The proposal includes Water management principles so as to conserving water and preserving natural waterways. Water-efficient fittings and native/drought-resistant landscape reduce water demands, while rainwater is harvested for use in landscape irrigation and car washing.

5.6.7 Parks and Public Places

In relation to "Parks and Public Place Strategy" the aims of the draft Subregional Strategy include:

- *"F2.1 Improve the quality of local open space.*
- *F2.1.1 Councils will prepare strategies for the provision and management of new open space areas and embellishments to existing open space areas to serve the needs of the existing and future residents of the South Subregion.*
- *F2.1.6 Councils to continue to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and particularly residential growth is being located.*
- *F2.2 Investigate Future Options for Open Space Provision and Management."*

The provision of the 5,378m² public park (refer to Architectural drawings at **Appendix 8**), which will significantly contribute to recreational open space for both the Clemton Park village residents and workers as well as surrounding residents, has the potential to satisfy all of the aforementioned objectives. The proposal provides a potential mechanism to deliver a high quality park at no expense to the community (via a Planning Agreement).

5.7 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act. **Clause 6** of SEPP 2005 defines 'Major Projects' and as previously described the proposal falls within the SEPP and is therefore subject to Part 3A of the EP & A Act.

5.8 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors Living) was gazetted on 31 March 2004.

5.8.1 Relevant Provisions

Pursuant to Clause 4, SEPP Seniors Living is applicable to:

“ (1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) multiple unit housings,

(iii) hospitals,

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

Note. Clause 20 gives effect to Schedule 2. That Schedule contains provisions that restrict the persons who may make development applications pursuant to this Policy in respect of land located in certain local government areas. The Schedule should be consulted to determine whether any special provisions apply to land that is to be the subject of a development application made pursuant to this Policy”.

The Concept Plan application includes development on Lot 5 for residential flat development including but not limited to Seniors Living. The proposed development is compatible with the surrounding land, as follows.

- The proposed Concept Plan and in particular Lot 5 for the purposes of residential flat development including but not limited to Seniors Living is compatible with the surrounding land uses in respect of the natural environment, the retention of trees has been facilitated by sympathetic building design, sediment and erosion control measures will be deployed as well as dust control measures.
- The proposed development is compatible with surrounding land uses in respect of services and infrastructure as the site is well located in relation to public transport, shops and other services, will provide adequate parking.
- The proposed development is compatible with surrounding land uses whilst generous setbacks and landscape setting mitigate any adverse impacts in respect of its bulk, scale, built form and character.
- The proposed seniors living development will have access to:

- shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- community services and recreation facilities, and
- the provision of a general medical centre
- Canterbury Hospital (350m north west of the subject site);

within the proposed project as well as via a new bus service which will serve the development from Harp Street some 40m south of the proposed future Seniors living (Lot 5).

5.8.2 Schedule 1 consideration

Clause 6(a) of SEPP Seniors Living specifies land (as described in Schedule 1: Environmentally sensitive land of SEPP SL) to which this Policy does not apply. In this respect it is noted that Seniors Living is precluded from land which is classified as a “floodway” or of “high flooding hazard” pursuant to Schedule 1 Environmentally Sensitive land Subclause (g) and (h).

The S149(2)&(5) Certificates (see **Appendix 3**) issued November 24, 2006 do not include any notification of the subject site as being flood liable land. Further the S149(2)&(5) Certificates issued on 23 October 2008 again state that:

“2.6.Flooding

Development on the land, or part of the land, for the purposes of dwelling houses, dual occupancies, multi dwelling houses or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to any flood related development controls.

Development of the land, or part of the land, for any other purpose is not subject to flood related development controls”.

The CPSO (which is the relevant planning instrument) does not identify the land as being a “floodway” or subject to “high flood hazard”.

The Cup and Saucer Creek Stormwater report prepared by Water Board in consultation with Canterbury Council (the report) and referenced by Hyder at **Appendix 23** states that “the drainage network within the catchment is controlled by both the Water Board and Canterbury Council” (p.1). The report also states that “Water Board and Canterbury Council staff was in attendance at displays” during the public displays (p.11), it can therefore reasonably be assumed that Council participated in the preparation of the report. Notwithstanding, the fact that there was ample opportunity to amend and include the flood affectation identified within the Catchment Management Study within Councils policies, Council has either as a matter of policy or omission, not included any flood affectation to the subject site.

Hyder's review of the Cup and Saucer Creek Stormwater – Catchment Management Study, collection of further survey data and appraisal has formed the view that part of the subject site is subject to the 1:100 flood event. The design of the project has specifically incorporated consideration of overland flows, drainage and flooding to manage any significant adverse impacts (**See Appendix 23**).

Chronology of documents:

1. Canterbury Planning Scheme Ordinance Gazetted 28 August 1970;
2. Cup and Saucer Creek Stormwater - Catchment Management Study dated 1992 prepared by Water Board. The Catchment Management study states that the drainage network within the catchment is controlled by both the Water Board and Canterbury Council;
3. Stormwater Management Manual Specifications No. 9 effective from 10 November 1995;
4. Canterbury Flood Management & Flood Proofing DCP 28 - Adopted by Council on 23 October 1997 and effective from 7 November 1997;

*"The purpose of this part of the DCP is to set objectives and standards for development on flood liable land within the City. It applies to development on sites affected by **the one in 100 years Flood Standard for Salt Pan Creek and the Cooks River**, as well as sites within **close proximity to this flood plain within the City of Canterbury**".*

Emphasis added

5. Cooks River Catchment Management Strategy dated December 1999;
6. Cooks River Stormwater Management Plan prepared by PPK Environmental and Infrastructure dated 22 September 1999;
7. The Section 149 Certificate Attached at **Appendix 3** dated 24 November 2006.

The CPSO does not define this land as floodway or high flooding hazard as per Schedule 1 subclause (g) and (h) of SEPP SL. A direct interpretation of the Seniors Living SEPP, would conclude that the subject site is not caught by Schedule 1. Notwithstanding a merit assessment has been undertaken by Hyder (see **Section 6.12** of this EA for detail) which concludes that the subject site is adequate for residential use subject to specific engineering solutions and a flood evacuation management plan.

Hyder nominated engineering and design specifications/solutions consistent with relevant government policies including the Floodway Manual. The management strategies proposed by Hyder include the following:

- *"habitable floor levels are to be a minimum of 0.5m above the Council's 'Standard Flood Level' (typically 100 year ARI flood levels);*
- *ensuring that the development does not increase the potential flood hazard or flood damage to other properties or adversely affect them in any way during times of flooding. This may require further investigation of the lot immediately adjacent to the stormwater channel as outlined in the Sydney Water Feasibility Letter;*

- *development of a Flood Emergency and Evacuation Plan based on the final configuration of the proposed construction in the affected areas. A sample Plan is included as in Appendix F of the Stormwater and Flood Management Report prepared by Hyder”.*

5.9 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development if it has considered whether a site is contaminated, and if it is, that it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

A RAP for the site has been prepared by URS (attached at **Appendix 22**) which covers site investigations, remediation of the site, the methods to be used and the clean up criteria appropriate for a range of uses including commercial, industrial and residential. DECC have approved the RAP for the site. In addition, the RAP has been reviewed by the independent auditor and was considered acceptable.

The remediation of the site has been undertaken but not completed and the proponent intend on undertaking this outstanding work as part of its development of the site. The remediation completed to date has demonstrated that the site *“can be suitable for the purposes proposed”*.

The letter from AAP Corporation Pty Ltd (See **Appendix 22**) concludes as follows:-

“Department of Environment and Climate Change have approved the RAP for the site prepared by URS which covers site investigations, remediation of the site, the methods to be used and the clean up criteria appropriate for a range of uses including commercial, industrial and residential. This covers the current and future uses of the site.

The attached RAP prepared for the site remediation is satisfactory for the proposed use of the site, including the existing residential areas off-site. The RAP identifies the clean up actions and criteria that remediated the offsite residential properties to the level and satisfaction of the EPA and the independent auditor. Copies of the RAP and Site Audit Statements (GN111-1 and GN 111-2b) have been appended”.

5.10 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design of Multiple unit housings (SEPP 65) was gazetted on 26 July 2002. According to **Clause 2**, the aims of SEPP 65 include:

“(1) ...to improve the design quality of residential flat development in New South Wales...”

In accordance with **Clause 4**, SEPP 65 applies to new (or substantially altered) multiple unit housings, which have:

- “(a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- “(b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops)...”*

Therefore, SEPP 65 applies to the multiple unit housing component of this Concept Plan (Lots 2; 3 and 4).

The Policy sets out 10 design quality principles. An assessment of of Lot 3, against these design principles is contained in the SEPP 65 Design Statement prepared by Marchese and Partners at **Appendix 31**.

An assessment of the Project Application (Lot 3) against the accompanying Residential Flat Design Code is contained in the plans as well as the SEPP 65 letter prepared by Marchese and Partners at **Appendix 32**. Overall, the proposed development has been assessed in accordance with the provisions of SEPP 65 and in accordance with the Residential Flat Design Code accompanying the State Policy.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to housing choice and stock in the area. Furthermore, the proposed development is consistent with the aims and provisions of the Residential Flat Design Code as indicated in the Design Verification Statement.

5.11 State Environmental Planning Policy - Infrastructure

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) was gazetted on 21 December 2007.

SEPP Infrastructure includes provisions for development with a frontage to a classified road and roads with an annual daily traffic volume of more than 40,000 vehicles (based on RTA data) and also requires specifies types of traffic generating development to be referred to the Roads and Traffic Authority (RTA).

SEPP Infrastructure, Clause 104 “Traffic-generating development”

- “(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
- (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, relevant size or capacity means:*
- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3”.*

The subject site is located approximately 250m south of Canterbury Road which is a main road or a classified road for the purposes of SEPP infrastructure. In accordance with **Clause 104** “Traffic-generating development”, developments described in **Schedule 2 & 3** needs to be referred to the RTA. Consequently the Concept Plan as a whole requires concurrence from the RTA.

The Project Application/s which comprise of a bulky goods premises (5,948m² commercial and 18,011m² bulk, large retail and trade retail 1,250m² shop and 1,253m² gym) with a total of 701 parking spaces on future Lot 1 and a Multiple unit housing (58 units) as well as child care centre on future Lot 3 with a total of 93 parking spaces. Accordingly, Lot 1 requires referral to the RTA as the site has more than 200 parking spaces.

5.12 State Environmental Planning Policy (BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX) was gazetted on 25 June 2004 and became applicable to multi-unit housing on 1 October 2005.

BASIX is an on-line assessment tool that calculates the dwelling’s energy and water scores based on a range of design data. The assessment is completed by the building designer. Once the design complies with BASIX, a BASIX Certificate listing the sustainability commitments can be printed and submitted with the development application.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any “BASIX affected building”. Therefore, BASIX applies to the multiple unit housing component of this proposal. A BASIX certificate for Project Application (Lot 3) is attached at **Appendix 33**.

5.13 State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) was gazetted on 16 March 2001 and applies to all signage in NSW which is visible from a public place or public reserve.

Clause 8 of SEPP 64 requires that, prior to granting consent to signage, a consent authority must be satisfied that:

“(a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”

SEPP 64, **Clause 3(1)(a)** aims:

“(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish...”

The proposed signage as part of Lot 1 (Project Application) satisfies the aims of Clause 3(1)(a) inasmuch as the proposed signage zones, by virtue of its location, size and illumination (or otherwise) will not detract from the amenity of the locality. The signage has also been suitably located within the context of the building and will provide effective communication as to the identification of the building and the businesses within it.

There is nothing in this concept signage proposal that prevents the signage being of high quality design and it is intended that further details will address this. In accordance with Clause 8, the proposal also satisfies the assessment criteria specified in Schedule 1 of SEPP 64, as demonstrated in **Appendix 34**.

5.14 Canterbury Planning Scheme Ordinance (CPSO)

The site is generally surrounded by residential developments. Zone 2(a) residential “A” exists to the south, east and west; and zone 2(b) residential “B” sites are located north. A combination of 2(a) residential “A” and 2(b) residential “B” zoning exists east of the site (See **Figure 8**).

The current zoning of the site is **zone 4(b) Light Industrial** under the CPSO as illustrated in the zoning map reproduced at **Figure 10**. **Clause 22** of CPSO establishes the land use prohibitions within the 4(b) zone as follows:-

Those uses prohibited are as follows:-

*“Boarding houses; caravan parks; **child care centres; commercial premises** (other than auction rooms, premises used for the purposes of rag collecting and dealing; or recreation facilities); **dwelling and dwelling houses** (other than dwellings and dwelling houses used in conjunction with development for a purpose permitted in this zone); educational establishments; hospitals; hotels; institutions; **industries other than light industries**; junk yards; liquid fuel depots; mines; motels; **multiple unit housing; shops other than those referred to in Schedule 3**; shops referred to in Schedule 3 having a Canterbury Road frontage; stock and sale yards; roadside stalls; town houses; villa homes.”*

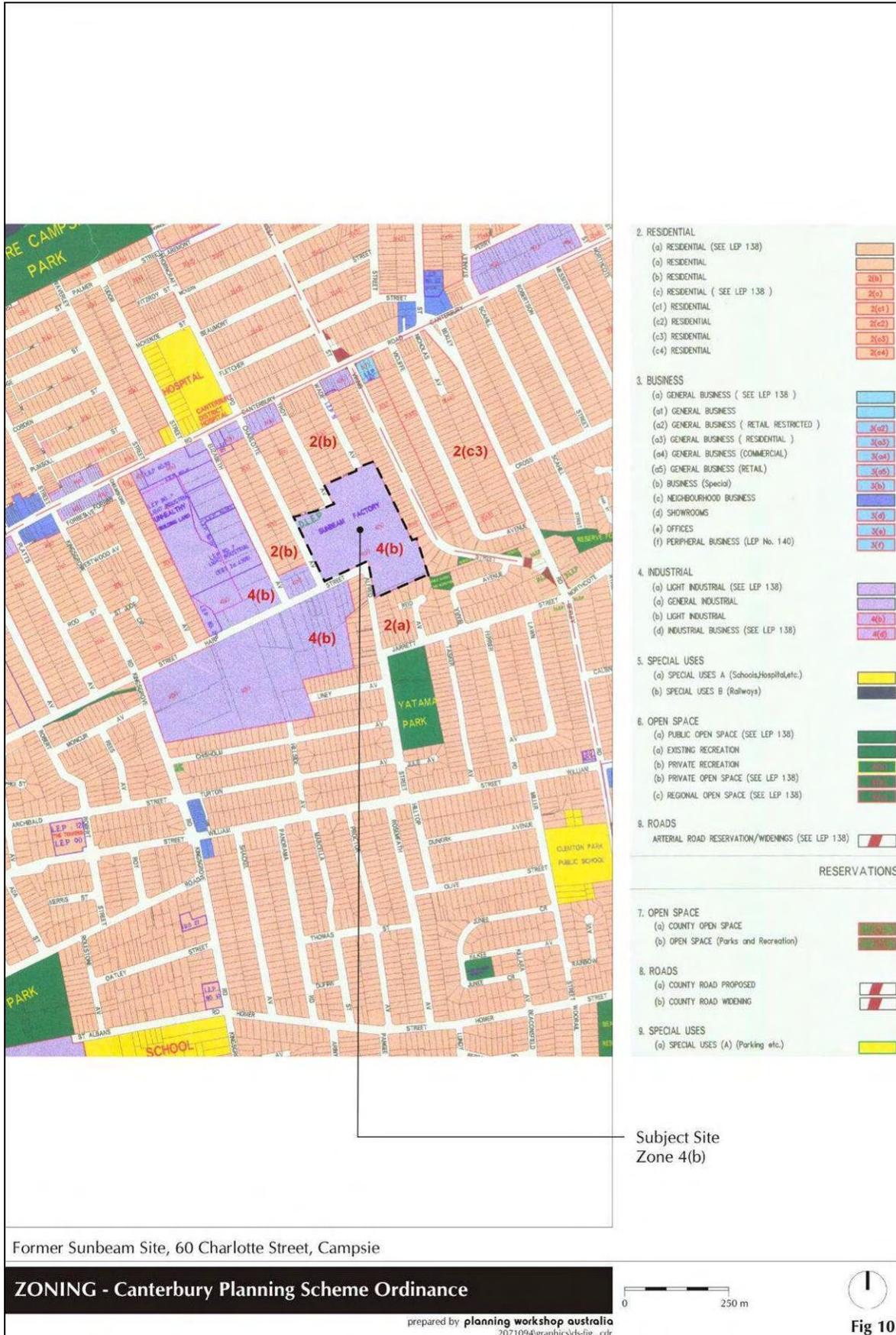


Figure 11: Zoning pursuant to CPSO

“Child Care Centre”, “Multiple unit housing”, “commercial premises” and “shop” (other than those specified under schedule 3) are prohibited in the CPSO.

The purposes for which buildings or works may be erected or carried out are permissible where these are not expressly prohibited by Column V of the table to that clause including the following:

***"Bulk store"** means a building or place used or intended for use for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.*

***"Bulky goods"** means large goods which are of such size and shape as to require:*

(a) a large area for handling, storage or display; and

(b) easy and direct vehicular access to enable the goods to be collected by customers after sale, but does not include food, clothing or produce.

***"Light industry"** means an industry, in which the processes carried on or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood;*

***"Warehouse"** means a building or place used or intended for use for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.*

In the case of the CPSO 3(d) Business Showroom Zone **“retail of bulky goods and warehousing in conjunction therewith”** is permissible, notwithstanding the fact shops are prohibited (except for schedule 3 shops).

Furthermore, Canterbury LEP 148, Clause 10 permits development for the purpose of **bulky goods sale** (specifically defined under Clause 5 - Terms used in the plan) as well as warehouses and distribution centres within the **Zone No 3 (f) (Specialised Business Zone)**, whilst a shop is prohibited within this zone.

A more appropriate definition so as to be consistent with the Standard Instrument (Local Environmental Plans) Order 2006, would be “bulky good premises” (see below) which would allow the “sale by retail, wholesale or auction (or for the hire or display of) of bulky goods”.

***"bulky goods premises"** means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:*

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods”.

In this regard it is noted that Clause 80 of the **Environmental Planning and Assessment Regulations 2000** (Regulations) gives effect to apply for approval of a Concept Plan even if the project or part of the project is prohibited under an EPI.

Clause 80O(1) of the Regulation states:

- “(1) For the purposes of section 75J (3) of the Act, approval for the carrying out of a project may not be given under Part 3A of the Act for any project, or part of a project, that:*
- (a) is not the subject of an authorisation or requirement under section 75M of the Act to apply **for approval of a concept plan**, and*
 - (b) is **prohibited by an environmental planning instrument** that would not (because of section 75R of the Act) apply to the project if approved”.*

Emphasis added

The proposed project is the subject of an authorisation by the Minister to apply for approval of a Concept Plan pursuant to Section 75M of the Act as stipulated within the Department of Planning’s letter dated **11 January 2008** see **Appendix 1**.

The proposed Concept Plan contemplates the following uses on the site, as defined by the Canterbury PSO and included in **Table 11** below.

Table 11 – Proposed primary uses as defined within the Canterbury PSO

| PROPOSED USE | DEFINITION UNDER CANTERBURY PSO | PERMISSIBLE | PROHIBITED |
|--------------------------|---|--|---|
| Bulky Goods | " Bulky goods " means large goods which are of such size and shape as to require: (a) a large area for handling, storage or display; and (b) easy and direct vehicular access to enable the goods to be collected by customers after sale, but does not include food, clothing or produce. | "retail of bulky goods and warehousing in conjunction therewith" expressly permissible in zone 3(d) notwithstanding the fact that "shop" is prohibited. Relevant in interpreting innominate permissible uses in the subject 4(d) Light Industrial Zone within the same CSPO. | 4(b) Light Industrial Zone "Shop" is expressly prohibited. 'Warehouse' is not prohibited. The definition of "bulky goods" is arguably not a "purpose". However, "retail of bulky goods and warehousing in conjunction therewith" is not expressly prohibited . |
| Child Care Centre | " Child care centre " means a building or place used for the supervision and care of children that: (a) provides long day care, pre-school care, occasional child care or out-of school- hours care, and (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include: (c) a building or place used for home-based child care, or (d) an out-of-home care service provided by an agency or organization accredited by the NSW Office of the Children’s Guardian, or (e) a baby-sitting, playgroup or child-minding service that is organized informally by the parents of the children | | Yes |

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| | | | |
|----------------------------------|---|-----|-----|
| | <p>concerned, or</p> <p>(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or</p> <p>(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or</p> <p>(h) a service that is concerned primarily with the provision of:</p> <p>(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or</p> <p>(ii) private tutoring, or</p> <p>(i) a school, or</p> <p>(j) a service provided at exempt premises (within the meaning of section 200 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.</p> | | |
| Commercial Premises | " Commercial premises " means a building or place used or intended for use as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall. | | Yes |
| Flat | " Flat " means a room or suite of rooms occupied or used or so designed, constructed or adapted as to be capable of being occupied or used as a separate domicile and includes a group dwelling but does not include a dwelling-house. | | Yes |
| Fruit Shop | Referred to in Schedule 3 of the CPSO | Yes | |
| Group Dwelling | " Group dwelling " means a building designed, constructed or adapted for use as a dwelling for a single family which forms part of a group of two or more dwellings such as are commonly known as group houses, villa homes, town houses, semi-detached or terrace buildings and the like. | | Yes |
| Health consulting rooms | " Health consulting rooms " means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling-house used by not more than 3 health care professionals who practice in partnership (if there is more than one such professional) who provide professional health care services to members of the public. | Yes | |
| Hospital (Medical Centre) | " Hospital " means a building used or intended for use as a hospital, sanatorium, health centre or dispensary, a nursing home or home for aged, infirm, incurable or convalescent persons, whether public or private, and includes a shop or dispensary used in conjunction therewith, but does not include an institution. | | Yes |
| Large Flat | " Large flat " means a flat, the floor space of which is more than 90 square | | Yes |
| Medium Flat | " Medium flat " means a flat, the floor space of which is more than 60 square meters and not more than 90 square meters. | | Yes |
| Multiple unit housing | " Multiple unit housing " means a group of 3 or more dwellings (whether or not attached), but does not include | | Yes |

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| | | | |
|--------------------------------------|--|--|-------------------------------------|
| | multiple dwellings comprising town houses or villa homes. | | |
| Recreation Facility (Gym) | " Recreation facility " means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this clause. | Yes | |
| Refreshment room (Café) | " Refreshment room " means a restaurant, cafe, tea room, eating house or the like. | Yes | |
| Seniors Living (ILU's / RACF) | " Units for aged persons " means a multiple unit housing used or intended to be used to house aged persons as defined in the Aged Persons Homes Act 1954 as amended, of the Parliament of the Commonwealth, erected or to be erected by an eligible organisation as defined in that Act, the Housing Commission of New South Wales or any other Department or instrumentality of the Crown." | Permissible if intended to be used for aged persons as defined in the Age Persons Homes Act and erected by eligible organization as defined in the Act | Prohibited if Multiple unit housing |
| Shop (Retail) (Supermarket) | " Shop " means a building or placed used or intended for use for the purpose of selling, exposing or offering for sale by retail goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause or for a roadside stall. | | Yes |
| Schedule 3 shops | Chemist's shop; Confectionery shop and milk bar; Fish and chip shop; Fruit shop; Newsagent's shop; Opportunity shop; Smallgoods and sandwich shop; Tobacconist's and hairdresser's shop. | Yes | |
| Small Flat | " Small flat " means a flat, the floor space of which is not more that 60 square meters. | | Yes |
| Townhouses | " Town house " means a dwelling that is one of a group of 3 or more dwellings (whether or not attached), where each dwelling is 2 storeys in height and has its own private entrance and landscaped area with direct access from the dwelling. | | Yes |

5.14.1 Compliance with Councils Planning Scheme Ordinance Provisions

The Concept Plan is in lieu of zoning amendments and a Site specific DCP subject to the Concept Plan being approved the co-location of these uses, heights and densities around a "local" centre (shops; bulky goods; supermarket) is appropriate. In addition consideration has been given to Councils PSO provisions and DCP requirements and it is our view that the objectives are satisfied.

Councils DCP generally relate to small infill sites and it is our opinion that in the projects particular circumstances a site specific DCP or Concept Plan would be more appropriate. The use, height and floor space proposed does not generate any adverse impacts on surrounding properties in terms of privacy or overshadowing.

On the assumption that the PSO was amended and the anticipating the site being a mixed use zone adjoining a light industrial zone which permits a bulky goods centre, development of the nominated building envelopes for either or both is consistent with the

objectives of the Metro and Draft Subregional Strategy as the proposal contributes to the revitalisation of the area, reduces development pressure on nearby low density residential areas, provides for a mix of housing choice and creates new jobs within walking distance where people live.

In case of any inconsistency, the Concept Plan application should take precedence as a Site specific DCP.

Clause 23: Restrictions on buildings and works.

“Subject to Parts IV, V, VI and VII:

- (a) a person shall not, without the consent of the responsible authority, erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column III or IV of the Table to clause 22; and*
- (b) a person shall not erect or use a building or carry out or use a work in any zone for any purpose shown opposite that zone in Column V of the Table to clause 22”.*

Council is not the consent authority for the project as the project is the subject of a Part 3A application pursuant to the EP & A Act and accordingly the Minister is the consent authority.

Clause 32: Consideration of certain applications.

“In respect of any application for the consent of the responsible authority whether under this Ordinance or under any provisions of the Act for consent or approval to the carrying out of development for a purpose referred to in Column IV of the Table to clause 22 of this Ordinance, namely:

Dual occupancy, multiple unit housing; town house, or villa home.

(d) to the erection or use of dual occupancies, multiple unit housing buildings, town houses, and villa homes the responsible authority shall take into consideration a code for the erection of dual occupancies, multiple unit housing buildings, town houses, and villa homes adopted by resolution of the Council”.

In this respect, the design of the residential component of the project has taken into consideration Development Control Plan No. 13 (Multiple Unit). Consistency statements with these DCPs are attached at **Appendix 37**.

Clause 44 (4A): Floor Space Ratios

“The maximum floor space ratio for land within Zone No. 4(b) Light Industrial as shown on the map marked “Canterbury Local Environmental Plan No. 105” is:

- (a) in the case of development involving the erection of a building where there is no industrial component - 1:1; or*
- (b) in any other case - 1.5:1.*

The total floor space for the entire site is 87,332m², on an existing site area of 54,846m² giving an FSR of 1.6:1.

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The project does not comply with the FSR provisions contained within the Canterbury PSO. The non-compliance with the numerical requirements of development standard (FSR) is considered on its merits. In this instance it is noted that the CPSO do not have specific objectives for the relevant development standard. Notwithstanding the lack of specific objectives for FSR it is reasonable to assume that the intent of the FSR control is as follows:-

- a. *to control building density, bulk and scale in all residential and commercial localities in the area so that it is compatible with the characteristics of the locality,*
- b. *to minimise adverse environmental effect on the use or enjoyment, or both, of adjoining properties, and*
- c. *to relate new development to the existing character of the surrounding built and natural environment as viewed from the streetscape, or any other panoramic viewing point.*

While this is a variation to the development standard the project is still considered to achieve the intent of the provisions of Clause 44 in the following manner:

Objective

- a. *to control building density, bulk and scale in all residential and commercial localities in the area so that it is compatible with the characteristics of the locality,*

Comment

Throughout the site, the buildings vary in height in order to reduce the perception of mass around the perimeter of the site. In establishing the appropriate height, scale and form the proposed development had regard for the appropriate massing relationships between building forms. Accordingly, higher buildings were located within the central part of the subject site in order to create a transition from lower buildings on the perimeter adjoining mostly existing 2 storey residential developments to higher buildings.

The proposal has been designed to sympathise with the scale, form, heights through the use of contemporary design using a range of building materials, vertical and horizontal projecting elements to provide articulated buildings (See **Appendix 12**). In addition, the proposed landscape concept plan will provide visual relief to the various buildings and will enhance the locality. Generous setbacks have helped to reduce the scale of the proposal and therefore ensure minimal impact on the surrounding locality.

In this respect, it is noted that the proposed project provides a mixture of compatible land uses to better integrate suitable residential, retail, childcare and bulky goods uses in an accessible location, surrounded largely by existing residential developments. The project will be the catalyst for the creation of a new "centre" for working and living, providing a new character to the area.

Objective

- b. *to minimise adverse environmental effect on the use or enjoyment, or both, of adjoining properties, and*

Comment

The Concept design provides for articulated elevations which provide visual interest. The design resolution, as well as the opportunity for planting, softens the bulk, especially when viewed from the street and neighbouring properties. The orientations of the buildings are such that overshadowing will mostly occur to the subject site and to a lesser extent on adjoining properties. Accordingly there will be no adverse loss of sunlight to adjoining residential properties.

Objective

- c. *to relate new development to the existing character of the surrounding built and natural environment as viewed from the streetscape, or any other panoramic viewing point.*

Comment

The built form will improve the existing by adding visual interest and providing internal amenity and outlook. The proposed buildings provide an appropriate built form for the site, given that the proposal achieves an appropriate bulk and scale for a site of this size creating a new character within the locality. The building envelope and buildings have been designed to address the street whilst providing generous setbacks to ensure consistency with existing street frontages. In addition, landscaped areas provided on the Charlotte Street frontages will provide visual screening both to and from the site. The view analysis undertaken by Marchese (see **Appendix 10**) concluded that the impact of the proposal would be minimal.

Clause 45: Height of buildings.

“Notwithstanding the provisions of Part III of this Ordinance a building (other than a dwelling-house) shall not be erected to a height greater than two floors above ground level except with the consent of the responsible authority”.

Table 12: Height of buildings

| Proposed use | Proposed Height in storeys |
|---|--|
| Lot 1: Bulky Goods | 4 storeys |
| Lot 2: Mixed use - Multi unit residential and retail (shop top housing) | Building 1 = 6 storeys Building 2 = 7 storeys Building 3 = 6 storeys |
| Lot 3: Mixed-use – Multi Unit Residential and Child care | 4 storeys |
| Lot 4: Multi unit residential | Building 1 to 6 = 3 storeys |
| Lot 5: Seniors living | Building 1 = 5 Building 2 = 5 Building 3 = 5 |

The project does not comply with the Height provision contained within the Canterbury PSO. The non-compliance with the numerical requirement of development standard (Height) is considered on its merits. In this instance it is noted that the CPSO do not have specific objectives for the relevant development standard. Notwithstanding the lack of specific objectives for height it is reasonable to assume that the intent of the height control is as follows:-

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- a. *Ensure that development does not become visually dominant by virtue of its height and bulk*
- b. *To ensure buildings resulting from new development are compatible with existing buildings in terms of height, and*
- c. *To preserve the amenity of surrounding land.*

While this is a variation to the development standard the proposal is still considered to achieve the intent of the provisions of Clause 45 in the following manner:

Objective

- a. *Ensure that development does not become visually dominant by virtue of its height and bulk*

Comment

In order to reduce and minimise the visual impact of the proposed development, the proposed buildings have been staggered and varied in height. This has helped to reduce the bulk of the proposed buildings and also aids in creating views and vistas through the development both for the public and the residents of the proposed developments. Further measures include the provision of generous setbacks and the incorporation of mature landscaping. The building heights have been varied and a smaller building footprint has been created in order to allow good pedestrian and visual permeability into the site.

Objective

- b. *To ensure buildings resulting from new development are compatible with existing buildings in terms of height, and*

Comment

The proposed development provides a new character to the area consistent with other Council strategies for example the Campsie precinct (LEP 148) which allows for higher densities and heights. The proposed buildings provide an appropriate built form for the site, given that the proposal achieves an appropriate bulk and scale for a site of this size creating a new character within the locality.

Objective

- c. *To preserve the amenity of surrounding land.*

Comment

The orientations of the buildings are such that overshadowing will mostly occur to the subject site and to a lesser extent on adjoining properties. Accordingly there will be no adverse loss of sunlight to adjoining residential properties. Careful placement of buildings will ensure that there is no direct overlooking to existing residential properties.

Clause 48: Development in light industrial and business showroom zones.

"The responsible authority in granting consent to an application to carry out development on land within Zones No. 3(d) or Zone No. 4(b) shall impose conditions in its consent to ensure that any buildings erected on the subject land shall not occupy more than two-thirds of the area of such land".

The Concept Plan demonstrates a total building footprint of 13,405m² (Source Marchese). With a site area of 5.5ha the proposed buildings on the subject site occupies 24.3% or less than one-third of the total site area, complying with this provision of the PSO.

Clause 71: Plans of subdivisions.

The Council shall retain and catalogue a copy of every plan of subdivision approved by it and, upon registration of such plan in the office of the Registrar-General, shall clearly mark on a copy of a map of its area, the location of the land to which each such plan relates with a reference to the catalogued copy.

The proposed subdivision will be registered at the office of the Registrar-General and a copy will be issued for Councils records upon approval.

5.15 Development Control Plans

On 28 May 2008, the Minister authorised a Concept Plan for the subject site and a concurrent Project Application. Council's DCP's are not applicable to this application as the authorisation of the Minister to prepare the Concept Plan has the same purpose or effect as a site specific DCP. Notwithstanding, this application had due regard for the relevant Council DCP's and an assessment against the relevant Council DCP's are provided at **Appendix 37**. Having regard to the range of uses proposed and assuming the land is zoned to permit these uses, the relevant DCP are:

1. Non-Residential buildings adjoining residential zones DCP No. 9
2. Multiple Unit DCP No. 13
3. Car parking DCP No. 20
4. Child Care Centres DCP 25
5. Crime Prevention Through Environmental Design DCP No. 29
6. Landscaping DCP 45
7. Waste Management DCP 48

6. ENVIRONMENTAL ASSESSMENT – CONCEPT PLAN

For ease of reference Sections 6, 7 and 8 of this Environmental Assessment (EA) have followed the order, structure and content of the DGR's.

6.1 Retail/Bulky Goods Impact Assessment

6.1.1 Existing situation and Land Use Assessment

MacroPlan has undertaken a Retail/bulky goods impact assessment which is attached at **Appendix 26**. For the purposes of this assessment, the economic impacts on existing supermarket and bulky goods traders has been undertaken, assuming the development of significant retail floorspace is delivered in the next one to two years, with the first full year of trading to be in 2011.

The competing retail centres define the trade area with several significant sub-regional and regional centres located just beyond the boundaries of the defined main trade area (MTA) including Centro Bankstown, Westfield Hurstville and Westfield Burwood. Centro Roselands falls within the supermarket catchment.

The subject area has a suitable retail hierarchy however there appears to be a market opportunity for further supermarket and major bulky goods retailing where the proposed site is, as the nearest competing 'centre' is about 3.3km away at Roselands. The key existing centres within close proximity are Centro Roselands and Westfield Burwood which both lack a significantly sized bulky goods component, although both contain Myer Department stores. None of the existing centres under assessment will provide a similar product, that is, the combination of supermarket, convenience and specialty floorspace with a significant proportion of bulky goods retail.

The mixed use development will contribute to both Canterbury's dwelling target and job targets, while providing the local community with competitive retail options and other uses, such as medical and business services. The locality assessment shows that the subject site has excellent proximity to public transport infrastructure such as railway stations and local and strategic bus services. The subject site is also less than 275 metres from Canterbury Road and less than two (2) kilometres to the M5 Motorway which ensures that the subject site is easily accessible and ideal for bulky goods / retail uses.

In terms of built form, the surrounding locality is largely free standing residential dwellings on typical sized allotments of considerable age. The street pattern and carriageway widths indicate that there is good potential for future upgrades.

6.1.2 Potential /Assessment of Economic Impacts

In order to understand the economic impacts upon existing centres within the current retail hierarchy, the effects of the proposed supermarket (Lot 2) have been assessed upon

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competing medium and full-line supermarkets within a 5 km radius. In this respect, Macroplan states: *“Supermarkets have a significant influence on the direction of trade within a retail hierarchy as they provide a retail anchor that supports the visitation of a centre. While the impacts of the proposed bulky goods component have been assessed against competing bulky goods centres, Canterbury Road’s bulky goods offerings and other major bulky goods retailers”.*

6.1.3 Conclusion

The retail/bulky goods impact assessment undertaken by Macroplan concludes as follows:-

“With regard to the location, composition and performance of the surrounding supermarket framework, MacroPlan expect the impacts upon the existing centres to be insignificant. This is in part due to the proposed supermarket’s medium sizing (2,585 m²), its distance to competing supply and the spread of centres across the supermarket MTA. The largest effects to be experienced are as follows:

- -4.6%: Woolworths – Campsie
- -4.6%: Food for Less - Campsie Centre
- -3.7%: Flemings – Bexley North
- -3.7%: Coles – Earlwood

With regard to the surrounding bulky goods framework, MacroPlan expect the impacts upon the existing centres to be insignificant. While there are several major bulky goods retailers within 5 km and just beyond the trade area, in general turnover for this type of retail is significant comprised of a beyond trade area draw. The largest effects are likely to be experienced as follows:

- -13.1%: Canterbury Road
- -6.7%: Harvey Norman – Wiley Park
- -6.7%: Harvey Norman – Punchbowl”

Macroplan concludes that: *“Overall, the mixed use development will not cause significant adverse turnover effects upon existing retailers assuming a first year of full trading in 2011. In fact, the presence of a centre that will draw traffic down Canterbury Road will perhaps enliven the retail located along this road.*

The collocation of the supermarket and bulky goods precinct, as well as other associated commercial and retail activities will also encourage multi-purpose trips and other community benefit such as:

- *Increases in employment in the form of direct centre employment, indirect centre employment, direct construction employment and indirect construction employment*
- *Increased range of retail goods and services.*
- *Increased competition for supermarket spend*
- *Trade area expenditure retention.*
- *Contribution to council rates.*
- *Employment generating use of site that has been vacant for over 5 years”.*

6.2 Built Form

6.2.1 Existing Environment

The locality is largely comprised of detached, single-storey residential dwelling development on lots ranging in size from approximately 400m² to 600m². Dwelling stock generally dates back to the 1920's – 1950's era. There is little, if any, new development mixed in with older housing stock and wherever it has occurred is predominately 2-storey attached housing such as dual occupancies.

It is important to note that the subject site has all boundaries adjoining existing residential development except for south western corner which adjoining existing light industrial uses. The site, by virtue of its size alone lends itself to a higher density and higher built form with appropriate design resolutions to preserve amenity.

The figure below illustrates the building heights of surrounding development.

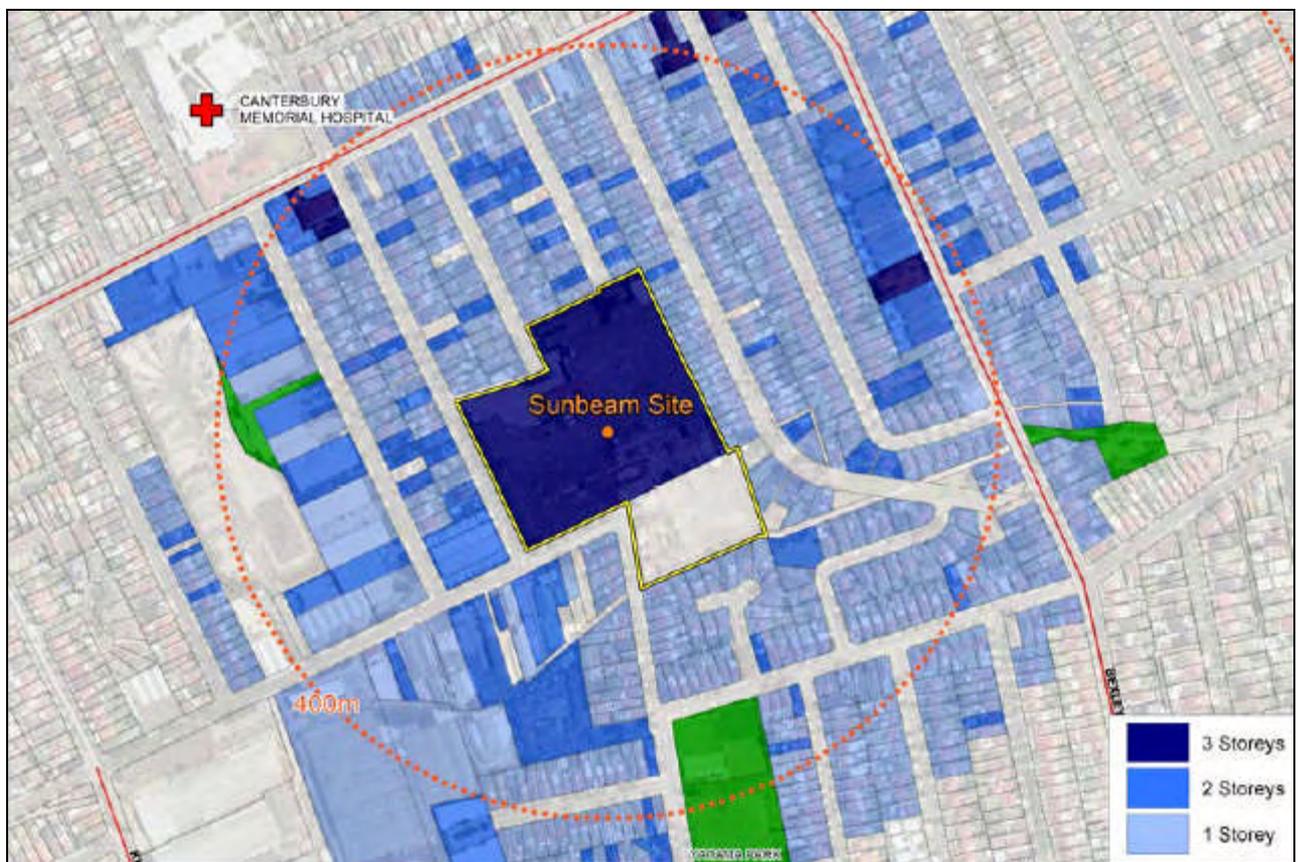


Figure 12: Existing building heights Source: Macroplan Appendix 26 reproduced here

In establishing the appropriate height, scale and form of the proposed development consideration was given to the appropriate massing relationships between building forms. This will ensure that the development does not become visually dominant by virtue of its height or bulk. Moreover, the subject site provides the opportunity to provide design excellence on a significant scale and in a form not yet seen within the Council area. As such, the site will be a catalyst for improved architectural excellence and urban design considerations for the Council area as a whole.

6.2.2 Potential Impacts

The building to the north (Lot 3 Residential Building) will be setback approximately 7m-18.5m from the boundary and be of a height so that there is no massing or overshadowing concerns. The proposed maximum building height being 4 storeys or 13m as shown on **Figure 13** and on the sections within **Appendix 8**.

Development on the eastern boundary (Lot 4) is setback 3.5m and will be kept as low scale and under 9m to be consistent with adjoining development.

The development on the southern boundary (Lot 5 - Seniors Living) will provide side boundary setbacks of a minimum of 9m (3 storeys), with a building height of approx. 16.2m ensuring appropriate massing relationships between building forms.

The highest anticipated development would occur as part of Lot 2, being 7 storeys. The proposal locates the tallest buildings towards the centre of the development site, surrounded by lower buildings, to allow for a transition of scale. In this regard, as a consequence of the topography falling away from Canterbury Road towards the south, as well as the generous setbacks to existing boundaries the supposed bulk would not be apparent from private nor public spaces, "outside" of the proposed development site (See Section 1 at **Figure 7**).

The development on the western boundary, relating to the existing industrial uses, is the subject of the Project Application (Lot 1 Bulky Goods Building). This building will be a perimeter building with a height consistent with the existing building – approx. 4 storeys.

- ***Bulk and scale***

The setback control established within City of Canterbury DCP13 – Multiple Unit Development Code Clause 6.2.2 as well as DCP 9 – Non-Residential buildings adjoining residential zones were used as a guiding tool for future residential development on the site. It allows for appropriate setbacks, which in turn addresses perceived bulk and scale preserving the amenity of adjacent land.

The proposal has been designed to take into account the existing form and design of the surrounding development and minimizing any adverse impacts in the surrounding locality. The height, setback, form and axis orientation is varied throughout the development, in order to avoid the creation of a wall of buildings effect. This, through careful landscaping and orientation of buildings, will assist in reducing the impact on the adjacent existing developments.

In order to reduce the bulk of the proposed buildings, a number of measures have been taken. This included varying the orientation of the buildings, staggering buildings more effectively and varying building heights. The design make every attempt to minimise environmental impacts with careful consideration given to appropriate relationships in scale to the public domain areas of the site and neighbouring sites, overshadowing, optimising views and the optimal amenity of residents in terms of solar access, natural ventilation and privacy.

The design principles adopted for the site are:

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- 1 Perimeter arrangement of built form which maximises common open space and its functionality, while generating optimum separation distances between buildings and light penetration
- 2 Large landscaped communal open space central to the development which provides different types of spaces and allows for a variety of uses
- 3 Buildings as component of parts, creating a break down in the scale of each element in the development
- 4 Clarity of circulation by extending the existing road pattern and maximising secure, clear routes for residents, visitors and services
- 5 Articulation of facades creates superior building form and increased amenity to occupants for privacy.

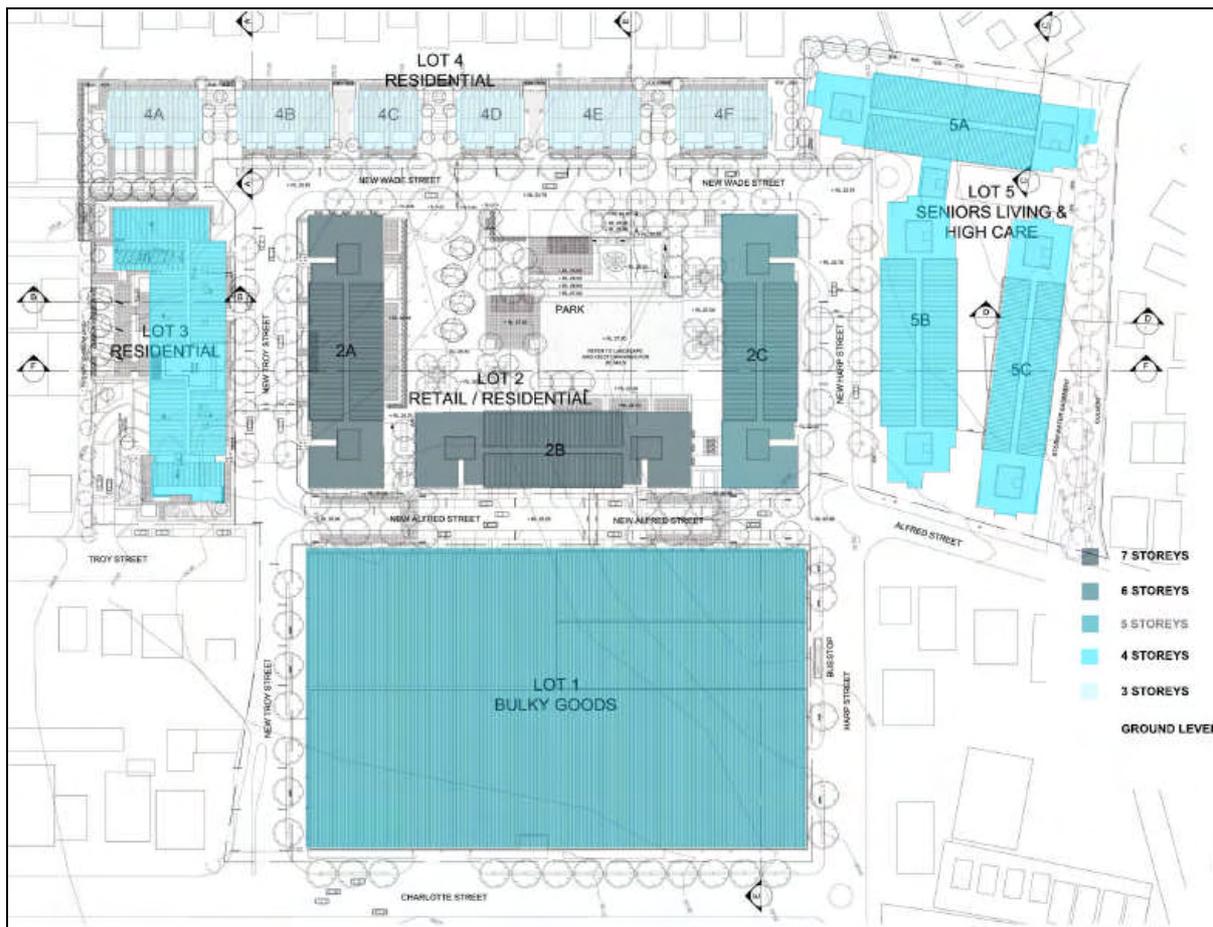


Figure 13: Proposed Height Source: Marchese See Appendix 9 reproduced here

- *Height analysis*

The proposed development provides a new character to the area consistent with other Council strategies for example the Campsie precinct (LEP 148) which allows for higher densities and heights. The proposal is consistent with the overall aims in that it:

1. provides for a variety of dwelling types throughout the Council area to cater for various life styles and population growth without having adverse effects on the amenity of the existing area,
2. provides for a village which maintain the established hierarchy of centres,