

## ***MODIFICATION REQUEST***

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

***MP 08\_0087 MOD 2 – Modification to the  
approved Stage 1 Project Application***



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

November 2012

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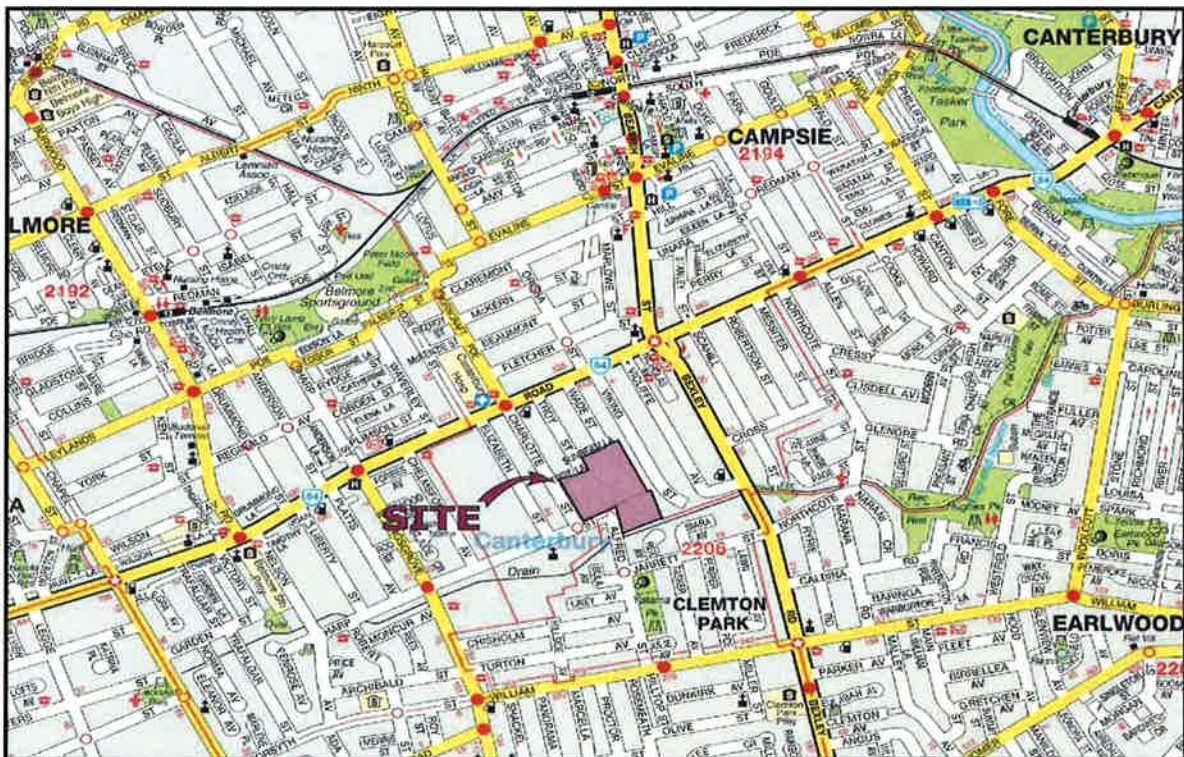
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## 1. THE SITE

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

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



**Figure 1: Site Location**

## 2. PREVIOUS APPROVALS

On 4 February 2010, the then Minister for Planning approved a Concept Plan (MP07\_0106) and Project Application (MP08\_0087) detailed as follows:

### Concept Plan

Mixed use redevelopment of the former Sunbeam Factory Site for:

- indicative building envelopes for 16 buildings ranging in height from 3 to 6 storeys which have a GFA of 76,128m<sup>2</sup>;
- multiple unit residential development including independent living units (ILUs) for seniors and a residential aged care facility (RACF);
- employment floor space including commercial offices, specialty retail, convenience retail, supermarket, medical centre, and a child care centre;
- a minimum 4850m<sup>2</sup> of public space;
- demolition of existing buildings/structures on site and remediation of site; and
- subdivision, road layout, services, and landscaping.

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

The Department is currently considering a modification to the approved Concept Plan that includes increasing the building height on proposed Lot 41, amending Further Assessment Requirements and Final Statement of Commitments. The proposed modification to the approved Concept Plan does not have implications for the consideration of the proposed modification to the approved Project Application.

### **Project Application for Stage 1**

Project Application approval was granted for Stage 1 which includes:

- development of proposed Lot 11 to construct a four (4) storey multiple-unit residential building with 58 residential units, and a 636 m<sup>2</sup> child care centre (total floor area of 6,521m<sup>2</sup>);
- demolition, remediation and Torrens Title subdivision; and
- construction of associated roads, landscaping and infrastructure.

### **Modification to the Project Application**

On 15 December 2011, the Deputy Director General of Development Assessment and Systems Performance approved, under delegation, MP 08\_0087 MOD 1 that included:

- an increase in the height of the building from RL 39.5 to RL 40.20 AHD;
- an increase to the number and mix of residential units by 18 and a reduction to the floor area of the childcare centre by 89m<sup>2</sup>;
- removal of the privacy screens from the northern elevation;
- minor changes to the landscape plan and re-location of services including substation; and
- strata subdivision of the building.

## **3. PROPOSED MODIFICATION**

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The application seeks to modify the project approval as follows:

- delete the approved Landscape Plan;
- replace Landscape Concept Master Plan 08\_062 L01 contained within the Statement of Commitments with an updated Landscape Concept Plan for the street verges;
- modify the subdivision plans to reflect the more detailed design work in relation to proposed civil infrastructure works (including minor road alignments and easements for provision of essential services);
- insert revised civil drawings into Condition A1 as well as the Statement of Commitments (including construction of associated roads); and
- amend conditions as necessary to enable works to be completed prior to release of the relevant certificate and delete obsolete conditions.

## **4. STATUTORY CONTEXT**

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### **4.1 Continuing Operation of Part 3A to Modify the Project Approval**

In accordance with Clause 3 of Schedule 6A of the Act, Section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. The project application was approved on 4 February 2010. The project is therefore a transitional Part 3A project within the meaning of Clause 2 of Schedule 6.

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



## 4.2 Modification of the Minister's Approval

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

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

## 4.3 Delegation

On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the EP&A Act 1979 to the Deputy Director-General, Development Assessment and Systems Performance where:

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

The Department received no public submissions and council has not made an objection to the proposal. There has also been no political disclosure statement made for this modification request and no disclosures made by any persons who have lodged an objection to this application. There was a political donation disclosure statement lodged with the original application.

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

## 5. CONSULTATION AND EXHIBITION

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

Notwithstanding, the modification request was placed on the Department's website and referred to Canterbury City Council (Council), Roads and Maritime Services (RMS), Ausgrid, and Sydney Water for comment. No public submissions were received.

### Canterbury City Council

Council raised no objection to the proposed modifications, however commented that the use of fruit trees (including Olea 'Mansanilo') is discouraged, and the '*area of special raised surface treatment*' should be referred to RMS for comment.

### RMS

RMS requested that the '*area of special raised surface treatment*' is to address the criteria for a shared zone.

### Ausgrid

Ausgrid raised no objections to the proposed modifications.

## 6. CONSIDERATION OF PROPOSED MODIFICATIONS

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The modifications are minor and do not change the overall approval. The changes are mainly administrative changes to the conditions of approval that allow the project to be completed in stages and facilitate the need for documents to be provided at the relevant stages and to the relevant authorities.

Two conditions are proposed to be deleted, which are discussed below:

Deleted condition	Reason
Condition B25 Sydney Water	Sydney Water has sent an email advising they no longer require the submission of a Notice of Requirements. It is acceptable for this condition to be deleted.
Condition D28 Existing Street Trees	This condition has been duplicated with condition D9. It is acceptable for this condition to be deleted.

### Landscape plans

Deleting the Landscape Plan 08 062 L03 Precinct A Landscape Plan – Project Application Plan prepared by Habitation dated 27/04/09 is acceptable because it relates to the former proposal for a bulky goods retail centre on Lot 42, which has since been removed from the approval. It is acceptable for a detailed landscape plan to be submitted with a future development application.

### The subdivision plans

Plan	Modification and reason
14200_1ST1	Easement on Lot 11 has been amended.
14200_1ST2	Easement on Lot 22 has been amended.
14200_1ST3	Easement on Lot 31 has been amended.
14200_1ST4	Easements have been amended.

### Civil drawings

A set of civil drawings has been submitted, these drawings are not modifying any previously approved plans. These plans have been submitted in response to the project approval for the construction of associated roads, landscaping and infrastructure. Council has revised these plans and has found them to be acceptable.

Council did raise concern regarding an area that is known as the '*area of special raised surface treatment*', advising this would require additional approvals from RMS and would need to be conditioned. The Department feels this raised area would facilitate the open space use of the area, providing a pedestrian thoroughfare between lots 41 and 42. The applicant will need to complete the appropriate documents and submit them to the RMS for consideration and approval. This can be conditioned.

It is acceptable for these plans to be modified.

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

## 7. CONCLUSION AND RECOMMENDATION

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The proposed changes to the building design of the Project Application are consistent with the character of the approved building and do not impact on the overall approval.

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

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

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

Prepared by:  
Necola Chisholm - Planner  
Metropolitan and Regional Projects South

Endorsed by:

## **APPENDIX A    MODIFICATION REQUEST & RELEVANT REPORTS**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5387](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5387)



**APPENDIX B    RECOMMENDED MODIFYING INSTRUMENT**

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