



12338
6 February 2013

Mr. Sam Haddad
Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mark Schofield

Dear Mr. Haddad

**SECTION 75W MODIFICATION APPLICATION TO MP 08_0087 (MOD 3)
CLEMTON PARK VILLAGE**

This Section 75W Modification has been prepared to modify the Stage 1 Project Approval for early works and the first stage of residential development at the former Sunbeam Factory site, now known as Clemton Park Village. It is submitted to the Minister for Planning and Infrastructure (or his delegate) pursuant to section 75W and Clause 12 of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), on behalf of Australand Holdings Pty Ltd (Australand).

Australand is seeking to amend the approved subdivision plans to facilitate further staging of the subdivision of lots and construction of the roads beyond that already approved, in order to align with the overall construction program for the site. In doing so, amendments are also sought to the terms (i.e.: conditions) of the Project Approval and Statement of Commitments.

This letter has been prepared by JBA for Australand, and is based on amended Draft Subdivision Plans provided by Dunlop Thorpe & Co (**Attachment A**). It describes the proposed Project Approval modifications and includes an assessment of the proposal against the relevant considerations of the EP&A Act. It should be read in conjunction with the Project Approval (MP 08_0087) (as modified).

1.0 BACKGROUND

The Clemton Park Village Concept Plan (as modified) was approved by the (former) Minister for Planning on 4 February 2010 under the now repealed Part 3A of the EP&A Act. A Stage 1 Project Application was concurrently approved with the Concept Plan for the demolition of the former site buildings and structures, construction of a new residential building and a child care centre on Lot 11, and road and infrastructure works throughout the site. The demolition works have been completed and the site has now been remediated. Construction of the new residential building and child care centre is close to completion.

A Development Application for Stage 2 was approved by Canterbury City Council on 16 August 2012 and construction has now commenced on this stage.

In July 2012, Australand submitted a Section 75W Modification to amend MP 08_0087 to amend the conditions of approval relating to detailed subdivision design and road infrastructure provision. That Section 75W Modification was approved on 29 November 2012.

In August 2012, Australand lodged a development application for Proposed Lot 41, being Stage 4 of the Clemton Park Village Project (DA No. 348/2012). The development application is currently being assessed by Canterbury City Council.

In December 2012, Australand lodged a Section 75W modification to the Concept Approval for Proposed Lot 42, being Stage 3 of the Clemton Park Village Project. The modification application is currently being assessed by the Department of Planning and Infrastructure.

2.0 DESCRIPTION OF PROPOSED MODIFICATION

2.1 Proposed Road Staging

The detailed design development of Stages 2, 3 and 4 on the Clemton Park Village site has enabled Australand to undertake a review of its construction program and the timing in relation to the provision of the future lots and roads approved under the Stage 1 Project Application. Accordingly this Section 75W Modification Application seeks to amend the approved subdivision plans to facilitate further staging of the subdivision and construction of the roads beyond that already approved, in order to align with the overall construction program for the site.

The amended subdivision plans are included at **Attachment A**. The approved subdivision plans provided for the construction of the roads to be provided across four stages. The amended plans include four new sub-stages 1A, 2A, 2B and 3A as detailed in the table below. The sub-stages will enable the delivery of the roads adjacent to the future buildings in-line with the completion of those buildings.

Stage	Description
Stage 1	Creates Lot 11 and the road immediately adjacent to it (part of Sunbeam Street).
Stage 1A	Creates an extension of Sunbeam Street to connect with Charlotte Street.
Stage 2	Creates Lot 31 for Concept Plan Stage 5.
Stage 2A	Creates Lot 21 for Concept Plan Stage 2.
Stage 2B	Creates Victa Street and the start of Tedbury Street.
Stage 3	Creates Lot 41 for Concept Plan Stage 4 and a lot for the future extension of Tedbury Street.
Stage 3A	Creates an extension of Tedbury Street and the start of Mackinder Street to service entrance to Concept Plan Stage 4.
Stage 4	Creates the final part of Mackinder and provides the final development lot (Lot 42) for Concept Plan Stage 3.

2.2 Proposed Modifications to the Project Approval

The proposed modification necessitates the following Terms of Approval to be updated. Words proposed to be deleted are shown in ~~bold italics strike through~~ and words to be inserted are shown in **bold**.

A2 Development in Accordance with Plans and Documentations

The development will be undertaken in accordance with MP No. MP 08_0087 and the Environmental Assessment dated 23 October 2008 prepared by Planning Workshop Australia, except where the amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings:

...

<i>Subdivision Drawings prepared by Dunlop Thorpe and Co. Pty Ltd</i>		
<i>Drawing No.</i>	<i>Name of Plan</i>	<i>Date</i>
14200_1ST1	Plan of proposed subdivision of Lot A DP 431356 & Lot 1 DP 721721 - Stage 1 (now Lot 100 DP 1170401)	1 June 2009 (revised 27 June 2012) 10 January 2013
14200_1ST1A	Plan of proposed subdivision of Lot 10 DP (Being part of Lot 100 DP 1170401)	10 January 2013
14200_1ST2	Plan of proposed subdivision of Lot 12 DP (Being part of now Lot 100 DP 1170401)) - Stage 2	1 June 2009 (revised 27 June 2012) 10 January 2013
14200_1ST2A	Plan of proposed subdivision of Lot 30 DP (Being part of Lot 100 DP 1170401)	10 January 2013
14200_1ST2B	Plan of proposed subdivision of Lot 20 DP (Being part of Lot 100 DP 1170401)	10 January 2013
14200_1ST3	Plan of proposed subdivision of Lot 22 DP (Being part of now Lot 100 DP 1170401)) - Stage 3	1 June 2009 (revised 27 June 2012) 10 January 2013
14200_1ST3A	Plan of proposed subdivision of Lot 40 DP (Being part of Lot 100 DP 1170401)	10 January 2013
14200_1ST4	Plan of proposed subdivision of Lot 32 DP (Being part of now Lot 100 DP 1170401)) - Stage 4	1 June 2009 (revised 27 June 2012) 10 January 2013

E5 Internal Road Construction

Prior to the release of the Subdivision Certificate for each stage the proposed roads ~~relevant~~ **to required** for that stage are to be constructed. The works are to include the construction of kerb and gutter, road pavement, dish drains and services. All work being carried out by an approved contractor, at the Proponent's cost.

It is requested that the words "relevant to" in Condition E5 be replaced with the words "required for" to assist interpretation of the condition, make it explicitly clear that stages road construction can occur in line with the revised staging plan, and avoid potential future confusion or disagreement as to what is or isn't relevant to a particular sub-stage of development.

2.3 Proposed Modifications to the Statement of Commitments

Statement of Commitment 13.B - Subdivision needs to be updated to reflect the revised subdivision staging plans. Words proposed to be deleted are shown in ~~bold italics strike through~~ and words to be inserted are shown in **bold**.

13.B- Subdivision

The subdivision is to be undertaken generally in accordance with the details contained in the plans prepared by Dunlop Thorpe dated ~~27 June 2012~~ **10 January 2013**.

3.0 NOTIFICATION

The minor nature of the requested amendments to approved plan references is an administrative change which will not raise any new or significant issues beyond those already approved. Referral of the Section 75W Modification to various state agencies and/or undertaking notification to adjoining residents is therefore considered excessive in the context of the proposed Modification.

In addition, we refer to a recent telephone conversation between JBA and the Department during which potential notification requirements were discussed and the Department indicated in principle that it raised no objection to not undertaking notification if evidence of Council's support for the Section 75W Modification could be demonstrated. In recognition of its strong working relationship with Council, Australand has separately provided Council with a copy of the draft Section 75W Modification and sought Council's views as to whether consultation/notification is warranted in this instance. Council has recently confirmed by email that it raises no objection to the Modification and also has no issue with Australand seeking the Department limit (or preferably not engage in any) notification of the Modification - refer to email at **Attachment B**.

In this context, we are of the view that no formal notification process is required in support of the proposed modification. Australand kindly requests the Department agree that in this instance notification and/or referral is not required.

4.0 CONCLUSION

The modification seeks to amend the approved subdivision staging plans. The modification enables the delivery of the lots and associated infrastructure in-line with when they are required as part of the broader construction program. The modification is considered minor given the scope of the changes and will not result in any adverse environmental impacts.

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or mrowe@jbaplanning.com.au.

Yours faithfully



Michael Rowe
Senior Planner