

18 December 2013

NSW Planning Assessment Commission's Determination Report on the Modification to the Concept Plan for Clemton Park Village, Campsie (Mod 4)

1. DELEGATION TO THE COMMISSION

The above modification application has been referred to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation dated 14 September 2011 as the project received more than 25 objections.

The Commission constituted to determine the matter consisted of Mr Garry Payne AM (chair) and Mrs Gabrielle Kibble AO.

2. APPROVAL SOUGHT TO BE MODIFIED

The Sunbeam factory redevelopment Concept Plan for five blocks comprising mixed use purposes was approved on 4 February 2010.

Since the 2010 approval the project has been modified three times to include a 5% variation in the building height and building footprints, an increase in basement car parking spaces (from 96 to 109) and permitting four residential building envelopes on Lot 41.

A summary of these modifications are detailed in the Department's assessment report.

3. THE SUBJECT MODIFICATION APPLICATION (MOD 4)

The proposed modification sought approval to define building envelopes (including an increase in building height from 6 to 8 storeys) and including five building envelopes; to relocate the 1,350 m² publically accessible plaza from the Charlotte Street frontage to the Mackinder Street frontage; to seek in-principle approval for vehicular access and loading dock arrangements; to revise the car parking rate for supermarkets; to modify future assessment requirements; to include additional Statement of Commitments; to relocate 2000 m² of commercial GFA and to review the definition of 'supermarket'.

4. THE ASSESSMENT REPORT

The Department's assessment report identified the key issues for this application to be:

- Building height and built form;
- SEPP 65 considerations;
- Traffic impacts;
- Retails impacts;
- Future Assessment Requirements; and
- Statement of Commitments.

The report concluded that the proposed modifications to the approved Concept Plan are reasonable and therefore the application is recommended for approval subject to amended Modifications and Future Assessment Requirements.

5. MEETINGS

Meeting with Proponent

Following a review of the Department's assessment report, the Commission met with the proponent and its consultants on the 9 December 2013 for a briefing on the project.

The proponent briefly outlined the history of the project. The meeting then focused its discussion on the issue of retail demand in the area; the plaza relocation and the interface of the modified design with the surrounding residential development.

Public Meeting

On Thursday 12 December 2013 the Commission held a public meeting to hear the community's views on the assessment and recommended conditions. One (1) speaker registered to speak at the meeting (refer **Appendix 1**).

Twelve people attended the meeting. The Commission offered the participants the opportunity to speak and while the participants provided some comments on the proposal, there were no further speakers.

Concern was raised with the Department's assessment and how the Department arrived at its recommendation given the conditions imposed on the original determination which addressed community concerns; the ability of the proponent to be able to lodge a number of modification applications where the development may not reflect that originally approved (the modification is re-instating elements that were previously deleted); increased traffic and parking issues on the surrounding vehicular access/egress.

Canterbury City Council

Canterbury City Council were invited to meet with the Commission however they declined indicating their concern regarding the potential impact of the supermarket on the viability of existing supermarkets within nearby local centres remains as Councils concern with the project.

6. COMMISSION'S CONSIDERATION

The Commission has carefully considered the Department's Assessment Report and recommendations, other relevant documents, written submissions, the comments provided during the public meeting and views expressed by the Council (in their written submission).

The Commission's comments of relevant issues are as follows:

6.1 **Application of Modifications**

The community raised concern that the proponent has the ability to lodge any number of modification applications.

Section 75W of the Environmental Planning and Assessment Act 1979 (the Act) provides that a proponent may request the Minister to modify a project previously approved by the Minister. The Commission notes that Section 3.2 of the Department's assessment report states the modification by way of S75W is appropriate and that the proposal will have limited environmental consequences and the Commission accepts this advice.

6.2 Building Height

The subject modification is located on the south-western edge of the project site. The community expressed the view that the increased height would impact on adjoining residential development and that the original Concept Plan approval required a reduction in height for the development.

The Department assessed the variation to the height and considered the proposal to be generally in accordance with the underlying intent of the Concept Plan built form controls and urban form outcomes.

The Commission agrees with the Department that the proposed height is generally consistent with the Concept Plan and general planning principles for the precinct.

6.3 Traffic and Parking

The community raised concern with traffic and parking impacts on the surrounding street network. The Commission examined the plans as well as visiting the site and surrounds and agrees with the Department's consideration that there will be minimal impact on the residential community as a result of the reduced traffic, especially during morning and afternoon peak periods, by up to 40% through the reduction in commercial vehicle movements and parking being managed through the introduction of additional parking for the project.

6.4 Retail Demand

The Commission discussed Council's concern about the potential impact on nearby local centres with the proponent. The proponent advised the Commission that feasibility studies had been conducted which provided an economic analysis of retail demand for the locality. The feasibility analysis highlighted a market demand for additional retail, and the ability to support further, supermarkets in the area.

The Commission notes that the Department had engaged Hill PDA to carry out a peer review of the Economic Impact Assessment submitted by the proponent. The peer review report concluded that:

1. The area is undersupplied in supermarket floor space; and
2. The trading performance of Campsie indicates that the local centres have the ability to absorb impacts from the potential loss of trade.

The Commission agrees with the Department's conclusion and is satisfied that the proposed retail component will not adversely impact on the viability of existing supermarkets in local centres.

7 COMMISSION'S DETERMINATION

The Commission has carefully considered the information available including the assessment report and submissions made by the Council, agencies and the public, and agrees with the Department's conclusions and recommendation for approval subject to conditions.



The Commission accepts the assessment report has adequately addressed the issues raised in public submissions, and where required, recommends conditions of consent to mitigate potential impacts.

Having regard to the relevant issues the Commission finds the proposed modification should be approved subject to the Department's recommended conditions of consent.

A black ink signature of Garry Payne, consisting of a stylized 'G' followed by a horizontal line.

Garry Payne AM
Member of the Commission

A blue ink signature of Gabrielle Kibble, written in a cursive style.

Gabrielle Kibble AO
Member of the Commission



Appendix 1
Speaker

**Planning Assessment Commission Meeting
Concept Plan Application
Clemton Park, Campsie (former Sunbeam factory site)**

Date: 4 pm, Thursday, 12 December 2013
Place: Orion Function Centre, 155 Beamish Street, Campsie

1. Ian Craven