

4. REPORTS FROM OFFICERS

4.1 Request to Exhibit Site Specific Development Control Plan with the Kellicar Road Precinct Planning Proposal

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council seek public input into draft amendment No 13 to the Campbelltown (Sustainable City) Development Control Plan 2015 as shown in attachment 1 to this report by placing it on exhibition with the Kellicar Road Precinct Planning Proposal.
2. That Council note the content of the detailed traffic and transport assessment and the flood study provided by the applicant in accordance with the conditions of the Gateway approval for the Kellicar Road Precinct Planning Proposal and seek public comment by exhibiting these with the draft amendment to the Campbelltown (Sustainable City) Development Control Plan 2015.
3. That Council seek public comment on the amended Planning Proposal shown in attachment 2 to this report which has been modified in response to the studies provided, the Gateway determination and by the refinement of the proposal over time.
4. That the outcome of the public exhibition process be reported back to the Council.
5. That all land owners be advised of this decision.

Executive Summary

- At its meeting on 9 June 2020 Council considered a Planning Proposal (the Proposal) relating to land bounded by Kellicar Road, Narellan Road, Menangle Road and Gilchrist Drive, Campbelltown (the Site).
- The Proposal sought to increase the maximum permissible height of buildings on the Site under the Campbelltown Local Environmental Plan (2015) from 32 m to 80 m.

- A report on the proposal was provide to the Council's Local Planning Panel for its review and comment, prior to the Proposal being reported to the Council for its initial consideration.
- Council was subsequently provided a report on the Proposal, which included the comments and advice of the Local Planning Panel, and resolved to allow the Proposal to progress through to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination.
- A Gateway determination was issued by the DPIE on 11 August 2020, and is included as attachment 3 to this report. It requires that a site specific development control plan (DCP) be publically exhibited concurrently with the Proposal. The Gateway determination also requires the adjustment of the Proposal to reflect the outcome of the required flood study and traffic/transport study.
- The applicant provided a draft site specific DCP which has been subject of detailed review by Council staff and has also been reviewed by the Campbelltown Design Excellence Panel (CDEP) at its meeting on 23 October 2020. The CDEP recommended that a number of amendments be made to the draft site specific DCP which have been incorporated into the draft site specific DCP included as attachment 1 to this report.
- In accordance with the requirements of the Gateway determination issued by the DPIE, the applicant has undertaken and submitted a detailed transport/traffic and flood study, in support of the Proposal.
- The outcomes of the studies have resulted in the need for the layout of the proposed development to be adjusted, with the draft site specific DCP being updated to reflect the adjustments.
- As per the regulated process and sequence of managing a Planning Proposal, it is now considered appropriate to formally engage with the community and publicly exhibit and call for submissions on the Proposal and all of its supporting documents in accordance with the requirements of the Gateway determination.
- This report recommends that the draft site specific DCP and supporting studies be placed on public exhibition with the revised Planning Proposal in accordance with the Gateway determination.
- Subject to the decision of the Council, the outcome of the public exhibition and all submissions made will be reported back to the Council for its consideration.

Purpose

The purpose of this report is to seek Council's approval to proceed with the public exhibition of a Planning Proposal (the Proposal) for the Kellicar Road Precinct (the Site), a draft site specific Development Control Plan (DCP) and the technical studies provided by the applicant in support of the Proposal.

Property Description: 1 Bugden Place, Campbelltown (Lot 1, DP 882496)
1 Tindall Street, Campbelltown (Lot 1, DP 747811)
3 Bugden Place, Campbelltown (Lot 2614, DP 262484)
6 Bugden Place, Campbelltown (Lot 22, DP 862080)
4 Tindall Street, Campbelltown (Lot 2341, DP 830786)

Applicant: Memphis Strategic

Owners: Dumarchand Holdings & Dankaur Pty Ltd, Sen Khun Two Pty Ltd, The Trust Company (Australia) Pty Ltd, MM Holdings (NSW) Pty Ltd and Health Administration Corp.

History and Context

On 8 June 2018 Council received a formal Planning Proposal Request (PPR) from Memphis Strategic, on behalf of land owners of the Site, which sought an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) - 'Height of Buildings Map' to increase the maximum permissible building height for the subject sites from 32 m to 110 m.

Aspects of the PPR were modified in June 2019 in response to various concerns raised by Council which resulted in a reduction in the maximum building height to 80 m and a maximum floor space ratio (FSR) of 3.5:1.

Following advice from the Campbelltown Local Planning Panel, the progression of the revised Proposal was formally supported by Council at its meeting on 9 June 2020 and the proposal was forwarded to the NSW Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

The Planning Proposal attached to the Council report at its normal meeting on 9 June 2020, included a request for a 'local provision' clause to address podium heights, building separation, floor plate sizes and building setbacks in response to the Reimagining Campbelltown City Centre Master Plan. It is of note that the Reimagining Master Plan was still on public exhibition at that time.

The Council resolution also included the following:

3. That Council request the following be required as conditions of any Gateway Determination:
 - a. A detailed traffic study that identifies short, medium and long term traffic solutions for the precinct
 - b. A flood study considering the impacts of flooding from Birunji Creek
 - c. A comprehensive public domain plan
 - d. An evidence based site sustainability and resilience strategy
 - e. A site specific Development Control Plan
 - f. A study/strategy/plan that details how affordable housing will be provided within the future development of this site

A positive Gateway determination was ultimately issued by the DPIE on 11 August 2020 and is included as attachment 3 to this report. The Gateway determination did not adopt all of the conditions requested by Council, but did include the following condition:

Prior to public exhibition, the Planning Proposal must be amended to:

- (a) include the findings of a detailed flood impact assessment for the site and update the consistency of section 9.1 Direction 4.3 Flood Prone Land
- (b) reflect the transport and traffic assessment
- (c) update proposed Clause 7.23 by removing any provisions that are more appropriate for inclusion in the Development Control Plan and update the consistency with section 9.1 Direction 6.3 Site Specific Conditions; and
- (d) exhibit the revised Development Control Plan for the site concurrently with the planning proposal.

In accordance with requirements (a) and (b) of the Gateway determination, the applicant has undertaken and submitted the detailed transport/traffic assessment and flood study reports. The main details of which are discussed below.

Requirement (c) is addressed by the discussion within this report and the draft site specific DCP prepared by the applicant.

Requirement (d) is the recommendation of this report.

Report

1. Summary of the planning proposal originally endorsed by Council

The planning proposal supported by Council on 9 June, 2020 sought to increase the maximum permissible building height for the subject sites from the current maximum height of 32 m to 80 m and introduce a floor space ratio (FSR) of 3.5:1.

The planning proposal does not seek to amend any other aspect of the zoning of the site which will remain 'B4 – Mixed Use' under the CLEP 2015.

The planning proposal also seeks to include a 'local provision' clause to address podium heights, building separation, floor plate sizes and building setbacks.

2. Study Outcomes

2.1 Flood Impact Assessment

In response to Council's request and the requirements of the Gateway determination the applicant has undertaken and submitted a flood study which is included as attachment 4 to this report.

The flood study identified that if development proceeded in accordance with the extent of the indicative building layouts shown on the supporting master plan, the buildings located on the site of the current Marketfair shopping centre would adversely restrict the flow of water along Birunji Creek in large flood events creating an unreasonable flood impact to Kellicar Road and potentially to properties on the other side (Park Central side) of Kellicar Road.

In response to the findings of the flood study, the layout of the proposed development has been amended by the applicant to address the issue, which now provides a substantial flow path over the Marketfair site, as open space located adjacent and parallel to Narellan Road for large flood events on Birunji Creek. This revised site layout is reflected in the draft site specific DCP which is included as attachment 1 to this report.

The Proposal has also been adjusted by the applicant to accommodate the findings of the flood study and has provided additional commentary on the section 9.1 direction for flood prone land.

The revised Proposal is consistent with the revised site layout and controls now incorporated into the draft site specific DCP.

2.2 Transport and Traffic Assessment

The applicant has undertaken and provided a detailed traffic and transport assessment in support of the proposal. The concerns raised with the applicant, by the Council and Transport for NSW that any additional development, enabled by the Proposal, would have an impact on the traffic network surrounding the development has been acknowledged within the assessment and study findings

The assessment identifies that mitigation measures are required to offset the impacts of the future development of the site and these are listed in the table below.

Note: Site references 1, 2, 3 and 4 in the table below are per those sites referenced on the maps within the Detailed Traffic and Transport Assessment included as attachment 5 to this report and Section 7.14 of the draft site specific DCP included at attachment 1 to this report.

- Site 1 = Bunnings (Western Site)
- Site 2 = Gym and other Commercial (Central Site South)
- Site 3 = RMS, WILMA (Central Site North)
- Site 4 = Marketfair (Eastern Site)

Mitigation	Description	Recommended staging
Mitigation 1: Kellicar Road/ Bugden Place	Conversion of Bugden Place/Kellicar Road intersection to Left-in / Left-Out only	Concurrent with the development of Site 1 or at the time Bugden Place is extended through to Menangle Road.
Mitigation 2: Kellicar Road/ Tindall Street	Creation a double right turn from Kellicar Road (westbound) into Tindall Street (northbound) and a dedicated left turn lane from Tindall Street (southbound) into Kellicar Road (eastbound)	Concurrent with the development of Site 2
Mitigation 3: Kellicar Road/ Gilchrist Drive	Creation a double right turn from Kellicar Road (westbound) into Gilchrist Drive (northbound)	Concurrent with the development Site 1
Mitigation 4: Kellicar Road eastbound traffic lane	Creation of an additional traffic lane along Kellicar Road (eastbound) between Bugden Place and Narellan Road	Concurrent with the development of Site 2 or 3, whichever comes later

Mitigation 5: Kellicar Road/ Narellan Road	Creation a left turn slip lane from Kellicar Road (eastbound) into Narellan Road (northbound)	Concurrent with the development of Site 4
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The applicant's traffic and transport assessment details the impact of the proposed development on the Level of Service (LoS) of each intersection. The applicant has engaged with Transport for NSW (TfNSW) on the matters of impact on State roads and intersections, as the impacted roads and intersections are predominantly state controlled roads/intersections. However, and notwithstanding any prior communication on this matter, where the Council approves the public exhibition of the Proposal, TfNSW will also be formally notified of the public exhibition and provided all information relating to the Proposal for its review and comment. Any response from TfNSW would also form part of any post public exhibition report tabled before the Council.

The mitigation measures described in the table above have been referenced in the draft site specific DCP in a general (objective) sense, rather than a specific sense. This approach reflects the indicative nature of a Planning Proposal.

It is important to note that a Planning Proposal is not the same and does not operate in the same way as a Development Application. Imagery of buildings, etc and therefore the densities included with a Planning Proposal are only provided as an indication of how development could take place if the requested amendment to the Local Environmental Plan was allowed. As such, it is considered more appropriate to develop a DCP with performance objectives in mind, and one that can more appropriately respond to a range of development outcomes that could still eventuate across the site, whether that be due to market influences or the changes in the needs of the community over longer term time frames. It is expected that development across the whole of the Site will occur over a 15-20 year horizon, and as such, a DCP must be appropriately flexible to respond to changes over time.

In this regard, relevant references to sequencing and timing of the various infrastructure aspects within the Precinct can be found in section 7.14 Delivery and Staging, of the draft site specific DCP. Each stage includes advice that the public infrastructure works associated with the particular stage will include "related upgrades to adjacent roads to accommodate traffic flows". As noted before, the general reference is necessary as the actual content of any future development application for the site is not yet known.

The actual content of any particular application within each stage is expected to vary and is not yet determined. The physical condition of the state controlled roads and the level of traffic will vary over time and therefore it will be necessary with every future development application for construction works to provide an individual detailed traffic study, specific to the development and the nature of traffic flows current at the time, to ensure that not only are the individual impacts of the particular development ameliorated, but the cumulative impacts resulting from development across and external to the site are accounted for.

Additionally, there is the potential that a Special Infrastructure Contribution (SIC) will be adopted by the NSW Government for the Glenfield to Macarthur corridor precincts. If this does occur, then the future development of the site would contribute to the improvement of the local state road infrastructure through contributions, in addition to the direct works attributable to the development as identified in the detailed transport and traffic assessment provided by the applicant.

State owned and yet to be delivered infrastructure and responsibilities that will have a major and positive influence on traffic and transport moving to/from and through the Campbelltown area include the completion of the Spring Farm Parkway (stages 1 and 2); the provision of southern freeway ramps at the soon to be constructed Spring Farm Parkway freeway interchange; the upgrade of Menangle Road; the delivery of the Stage 2 portion of the Outer Sydney Orbital between Appin and the freeway; and the provision of an east-west arterial connection connecting Appin Road to the Spring Farm Parkway interchange.

2.3 Changes to Open Space

The outcome of the flood study identified the need to provide a flow path for larger flood events across the site of the current Marketfair Shopping Centre. The layout of the development has been revised to provide this flow path parallel to Narellan Road in a new area of open space referred to in the draft Site Specific DCP as 'Birunji Park'. The consequence of creating this space was that the proposed configuration of the site, including potential building locations, needed to be adjusted. This has had flow on consequences for the arrangement of open space across the site.

Upon request, the applicant has provided the following table to compare the open space arrangement as originally reported to Council with the open space arrangements across the site that they now seek. The Draft site specific DCP is based on the 'applicant's revised proposal' column shown below. There have been concerns expressed during the process that some of the areas portrayed as open space are actually set aside for road widening. The table below therefore details these areas separately to assist in the analysis of the open space proposed.

Public Domain Item	Council Report June 2019	Applicant's revised proposal April 2021	DCP reference	Reason for Change
Macarthur Walk	7,704 m ²	6,351.99 m ²	20 m wide	Updated design due to changes on site 4 - road and other park crossings not included
Civic Plaza	2,290 m ²	1,306.7 m ²	1,000 m ² min.	Updated design - area of Bugden Place not included in calculation
Under Bridge	1,800 m ²	1,271 m ²	1,500 m ²	New measure excludes road widening part of Menangle Road
Central Park	4,670 m ²	3,018 m ²	3,000 m ²	New measure excludes road widening part of Menangle Road
Fountain Park (now referred to as Menangle Plaza)	1,690 m ²	1,414.95 m ²		Updated design with new flood option. Some areas in front of building now in Birunji Park
Birunji Park	0	4,306.99 m ²		Additional area - new dual purpose open space and extreme flood passage
Linear Park - Green Link	1,800 m ²	3,326.3 m ²		Includes all 3 sites now for consistency

Additional open space Menangle Road Site 2	0	650.16 m ²		Part of 'green link' not affected by road widening
Kellicar Road frontage		2,565.73 m ²		Proposed open space on private land for boulevard.
Total Open Space inc road widening	19,954 m ²	24,211.82 m ²		
Total Open Space exc road widening	18,154 m ²	20,885.52 m ²		
Total Site Area	63,990 m ²	63,990 m ²	63,990 m ²	
% Open Space with all parks	31%	38%	30%	Precinct objective, excluding communal areas for residents/workers
% Open Space with all parks excluding linear park	28%	33%		

The table above refers to 2565.73 m² of open space as the Kellicar Road frontage (the draft site specific DCP refers to this as Kellicar Road Boulevard on page 26). While this is available as open space, it is primarily required as a suitable building setback to Kellicar Road to preserve and protect the future streetscape and urban design character of Kellicar Road and reduce the impacts of overshadowing residential properties in Park Central.

This Kellicar Road frontage area will predominantly be in the shade as it is south of the proposed buildings (see diagrams on page 47 of attachment 1). The typical street sections show that this area will be publicly accessible as part of the requirement to have active street frontages to Kellicar Road, instead of having a sheer wall or services at this location. The proposed layout is therefore considered a superior design option, but would not ordinarily be counted as open space.

The information in this table was provided very late in the process and has been provided for the purposes of clarification and to ensure transparency through the public exhibition process. It is noted however, that the now proposed size for the underbridge park does not satisfy the size requirement listed in the table, although this size is not specifically mentioned in the draft site specific DCP. Notwithstanding this discrepancy, this matter is required to be addressed and be further investigated and considered during the public exhibition period. It is generally considered that the larger size would help achieve the stated vision for this park.

The proposed increase in the height limit across the site has been justified on the basis that this will enable improved amenity, solar access, visual interest and open space options. The assurance that the public open space will be provided in the manner proposed is therefore essential to the creation of the environment detailed in the vision for the site detailed in the applicant's original urban design report. To achieve this it is considered necessary to include a local provision within the CLEP 2015 that requires the quantity of publicly accessible open space detailed in the table above. This approach has been taken in other locations, for example in the Parramatta LEP, 2011 and is intended to be additional to any private open space or deep soil zones required for residential apartment buildings or shop top housing.

2.4 Proposed floor space

When the planning proposal was reported to Council on 9 June, 2020 it was reported with an expected gross floor area of 224,000 m² of development. This remains the case. There has been some adjustment in the anticipated components of residential and non-residential gross floor area, with an increase in the residential component and a corresponding decrease in the non-residential component, but the overall quantum of development has remained the same.

2.5 Draft Site Specific Controls

A draft site specific DCP has been prepared and includes controls that are proposed to form Part 16 of Volume 2 of the SCDCP. The purpose of these controls is to provide a clear vision for the site and controls to guide development to achieve the vision. The draft site specific DCP also details the outcomes sought across the precinct so that each site works together to achieve the desired outcome.

Where suitable controls are not specified within the draft site specific DCP, any proposed development will need to be consistent with the requirements of the SCDCP. The controls outlined in the site specific DCP at attachment 1 include:

- revisions made in response to the CDEP advice
- revisions in response to Council staff advice
- revisions in response to the flood study

2.3.1 Layout/Master Plan

The draft site specific DCP includes a masterplan for the site which specifies the building footprints, public open space areas, pedestrian and vehicle access, open space and green links. These are reinforced through illustrative figures (eg Figures 8 (Illustrative master plan) and 9 (Illustrative Master Plan indicative built form modelling), on pages 14 and 15 of attachment 1.

2.3.2 Building Separation

The revised layout was designed to reflect compliance with the building separation requirements specified in the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP65) and the related NSW Apartment Design Guide (ADG), in addition to incorporating a 24 m separation distance between the proposed towers which is consistent with Council's previous support for the planning proposal at the meeting on 9 June 2020. The ADG however does not apply to buildings that are only used for commercial or educational purposes.

DPIE has recently placed on exhibition an explanation of intended effect for a proposed Design and Place State Environmental Planning Policy (Design and Place SEPP). The Design and Place SEPP will replace SEPP 65 and the ADG and will provide a new standard for good design of development including, but not limited to, residential apartment buildings. The Design and Place SEPP will apply to all types of development, including buildings only used for commercial or educational purposes and to open space. In these circumstances it is appropriate that building separation controls be located in the site specific development control plan, rather than in a clause in the CLEP2015, as ultimately it is anticipated that the requirements will be set by the Design and Place SEPP.

2.3.3 Height of Buildings

The planning proposal seeks to amend the CLEP 2015 to increase the maximum permissible building height from the current maximum height of 32 m to 80 m across this master-planned site. However it is not proposed that all buildings will be constructed to the maximum height.

There are controls and plans within the draft site specific development control plan to demonstrate how the floor space and towers can be distributed across the site. A variety in building heights is proposed and this is assisted by the presence of the maximum FSR control of 3.5:1.

2.3.4 Street Hierarchy and Setbacks

The draft site specific development control plan seeks to establish a defined street hierarchy for pedestrian and vehicle movement through the precinct by incorporating a street network with high levels of amenity, safety and permeability. This is important to deliver the vision for the precinct and ensure that there is harmony in the public domain across the individual sites and individual future developments.

The masterplan introduces 'Macarthur Walk' as a new east-west pedestrian promenade, which links Bugden Place and Tindall Street, in addition to focusing Kellicar Road as a landscaped boulevard which is intended to provide a sense of arrival when approaching the southern frontage of this precinct.

The draft site specific DCP proposes the following street hierarchy and setbacks from the surrounding road frontages:

- 'Macarthur Walk' is proposed as a 20 m wide tree-lined, pedestrian spine which traverses in an east-westerly direction through the site with all adjacent building towers being setback varying distances to provide some solar access into this thoroughfare.

- Bugden Place and Tindall Streets, which are internal to the site, will be designed to calm traffic movements by incorporating 3.5 m wide footpaths and street plantings on both sides of the street. The vision includes the potential for Bugden Place, which is currently a cul de sac, to be extended through to intersect with Menangle Road to increase permeability in the precinct. This will need to be carefully managed at DA stage to prevent Bugden Place being used as a rat run.
- Kellicar Road has a 35 m wide carriageway with central median plantings. Buildings shall be set back at least 8 m from their Kellicar Road frontage with the ground floor intended to be activated with retail uses and outdoor dining with additional street planting proposed between the buildings and the carriageway.
- Kellicar Lane is proposed as a service lane that is also able to be activated by ground floor retail uses.
- Buildings will be set back a minimum of 26 m from Narellan Road to not only provide an overland flow path for large flood events but also to enable significant landscaping as shown on page 34 of attachment 1.
- Menangle Road is proposed by the applicant as a new city link between Macarthur and Campbelltown railway stations with all buildings located adjacent to a linear park (Green Link) being adequately separated from the site and the adjoining public road reserve. However the draft DCP does not include a typical street section for Menangle Road. While this is not essential, it would be helpful and this will be a matter for further discussion with the applicant during the public exhibition process.

Attachment 6 contains copy of a letter from the applicant entitled "Kellicar Precinct – Built Form" (dated 25 January 2021) which outlines the building design principles that were employed by the architect during the preparation of this DCP in addition to demonstrating how the proposed mixed use development will align with the relevant 'pillars' described in Reimagining Campbelltown.

One concern raised in the previous report to Council was the height of the street wall. Since the master plan was last reported to Council there have been some adjustments to the master plan by increasing the open space adjacent to Narellan Road (in response to the flood study) and other changes to the buildings fronting Kellicar Road to address this issue.

The draft site specific DCP still however shows an 8 storey street wall height for all buildings adjacent to Kellicar Road. While the topography of the site assists to some extent with creating visual interest for the Kellicar Road frontage, and the 8 m setback from Kellicar Road enables landscape embellishment, careful consideration should be given to whether or not this creates the streetscape desired by the Reimagining Campbelltown City Centre Master Plan and to consult with the community on the impacts associated with the shadows cast by the development (see page 49 attachment 1). Rather than delay public exhibition, which prevents timely community consultation, it is recommended that the draft site specific DCP be exhibited as attached and if necessary adjustments to this aspect of the draft site specific DCP be made after, and with the benefit of, community consultation.

2.3.5 Interface with Public Domain

As described in Part 5 (Public Domain) of the draft site specific DCP, a large proportion of the site is proposed as open space which has been specifically designed to include:

- A new 20 m wide east-west pedestrian spine through the site which provides a direct line of sight through the precinct in addition to enhancing connectivity
- A 3,000 m² central park
- A 1,000 m² central square which will function as a civic plaza with a focus on outdoor dining
- A "Green Link" along Menangle Road
- A new underbridge park located under the Gilchrist Drive road bridge
- A new fountain plaza that will link Tindall Street and the Menangle Road "Green Link" is also anticipated to activate any retail uses overlooking the central plaza.

This public domain is a major component of the site's masterplan and represents a significant value to the community. It is achieved through the increase in building height which enables floor space to be selectively distributed across the site to ensure attractive streetscapes are and an interesting skyline are provided.

2.3.6 Parking

The car parking provisions in the draft site specific DCP only provide car parking provision rates for some land use types (commercial, retail and residential apartments). All other land use types will need to provide car parking as otherwise required in the SCDCP. The car parking rates that currently apply to residential apartment buildings in the SCDCP are a minimum of one space per dwelling and an additional space per 4 additional dwellings. The proposed approach in the draft site specific DCP is a more refined approach that links the amount of parking with the number of bedrooms in the dwelling.

2.3.7 Relationship to Campbelltown (Sustainable City) Development Control Plan (DCP)

These proposed controls apply only to the development within the Kellicar Road Precinct.

These controls do not repeat or replace controls expressed elsewhere in SCDCP, except where they provide a standard that applies to this site only, eg car parking rates. Where development controls are not specified within the draft site specific development control plan, the development is required to be consistent with the requirements outlined in Volume 1 of the SCDCP.

3. Design Excellence Recommendations

In accordance with Clause 21A of Environmental Planning and Assessment Regulations 2000, Council cannot approve a draft development control plan containing provisions that apply to residential development unless it has taken into consideration any comments made by the Campbelltown Design Excellence Panel (DEP).

The subject draft site specific development control plan was reported to the CDEP on 23 October 2020.

The advice of the CDEP was required on whether the proposed draft DCP satisfactorily addressed the matters listed in Clause 7.13 (4) of the CLEP 2015. Future development applications submitted for the precinct will also need to satisfy this Clause, which states:

- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.
 - (b) Whether the form and external appearance of the development will improve the quality and amenity of the public domain.
 - (c) Whether the development detrimentally impacts on view corridors; and How the development addresses the following matters:
 - (i) the suitability of the land for development
 - (ii) existing and proposed uses
 - (iii) heritage issues and streetscape constraints
 - (iv) bulk, massing and modulation of buildings
 - (v) street frontage heights
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity
 - (vii) the achievement of the principles of ecologically sustainable development
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements
 - (ix) the impact on, and any proposed improvements to, the public domain
 - (x) the interface with the public domain
 - (xi) the quality and integration of landscape design

The CDEP considered the draft DCP material and advised that the document provides a satisfactory guidance for development over the precinct.

Specifically, the CDEP expressed concern with the following matters which were required to be, and have been, addressed in a revised DCP:

Overshadowing – the location and distribution of some of the built form and its overshadowing impacts, in particular the 2 south-western blocks. The arrangements did not achieve the stated design principles.

Comment: Based on a remodelling of the shadow impacts, the proponent has made several amendments to the built form which have now been incorporated into the revised draft site specific DCP with the shadows identified on page 49 of attachment 1.

Building bulk and proposed floor plate sizes – recommended that these be considered in the context of overshadowing and building separation.

Comment: In response, the proponent revised the proposed 'residential tower' controls by including a 750 m² floorplate and a maximum building length of 45 m. Towers will be positioned with a north-south orientation to maximise solar access and achieve a minimum building separation of 24 m.

The privacy and overlooking aspects between the defined apartment's habitable areas have been maintained in accordance with the ADG requirements with larger floor plates being restricted to the lower-level commercial podiums.

Street frontage heights – some of these required review with overshadowing impacts and human scale issues to be considered.

Comment: Further controls have now been included in the revised draft site specific DCP (attachment 1) which clearly differentiate between the commercial and residential facades in addition to providing a greater level of building articulation and improved surveillance of the civic plaza.

The proposed street walls now provide a visual barrier to the residential towers which have been set further back into the site to ensure that a human scale will also be achieved at street level. Notwithstanding this, it is considered that careful review of the Kellicar Road presentation of the future development is appropriate and should occur in consultation with the community during the public exhibition.

Long-term sustainability of retail components – active retail at night and its importance with CPTED issues was raised, suggesting that Macarthur Walk needs to be activated at all times.

Comment: Retail is proposed to be anchored by a sizeable retail podium at the eastern end of the site which is supported by a range of commercial uses on the ground floor and accessed from Macarthur Walk which provides a pedestrian connection between the site and Macarthur Square. A range of other retail and commercial uses are envisaged along Macarthur Walk.

The NSW Police Service's publication entitled "Crime Prevention through Environmental Design" (CPTED) has been addressed in the SCDP 2015 and all future DAs submitted for this precinct will be required to meet satisfactory compliance with this document. (CPTED is a multi-disciplinary approach to crime prevention that uses urban and architectural design through the strategic management of built and natural environments)

Public Domain – a place making character statement and early and ongoing activation strategy statement is required along with diagrams and sketches describing how the proposed buildings will connect and provide adequate access to the public domain.

Comment: While the illustrative masterplan is indicative of future development in this precinct, it is anticipated that additional refinement of any open space areas will occur at the Development Application stage(s) of assessment.

The revised masterplan and DCP still present a reasonable level of detail to guide the next stage of project delivery. In particular, the controls included will provide scope for the community and Council input into the detail of the planned public spaces.

4. Re-imagining Campbelltown City Centre Master Plan

The subject site is within the boundaries of the Reimagining Campbelltown City Centre Master Plan (RCCCMP). The project's compliance with the long-term intentions and aspirations of the RCCCMP was addressed in the report considered by the elected Council on 9 June 2020. While the RCCCMP was still on public exhibition at that stage, no changes were made to the RCCCMP following public exhibition that directly relate to this proposal.

The planning proposal and draft site specific DCP are generally in alignment with the principals (pillars) detailed in RCCCMP. The heights proposed by the planning proposal support the commitments made in the RCCCMP when having regard specifically to the principles of 'City in a Valley' and 'City & Bush'.

5. Public Participation

This report seeks to enable detailed community consultation on the proposal. The Gateway determination for the planning proposal requires that the draft site specific DCP be exhibited concurrently with the planning proposal. It is proposed to also exhibit the applicants flood study and the transport and traffic assessment with the planning proposal so that the community are fully informed of the impacts of the proposal as well as the proposed works to mitigate those impacts.

The public exhibition period will also be used for formal consultation with the state government agencies listed in the Gateway determination.

The public exhibition will occur in accordance with the Community Participation Plan. In addition to the normal public exhibition it is proposed to write to all people who own land within a 200 m radius of the site, and all land owners within the Park Central area.

Conclusion

Council has previously endorsed a planning proposal which seeks to increase the maximum permissible building height for the Kellicar Road Precinct from the current maximum height of 32 m to 80 m and set a maximum floor space ratio (FSR) of 3.5:1.

Council supported the planning proposal on the basis that a local provisions clause would be included to incorporate controls relating to floor plate size, street wall heights, building separation and the number of towers. The Gateway determination requires consideration of whether these controls are more appropriately provided within a site specific DCP which is to be advertised concurrently with the planning proposal. To comply with the Gateway determination adjustments have been made to the planning proposal. The revised planning proposal is at attachment 2 to this report. The applicant's draft site specific DCP addresses the matters that Council originally sought to include in the CLEP 2015.

The draft site specific DCP has been considered by the CDEP on 23 October 2020 and provided advice on changes that were required to be made to the draft site specific DCP. The changes have been made.