

JRPP No	2011SYW010
DA Number	15/2011/DA-RA
Local Government Area	Campbelltown City Council
Proposed Development	Construction of a 6 to 8 storey mixed use commercial, retail and residential apartment development with 2 levels of basement car parking spaces
Capital Investment Value	\$28,261,000
JRPP Referral Criteria	Development exceeds \$10 million capital investment value
Street Address	Lot 3004 Stowe Avenue, Campbelltown
Applicant	Blue CHP Limited
Number of Submissions	48 - Including 19 individual objections, 27 form letters objecting to the proposal, two objections from Campbelltown City Council and 1 submission in support of the development
Recommendation	Refusal
Report by	Rad Blagojevic – Senior Development Planner

Attachments

1. Recommended Reasons for Refusal
2. Context Plan
3. Basement - Levels 1 and 2
4. Floor Plans - Ground to Level 7
5. Elevations and Sections
6. Shadow Diagrams
7. Landscape Plan
8. Hydraulic Plan
9. Perspective View

Purpose

The purpose of this report is to assist the Sydney West Joint Regional Planning Panel in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 3004 DP 1152287, Stowe Avenue, Campbelltown
Application No	15/2011/DA-RA
Applicant	Blue CHP Limited
Owner	Blue CHP Limited
Statutory Provisions	Greater Regional Environmental Plan No.2 - Georges River Catchment (deemed SEPP) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No.65 - Design Quality Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002
Other Provisions	Macarthur Regional Centre Master Plan Campbelltown (Sustainable City) Development Control Plan 2009
Date Received	6 January 2011

Report

1. Introduction

Council has received a development application for the construction of a mixed use commercial and residential apartment building development at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown.

The development comprises of three buildings with commercial floor space located at ground level and 75 residential apartments located on the upper floors.

The land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). An assessment of the proposed development against CLEP 2002 is contained later within this report.

The capital value of the project has been estimated by the applicant as \$28.2 million and as such exceeds the \$10 million threshold to qualify as a regional significant development and hence the development application will be determined by the Sydney West Joint Regional Planning Panel.

2. The Site and Surrounds

The site is located at the intersection of Tailby Street, Stowe Avenue and Kellicar Road, Campbelltown. The land is an irregular shape with an area of 3728 square metres and is currently undeveloped.

The length of street frontages is as follows:

- 18.02 metres to Tailby Street;
- 72.36 metres (arc) to Stowe Avenue; and
- 40.77 metres to Kellicar Road.

The land to the north-west of the subject site on both sides of Tailby Street has been developed by the NSW Transport Infrastructure Development Corporation (TIDIC) for the purpose of commuter car parking comprising of two 'at grade' car parking lots. Land adjoining the subject site to the north, north-east, east, south-east and west of the subject allotment is currently undeveloped and available for future urban development.

Land to the south-west of the site on the curve of Stowe Avenue is a public reserve and will form part of an open space corridor.

The subject site is centrally located being 260 metres from Macarthur Square shopping centre and 580 metres from the Macarthur Rail Station.

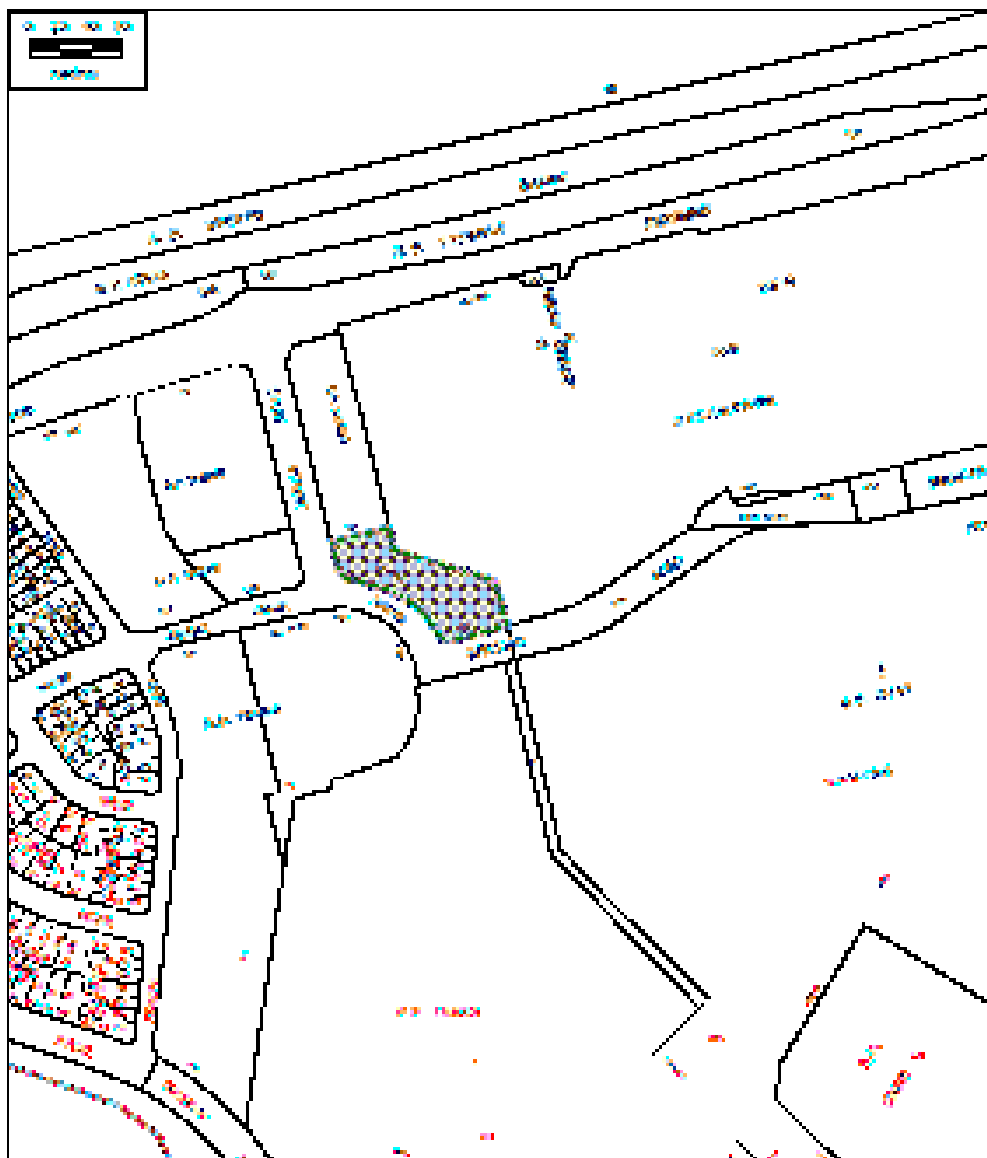


Figure 1: Locality Map



Figure 2: Aerial Photograph of Site and Surrounds

3. The Proposal

Development consent is being sought for the following:

- Excavation of the site and site works;
- Construction of three buildings (A, B and C) comprising of:

Building A -

7 storey mixed residential and retail/commercial building located within the northern most portion of the site presenting to both Tailby Street and Stowe Avenue;

Building B -

6 storey residential building with a part 7 storey component to the south of Building A and presenting to Stowe Avenue;

Building C -

8 storey mixed residential and retail/commercial building located within the southern-most portion of the site presenting to both Stowe Avenue and Kellicar Road.

- 75 residential apartments in the following breakdown:

Building A - 21 apartments

Building B - 26 apartments

Building C - 28 apartments

The proposed apartments are in the following configuration:

15 x 1 bedroom

48 x 2 bedrooms

12 x 3 bedrooms

- Residential floor area of 6824 square metres (gross floor area);
- Commercial/retail tenancies comprising of 1943 square metres leasable floor area;
- Vehicular access from Stowe Avenue;
- Car parking for 120 (including 8 disabled) spaces including:
 - 44 spaces on Basement 1
 - 76 spaces on Basement 2 (lower basement)
- Landscaping works.

4. Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires the JRPP to consider environmental planning instruments and development control plans that apply to the site.

4.1 Greater Regional Environmental Plan No.2 - Georges River Catchment (deemed SEPP)

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to housing development. These matters include:

- *Whether the proposal for development accords with the Metropolitan Strategy and satisfies the strategy's goals and key principles.*
- *Whether the land is adequately serviced.*
- *Whether adequate provision has been made to meet the requirements of any council stormwater management plans and erosion and sediment control plans or policies.*
- *Whether provision has been made for sediment and/or erosion control during construction in accordance with best practice.*
- *Whether adequate provision has been made to prevent untreated urban runoff including nutrients, oils and greases, animal wastes, detergents and other pollutants from car washing and general litter entering into the Georges River or its tributaries.*

The proposed development has been assessed in accordance with the matters, and is considered to satisfy all the relevant requirements of the Regional Plan.

4.2 State Environmental Planning Policy No. 55 – Remediation of Land

The application has been assessed in accordance with State Environmental Planning Policy No.55 - Remediation of Land. This policy is a state-wide planning control for the remediation of contaminated land, and 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, in accordance with *'Managing Land Contamination: Planning Guidelines'*, prepared in conjunction with the Environment Protection Authority (Department of Environment and Conservation 1998). The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with appropriate standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals.

The subject land is yet to be developed and an historic review of past land uses suggests that previous agricultural and residential uses were unlikely to have caused contamination. It can therefore be reasonably assumed that the land can be safely used for residential purposes without the need for a detailed investigation into possible land contamination.

Accordingly, the application is considered to satisfy the requirements of SEPP 55 and no further investigation of this matter is considered necessary.

4.3 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) was gazetted on 26 July 2002 and applies to the development of new residential flat buildings (clause 4(1)(a)). SEPP 65 defines a residential flat building as:

A building that comprises or includes:

- 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*
- 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).*

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

The proposed development constitutes a residential flat building for the purposes of SEPP 65.

Clause 30(2) of SEPP 65 requires a consent authority, in determining a development application for a new residential flat building, to take into consideration:

- a) *The advice of a Design Review Panel constituted under Part 3 of the Policy;*
- b) *The design quality of the development when evaluated in accordance with the design quality principles (Part 2 of the Policy); and*
- c) *The publication 'Residential Flat Design Code'.*

As Council has never established a Design Review Panel, and therefore for the purpose of this application, the JRPP is only required to consider the design quality principles and the Residential Flat Design Code.

Clauses 9 to 18 contain the design quality principles of the Policy. The following discussion sets out an assessment of the development proposal in terms of these principles and an assessment against the 'Residential Flat Design Code'.

Principle 1 – Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment

As detailed in this report, the existing development context comprises of land forming part of the Macarthur Gardens precinct. Much of that land is yet to be developed for urban purposes with the remainder being used for commuter car parking or preserved for future open space.

The proposal before the JRPP is a design response to the desired future density within the area as currently a development control plan does not apply to the land. The Macarthur Regional Centre Master Plan is discussed in detail later in this report.

Principle 2 – Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment

The scale of the proposed development is higher (in part) than the height and density envisaged by the Macarthur Regional Centre Master Plan. The Master Plan recommended a maximum height level of three storeys for the northern portion of the land and a minimum three storeys and maximum 8 storeys (or up to 27 metres) for the southern portion of the site.

The building mass and scale has been designed in a manner to reduce its perceived bulk and scale by design incorporating the three detached towers.

Principle 3 – Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment

Despite the inconsistencies with the Macarthur Regional Centre Master Plan it is considered that the built form of the proposal is generally satisfactory given the context and scale of the building, the location of the subject site and its relationship with nearby future development. The façade of the building has architectural merit and would provide an interesting architectural addition to the precinct.

Principle 4 – Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment

Noting that the site does not have any specific development control plan applying to it, the development is generally consistent with the principles of the land's zoning being 10(a) Regional Comprehensive Centre Zone and the planning convention of higher residential densities within close proximity of commercial centres and major transport nodes.

Principle 5 – Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment

The proposed building achieves an acceptable level of energy efficiency. Several of the apartments utilise a design enabling cross-ventilation. Passive solar design principles such as sliding doors and louvres would also assist climate control. Energy efficient appliances and water saving devices are also to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building reached the required water and energy usage savings. The waste management plan detailed for the site facilitates the collection and storage of recyclables as per Council's policy.

Principle 6 – Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment

A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 12 metres. Planting zones vary across the site based on soil depth dictated by the location of basement beneath parts of the ground floor common areas.

Communal and pedestrian areas are provided with an aesthetic mixture of all-weather hard surfaces, communal lawn, ground covers, shrubs and trees.

Principle 7 – Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment

The design of the proposed residential units generally provides good internal and external amenity by their siting and placement of windows and sliding doors. Balcony areas connect to living areas and are considered satisfactory, providing privacy and solar control by way of being recessed into the main building, with some protected by operable louvres. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Solar access has been provided to each of the apartments via balconies accessed via living areas and in some of the units a second balcony is proposed adjacent to a bedroom.

Principle 8 – Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment

The building presents an active façade to Tailby Street, Stowe Avenue and Kellicar Road, with good views for residents to and from their particular lobby or unit as they access their building from street level.

Basement car parking contains a security shutter at a strategic location to ensure that only residents or accepted visitors with the appropriate access privileges can gain entry to the lower basement level as it has been identified for resident parking only. A roller shutter is also proposed to control entry to the basement level to increase safety for workers in the commercial/retail premises.

Principle 9 – Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Comment

The proposal provides a good mix of apartment types and sizes and provides increased opportunity for residents to live in close proximity to facilities, services and public transport. Eight of the units proposed within the building are 'adaptable' and are dimensioned appropriately to allow for access by people with disabilities and mobility impairments.

The proposed development comprises of approximately 50% of *affordable housing* apartments with the remainder being intended to be used for private occupiers or investors.

To qualify for affordable housing, prospective residents must have a gross household income of less than 120% of the median income for the Sydney statistical division, using data from the Australian Bureau of Statistics. In 2009/2010, 120% of the median income was \$76,500.

Principle 10 – Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment

From a street presentation perspective, the proposed development comprises a pleasing mix of building elements, textures, materials and colours that would integrate and contribute positively to the Tailby Street, Stowe Avenue and Kellicar Road streetscape. Similarly, the internal design and structure of the development would establish a desirable built form and environment. The proposed development therefore satisfies the required aesthetic design quality principle.

Provisions of Residential Flat Design Code

The proposed development has been evaluated against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30(2)(c) of SEPP 65.

An assessment summary against relevant portions of the Code is provided below. It is noted that due to the absence of a specific Development Control Plan for the subject land, it is considered that the use of Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP) best serves to provide a relevant basis for assessment of the development.

Primary development controls

Numeric requirement	Objectives	Comment
Building height No numeric requirement stipulated – use Council's DCP height standard. Design practice notes provided.	To ensure development responds to the desired scale of the area. To allow daylight access to development and the public domain.	No DCP applies to the subject land.
Building depth Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units.	To ensure the bulk of development is compatible with desired future development. To allow for solar access and natural ventilation. To provide for dual aspect apartments.	The buildings' maximum depth is 17 metres and therefore complies. However, the Code states that "freestanding buildings may have a greater depth if they achieve satisfactory ventilation and daylight penetration". The building is considered satisfactory in that regard. Apartments are provided with adequate light and ventilation, with most having a north-south orientation.

Numeric requirement	Objectives	Comment
<p>Building separation</p> <p>Rises with building height – 12 metres up to 4 storeys and 18 metres for up to eight storeys.</p>	<p>To provide for deep soil zones and stormwater management.</p> <p>To control overshadowing of adjacent properties.</p> <p>To provide visual and acoustic privacy.</p>	<p>Building is C is located 5 metres from the eastern boundary and adjacent to a vacant parcel of land.</p> <p>Buildings B and C have a minimum separation of 5.6m.</p> <p>Buildings A and B have a minimum separation of 2 metres.</p> <p>Given the orientation and design of the dwellings, particularly the placement of balconies, it is considered acceptable having regard to visual and acoustic privacy for dwellings within the subject buildings.</p> <p>The siting of Buildings B and C may however be restrictive to any future residential flat building development on adjoining the lot.</p>
<p>Side and rear setbacks</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To provide for deep soil planting areas.</p> <p>To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</p> <p>To maximise building separation to provide visual and acoustic privacy.</p>	<p>The proposed development is located a minimum of 5 metres from the north-western boundary adjacent to the commuter car park. The proposal is also located a minimum 5 metres from the eastern boundary adjacent to land which is yet to be developed.</p> <p>No DCP is applicable to the subject land.</p> <p>Council's Sustainable City Development Control Plan requires a 6 metre setback to side and rear boundary. The proposal does not comply with the Plan.</p>
<p>Street setback</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To create a clear transition between public and private space.</p> <p>To allow an outlook and surveillance of the street.</p> <p>To allow for streetscape character.</p>	<p>No DCP is applicable to the subject land.</p> <p>However, Council's SCDP allows zero boundary alignment. The proposal complies with this requirement.</p>

Site design

Numeric requirement	Objectives	Comment
Deep soil zones No requirement stipulated. Design practice notes provided.	To assist in the management of the water table. To improve the amenity of developments through the retention and/or planting of large and medium size trees.	An assessment against Council's requirements is detailed later in the report.
Fences and walls No numeric requirements stipulated. Design practice notes provided.	To define the boundaries between areas having different functions or owners. To provide privacy and security. To contribute positively to the public domain.	The development proposes a 1 metre high transparent balustrade on the side and rear boundaries. The fencing and walls are considered appropriate to define the boundaries of the development.
Landscape design No numeric requirements stipulated. Design practice notes provided.	To improve stormwater quality. To improve urban air quality. To add value to residents' quality of life within the development. To improve the solar performance of the development.	A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided for deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for birds.
Orientation No numeric requirements stipulated. Design practice notes provided.	To optimise solar access to residential apartments and adjacent buildings. To improve the thermal efficiency of new buildings. To contribute positively to the desired streetscape.	The building is orientated as best as possible having regard to the existing street. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.
Stormwater management No numeric requirements stipulated. Design practice notes provided.	To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.	An area of deep soil planting is provided in the development. Stormwater capture and management complies with Council's Sustainable City DCP Vol. 2.
Safety No numeric requirement stipulated. Design practice notes provided.	To ensure that residential flat developments are safe and secure for residents and visitors. To contribute to the safety of the public domain.	Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.

Numeric requirement	Objectives	Comment
Visual privacy No numeric requirement stipulated. Design practice notes provided.	To provide reasonable levels of visual privacy. To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.	Balconies have been aligned to reduce overlooking. Fixtures to balconies such as louvres and sliding screens are sometimes used to reduce overlooking potential.
Building entry No numeric requirement stipulated. Design practice notes provided.	To create entrances that provide a desirable residential identity for the development. To orient visitors. To contribute positively to the streetscape.	Separate entries provided for vehicles and pedestrians to increase safety. Visitor entry from street clearly defined and easily accessible.
Car parking No numeric requirement stipulated. Design practice notes provided.	To minimise car dependency for commuting and to promote alternative means of transport. To provide adequate car parking. To integrate the location and design of car parking with the building and its location.	Car parking would be provided in a two level basement, with minimal impact on the street. Whilst no DCP is applicable to the land, SCDCP contains the most appropriate controls for parking rates across Campbelltown LGA. Under the SCDCP, the development is required to provide 170 car parking spaces. The development provides 120 spaces which is considered a significant shortfall.

Building design

Numeric requirement	Objectives	Comment
Apartment layout “Rules of thumb” provided for depth, width and area.	To ensure that the spatial arrangement of apartments is functional and well organised. To ensure that apartment layout provides a high standard of residential amenity. To accommodate a variety of household activities and needs.	Single aspect apartments are generally located on the northern facing side of the building to maximise solar penetration. Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes generally comply “rule of thumb” requirements. Depth of apartments complies with “rule of thumb”.

Numeric requirement	Objectives	Comment
<p>Apartment mix</p> <p>Design practice notes provided.</p>	<p>To provide a diversity of apartment types, which cater for different household requirements now and in the future.</p> <p>To maintain equitable access to new housing by cultural and socio-economic groups.</p>	<p>Building contains a mix of 1, 2 and 3 bedroom units.</p> <p>Complies with Council's SCDGP.</p>
<p>Balconies</p> <p>Design practice notes provided.</p> <p>"Rules of thumb" provided.</p>	<p>To provide all apartments with open space.</p> <p>To ensure that balconies are integrated into the overall architectural form and detail of the building.</p> <p>To ensure that balconies are functional.</p> <p>To contribute to the safety and liveliness of the street by allowing for casual overlooking.</p>	<p>Balconies meet minimum depth requirement in the "rules of thumb".</p> <p>Balconies are all directly accessible from living areas.</p> <p>Balconies would provide casual surveillance of the street.</p>
<p>Ceiling heights</p> <p>"Rules of thumb" provided</p>	<p>To increase the sense of space in apartments.</p> <p>To promote the penetration of light into the depths of apartments.</p> <p>To achieve quality interior spaces while considering the external building form requirements.</p>	<p>The building complies with the "rules of thumb". A minimum ceiling height of 2.7 metres would be provided to each unit.</p>
<p>Ground floor apartments</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<p>To contribute to the desired streetscape of an area and to create active safe streets.</p> <p>To increase the housing and lifestyle choices available in apartment buildings.</p>	<p>Ground floor units provided with terraces and screened from the street by landscaping. Landscaping would provide views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.</p>

Numeric requirement	Objectives	Comment
<p>Mixed Use</p> <p>No numeric requirements stipulated. Design practice notes provided</p>	<p>Mix of uses that complement and reinforce the character and function of the area.</p> <p>Flexible layouts to promote variable tenancies or uses.</p> <p>Legible circulation systems by isolating commercial service requirements, demarcated residential entries, distinguishing commercial and residential entries for safety reinforcement.</p>	<p>No specific commercial or retail uses proposed. Commercial, retail or restaurant/café type uses would be acceptable and the design incorporates grease arrestors.</p> <p>Tenancies can be varied.</p> <p>Commercial and residential uses are clearly separated and readily distinguishable.</p> <p>Development does not provide for appropriate loading and unloading area for larger vehicles. Small incidental deliveries not considered appropriate for development with the amount of commercial and/or retail space proposed.</p>
<p>Circulation</p> <p>"Rule of thumb" provided. Design practice notes provided.</p>	<p>To create safe and pleasant spaces for the circulation of people and their personal possessions.</p> <p>To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.</p>	<p>The number of units accessed from each corridor complies with the Code's "rule of thumb" ie. less than 8 units accessed from each corridor.</p> <p>Corridors are wide and would allow for the movement of furniture.</p>
<p>Storage</p> <p>Numeric "rules of thumb" provided. Design practice notes provided.</p>	<p>To provide adequate storage for everyday household items within easy access of the apartment.</p> <p>To provide storage for sporting, leisure, fitness and hobby equipment.</p>	<p>"Rules of thumb" in Code are mirrored in Council's SCDP. The building complies with the requirements.</p>

Building amenity

Numeric requirement	Objectives	Comment
<p>Acoustic privacy</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To ensure a high level of amenity by protecting the privacy of residents.</p>	<p>Busy, noisy areas have been located adjacent to each other within units. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible.</p>

Numeric requirement	Objectives	Comment
Daylight access Design practice notes provided and rules of thumb.	To ensure that daylight access is provided to all habitable rooms. To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day. To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.	All living areas provided with windows. Awnings provided to some windows at balconies to provide for shading during summer.
Natural ventilation Rules of thumb provided. Design practice notes provided.	To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air. To provide natural ventilation to non-habitable rooms where possible. To reduce energy consumption.	Majority of units provide cross ventilation opportunities.
Facades Design practice notes provided. No numerical requirements stipulated.	To promote high architectural quality in residential flat buildings. To ensure that new developments have facades which define and enhance the public domain and desired street character. To ensure that building elements are integrated into the façade design.	The building has been provided with an array of architectural treatments to enhance its appearance from the street and surrounding properties. Design elements such as varying colours, projecting fin walls, varying materials and balconies have been provided to break up the building mass, along with the separation of the three towers.

Building performance

Numeric requirement	Objectives	Comment
Energy efficiency No numeric requirement stipulated. Design practice notes provided.	To reduce the necessity for mechanical heating and cooling. To minimise greenhouse gas emissions.	Passive solar design initiatives incorporated into the building. It meets BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the Flat Design Code was prepared.

Numeric requirement	Objectives	Comment
Waste management No numeric requirement stipulated. Design practice notes provided.	To avoid the generation of waste through design, material selection and building practices. To plan for the types and amount of waste to be generated during demolition and construction. To encourage waste minimisation, including source separation, reuse and recycling.	A waste management plan has been submitted with the application. The plan details how collection and disposal of recyclables will be provided in the building. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.
Water conservation Design practice notes provided. Rules of thumb provided.	To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff.	Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied.

The building is considered to be generally compliant with the objectives and controls within the SEPP and its accompanying Design Code.

However, the development does exhibit a number of inconsistencies with the Code which are discussed below.

Building Separation/Side and Rear Setbacks

The RFDC considers that the spatial relationships of buildings is an important determinant of urban form. The intent of the objectives is to promote appropriate massing and spacing, consideration to visual and acoustic privacy and allow for open space that can perform different functions.

The Code recommends a separation distances for development of various heights. For development of between five and eight stories (up to 25 metres) the following building separation distances are recommended:

- 18 metres between habitable rooms/balconies;
- 13 metres between habitable rooms/balconies and non-habitable rooms; and
- 9 metres between non habitable rooms

The three buildings within the development site may physically be located within the separation distances recommended, however, given the north-south orientation of the apartments, location of balconies, use of louvres and privacy screens, it is considered that the impact on the visual and acoustic amenity is acceptable.

An alternative design solution for the subject site could have been one building mass that would not have had to consider building separation within the development site. The three building concept is considered a more acceptable urban form as well as minimise impacts relating to overall bulk and scale.

Notwithstanding the above, the Code does consider future development on adjoining land. It is not unreasonable to consider that similar residential apartment building development can

occur on land adjoining the site to the east and north-east given the land's zoning, intent of the zone, Master Plan and strategies for the locality.

Building C observes a 5 metre side setback to the eastern boundary. Building B, and its north facing balconies, observe a varying rear setback of between 5 metres and 7 metres to the north-eastern boundary.

Future development on the adjoining lot may have to be designed in a manner to satisfy the Code's building separation guidelines and given the subject development's non compliance with the recommendation, adjoining development would be encumbered by having a reduced building footprint area. It is considered that the smaller than recommended setbacks will have a detrimental impact on the future orderly development on adjoining land, with particular concerns relating to visual and acoustic amenity, urban form and overshadowing.

Car Parking

The RFDC does not provide specific rates for the number of car parking spaces required to be provided for a mixed use development comprising of commercial/retail and residential occupancies.

Given the recent urban renewal on nearby land, the subject site has an approved master plan applicable, although no current development control plan applies to the site.

Notwithstanding this, it is considered appropriate and reasonable that for the purpose of calculating car parking spaces to required for this development, that the Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP) be used as a basis for assessment.

Part 4 of SCDCP relates to development of residential apartment buildings and mixed use development. The rates used for the provision of car parking numbers within the document are applicable to the rest of Campbelltown LGA and those rates have been applied consistently for residential and mixed use apartment development in and around centres such as Ingleburn and Campbelltown.

Hence it considered appropriate and reasonable that the car parking rates applicable to similar development throughout Campbelltown LGA be utilised for this proposal notwithstanding the absence of an applicable DCP for the land.

Part 4.4.4(h) of SCDCP stipulates the rate for the provision of car parking spaces within residential apartments and mixed use buildings. They are:

- Each dwelling shall be provided with a minimum of 1 car parking space; and
- An additional car parking space for every 4 dwellings (or part thereof); and
- An additional car parking space for every 10 dwellings (or part thereof);
- 1 car parking space per 25 square metres of leasable floor area at ground level for commercial/retail part of the building; and
- 1 car parking space per 35 square metres of leasable floor area at upper levels for all commercial/retail parts of the building.

The following table provides and assessment against the SCDCP for car parking:

Campbelltown SCDCP Parking Requirement		
Rate	Units/Leasable Floor Area	Requirement
1 space per unit	75	75
1 space per 4	75	18.8 (say 19)
1 space per 10	75	7.5 (say 8)
1 space per 25m ²	1124m ²	45
1 space per 35m ²	819m ²	23
Total		170

The development makes provision for 120 car parking spaces including 44 located on the upper basement level and 76 on the lower basement level.

It is considered that the number of car parking spaces provided represents a significant departure from a development requirement which has been consistently applied throughout other relevant areas of the LGA.

The applicant engaged McLaren Traffic Engineering to provide a 'traffic and parking summary' to accompany the development application. The report compares SCDCP parking rates against RTA parking requirements.

The following table provides an assessment against the relevant RTA parking requirements:

RTA Parking Requirements		
Rate	Units	Requirement
0.6 spaces per 1 bedroom unit	15	9
0.9 spaces per 2 bedroom unit	48	43.2 (say 44)
1.4 spaces per 3 bedroom unit	12	16.8 (say 17)
1 visitor space per 5 units	75	15
1 space per 40m ² commercial GFA	1943m ²	48.6 (say 49)
Total		134

The development provides for 120 spaces which is also below the RTA requirement. Eight disabled spaces are provided on basement level 1 which are to be used for visitor parking spaces as well as for the commercial/retail component of the proposal.

No disabled spaces are provided in the designated resident car parking area located on basement level 2.

It is considered that the RTA parking requirement is a guide and has little weight in the assessment of the proposal.

The 'traffic and parking summary' report has used Campbelltown 2006 census data to demonstrate that vehicle ownership of residents in 4 storey residential apartment buildings have a lesser rate than the RTA and SCDCP prescribe. According to 2006 census data, a 75 apartment residential building would be required to provide 53 spaces. After including visitor and commercial/retail rates (using SCDCP parking rates), the development would therefore need to provide a total 129.4 car parking spaces.

The use of census data is considered to not be appropriate in this instance given the data does not consider demographics of existing apartments against the target occupiers of the proposed development.

It is considered that the development does not provide an appropriate number of car parking spaces to service the development and furthermore the apparent shortfall in car parking numbers is unlikely to be realised until further urban development takes place and all available on street car parking (which is likely to be limited) is exhausted.

Loading Zones for Mixed Use Component

The RFDC provides design notes for the development of mixed use buildings. Another significant design concern relates to the lack of a legible circulation system to permit the separation of commercial service delivery requirements (such as loading docks) from residential access, servicing needs and primary outlook.

The development does not provide for loading and unloading areas to service the commercial/retail component of the development on-site at all. Whilst vans and other small vehicles can enter the basement for deliveries and such, these vehicles have no designated parking/loading or unloading areas.

Small trucks would be required to load/unload goods out of the basement area. The development's failure to provide appropriate and suitable loading areas is considered to be unacceptable and not suitable for a development of this scale given that potential future uses may involve multiple deliveries and service vehicles accessing the site on a regular basis.

4.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP mandatory sustainability commitments required in the accompanying BASIX Certificate have been included in the architectural plans. The proposed development will therefore satisfy the BASIX SEPP.

4.5 Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 10(a) Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. “Residential flat buildings” are permissible with Council’s consent in the 10(a) zone.

The proposal is consistent with several zone objectives, particularly:

- (a) *To encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.*

A further objective of the zone is:

“to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development”.

In this regard, the application is for a permissible residential flat development located in a locality undergoing transition within the regional centre.

4.6 Macarthur Regional Centre Master Plan

In 2003, Council approved a Master Plan for the locality as a vision for the future redevelopment of 50 hectares of land at the Macarthur Regional Centre. The Master Plan would provide the planning framework for the development of a major new urban development comprising residential, commercial, open space and community infrastructure.

The purpose of the Master Plan document was to:

- Provide a clearly articulated vision for the site that incorporates that community, Council, stakeholders and the applicant’s aspirations for the site;
- Coordinate and guide the development of the site in an ordered manner to achieve the vision;
- Provide an explanation or rationale behind the development of the master plan;
- Provide certainty to the community and future residents in relation to the layout and level of amenity to be provided; and
- Assist those responsible for the preparation of detailed designs and documentation for the public and private domain.

The Master Plan provides design controls that include height controls. The subject site is identified in the master plan as having being suitable for two building heights that are:

- Northern part of the site up to 3 storeys; and
- Southern part of the site a minimum 3 storeys and a maximum of 8 storeys (or 27 metres).

The proposal partially complies with the Master Plan in this regard.

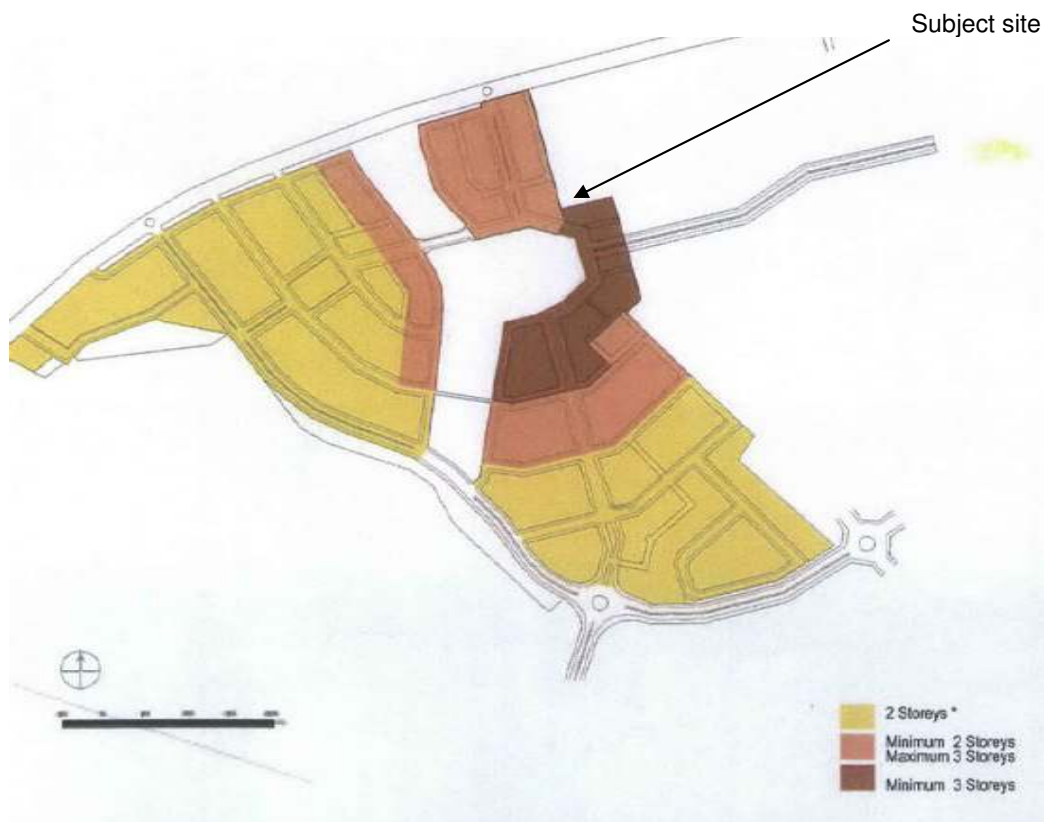


Figure 3: Height Controls within Macarthur Regional Centre Master Plan

4.7 Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP)

Campbelltown SCDCP does not apply to the land, although it is not unreasonable to use the controls for residential apartment and mixed use buildings as a basis for planning assessment in the absence of a specific development control plan.

The below table illustrates the proposal's assessment against the relevant provisions of SCDCP having regard to residential apartment buildings and mixed use development:

Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments				
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.4.1(a)	Lot Size	3728m ²	Minimum 2500m ²	Yes
4.4.1(b)	Lot Width	130m	Minimum 30m	Yes
Schedules of SCDCP	Height	6,7,8 storey	SCDCP height controls not applicable to site	NA
4.5.3(a)(i)	Front Setback	Minimum zero front setback	Zero	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.5.3(a)(ii)	Side & Rear Setback	Minimum 5 metres	6m from the side and rear boundaries for any residential component	No
4.5.1(b)	Mixed Use Buildings	Commercial and retail uses on lower floors	Mixed use development shall incorporate retail and/or commercial uses at least at ground levels	Yes
4.4.3(a)	Bedroom configuration	1 bedroom units - 15 (19%) 2 bedroom units - 48 (65%) 3 bedroom units - 12 (16%)	Minimum 5% units are 1 bedroom or studio apartments	Yes
4.4.3(b)	Adaptable Dwellings	8 adaptable apartments - 10.7%	Minimum of 10% units shall be adaptable	Yes
4.4.3(c)	Apartment size	Studio/1 bedroom - 48m ² 2 bedroom - min 80m ² 3 bedroom - min 89m ²	Studio - min 40m ² 1 bedroom – min 50m ² 2 bedroom - min 70m ² 3 bedroom – min 95m ²	Yes Yes Yes Yes
4.4.3(d)	Apartments serviced by lobby	Lobbies service no more than 8 apartments	Maximum 8 units per lobby	Yes
4.4.3(e)	Lifts	Lifts provided	Lifts provided for buildings of 3 or more storeys	Yes
4.4.3 (f)	Lift Access	No lift services more than 50 apartments	No more than 50 dwellings be accessible to a single lift	Yes
4.4.3(g)		Access to lifts considered appropriate	Access to lifts shall be direct and illuminated	Yes
4.4.3(h)	Landscaped Open Space	285m ² available for deep soil planting which is 16.3% of site	Minimum 15% of total site area must be provided for deep soil planting, or minimum of 25% of required open space area (whichever is greater)	Yes
	Endemic Species	Landscape plan provided	Detailed landscape design and landscape plan provided	Yes
4.4.3(i)	Incidentals Storage	Storage areas have been located within the basement	Each apartment shall be provided with storage facility within basement or the unit with a minimum capacity of: 6m ³ - studio 8m ³ - 1 bed unit 10m ³ - 2 bed unit 12m ³ - 3 bed unit 15m ³ - 4 bed unit	Yes
4.4.4(b)	Car Parking Dimensions	Minimum car parking dimensions 2.5m x 5.4m	Minimum of 2.5m x 5.5m	No
4.4.4(c)	Driveways	Location of driveway acceptable	Shall be not located within 6m of any unsignalled intersection	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.4.4(d)	Traffic Impact Assessment Report	Traffic impact assessment report provided	For development incorporating 75 or more dwellings, a traffic impact assessment report shall be provided	Yes
4.4.4(f)	Basement Car Parking	All car parking is provided at basement level	Development containing 3 or more storeys shall provide all car parking at basement level	Yes
4.4.4(h)	Car Parking - Residential	Proposal contains: 44 spaces on basement 1 76 spaces on basement 2 120 total	1 underground space per unit, plus 1 space for every 4 dwellings, plus 1 visitor space for every 10 dwellings	No
4.5.4(a)	Car Parking - Retail/Commercial		In addition, the development shall provide 1 car parking space per 25m ² of leasable at ground level and 35m ² at upper levels for all retail and/or commercial parts of the building Total required = 170	
4.4.4(i)	Stacked Parking	No stacked car parking spaces proposed	No required car parking shall be in a stacked configuration	Yes
4.5.4(c)	On-Site Service Parking	On site parking, loading and unloading possible for vans only. Servicing not possible for small trucks	The development shall provide adequate on-site parking, loading and unloading of all delivery/service vehicles	No
4.5.4(b)	Pedestrian Access	Pedestrian access to commercial/retail areas and entry to residential apartments separated	Pedestrian access shall be separated from the commercial/retail uses	Yes
4.4.4(j)	Bicycle Storage	Bicycle storage provided	Each development shall make provision for bicycle storage at a rate of 1 space per 5 dwellings	Yes
4.4.5(a)	Orientation	Buildings and apartments orientated in a northerly	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces	Yes
4.4.5(b)	Solar Access	Adjoining land comprises of a car park and land yet to be developed	A minimum of 20m ² of the required private open space on adjoining land shall receive 3 hours of continuous solar access between 9am and 3pm on 21 June	NA

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.4.6(a)	Private Open Space	All apartments have a private courtyard or balcony	Apartments shall be provided with a private courtyard and/or balcony	Yes
4.4.6(b)	Balconies	Apartment balconies have areas of more than 8m ²	Area not less than 8m ² with a depth of 2m	Yes
4.4.7(a)	Ground Level Apartments	Ground level apartments have appropriate level of privacy	Ground level apartments shall be provided with a privacy screen	Yes
4.4.7(b)	Habitable Room	Habitable rooms and their windows are considered to be appropriately sited given the orientation of all apartments	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window	Yes
4.4.7(c)			Notwithstanding 4.4.7(b) a window may be permitted only where it is <ul style="list-style-type: none"> • Offset by 2m • Has a sill height of 1.7m • Is splayed • Contains translucent glazing • Is screened 	
4.4.7(d)	Balcony Design	It is anticipated that balconies have an appropriate outlook having regard to privacy	Notwithstanding 4.4.7(d), a balcony will be considered where the private open space is screened from view	Yes
4.4.8(a)	Communal recreation facilities	A recreation room is not provided for residents of the development	Recreation room and, bbq/outdoor area minimum 100 square metres per 50 dwellings or part thereof.	No
4.4.8(b)		A communal recreation area of approximately 250m ² is provided and is not located within primary setback	Communal recreation facilities shall not be located within primary of secondary setback	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.4.9.1(a)	Waste Management	Development provides for general waste bins and bins for recyclable waste	All buildings shall be provided with household garbage bins at the following rates: 240L bins/3 dwellings or 1000L bulk bin/12 dwellings	Yes
4.4.9.1(b)		Compactors also included in waste management system	All buildings shall be provided with dry recyclable bins at a rate of: 240L bin/3 dwellings	
4.4.9.2(a)	Garbage Chutes	<p>Proposal includes garbage chutes to bin storage rooms in basement.</p> <p>Garbage chutes and their design considered satisfactory</p>	All buildings with a rise of more than 4 storeys shall make provision for a household garbage chute on each level which is accessible for all occupants	Yes
4.4.9.2(b)			All garbage chutes shall have input points located within waste service rooms	
4.4.9.2(c)			Garbage chutes should not located adjacent to habitable rooms in each apartment	
4.4.9.2(d)			Garbage chutes shall feed into a garbage container or mechanical compaction located within bin storage room	
4.4.9.3(a)	Bin Storage Room	Waste bin storage rooms have been provided within basement level of development.	The development shall make provision for an appropriately sized communal bin storage room	Yes
4.4.9.3(b)		Contains ventilation mechanism	The bin storage room/s shall be appropriately ventilated	Yes
4.5.6(a)	Mixed Use Waste Management	A separate commercial/retail and residential waste room provided	Separate, self contained and lockable areas shall be provided for commercial and residential waste	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
4.3.3(c)	Roof top services	Integration of roof mounted infrastructure can be integrated into the design	Roof-mounted air conditioning units, vents, ducts, lift wells shall not be visible from any public place and be integrated into the design	Yes
4.3.3(f)	On-going Waste Management Plan	On-going waste management plan submitted with DA	On-going waste management plan to be prepared and submitted with the DA	Yes

The proposed development generally complies with the provision of SCDCP. The proposal fails to comply with prescribed side and rear setbacks, car parking dimensions, number of car parking spaces and on-site parking for service vehicles as well as provision of a communal recreation room.

Further discussion on these matters is outlined below:

Side and Rear Setbacks

The proposed development fails to comply with SCDCP side and rear setback of 6 metres. The proposal buildings are located 5 metres from the eastern boundary and 5 metres from the northern boundary.

Whilst a non compliance is evident, the adjoining lot is yet to be development and hence there will be no direct impact on the lot at this time.

Communal Recreation Room

The SCDCP requires that each residential apartment building be provided with communal recreation facilities for the use of all occupants of the development. The communal recreation facilities shall comprise:

- A recreation room with a minimum area of 50 square metres per 50 dwellings (or part thereof); and
- BBQ/outdoor area with a minimum 50 square metres per 50 dwellings (or part thereof).

The development fails to provide a communal recreation room.

Car Parking Dimensions

The SCDCP requires that all car parking spaces have minimum dimensions of 2.5 metres x 5.4 metres. The development proposes some car parking spaces to have dimensions of 2.5 metres x 5.4 metres. The applicant has submitted a 'Traffic and Parking Assessment' report and a 'Traffic and Parking Summary' report prepared by Traffic Solutions Pty Ltd and McLaren Traffic Engineering to accompany the development application.

The reports demonstrate compliance with the relevant Australian Standard and hence the minimum dimension of parking spaces is considered satisfactory.

Car Parking

The development provides 120 car parking spaces being 50 spaces short of the SCDGP requirement. It is considered that the parking shortfall is a considerable variation to the standard and would have an unreasonable impact on the amenity of the residents, occupiers and users of the commercial space and the non-compliance would have a negative impact on the locality.

On-site Service Parking

The proposed development fails to provide an adequate area for the parking, loading/unloading, and goods delivery for vehicles. Whilst a van, or ute, is able to enter the basement for servicing, these vehicles do not have a designated area for parking and loading/unloading. The service vehicles will be required to compete with residents and visitors for parking.

Larger vehicles will not be able to service the development on the site and require on-street loading.

The development's failure to provide appropriate on-site service areas is considered unreasonable and not ideal for the development given the number of residential apartments and almost 2000 square metres of commercial/retail floor area.

4.8 Impacts on Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to assess the development's potential impacts on the natural and built environment.

The scale, density and built form is considered generally satisfactory with respect to the context of the site and the desired future character of the area however an inconsistency with the relevant Master Plan maximum height for part of the site is noted. The development is considered to be of high architectural quality that will not have any adverse impacts to the existing built environment.

With the exception of a significant shortfall in off-street car parking and failure to provide an appropriate service area for vehicles (that may be accommodated with an additional basement level), it is considered that the scale and bulk of the development would not result in significant and unreasonable amenity impacts to the locality taking into account existing and future development.

4.9 Social and Economic Impacts

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown and would provide a tangible social benefit. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport, commercial, retail, educational and other support services.

The shortfall in car parking and lack of provision for service vehicles to undertake deliveries is likely to lead to congestion and an undesirable social and potentially economic impact in the locality.

4.10 Site Suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to assess the suitability of the site for the proposed development.

The principal matters for attention are discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the site is suitable for the development of a mixed use residential and commercial/retail development given the land's zone and locality.

5. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to consider submission made to the proposal.

The application was notified and publicly exhibited between 25 January 2011 and 25 February 2011. The application was notified directly to nearby and adjoining owners and via public notice in local print media.

In addition a Community Information Session was held at Glen Alpine Community Hall on 9 March 2011 for members of the community who were addressed by the applicant, architect and developer.

Resulting from the exhibition period and community consultation session, Council received 18 submissions objecting to the development and 1 submission in support of the development.

In addition, the JRPP received 28 submissions objecting to the development, 26 of which was by way of a generic form letter.

Council itself has made two submissions objecting to the development. Firstly upon receipt of the development application, and secondly after receipt of amended plans in response to the assessing officer's request for additional information/design alterations.

A discussion of the matters raised is set out below:

Compatibility with surrounding development, development not in keeping with the character of the area

Part of the subject site and its surrounds has been identified under the existing approved Master Plan and recently exhibited draft *Macarthur Precinct Development Control Plan* as land for higher density housing. Existing dwellings constructed on land that observed a 2 storey height limit is approximately 170 metres to the west of the subject site and separated by an open space corridor.

Impact on local traffic, traffic congestion

The proposed development is likely to generate additional vehicular movements in the vicinity of the subject land. Given the issues already raised regarding the car parking shortfall and the high component of commercial/retail space, the on-street parking may have an influence on traffic movement in the immediate road network and the JRPP is requested to undertake a thorough assessment of this issue.

Development is too high

Concerns have been raised having regard to the height of the development. Whilst no DCP applies to the land to prescribe a height limit, a Master Plan was approved by Council in 2003 that had regard to height limits on the site. The Master Plan split the site into two height zones, maximum three storeys, and minimum three storeys and maximum 8 storeys (or 27 metres).

It is acknowledged that no existing residential development in the vicinity of the land is similar to the project proposed.

Development does not provide adequate car parking spaces, impact to on-street parking, and use of Campbelltown 2006 census data to provide limited car parking spaces

Concerns have been raised about the development's failure to comply with SCDCP having regard to provision of off-street car parking spaces. A submission has stated that according to Campbelltown 2006 census data the mean number of vehicles per occupied household was 1.58 and hence RTA parking rates are not reflective of local standards.

It is considered that the number of parking spaces provided with the development is well short of Campbelltown LGA requirements notwithstanding the development's proximity to the Macarthur railway station and commercial/retail centre.

The proposal's failure to satisfy SCDCP having regard to car parking

Comment was made that whilst the SCDCP is not applicable to the subject land, use of parking rates in the Plan and applying to the development is considered 'best practice' as no other parking rates apply.

It is considered that in the absence of a site specific DCP, the SCDCP car parking rates should be used as a basis for the amount of car parking needed and the development fails to provide an adequate number of parking spaces.

Of particular concern is the high proportion of 2 and 3 bedroom apartments that would have a higher rate of car ownership than that attributable to an occupier of a 1 bedroom apartment.

Use of RTA parking requirements for the development

Objection has been received to the use of RTA parking requirements to justify the number of parking spaces provided by the development.

Notwithstanding this, the development fails to comply with RTA parking standards and the development provides below the recommended RTA nominated car parking spaces in this regard.

Loading/Unloading of Service Vehicles

Concerns have been raised that the development fails to provide suitable loading and unloading facilities to service the commercial/retail component of the development. Under the current proposal, vehicles larger than a van are required to park on the street to deliver or receive goods from the development.

In addition, vans servicing the property are not provided with specific spaces for loading and unloading goods. This is unacceptable.

Social and Economic Impacts

Concerns have been raised that Campbelltown LGA already contains a significant number of Government-owned or community provided social housing. At the 2006 census approximately 12% of dwellings in Campbelltown LGA fell into this category.

The applicant has indicated that 50% (37 apartments) of the apartment would be for *affordable housing* purposes, although it is understood that some potential does exist for this proportion to possibly increase to 56 apartments depending on the take up of rental subsidy opportunities.

However, it is understood that at this time the proponent intends to sell 50% of the development to the private market.

High rise residential apartment buildings not appropriate for Campbelltown

Both Council and the JRPP have previously granted consent to residential apartment buildings across the Campbelltown LGA. The approved Master Plan and SCDCP both contain design criteria for residential apartment building design.

Residents of Macarthur Gardens estate not told high rise development was a possibility on land in the estate, not in keeping with rest of the estate.

The Master Plan for the Macarthur Gardens precinct was approved in 2003. The Master Plan prescribes varying building heights and densities across the regional centre.

Non-compliance with Macarthur Regional Centre Master Plan

Concerns have been raised about the development's non-compliance with height recommendations contained within the master plan. The proposed development has a 7 storey building on land that envisaged a maximum height of 3 stories (northern portion of site).

Development would have a negative impact on view corridors

It is considered that the design of the subject development would have an acceptable impact on view corridors given the massing, scale, design and siting of the three buildings.

Project viability

Project viability is not a relevant matter for consideration in the assessment of the development application.

Waste Collection

It is considered that the development's waste management plan is satisfactory and complies with SCDCP in the absence of a DCP for the subject site.

Privacy

It is considered that the orientation of the apartments is acceptable to privacy considerations. Adjoining and nearby land consists of a car park, undeveloped urban land and future open space.

Socio-economic status of future occupiers, objection to 'affordable housing' tenants and other low income earners residing in the Macarthur Gardens regional centre

Concerns have been raised that the development would attract residents from low socio-economic groups. The development provides a different form of housing choice at higher densities, and it is intended that a significant proportion of apartments will be occupied as affordable housing.

Concerns about the incomes of future occupiers is not considered a relevant matter for consideration.

Development will promote crime

The proposal has been assessed having regard to *Crime Prevention Through Environmental Design* principles. The development is considered satisfactory having regard to those principles.

6. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires consent authorities to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

The application is considered to not have satisfactorily addressed all relevant design standard and controls required for such development and particularly with respect to car parking, service vehicle loading facilities onsite and lack of recreation facilities for residents.

7. Conclusion

Council has received an application for the construction of a mixed use commercial and residential apartment building development at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown. The proposed development's design incorporates 75 residential apartments in three buildings having heights of 6, 7 and 8 storeys, 1943 square metres of commercial/retail floor space, two levels of basement car parking for 120 car parking spaces and associated landscaping.

Submissions were received regarding the development's potential impact on the locality and general objection to the type and scale of the development. Council received 18 submissions objecting to the development and 1 in support. The JRPP has received a further 28 submissions objecting to the development. The Council itself has made two submissions objecting to the development.

The development would be located in an area currently undergoing transition. Adjoining land is yet to be developed for urban purposes, with the exception of a commuter car park on nearby land owned by TIDIC.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002 and Council's Sustainable City DCP save for sufficient car parking numbers.

It is considered the proposal results in generally acceptable planning outcomes for the site, given the desired character outcomes contained in the Macarthur Regional Centre Master Plan noting some inconsistency with building height controls affecting part of the subject land. The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably at the site.

Notwithstanding the proposal's ability to generally comply with the relevant planning instruments and other State planning requirements, key issues such as inadequate number of parking spaces and inadequate area for service vehicles are considered so significant as to warrant refusal of the development application in its current form.

Officer's Recommendation

That development application 15/2011/DA-RA (JRPP reference 2011SYW010) for the construction of a mixed use commercial and residential apartment building development incorporating 75 residential apartments in three buildings having heights of 6, 7 and 8 storeys, 1943 square metres of commercial/retail floor space, two levels of basement car parking for 120 car parking spaces and associated landscaping be refused subject to the reasons outlined below.

1. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development fails to provide an adequate number of on site car parking spaces to satisfy the needs of the development.
2. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development fails to provide a suitable area for service vehicles loading and unloading.
3. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development fails to provide adequate setbacks from the site's northern and eastern boundary.
4. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development fails to provide a communal indoor recreation facilities room to address the amenity requirements of occupants.
5. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.