

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No.	2014SYW067
DA Number	1057/2014/DA-C
Local Government Area	Campbelltown City Council
Proposed Development	Construction of alterations and additions to Macarthur Square shopping centre
Capital Investment Value	\$99.68 million
JRPP Referral Criteria	Development with a Capital Investment Value that exceeds \$20 million
Street Address	100 and 200 Gilchrist Drive, Campbelltown
Applicant	Lend Lease Property Management Aust Pty Ltd
Owner	Stockland Property Services Pty Ltd (100 Gilchrist Drive) and GPT Funds Management Ltd and Lend Lease Real Estate Investments Ltd (200 Gilchrist Drive)
Number of Submissions	5
Recommendation	Approval with conditions of consent
Report by	Luke Joseph – Senior Development Planner

### Attachments

1. Recommended Conditions of Consent
2. Location Plan
3. Allotment Plan
4. Aerial Photograph
5. Aerial Photograph on Location Plan
6. Zoning Map
7. Aerial Photograph with Proposed Additions
8. Precinct Plan
9. Level 1 Floor Plan
10. Level 2 Floor Plan
11. Level 2A Floor Plan
12. Level 3 Floor Plan
13. Level 4 Floor Plan/Roof Plan
14. Elevations
15. Perspective Drawing 1
16. Perspective Drawing 2

### 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*.

<b>Statutory Provisions</b>	Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
	State Environmental Planning Policy No 44 – Koala Habitat Protection
	State Environmental Planning Policy No 55 – Remediation of Land
	State Environmental Planning Policy (Infrastructure) 2007
	State Environmental Planning Policy (State and Regional Development) 2011
	Campbelltown (Urban Area) Local Environmental Plan 2002
	Campbelltown (Sustainable City) Development Control Plan 2012
<b>Date Received</b>	2 May 2014

## History

Macarthur Square Shopping Centre was originally constructed in 1979. Three expansions of the centre have occurred since its construction, with the most recent being in 2005/2006 which involved the extension of the centre to the north of Kellicar Road.

## The site

Macarthur Square Shopping Centre forms part of the Macarthur Regional City Centre. It is bound to the north by Menangle Road and the Macarthur Railway Station, to the east and south by Gilchrist Drive and to the west by Macarthur Gardens Retirement Village, a commuter car park and a residential flat building site. Kellicar Road traverses the site in an east-west direction.

The development site consists of three allotments, the details of which are shown below:

Allotment	Owner	Area
Lot 10 DP 1167560	GPT Funds Management Ltd and Lend Lease Real Estate Investments Ltd	22.28 hectares
Lot 302 DP 259215	GPT Funds Management Ltd	2.53 hectares
Lot 3 DP 1150348	Stockland Property Services Pty Ltd	1,959m <sup>2</sup>

GPT Funds Management Limited and Lend Lease Real Estate Investments Ltd are the joint owners of Macarthur Square and hold the main land parcels affected by the proposal.

Lot 3 is a relatively narrow linear parcel of land forming the western boundary of the development site, and is under the same ownership as the adjacent Macarthur Gardens Retirement Village to the west (Stockland Property Services Pty Ltd). The applicant has advised that this strip of land is intended to be acquired by the joint owners of Macarthur Square upon approval of the subject application and consolidated with Lot 10 DP 1167560 (Lot 302 will not be consolidated as it has lease arrangements registered on its title). It is duly noted that the application has been lodged with the authorisation of Stockland Property Services Pty Ltd as owner of the allotment.

## The proposal

The majority of the proposed expansion of the Macarthur Square Shopping Centre is to take place within the south-west portion of the site, which is currently used for staff parking and overflow parking. The application proposes the addition of 15,743m<sup>2</sup> of gross leasable area to the existing centre and a net addition of 461 parking spaces.

The application proposes the following works:

- The erection of a new predominantly three but partly four level structure containing a new retail mall (including a new Coles supermarket and fresh food precinct) on the upper level (level 3) with car parking and a small number of retail tenancies on lower levels.
- Provision of new retail tenancies facing Kellicar Road.
- Provision of a new full-line Kmart store (in the existing Coles supermarket tenancy).
- A north-facing outdoor terrace facing Kellicar Road.
- Travelators linking the new western mall with the new parking below and with Kellicar Road, and a Vertically Landscaped Wall in the travelator void and lower level retail tenancies.
- The addition of 50 new specialty stores and 3 new mini-major tenancies.
- Earthworks, selected tree removal, demolition and services diversions
- Associated modifications to the existing centre, at grade parking, landscaping, drainage, signage and related works.

The proposed works will be implemented in two stages; the first stage encompasses the majority of the proposed works in the south-western part of the site. The second stage is the provision of a new a Kmart store within the existing Coles supermarket tenancy, which can only be carried out once the new Coles supermarket is constructed and operational.

## Assessment

### Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to all land within the Campbelltown local government area, which includes the subject site. 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.

Clause 11 of the REP provides a list of matters for consideration having regard to stormwater management systems or works, which are defined as:

*“Carrying out of works designed to collect, channel, store, treat or disperse stormwater runoff from areas of urban development or from development adjacent to the Georges River or its tributaries.”*

The proposal will involve the collection of stormwater runoff and is therefore defined as stormwater management systems or works. The relevant matters for consideration outlined in the Regional Plan are as follows:

- *That untreated stormwater is not disposed of into the Georges River or its tributaries.*
- *The likely impact of stormwater disposal on the quality of any receiving waters.*
- *That the levels of nutrients and sediments entering the waterway are not increased by the proposed development.*

- *Whether any proposals to manage stormwater are in accordance with the local council's stormwater management plans and the Managing Urban Stormwater series of documents and meet the local council's stormwater management objectives.*
- *Whether the principles outlined in the Managing Urban Stormwater Soils and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing are followed during each stage of a development (including subdivision).*
- *Whether the proposal satisfies the local council's sediment control plan or, if no such plan has been prepared, any erosion and sediment policies adopted by the local council.*
- *Note. The suitability of stormwater treatment measures will depend on the characteristics of individual sub-catchments. Those measures may, however, include one or more of the following:*
  - (a) artificial wetlands,*
  - (b) detention basins,*
  - (c) grassed drainage lines and table drains,*
  - (d) trash racks,*
  - (e) booms.*

*Source control is to be preferred to downstream engineering solutions and natural treatments instead of hard engineering treatments for watercourses and drainage lines are to be encouraged."*

A stormwater management report has been provided with the application, and the proposal is considered to satisfy the relevant requirements of the REP.

## **State Environmental Planning Policy No 44 – Koala Habitat Protection**

SEPP 44 applies to each local government area listed in Schedule 1 of the SEPP, which includes Campbelltown. Part 2 of the SEPP (Development control of koala habitats) states:

*This Part applies to land:*

- (a) that is land to which this Policy applies, and*
- (b) that is land in relation to which a development application has been made, and*
- (c) that:*
  - (i) has an area of more than 1 hectare, or*
  - (ii) has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.*

Accordingly, SEPP 44 applies to the land. Clause 7 of the SEPP states "Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat. A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification. If the council is satisfied that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application."

The Flora and Fauna report prepared by LesryK Environmental Consultants addresses the relevant requirements in SEPP 44 and states:

*“This Policy seeks to encourage the proper conservation and management of areas that provide habitat for Koalas. Within the likely limits of the proposed works, two listed Koala feed trees (as per the Schedules of SEPP 44) were recorded. These were Forest Red Gum (Eucalyptus tereticornis) and Grey Gum (E.punctata). These tree species constituted less than 15% of trees on the land. As such, the site is not considered to constitute either Potential or Core Koala habitat. Therefore, the preparation of a Plan of Management for the conservation and management of areas of Koala habitat is not required.”*

The application was referred to Council's environmental section for its review, who did not raise issue with regard to potential impact upon potential koala habitat or disagree with the above advice. The application is therefore considered to satisfy the relevant provisions of SEPP 44.

### **State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

Furthermore, SEPP 55 requires that a consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines before determining an application for consent to carry out development that would involve a change of use of that land.

A Preliminary Site Investigation has been undertaken, which concludes that the site has a low potential for contamination and is compatible with the proposed commercial development.

The application is therefore considered to be consistent with the requirements of SEPP 55.

### **State Environmental Planning Policy (Infrastructure) 2007**

Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 applies to certain traffic-generating development specified in the Table to Schedule 3 that involves a new premises of the relevant size or capacity, or an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. The table to Schedule 3 of the SEPP identifies that development for the purpose of shops with an area greater than 2,000m<sup>2</sup> (on a site with access to any road) is traffic-generating development that is required to be referred to Roads and Maritime Services (RMS).

Before determining a development application for development to which this clause applies, the consent authority must give written notice of the application to the RMS and take into consideration any submission that the RMS provides in response to that notice. As the proposal involves the construction of 20,372m<sup>2</sup> of gross floor area of shops (15,743m<sup>2</sup> of leasable floor area), the application was referred to the RMS. The RMS advised that it had no objection to the development application, and provided the following comments for Council's consideration:

1. Council should consider reducing the number of car parking spaces provided to encourage the use of sustainable transport modes to access Macarthur Square.

2. RMS has no approved proposal that requires any part of the subject property for road purposes. Therefore there are no objections to the development proposal on property grounds provided all buildings and structures are clear of the Gilchrist Drive road reserve (unlimited in height or depth) together with any improvements integral to the future use of the site.
3. Off-street parking associated with the proposed development (including grades, aisle widths, aisle lengths, turning paths, sight distance requirements and parking bay dimensions) should be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for loading areas.

In consideration of RMS's first comment, reducing the number of car parking spaces provided is not considered to be an appropriate course of action, as this alone would not encourage the use of public transport to access Macarthur Square. Such an action would be likely to result in an increase in vehicle circulation within Macarthur Square's car parks and an increase in customers parking within the surrounding road network. Encouraging the use of public transport to access Macarthur Square would require other measures, for example reviewing public transport services, implementing paid/timed car parking, etc. Given that Macarthur Square's trade catchment is made up predominantly of low-density areas with high car ownership rates, maximising the amount of on-site car parking is considered to be the best way to manage access into and out of the centre.

In relation to RMS's second comment, all proposed buildings and structures would be clear of the Gilchrist Drive road reserve.

In relation to RMS's third comment, off-street car parking and loading is fully compliant with the applicable Australian Standards.

Under clause 104 of the SEPP, the consent authority must also consider:

- (ii) the accessibility of the site concerned, including:
  - (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
  - (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

In relation to point ii(a) above, it is considered that the efficiency of movement of people to and from the proposed development would be satisfactory, due to the site's location directly adjacent to Macarthur train station and bus stops, as well as the proposed provision of new car parking directly adjacent to the new shopping centre. In addition, the provision of additional shops would help to facilitate multi-purpose trips being made to Macarthur Square.

With regard to the efficiency of movement of freight to and from the proposed development, all deliveries will be made within a proposed loading dock with capacity for five trucks, which is accessed via the proposed Kellicar Road entrance to the development, approaching from the eastern part of Kellicar Road (which is already used for freight movement associated with Macarthur Square), and will be subject to the provisions of a Heavy Vehicle Management Plan. Of particular importance to note is that the heavy vehicle manoeuvring diagrams submitted with the application show that heavy vehicles would not be able to comfortably navigate the section of Kellicar Road in front of the proposed development along the proposed truck route unless the existing on-street car parking spaces were removed. Based on a car space length of 5.9 metres (as per AS2890), 35 on-street car parking spaces would be eliminated as a result of the need to use the full width of Kellicar Road for heavy vehicle

manoeuvring. As it is likely that much of this on-street car parking is currently used in association with Macarthur Square, a recommended condition of consent requires the replacement of these 35 on-street car parking spaces with 35 on-site car parking spaces within the Macarthur Square site.

In relation to point ii(b) above, the potential for minimisation of the need for travel by car to the centre is already considered to be utilised, given the site's location directly adjacent to Macarthur train station and bus stops.

In relation to point iii above, the only relevant matter relating to traffic safety is the proposed intersection of two internal access roads within the shopping centre site. The new car park would be accessed from a new north-south access road from Kellicar Road to the existing access road that begins at Gilchrist Drive. The new access road and the existing access road will form a T-intersection, and the high number of vehicles using the intersection has the potential to lead to vehicular conflict and creates potential safety issues. Accordingly, a condition of consent has been recommended, requiring the construction of a small roundabout at this intersection, to improve traffic flow and safety.

With regard to public road congestion, the applicant has provided an intersection performance analysis, which compares the existing situations to a post-development scenario. It should be noted that the existing situation was modelled prior to the opening of the new Gilchrist Drive link, and the post-development scenario was modelled anticipating the opening of the link road. The intersection performance analysis was referred to Roads and Maritime Services, and no objections were made in respect of the analysis. The analysis found that the impact of the proposed development on the surrounding road network would be minimal. The only notable decline in intersection performance would be at the intersection of Kellicar/Bolger Roads and the Macarthur Square entry, where a decline from level A (good operation) to level B (good with acceptable delays and spare capacity) would be experienced. The existing poor performance at Narellan Road intersections would remain, and not be significantly affected by the proposed development. Performance at these intersections would only be improved once Narellan Road is upgraded. The performance of some of the intersections in the vicinity of Macarthur Square is forecast to improve due to the opening of the Gilchrist Drive extension.

With regard to the parking implications of the proposed development, these are discussed in detail later in this report. Based on a forecast future peak car parking demand rate of 3.96 parking spaces per 100m<sup>2</sup> of leasable floor area, the expanded Macarthur Square shopping centre would generate demand for a total of 4,082 car parking spaces. The proposed development would provide an additional 461 on-site car parking spaces, bringing the total number of on-site car parking spaces to 4074. This is less than the forecast future peak car parking demand of 4082, and leaves a shortfall of eight car parking spaces. In addition, 35 on-street car parking spaces would be lost due to the use of Kellicar Road by service vehicles for manoeuvring. Accordingly, it is recommended that a minimum of 43 additional car parking spaces be provided on site (above those proposed to be provided) to account for the shortfall and loss of on-street car parking, and a condition requiring additional car parking to be provided has been included in the recommended conditions of consent in Attachment 1.

## **State Environmental Planning Policy (State and Regional Development) 2011**

Part 4 (Regional Development) of State Environmental Planning Policy (State and Regional Development) 2011 applies to *development that has a capital investment value of more than \$20 million*. The Capital Investment Value of the proposed development is \$99.851 million, well in excess of \$20 million. Therefore, Part 4 of the SEPP applies to the proposal. Part 4 of

the SEPP states that a regional panel for a part of the State may determine applications for development to which the part of the SEPP applies. Accordingly, the consent authority for the proposal is the Sydney West Joint Regional Planning Panel (JRPP).

### **Campbelltown (Urban Area) Local Environmental Plan 2002**

- The site is currently zoned 10(a) Regional Comprehensive Centre under the *Campbelltown (Urban Area) Local Environmental Plan 2002*.

- The objectives of the zone are as follows:-

- (a) to provide land for the City of Campbelltown and the Macarthur region's largest centre of commerce, and

- (b) to encourage employment and economic growth, and

- (c) to accommodate tertiary education and hospital facilities for the City of Campbelltown and the Macarthur region, and

- (d) to accommodate a wide range of cultural, entertainment and like facilities, and

- (e) to permit limited industrial uses that are compatible with the proper operation of a major regional centre, and

- (f) 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 this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

- The proposal is consistent with the relevant objectives in that:-

- The proposal will consolidate the regional centre's role as a retail destination and centre of commerce;

- The proposal will provide additional employment and encourage economic growth within the Campbelltown-Macarthur region;

- The proposed development has a high quality design that would contribute positively to the public domain, and would be capable of operating without significantly affecting the amenity of nearby and adjoining development.

- It is not inconsistent with the other objectives outlined above.

- The proposed development is defined as a 'shop' and 'commercial premises' and is permissible with development consent within the 10(a) Regional Comprehensive Centre Zone.

- **Clause 39(3) (Earthworks and preservation of trees) of CLEP 2002** states:

"A tree must not be cut down, lopped, ringbarked, injured or destroyed without development consent."



The application proposes to remove several of the existing trees at the site. A flora and fauna assessment submitted with the application states that whilst some species that are representative of the pre-existing vegetation are present, it is considered that they do not represent a viable intact example of Cumberland Plain Woodland. Therefore the proposal will not significantly affect threatened species, populations, ecological communities, or their habitats.

• **Clause 41 (Demolition) of CLEP 2002** states:

“A structure which may only be erected with development consent must not be demolished without development consent.”

Demolition plans have been included with the application and show the demolition works for which consent has been sought.

• **Clause 42A – Bushfire hazard**

A very small section of the northern portion of Lot 10 in DP 1167560 (the portion closest to Menangle Road) is located within a mapped bushfire buffer zone. However, the parts of the site to which the proposal relates are not bushfire prone land.

• **Clause 62 (Development on land that may be affected by salinity) states:**

“The consent authority must not grant consent to development on land if, in the opinion of the consent authority:

- (a) it is likely that the land has saline soil, or
- (b) the development may cause the soil on the land to become, or become more saline

unless it has considered a salinity management report in relation to the development.”

A Salinity Report has been submitted with the application, which recommends certain strategies to manage the salinity of the site.

The report concludes that the management strategies proposed when incorporated into the design and construction works are appropriate to mitigate the levels of salinity, aggressivity and sodicity identified at the site.

## **Draft Campbelltown Local Environmental Plan 2014**

Draft Campbelltown Local Environmental Plan 2014 was exhibited from 12 June 2014 to 8 August 2014. The subject development application was lodged prior to the commencement of the exhibition period of the draft LEP, and therefore the draft LEP is not applicable to the application. However, it is noted that the application is not inconsistent with the provisions of the draft LEP.

## **Campbelltown (Sustainable City) Development Control Plan 2012**

### **Part 2 - Requirements Applying to All Types of Development**

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

**Site Analysis** – A site analysis plan has been prepared for the site as required. The site analysis plan shows the site's connection and relationship with adjoining sites and facilities as well as the surrounding street network.

**Views and Vistas** – The proposed development would not affect any of Campbelltown's important views and vistas.

**Sustainable Building Design** – The application proposes the collection and reuse of rainwater with the installation of rainwater tanks, as well as the use of natural light via the installation of skylights in the roof of the new section of the shopping centre. Based on the proposed roof area, a rainwater tank with a capacity of 50,000 litres is required. The applicant has advised that the final position of rainwater tank(s) has not yet been determined and will be determined during the detailed design phase. A condition of consent will be imposed requiring a rainwater tank with a minimum capacity of 50,000 litres to be incorporated into the Construction Certificate plans.

**Landscaping** – A comprehensive landscaping scheme has been included with the proposal, incorporating landscaping within public domain areas along Kellicar Road, within the proposed at-grade car park, and along the site's boundary with the Macarthur Gardens retirement village. The proposed landscaping design has sought to retain as many existing trees as possible. It is considered that the proposed landscaping would enhance the visual character of the development and complement the design of spaces within and adjacent to the site, and would add value to the quality and character of the streetscape.

**Erosion and Sediment Control** – An erosion and sediment control plan has been submitted with the application, and is considered to be satisfactory.

**Cut, Fill and Floor Levels** – The proposed development involves the reconstitution of ground levels in the western part of the site where the proposed shopping centre expansion is to primarily take place. The proposal involves the excavation of the existing ground level to an extent of between five and seven metres to create level building platforms for the retail and car parking components of the development. The significant transition in ground levels between the Macarthur Gardens Retirement Village site and the finished ground levels of the proposed Macarthur Square expansion is proposed to be addressed by way of the provision of a landscaped batter. Much of this proposed batter would be located within the narrow linear parcel of land forming the western boundary of the development site, which is currently owned by Stockland, who is the owner of the Macarthur Gardens Retirement Village.

**Demolition** – Minor demolition works are proposed in order to facilitate the proposed development, including parts of existing retail space and car parks. Demolition plans submitted with the application clearly illustrate the extent of proposed demolition. A condition of consent will be imposed requiring compliance with applicable legislation relating to demolition works.

**Water Cycle Management** – The proposed stormwater management strategy consists of the following components:

- An internal pit and pipe stormwater network servicing the proposed car park and loading docks;
- Modification of existing stormwater infrastructure within the multi-deck car park structure;
- Upgrade of the existing trunk drainage system in order to accommodate the capture of flow up storm events up to and including the 100 year ARI storm event;
- Provide a primary water quality treatment device (i.e. gross pollutant trap) to remove coarse sediment, oils, hydrocarbons and litter from stormwater runoff; and
- Provide connection to the proposed roof drainage system;

- Allowance for future connection of rainwater capture and reuse facilities;
- Assessment of 100 year ARI and PMF flooding through the site;

The application was referred to Council's Development Engineers and Flooding Engineers and found to be satisfactory, subject to the imposition of certain conditions of development consent, which have been included in the draft conditions of consent.

**Security** – The application was referred to the Campbelltown Local Area Command of the NSW Police for an assessment of the application against the principles of Crime Prevention Through Environmental Design (CPTED). The Police assigned a low crime risk rating to the site. The Police provided comments and recommendations in relation to surveillance, lighting, landscaping, territorial reinforcement, environmental maintenance, space/activity management and access control. The recommendations made by the Police have been included in the recommended conditions of consent in Attachment 1.

**Bushfire** – The northern portion of the site (on the northern side of Kellicar Road) is within a buffer zone identified on Council's bushfire prone land map. However, the parts of the site to which this DA relates are not identified as bushfire prone land.

**Waste Management** – A condition of consent is to be imposed on the development consent requiring a waste management plan for the proposed new component of Macarthur Square to be prepared.

**Provision of services** – The proposed development will need to provide for its own water, sewer and electricity connections, and appropriate conditions of consent requiring this to occur have been imposed. The application was referred to Sydney Water, however no response was received.

## Part 6 – Commercial Development

The application has been assessed against the relevant parts of Part 5 of Campbelltown Sustainable City DCP 2012 (SCDCP). This assessment is shown below:

Standard	Required	Proposed	Compliance
<b>Building Height</b>	Maximum of 10 storeys	3 storeys at any one point	Yes
<b>Building Form and Character</b>	All building façades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape	All proposed building facades have satisfactory architectural treatment and enhance the quality of the streetscape	Yes
	<p>Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome:</p> <ul style="list-style-type: none"> <li>- the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including</li> </ul>	Vertical and/or horizontal offsets in the wall surfaces at regular intervals are to be provided. Variations to	Yes

	<p>columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements;</p> <p>- articulation of the different parts of a building's façade by use of colour, arrangement of façade elements, or by varying the types of materials used; and</p> <p>- maximising the interior and exterior interactions at the ground level.</p> <p>The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.</p> <p>Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.</p> <p>Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.</p> <p>Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.</p> <p>Buildings shall not incorporate highly reflective glass</p>	<p>building height are proposed, and the setback varies with the road geometry</p> <p>Significant differentiation in colours, façade elements and types of materials is proposed</p> <p>Ground level interactions maximised on Kellicar Road using glazed shopfronts and alfresco dining areas</p> <p>All proposed building entries are easily identifiable and directly accessible</p> <p>No large expansive blank walls on ground floor levels or side and rear boundaries are proposed</p> <p>Roof mounted plant rooms and other equipment are screened and would not be visible from Macarthur Gardens Retirement Village or public areas.</p> <p>No roller shutters proposed</p> <p>The glass along Kellicar Road would have a reflectivity index of less than</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
--	--	---	--

	Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	20% - Condition  The proposed development provides for outdoor cafes and dining areas	Yes
<b>Car Parking</b>	<p>Shopping centres (Ground level) – 1 space per 25m<sup>2</sup> of GFA (45 based on 1125m<sup>2</sup> of GFA)</p> <p>Shopping centres (Upper levels) – 1 space per 35m<sup>2</sup> of GFA (561 based on 19,633m<sup>2</sup> of GFA)</p> <p>Total additional spaces required = 606</p> <p>Off street parking and loading shall be designed in accordance with <i>Australian Standards 2890.1 and 2</i></p> <p>No car parking spaces shall be designed in a stacked configuration.</p> <p>No required car parking spaces shall be created as a separate strata or Torrens title allotment</p> <p>The required percentage of accessible car parking spaces within retail / commercial development shall be:  - one car space per development; plus  - one for every 20 car parking spaces (requires 23 based on 461 new parking spaces)</p>	<p>Total additional spaces provided = 461</p> <p>Off-street parking complies with AS2890.1 and 2.</p> <p>No stacked car parking spaces are proposed</p> <p>No car parking is proposed to be created as a separate allotment</p> <p>Twelve new accessible parking spaces are to be provided</p>	<p><b>No (see discussion)</b></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No, however will comply with BCA, which requires 1 accessible per 50 spaces up to 1000, then 1 per 100 above 1000.</p>
<b>Access/Loading</b>	Commercial development shall be designed to accommodate all related		

	vehicle movements on site such that:		
	- all vehicles shall enter and exit the site in a forward direction.	All vehicles can enter and exit the site in a forward direction	Yes
	- the area for maneuvering of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;	Delivery and service vehicles would manoeuvre within a dedicated loading area	Yes
	- cause minimal interference to the flow of traffic within the surrounding road network; and	Traffic assessment report concludes impact on road network would be minimal. Decline in level of service category at intersection of Kellicar/Bolger and Macarthur Square entry. Existing poor service at Narellan Road intersections will remain until RMS upgrades occur. Some intersections will improve performance category because of Gilchrist Drive extension. On-street car parking spaces are to be removed to ensure safe manoeuvring of service vehicles into and out of the centre.	No. There would be interference to the proper functioning of Kellicar Road due to its use by service vehicles for manoeuvring. On-street parking spaces would be lost, however these are to be replaced on-site.
	- safe and convenient access is provided for pedestrians.	Crossings and signage provided where pedestrians cross paths of vehicles	Yes
	Each new commercial building having a leasable floor area more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	The proposed expansion would incorporate a loading area with capacity to accommodate 19 metre long semi-trailers	Yes
	Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such	The proposed loading docks would not be visible from the street (they would be screened by the building) and would not be visible from Macarthur Gardens Retirement Village	Yes

	<p>areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.</p> <p>Each site shall have a:</p> <ul style="list-style-type: none"> <li>- maximum of one ingress and one egress for heavy vehicles (combined or separated); and</li> <li>- each site may have an additional ingress/egress for cars (and other light vehicles).</li> </ul> <p>Commercial development shall comply with the minimum access requirements contained within the BCA and <i>Australian Standard 1428 – Design for Access and Mobility</i> (as amended).</p>	<p>(they would be screened by boundary fencing and the significant change in grade)</p> <p>One ingress and egress for heavy vehicles from Kellicar Road</p> <p>Several additional access and egress points for light vehicles</p> <p>Condition to be imposed requiring compliance with these standards to be demonstrated prior to a CC being issued</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Public Domain</b>	<p>A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for a new building having a gross floor area greater than 5,000sqm.</p> <p>Any development application for a new building having a gross floor area greater than 5000sqm shall provide public art in accordance with Council's Public Art Master Plan.</p> <p>Awnings shall be provided on all newly constructed buildings that have road frontages, be it primary or secondary located within the Campbelltown, Macarthur, and Ingleburn Business Centres.</p>	<p>The landscape plans contain a plan showing the locations of street furniture, paving, landscaping and public art.</p> <p>A condition of consent will be imposed requiring a public art strategy to be submitted prior to the issue of a Construction Certificate, as this was not resolved during the DA stage</p> <p>The building does not reach the front boundary of the site at many points, and has landscaping/street furniture within the front setback, making an awning impractical. Weather protection is provided from</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.	the northern part of the centre to the proposed part of the centre.  The proposed outdoor dining areas would compliment the surrounding public domain and spaces.	Yes
<b>Landscaping</b>	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new building.	A detailed landscape plan and report have been submitted with the application proposing a comprehensive landscaping scheme.	Yes
	Landscaping shall be provided between the primary street boundary and the building	Landscaping is to be provided between the primary street boundary and the building	Yes
	All landscaped bays shall be a minimum of 2 metres wide and allow for deep soil planting	The proposed landscape bays are all a minimum of 2 metres wide and allow for deep soil planting	Yes
	Landscaped area at ground floor level shall be incorporated within the car park at all the outer edges of car parking bays	Landscaping is proposed to be provided surrounding the proposed car park and at the ends of parking bays	Yes
<b>Residential Interface</b>	Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	The proposed building does not adjoin a residential zone however it does adjoin residential dwellings. The proposed building is set back a minimum of 21 metres from the property boundary.	Yes
	Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located adjacent to residential zones.	Proposed loading areas, driveways and waste areas do not adjoin residential zones and are sufficiently set back from the adjoining retirement village.	Yes
	Any commercial buildings that are designed to	Ventilation will be provided to the building as per the	Yes



	<p>accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.</p> <p>External lighting shall be positioned to avoid light spillage to adjoining residential zones.</p> <p>An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential premises</p>	<p>requirements of the Building Code of Australia and applicable food standards.</p> <p>A light spill analysis plan demonstrating compliance with relevant standards will be required to be provided as a condition of consent.</p> <p>An acoustic report was provided (and independently peer-reviewed. The proposal is capable of operating in a manner that achieves compliance with the relevant acoustic standards, subject to compliance with several conditions of consent.</p>	<p>Yes</p> <p>Yes</p>
<b>Commercial Waste Management</b>	<p>Commercial development shall make provision for an enclosed onsite waste and recycling facility that has adequate storage area to accommodate the waste generated from the development.</p> <p>All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.</p>	<p>On-site compactors proposed.</p> <p>Condition of consent</p>	<p>Yes</p> <p>Yes</p>
<b>Parenting Facilities</b>	<p>Parenting facilities shall be incorporated in all new buildings and alterations/ refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be</p>	<p>Condition of consent to provide parenting facilities</p>	<p>Yes</p>

	<p>provided.</p> <p>Each parenting facility shall be designed to:</p> <ul style="list-style-type: none"> <li>i) provide a quiet place for parents to feed children in privacy;</li> <li>ii) be a unisex use facility;</li> <li>iii) provide an allocated area to change nappies;</li> <li>iv) provide hand washing (warm and cold) and drying facilities;</li> <li>v) provide a toddler toilet;</li> <li>vi) be separated from male, female and disabled toilets; and</li> <li>vii) be well ventilated in accordance with <i>Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities</i> (as amended).</li> </ul>	Condition of consent to comply with these requirements	Yes
--	--	--	-----

### Car parking

As the table above shows, the proposal fails to comply with Council's commercial car parking requirements by a significant margin (31%). This is largely a result of the fact that Council's commercial car parking requirements are derived from gross floor area, whilst the proposed car parking demand for the centre has been calculated by the applicant based on leasable floor area. For smaller commercial developments, it is appropriate to use gross floor area to calculate car parking demand, however in a shopping centre, the definition of gross floor area captures internal circulation areas, which typically occupy approximately 25% of the gross floor area but do not generate demand for car parking independently. Accordingly, a more appropriate method of predicting car parking demand for a shopping centre is by using leasable floor area instead of gross floor area, as this includes only the areas that are used by businesses to conduct their trading and store their goods. Roads and Maritime Services, in their *Guide to Traffic Generating Developments* publication, indicate that leasable floor area is a preferable measure to gross floor area in the prediction of car parking demand for shopping centres.

Accordingly, in these circumstances, as it is considered that Council's car parking controls do not provide a reasonable method of predicting car parking demand for large shopping centres, the car parking demand for the expanded Macarthur Square has been predicted based on physical surveys of car parking demand at the centre, adjustments for seasonality, and comparisons with other existing centres of a similar size and type.

Macarthur Square currently has 3,613 car parking spaces spread across several different car parking areas. It should be noted that 230 of these car parking spaces are leased to RailCorp for commuter car parking, however at the times of the centre's peak car parking demand (Saturdays) these spaces do not tend to be used by commuters.

The applicant commissioned a traffic consultant to conduct physical car parking surveys of the Macarthur Square shopping centre from 6-8 February 2014. This period was a Thursday to Saturday period, and importantly included the Thursday night late trading period. The peak

period was found to be on a Saturday, where 3,356 of the 3,613 car parking spaces were occupied by customers and staff (none by commuters). However, the time of year during which a car parking survey for a shopping centre is undertaken is particularly relevant, because seasonal fluctuations in retail activity are significant. To gain an accurate understanding of the actual peak car parking demand, the surveyed car parking demand was revised upwards based on Macarthur Square patronage statistics to account for the fact that February is a below-average month for retail activity. The month of November is the second busiest month (after December) at Macarthur Square, and the difference in patronage statistics between February and November (+8.7%) was used to arrive at a seasonally adjusted car parking demand of 3,647 car parking spaces, which is more than the number of existing formal car parking spaces and suggests that the centre's overflow parking areas and on-street car parking spaces would be used in peak periods. It should be noted that generally a land use is only required to provide sufficient car parking for the majority of days throughout the year, and requiring Macarthur Square to cater on-site for absolute peak periods of Christmas trading in December would not be reasonable.

The proposed development involves the addition of 15,743m<sup>2</sup> of leasable floor area (20,758m<sup>2</sup> of gross floor area). The applicant's traffic consultant refers to research and surveys undertaken by the Roads and Maritime Services, which shows that the car parking demand rate for shopping centres decreases as the size of the centre increases (which is reflected in the recommended car parking rates within their *Guide to Traffic Generating Developments* publication). Therefore, applying the existing peak car parking demand rate (4.17 car parking spaces per 100m<sup>2</sup> of leasable floor area) to the expanded centre would overestimate the future car parking demand. The applicant's traffic consultant has determined that a future peak car parking demand rate for the expanded Macarthur Square shopping centre of 3.96 car parking spaces per 100m<sup>2</sup> of leasable floor area should be used. This rate has been determined by plotting a trend line on a graph of car parking demand rates of other shopping centres of varying sizes that were the subject of RMS car parking surveys. The trend line clearly shows a reduced car parking demand rate as the size of a centre increases, and it is considered sound and reasonable to expect the car parking demand profile of Macarthur Square to operate in a manner consistent with this trend.

Based on a forecast future peak car parking demand rate of 3.96 parking spaces per 100m<sup>2</sup> of leasable floor area, the expanded Macarthur Square shopping centre would generate demand for a total of 4,082 car parking spaces. The proposed development would provide an additional 461 on-site car parking spaces, bringing the total number of on-site car parking spaces to 4074. This is less than the forecast future peak car parking demand of 4082, and leaves a shortfall of eight car parking spaces. In addition, 35 on-street car parking spaces would be lost due to the use of Kellicar Road by service vehicles for manoeuvring. Accordingly, it is recommended that a minimum of 43 additional car parking spaces be provided on site (above those proposed to be provided) to account for the shortfall and loss of on-street car parking, and a condition requiring additional car parking to be provided has been included in the recommended conditions of consent in Attachment 1. The table below clearly summarises the numerical information described above:

Existing on-site car parking spaces	3,613
Surveyed peak car parking demand (Saturday 8 <sup>th</sup> February 2014)	3,356
Seasonally adjusted estimated peak car parking demand (increased by 8.7% to reflect November trading conditions – 2 <sup>nd</sup> busiest month after December)	3,647
Current peak car parking demand rate for Macarthur Square shopping centre	4.17 car parking spaces per 100m <sup>2</sup> of leasable floor area
Proposed increase in leasable floor area	15,743m <sup>2</sup>

Forecast future peak car parking demand rate for Macarthur Square shopping centre	3.96 car parking spaces per 100m <sup>2</sup> of leasable floor area
Forecast future peak car parking demand (non-Christmas trading conditions)	4082
Proposed net increase in car parking spaces	461
Proposed total on-site car parking	4074
Proposed car parking shortfall compared to forecast demand (to be provided in updated plans)	8
Additional on-site car parking spaces to account of loss of on-street car parking spaces	35

It should be noted that if leasable floor area was used in Council's Development Control Plan instead of gross floor area, a total additional parking requirement of 457 car parking spaces would be applicable, as the bulk of the additional floor space proposed would be located on upper levels of the building, which attracts a lower DCP rate of 1 space per 35m<sup>2</sup>. The proposed development would provide an additional 461 on-site car parking spaces, which exceeds this number.

Based on the above information, it is considered that the proposed quantity of car parking (including the recommended additional car parking spaces) should be sufficient to accommodate the normal peak operating conditions of the expanded Macarthur Square shopping centre.

## **Part 11 – Vegetation and Wildlife Management**

The site contains a small area mapped as Cumberland Plain Woodland of the Sydney basin bioregion according to the Native Vegetation of the Sydney Metropolitan Area (OEH, 2013). Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995* (TSC Act) and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

One fauna species listed as vulnerable under the TSC Act was also recorded on site (the Little Lorikeet).

The Flora and Fauna Assessment submitted with the application states that whilst some species that are representative of the pre-existing vegetation are present, it is considered that they do not represent a viable intact example of Cumberland Plain Woodland. Additionally, the Little Lorikeet is considered to be adaptable to traversing open areas and is expected to easily transverse the site and its surrounds post development. The proposal would not fragment or isolate any areas of habitat occupied by this species, and the Assessment of Significance concludes that the proposal will not have a significant effect on the Little Lorikeet, or its habitat.

Therefore, it is considered that the proposal will not significantly affect threatened species, populations, ecological communities, or their habitats.

Council's Environmental Planning section has advised that future landscaping on the site should consist of Cumberland Plain Woodland Species to promote the local biodiversity of the area and provide habitat for the Little Lorikeet into the future. A condition to this effect will be imposed on the development consent.

## Impacts on the Natural and Built Environment

### Acoustic assessment

An acoustic assessment of the proposed development was undertaken by the applicant's acoustic consultant. The acoustic assessment considers the impacts of the noise generated by the proposed car park, loading dock activities, internal shopping activities and plant servicing the development.

Measurements of existing background noise were taken in the western part of the site, adjacent to the residential dwellings within Macarthur Gardens Retirement Village that would be most affected by the proposed development. The table below, prepared by the applicant's acoustic consultant, shows the measured L<sub>90</sub> dB(A) background noise levels throughout the day, evening and night time periods (the noise level exceeded 90% of the time).

Location	Time	L <sub>90</sub> dB(A)
Unattended noise monitor along western boundary of the site	Day	44
	Evening	42
	Night	38

The NSW Industrial Noise Policy, published by the NSW Environmental Protection Authority, sets an intrusiveness criterion for industrial noise of five decibels above the background noise level. In addition, the applicable sleep arousal criteria determines that the L<sub>1(1 minute)</sub> noise level of any specific noise source must not exceed the background noise level by more than 15 decibels outside a resident's bedroom window between the hours of 10pm and 7am. The L<sub>1</sub> noise level is the noise level exceeded for one per cent of the time and approximates the typical maximum noise level from a particular source.

Accordingly, the noise level criteria applicable to the proposed development is shown in the table below, which was prepared by the applicant's acoustic consultant:

Daytime Noise Objective dB(A) L <sub>eq</sub>	Evening Noise Objective dB(A) L <sub>eq</sub>	Night Noise Objective dB(A) L <sub>eq</sub>	Night Noise Objective dB(A) L <sub>1(1min)</sub>
49	47	43	53

Prediction of the noise generated by the shopping centre has been based on the following factors:

- 24-hour operation of the loading dock
- An average of one semi-trailer or rigid truck moving into and out of the site per hour
- Use of the car park between 6am and midnight every day
- Use of the shopping centre between 6am and midnight every day

The noise levels of the various noise sources that the shopping centre would generate (as measured by the acoustic consultant in other locations) are presented in the table below:

Noise Source	Noise level in decibels (at the source)
Semi-trailer air brake	85
Semi-trailer starting	79

Door slamming in loading dock	76
Semi-trailer moving forward	76
Semi-trailer reversing with reversing alarm	84
Forklift	88
Door slamming in car park	92
Car starting in car park	94
Internal noise within shopping centre	78

Noise emission predictions (at the residential receivers) have been determined based on a worst case scenario, described below:

- An average of one semi-trailer moving into and out of the loading dock area per hour
- One forklift continuously operating during the 15 minute measurement period
- Garbage compacting during the day time period for a maximum of two minutes during every 15 minute period
- Noise levels of machinery and vehicles being as per the table above
- Traffic volumes (vehicles travelling to/from the car park from Kellicar Road) of 82 vehicles per hour (Saturday Day Time Peak Hour), 73 vehicles per hour (Thursday Evening Time Peak Hour) and 18 vehicles per hour for the night time period (10pm to midnight)
- Recommended acoustic treatments being implemented (see below)

The predicted noise levels at the residential receivers are outlined in the following tables, which were prepared by the applicant's acoustic consultant:

Predicted noise levels to receiver A (dwelling closest to loading dock):

Receiver	Time Period	Major Noise Sources	Predicted Noise Levels	Criteria	Comply ?
Receiver A- 1m to boundary fence	Day	Semi-trailer in, reverse, stop with air brake, forklift operation, door slamming, cars move in, garbage compacting, Semi-trailer start and out, 82 Veh/hr	48 dB(A) $L_{eq, 15min}$	49 dB(A) $L_{eq, 15min}$	Yes
	Evening	Semi-trailer in, reverse, stop with air brake, forklift operation, door slamming, cars move in, Semi-trailer start and out, 83 Veh/hr	46 dB(A) $L_{eq, 15min}$	47 dB(A) $L_{eq, 15min}$	Yes
	Night	Semi-trailer in, reverse, stop with air brake, door slamming, Semi-trailer start and out, 18 Veh/hr	41 dB(A) $L_{eq, 15min}$	43 dB(A) $L_{eq, 15min}$	Yes
			53 dB(A)* $L_{1, 1min}$	53 dB(A) $L_{1, 1min}$	Yes

Predicted noise levels to receiver B (dwelling closest to car park):

Receiver	Time Period	Major Noise Sources	Predicted Noise Levels	Criteria	Comply ?
Receiver B-1m to boundary fence	Day	cars moving, door slamming, cars start	47 dB(A) $L_{eq}$	49 dB(A) $L_{eq}$	Yes
	Evening		47 dB(A) $L_{eq}$	47 dB(A) $L_{eq}$	Yes
	Night		42 dB(A) $L_{eq}$	43 dB(A) $L_{eq}$	Yes
			52 dB(A) $L_1$	53 dB(A) $L_1$	Yes

The recommendations made by the acoustic consultant that are required to be implemented in order for the development to satisfy the above criteria are the following:

1. Trucks can only enter and exit the site from Kellicar Road.
2. Raise the height of the existing western boundary fence opposite the loading dock area to a minimum of RL97.3. A transition fence (of varying height) is recommended for the northern part of the western boundary fence, to account for the steep change in ground levels in this location. The fence can be constructed of colorbond, 9mm fibre cement sheeting, 6mm thick glazing, capped and lapped timber, masonry, hebel or equivalent with junctions sealed.
3. In relation to the south-western boundary fence opposite the proposed car park:
  - Option 1 - Extend the existing fence by adding a canopy of colorbond or 9mm fibre cement sheeting or 4mm perspex to a minimum height of 2.2 metres with all junctions sealed.
  - Option 2 - Install a new 2.2 metre high imperforated (solid) canopy fence constructed of colorbond, 9mm fibre cement sheeting or 4mm perspex at a maximum distance of 1 metre from the property boundary.
4. Garbage compacting can only occur during day time hours.
5. The glazed façade of Coles shall be a minimum of 6mm thick fixed glass.
6. The car park shall be broom-finished to avoid tyre squealing noises.
7. Signs reminding staff and delivery drivers to minimise noise at all times shall be installed at entry and exit points from the loading dock.
8. No Public Address system shall be used within the loading dock area.
9. Mechanical plant shall be designed such that the noise levels emitted comply with the applicable assessment criteria.

The applicant's acoustic report concludes that provided the proposed development incorporates the above recommendations, the development would satisfy the requirements of the NSW Industrial Noise Policy.

Council appointed an independent acoustic consultant to peer review the applicant's acoustic report, including the applicability of guidelines used, applicable noise criteria, reasonableness of noise predictions and recommendations. In addition, the peer review considered other potential acoustic issues not covered in the applicant's report, provided additional recommendations and considered submissions received in response to the public exhibition/notification of the proposed development.

The independent peer review of the acoustic report established the following:

- The approach described in the Acoustic Logic report regarding the measurement of background noise levels is technically correct, and consistent with relevant acoustic assessment guidelines and protocols.
- The three criteria considered, namely the amenity criterion, the intrusiveness criterion and sleep arousal or disturbance are considered to be appropriate to the assessment in question, and are consistent with relevant acoustic assessment guidelines and protocols.
- The range of loading dock noise emission sources, and the noise data used in relation to these sources, are appropriate and reasonable for assessment purposes.
- The basis for the calculation of car park noise used in the Acoustic Logic assessment and report is considered to be technically sound and appropriate.
- The basis for the calculation of internal shopping activities noise used in the assessment and report is considered to be technically sound and appropriate.
- The various noise emission predictions demonstrate compliance, but with very little margin for error. The “tightness” of the compliance results is compounded by the following factors:
  - Measured background noise levels are likely to increase in the future: While this may well be the case, any such increase cannot be relied upon in terms of current acoustic compliance, and cannot be assumed to provide any offset to the tight acoustic compliance balance presented.
  - Intrusiveness Criterion: The NSW (EPA) Industrial Noise Policy provides for an upward correction of up to a maximum of 10dB(A) to noise predictions when noise characteristics such as tonality, low frequency, impulsiveness or intermittence are present. In effect, the noise prediction otherwise made can be required to be increased by 5 or 10dB(A) if one or more of these acoustic characteristics are present. In situations such as this, where compliance margins vary between 2dB(A) and zero, there is an obvious potential for a compliant situation to be rendered non-compliant by the presence of these noise characteristics, and the introduction of any associated acoustic correction.
- Subject to the six recommendations below, the findings and conclusions of the applicant’s noise impact assessment report are considered reasonable, and are accepted.

**1. Acoustic Barrier or Wall:** The height of the recommended acoustic fence located at the boundary of the site between the shopping centre and the adjoining dwellings is to be increased from 2.2 metres to 2.4 metres above ground level, with general construction, design and profile details remaining as described in the applicant’s acoustic report. This increase in barrier height has been calculated on the basis of the magnitudes and locations of the various noise sources involved, and associated sound transmission characteristics, and is intended to provide a more adequate level of confidence regarding overall acoustic compliance, particularly in relation to night time activities, when the existing background sound level is relatively low.

**2. Demolition and Construction Noise Management Plans:** Noise during the demolition and construction phases of the proposed development is a potential source of annoyance. Accordingly, it is recommended that more appropriately detailed Demolition and Construction Noise Management Plans for the proposed development (over and above the mention given



to such plans in the applicant's Construction Management Plan) are prepared and implemented.

**3. Operational Noise Management Plan:** With a view to managing and minimising noise generation at source, it is recommended that an overall ongoing Operational Noise Management Plan is developed and implemented, covering all relevant aspects of the proposed development, to provide further formalised support to those noise management initiatives identified in the original assessment report and in this review; to help ensure the introduction and ongoing use of best practice noise management and minimisation operations and procedures, and to assist in ensuring the acoustic compliance of the proposed development.

**4. Plant and Equipment Noise Compliance Validation Report:** The operation of plant and equipment associated with the proposed development is a significant potential noise source. As full details of all relevant plant and equipment, and associated acoustic performance are not currently available, it is recommended that following the completion of construction, and before the issue of the Occupation Certificate, an Acoustic Compliance Validation Report is required to confirm the compliance of all plant and equipment to be introduced as part of the overall development with the relevant acoustic standards and guidelines.

**5. Potential Noise Annoyance Qualities:** Noise predictions made in the applicant's noise impact assessment do not include the possible presence of tonality, low frequency, impulsiveness or intermittence in noise generated by aspects of the proposed development, in particular by operations associated with the loading dock area. It is possible that these characteristics may be present, which would in turn affect the levels of noise allowable at the adjacent residential boundary. Accordingly, it is recommended that following the completion of construction and prior to the issue of an Occupation Certificate, that the Acoustic Compliance Validation Report (referred to above) is required to confirm the presence or otherwise of potentially annoying noise characteristics such as tonality, low frequency, impulsiveness or intermittence (as identified in the NSW Industrial Noise Policy), and if required, address the presence of any such characteristics through appropriate controls.

**6. Overall Acoustic Compliance Certification:** That an Overall Acoustic Compliance Report is prepared six months after the completion of construction and commencement of operations at the proposed development, to confirm the noise projections made in the applicant's noise impact assessment, to confirm the acoustic compliance of the operating development, and to address any resulting issues.

The peer review also addressed the submissions received in response to the public exhibition/notification of the proposed development. This is discussed further later in this report.

Recommended conditions of consent reflecting the six recommendations above as well as enforcing compliance with the assumptions and recommendations of the applicant's acoustic report have been outlined in Attachment 1.

### Flora and Fauna

The site contains a small area mapped as Cumberland Plain Woodland (Critically Endangered Ecological Community). One fauna species listed as vulnerable was also recorded on site (the Little Lorikeet). The Flora and Fauna Assessment submitted with the application states that whilst some species that are representative of the pre-existing vegetation are present, it is considered that they do not represent a viable intact example of Cumberland Plain Woodland. Additionally, the Little Lorikeet is considered to be adaptable

to traversing open areas and is expected to easily transverse the site and its surrounds post development. Therefore, it is considered that the proposal will not significantly affect threatened species, populations, ecological communities, or their habitats.

#### Solar access

Shadow diagrams submitted with the application demonstrate that no surrounding dwelling would be affected by the proposed development in terms of solar access and overshadowing. This is due to the significant change in grade between the subject site and the adjoining retirement village site as well as the moderate scale of the development and sufficient setbacks from the property boundaries.

#### Building Code of Australia

An assessment of the proposal against the Building Code of Australia was undertaken by Council's Building Certification Unit, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000 which relates to the upgrading of fire safety measures in an existing building.

A Building Code of Australia compliance report and a Fire Safety Engineering Statement have been submitted with the application. These two reports acknowledge various non-compliances with the deemed to satisfy provisions of the BCA, and indicate that various alternate solutions will be relied upon to comply with the performance provisions of the BCA. These alternate solutions will be referred to the Fire Brigade as required by clause 144 of the EPA Regulation for concurrence. Furthermore, the reports indicate that the existing fire safety measures in the base building are adequate and that no upgrades are necessary.

Council's Building Certification Unit advised that given the information outlined in the abovementioned reports, there is no impediment to the issuing of development consent.

#### Stormwater drainage and flooding

The proposal was assessed by Council's Flooding Engineers, and was found to be unaffected by a 1% Annual Exceedance Probability flood, subject to the capacity of the existing piped stormwater system within Macarthur Square being confirmed. The application was referred to Council's Development Engineers and found to be satisfactory, subject to the imposition of certain conditions of development consent, which have been included in the recommended conditions of consent.

### **Social Impacts of the Development**

#### Safety/Security

The application was referred to the Campbelltown Local Area Command of the NSW Police for an assessment of the application against the principles of Crime Prevention Through Environmental Design (CPTED). The Police assigned a low crime risk rating to the site. The Police provided comments and recommendations in relation to surveillance, lighting, landscaping, territorial reinforcement, environmental maintenance, space/activity management and access control. The recommendations made by the Police have been included in the recommended conditions of consent in Attachment 1.

## Accessibility

The application was reviewed by Council's Access Committee. The recommendations of the Access Committee that form recommended conditions of consent are the provision of seating at regular intervals throughout the new section of the shopping centre for the convenience of customers and the use of non-slip flooring of contrasting colours with Tactile Surface Indicators where appropriate.

## **Economic Impacts of the development**

The potential economic impacts of the proposal have been considered in an Economic Impact Assessment Report prepared by Location IQ (an economics advisory firm) which was submitted with the application. This report examines the economic impacts of the proposal on other retailers and the surrounding trade catchment, having regard to a number of factors including the socio-economic profile of the trade catchment, future population trends, and commercial performance of retail competitors such as Campbelltown Mall and Narellan Town Centre.

A key point emphasised in the report is that the population of the defined total trade area within which Macarthur Square is situated is projected to grow at an average of 11,980 people per annum over the period to 2031. Assuming the accepted Australian average of 2.2m<sup>2</sup> of retail floor space per person, this indicates that an additional 26,500m<sup>2</sup> of retail floor space would be supportable within the catchment each year. The proposed expansion of Macarthur Square, at a combined 16,197m<sup>2</sup> (including retail and non-retail floor space) represents less than one year of growth by this measurement.

As such, the Economic Impact Assessment Report generally justifies the proposed expansion on the basis of meeting increasing consumer demand from population growth in the trade catchment, and ensuring that Macarthur Square retains its role as a major regional shopping centre serving the south west Sydney region. In addition, the proposed expansion would ensure that the role and function of Macarthur Square as a major regional shopping centre is not diminished by increasing competition from other major retail centres outside of the Campbelltown local government area such as Narellan Town Centre.

The report acknowledges that increasing the level of economic and retail activity at Macarthur Square would potentially have negative trade impacts for other retailers within the same market catchment, including existing retailers within the Campbelltown Local Government Area. In this respect, the nearby Campbelltown Mall would have the greatest exposure to increased competition from the proposal given its close proximity to Macarthur Square and the fact that Campbelltown Mall has both a Kmart discount department store and a Coles supermarket, which are the two major retailers that are proposed to be expanded or introduced to Macarthur Square under the subject application.

The Economic Impact Assessment Report forecasts that the proposed expansion of Macarthur Square would cause a reduction in sales for Campbelltown Mall in the order of 8.9% and a reduction of 7.2% for Market Fair Campbelltown in the first full year of trading of both stages of the expanded Macarthur Square (2018). However, the report concludes that these impacts would be within the commercial tolerance of operating conditions for these centres, and would be offset over time through expanding trade opportunities from population growth in the region. The report also contends that some other retailers within Campbelltown would actually benefit from the redevelopment of Macarthur Square (due to the redeveloped Macarthur Square making the Campbelltown town centre a more attractive retail destination), which will help retain spending within Campbelltown that might otherwise have been spent in other centres.

Additionally, it is relevant to note that the financial impacts upon trade competitors resulting from increased competition as a consequence of a development proposal is not in itself a valid planning reason for refusal of a development application (a principle established in *Fabcot Pty Ltd v Hawkesbury City Council* (1997)). Consequently, the fact that there is likely to be some negative financial impact upon other retailers and shopping centres within Campbelltown as a result of the proposed expansion of Macarthur Square would not be a valid reason for Council to refuse the subject application. In *Kentucky Fried Chicken Pty Ltd v Gantidis* (1979), the judge said, "...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration". In this regard, there is no evidence to suggest that the financial impacts upon other shopping centres and retailers within Campbelltown would be so severe as a result of the proposed expansion of Macarthur Square as to force their closure and cause an overall decline in retailing opportunities for the community.

The Economic Impact Assessment Report also notes that the proposed expansion would have the following positive economic impacts:

- The provision of a wider range of shopping facilities for local residents
- Price competition with more choice available for consumers
- A net gain of 558 retail jobs within the trade area, representing an additional \$16.1 million in wages for the local economy
- Creation of 534 construction jobs during the construction phase of the centre, and a further 855 jobs in the broader community based on multiplier effects.

It is considered that the net economic impact resulting from the proposed expansion of Macarthur Square would be positive, and that in respect of Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, the economic impacts of the proposal would be acceptable.

### **Suitability of the site**

The subject site is zoned 10(a) – Comprehensive Centre Zone, which is the highest order zone where commercial development is envisaged. The site forms the retail core of the Campbelltown-Macarthur Regional City Centre, and is directly adjacent to Macarthur train station and several arterial roads. Accordingly, the site is an appropriate location for an expanding regional shopping centre. More specifically, the part of the site upon which the proposed expansion is to take place has good road access and the ability to provide good pedestrian and vehicular connectivity with the existing centre. Whilst the adjoining Macarthur Gardens retirement village presents a challenge for the Macarthur Square shopping centre in terms of managing potential amenity impacts, it is considered that the proposed development has been designed in such a way that avoids significant impacts upon the retirement village (i.e. the distance between the proposed development and the property boundary, the change in grade between the two sites, the incorporation of a landscaped buffer zone within an allotment preserved specifically for that purpose and the proposed installation of acoustic fencing). Any potential impacts would be further mitigated by operational conditions recommended in Attachment 1. Overall however, these potential impacts do not cause the site to be unsuitable for the proposed development. It is therefore considered that the subject site is suitable for the proposed development.

## **Submissions**

The application was publicly exhibited and notified to a significant number of surrounding residents, including all residents within the Macarthur Gardens and Park Central estates, as well as significant numbers of residents within the suburbs of Glen Alpine and Englorie Park.

A total of five submissions were received. Two of these submissions are from residents of the Macarthur Gardens Retirement Village, one is from the owner of the retirement village on behalf of its residents, one is from a union representing workers in the transport industry, and one is from Campbelltown City Council.

The content of the submissions and a response is presented below:

### **Issue**

Disruption during the construction phase of the development, and potential for dust impacts resulting from construction activities. A demolition and construction management plan should be developed and implemented to ensure appropriate dust control measures and air quality outcomes are maintained during the construction period.

### **Response**

The applicant has prepared a Construction Management Plan to minimise disruption during the construction phase of the development. The applicant will be required to comply with the requirements of the Construction Management Plan at all times. In addition, detailed Demolition and Construction Noise Management Plans for the proposed development (over and above the mention given to such plans in applicant's Construction Management Plan) will be prepared and implemented.

### **Issue**

Amenity and enjoyment of resident's retirement home will be seriously affected by the positioning of the access road, delivery bays and garbage disposal. These should be relocated further away from dwellings.

### **Response**

Provided that the shopping centre (including the loading dock) operates in accordance with the recommendations of the acoustic report submitted with the application and the recommendations arising from Council's independent peer review of the report (which will form conditions of consent), it is the opinion of two qualified acoustic engineers that the shopping centre will comply with the relevant policies and guidelines. It must also be noted that compliance with the relevant acoustic criteria is to be confirmed following the completion of construction and commencement of operations, and any adjustments needed to be made in order to achieve on-going compliance would be made following this assessment.

### **Issue**

24-hour/7 days per week Coles supermarket trading affecting the amenity of the adjoining retirement village.

### **Response**

The trading hours of Coles would be 6.00am – midnight, 7 days a week, consistent with the general trading hours of the Macarthur Square shopping centre. The application proposes

24-hour/7-day per week operation of the loading dock, however provided that the shopping centre (including the loading dock) operates in accordance with the recommendations of the acoustic report submitted with the application and the recommendations arising from Council's independent peer review of the report (which will form conditions of consent), it is the opinion of two qualified acoustic engineers that the shopping centre will comply with the relevant policies and guidelines.

### **Issue**

Fumes from the additional cars and smells from fish and vegetable disposal, especially during the summer months.

### **Response**

Fumes from cars are to be expected to be found in a Regional Centre environment. However, there is no evidence to suggest that the existing car parking spaces which are presently distributed around the shopping centre or the proposed new car parking areas would give rise to any problematic air pollution.

Odours from waste disposal would be controlled through the proper management of the waste handling areas, which is to be outlined in a Waste Management Plan to be prepared, which will require the endorsement of Council. Council's Compliance section can investigate any odour complaints received and direct the applicant to take corrective action.

### **Issue**

Light pollution from the expanded centre (as light pollution is apparently a problem at present). A lighting management plan should be developed and implemented to mitigate the potential impacts of light spill on adjacent residents.

### **Response**

A light spill analysis plan demonstrating compliance with relevant standards will be required to be provided as a condition of consent. In addition, a lighting statement prepared as part of the application commits to no light spill beyond the boundary of the site, and this lighting statement will form part of the approved development application documentation, which the applicant will be required to comply with. Further, a lighting management plan will be required to be prepared to ensure the on-going protection of residents' amenity.

### **Issue**

The very unsafe pedestrian access at Therry Street where vehicles come off the roundabout at speed and down into and out of the existing park will be made worse by the use of the roundabout by additional cars in the new car park.

### **Response**

Residents of the Macarthur Gardens Retirement Village would benefit from the proposed pedestrian access ramp, which will connect the retirement village with the shopping centre, thereby avoiding the existing pedestrian access at Therry Street.

**Issue**

The new access road and car park would operate 24 hours a day, seven days a week. The hours of operation of the car park should be restricted to prohibit access between 10pm and 7am.

**Response**

The application indicates that the operating hours of the car park would be 6am to midnight, seven days per week (consistent with the operating hours of the shopping centre), and this is the basis upon which the acoustic modelling has been prepared. A condition of consent will be imposed restricting the use of the car park to these hours, and requiring access to the car park to be prohibited by the installation of a gate or another physical barrier to the satisfaction of Council. The applicant will be required to ensure compliance with this condition, and failure to do so would be a breach of the development consent, making the site subject to enforcement action.

**Issue**

The proposed access road provides a shortcut across the Macarthur Square site for people accessing Macarthur train station. Access to the car park should not be permitted from Kellicar Road.

**Response**

In order to prevent the proposed access road along the western boundary of the site being used as a thoroughfare between Gilchrist Drive and Kellicar Road, a recommended condition of consent has been included requiring the configuration of the car park to be modified in order to prevent convenient linear access across the Macarthur Square site between the two streets.

**Issue**

Height-restrictive barriers should be installed at all entrances to the new parking area or other controls put in place to ensure that large trucks and delivery vehicles do not utilise the car parking area as a thoroughfare from the loading dock to other loading docks or as a shortcut across Macarthur Square (i.e. the use of the area is limited to customer traffic).

**Response**

The application indicates that trucks will only enter and exit the proposed loading dock from Kellicar Road, and this is the basis upon which the acoustic modelling has been prepared (forming a specific recommendation of the applicant's acoustic report. Accordingly, a condition of consent will be imposed requiring all trucks using the loading bay to enter and exit the site using Kellicar Road and not use the car park access road. In addition, conditions of consent will be imposed requiring height clearance barriers to be installed at either end of the car park access road to physically prevent trucks from entering the car park. The applicant will be required to ensure compliance with this condition, and failure to do so would be a breach of the development consent, making the site subject to enforcement action.

**Issue**

All available measures should be taken to ensure that the plant room has sufficient insulation so that it does not cause any noise nuisance, and if possible it should be located further away from residential homes.

## **Response**

The operation of plant and equipment associated with the proposed development is a significant potential noise source. As full details of all relevant plant and equipment, and associated acoustic performance are not currently available, following the completion of construction, and before the issue of the Occupation Certificate, an Acoustic Compliance Validation Report will be required to confirm the compliance of all plant and equipment to be introduced as part of the overall development with the relevant acoustic standards and guidelines.

## **Issue**

An acoustic fence is sought between Macarthur Square shopping centre and Macarthur Gardens retirement village.

## **Response**

The application proposes to increase the height of the existing boundary fence between Macarthur Square shopping centre and Macarthur Gardens retirement village to 2.4 metres. The fence would be constructed of imperforated colorbond. The acoustic modelling indicates that the proposed fence (in conjunction with the proposed separation distances and operational conditions) would be sufficient for the development to comply with the applicable acoustic criterion.

## **Issue**

Mature landscaping is sought along the entire length of the acoustic fence to further enhance the acoustic barrier between Macarthur Square shopping centre and Macarthur Gardens retirement village. Mature landscaping is sought in lieu of tube stock to ensure the desired acoustic barrier is effective immediately and is not a 5-10 year process to create whilst tube stock is developing. A landscape maintenance plan for the long term maintenance of the landscaping should be provided and included in the assessment of the development application.

## **Response**

Council's independent acoustic consultant advised that while landscaping plays some role in reducing noise transmission, the predominant factors in the efficacy of an acoustic wall or barrier are the composition of the wall, its height, and its general shape and profile. Therefore, it is not considered necessary to require mature plantings in lieu of tube stock to be planted along the western boundary of the site.

## **Issue**

24-hour trading at Macarthur Square should not be permitted.

## **Response**

The existing trading hours will be the trading hours of the proposed additions (6.00am – midnight, seven days per week). This will be enforced by a condition of consent.



**Issue**

Loading dock hours should be restricted to 7am – 10pm Monday to Friday and 8am – 7pm Saturday and Sunday, to ensure that noise impacts from heavy vehicles on the adjoining residents are minimised. In addition, restrictions should be placed on pending deliveries, to ensure that they are not parked adjacent to the retirement village, idling and causing unnecessary noise whilst waiting to deliver stock.

**Response**

Provided that the shopping centre (including the loading dock) operates in accordance with the recommendations of the acoustic report submitted with the application and the recommendations arising from Council's independent peer review of the report (which will form conditions of consent), it is the opinion of two qualified acoustic engineers that the loading dock will comply with the relevant acoustic policies and guidelines with the hours of operation proposed.

It must also be noted that compliance with the relevant acoustic criteria is to be confirmed following the completion of construction and commencement of operations, and any adjustments needed to be made in order to achieve on-going compliance (which could include restricting operating hours) would be made following this assessment.

A Heavy Vehicle Management Plan submitted with the application proposes that all inbound truck drivers contact the Loading Dock Coordinator on approach. This would eliminate the need for trucks to idle awaiting unloading. A condition of consent will prohibit the idling of heavy vehicles on the site or within surrounding streets.

**Issue**

Garbage collection times for the ongoing use of the building should be nominated. These should be inside of the operating hours of the shopping centre and not prior to 7am Monday-Friday or 8am on Saturday or Sunday. The waste management plan should also nominate how odour control will be monitored and minimised.

**Response**

Garbage collection will occur within the main trading hours of the centre (i.e. 6.00am – midnight, 7 days). Garbage compacting will only be able to be undertaken between 7am and 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.

**Issue**

Boom gates on the entry and exit to the proposed car park are sought to eliminate after hours use of the car park and also to deter the car park from becoming a thoroughfare between Kellicar Road and Gilchrist Drive.

**Response**

The application indicates that the operating hours of the car park would be 6am to midnight, seven days per week (consistent with the operating hours of the shopping centre), and this is the basis upon which the acoustic modelling has been prepared. A condition of consent will be imposed restricting the use of the car park to these hours, and requiring access to the car park to be prohibited outside of these hours by the installation of a gate or another physical barrier to the satisfaction of Council. The applicant will be required to ensure compliance with

this condition, and failure to do so would be a breach of the development consent, making the site subject to enforcement action.

In order to prevent the proposed access road along the western boundary of the site being used as a thoroughfare between Gilchrist Drive and Kellicar Road, a recommended condition of consent has been included requiring the configuration of the car park to be modified in order to prevent convenient linear access across the Macarthur Square site between the two streets.

### **Issue**

To increase safety for the residents of the retirement village, a pedestrian crossing with speed humps on either side from the boundary of the site to the nominated pedestrian walkway is sought. The pedestrian walkway is to comply with AS 1428.1.2009.

### **Response**

Speed humps are proposed to be provided on either side of the pedestrian crossing. A condition of consent requiring the pedestrian walkway to comply with AS1428.1.2009 will be imposed.

### **Issue**

The current main pedestrian route by residents of the village to the shopping village is to exit the retirement village onto Gilchrist Drive and walk around into the shopping centre. With the proposed increase in floor space to the shopping centre, it is assumed that vehicle generation will also increase, therefore increasing the risk to pedestrians. In this respect to ensure the safety of the adjoining residents and other community members, a pedestrian crossing with speed humps at the existing entry to the car park is sought.

### **Response**

The precise location of the requested pedestrian crossing has not been specified. However, a pedestrian crossing in close proximity to the roundabout on Gilchrist Drive would not be practical as it would cause vehicular traffic to bank up within the roundabout, causing safety issues.

### **Issue**

Increased vehicle movements pose an increased risk of conflict with pedestrian movements in the vicinity of the proposal. The development should implement appropriate traffic calming devices and pedestrian paths/crossings within the site to mitigate this risk.

### **Response**

The line marking plan submitted with the application shows several pedestrian crossings within the proposed car park and access roads to facilitate safe pedestrian movements.

### **Issue**

A Crime Prevention Through Environmental Design report should be provided for the proposed development, in particular providing an assessment of the safety of adjoining residents' journeys between the retirement village and the shopping centre.

## **Response**

The application was referred to the Campbelltown Local Area Command of the NSW Police for an assessment of the application against the principles of Crime Prevention Through Environmental Design (CPTED). The Police assigned a low crime risk rating to the site. The Police advised that a safe pedestrian crossing is to be provided, and the application proposes to provide such a crossing.

## **Issue**

CCTV is recommended throughout the car park area and pedestrian walkways, offering surveillance to ensure the safety of adjoining residents and other community members.

## **Response**

A recommended condition of consent requires surveillance cameras to be placed throughout the shopping centre and car park, and for the applicant to consult with the Crime Prevention Officer at the Campbelltown Local Area Command of the NSW Police regarding the locations of cameras, consistent with the request of Police.

## **Issue**

A Construction Management Plan (CMP) should be sought and approved prior to final determination of the DA to ensure appropriate dust control measures, including dust wash downs, are implemented to ensure the current air quality is maintained for the adjoining residents. The CMP should identify delivery routes, times of delivery, material storage area, and workers parking locations. The aim of the CMP is to minimise the impact on the existing residents in the area during construction.

## **Response**

A Construction Management Plan has been submitted with the application and will form part of the approved development application documentation.

## **Issue**

The plans currently indicate what appear to be steps and a walkway from the retirement village to the proposed shopping centre. A secure entry point between the retirement village and the proposed alterations and additions to the shopping centre is sought. A secure lock system is to be provided on both sides of the entry gate. The secure entry point should be identified on the plans to ensure it is provided as part of the proposed works and that the secure entry point and proposed walkway coincide with each other.

## **Response**

A pedestrian access walkway is proposed to link Macarthur Square shopping centre and Macarthur Gardens retirement village. The walkway would link into the retirement village at the end of one of the internal roads, which is clearly shown on plan number DA-032 in the engineering plan set. The pedestrian access walkway would have a locking system on both sides of the gate to prevent the gate being used as a short cut by non-residents.

## **Issue**

An access report is required to verify compliance with AS1428.1.2009 from the retirement village to the shopping centre. Currently the plans do not show details of the gradients, or

nominated pedestrian walkways, however the plans appear to show only steps at the boundary of the two properties which would not be compliant with AS 1428.1.2009.

### **Response**

Pedestrian ramps are proposed in addition to steps. A condition of consent will require the detailed design of the pedestrian access way to comply with AS1428.1.2009, prior to the issue of a Construction Certificate.

### **Issue**

Concerns with truck manoeuvrability within the proposed loading dock as well as the roundabout on Kellicar Road, as well as sight lines. An independent review of the service vehicle arrangements should be provided.

### **Response**

Council has reviewed the swept path turning templates for service vehicles and has found that the development complies with the relevant Australian Standards.

### **Issue**

The location of the pedestrian access point between Macarthur Square shopping centre and Macarthur Gardens retirement village differs between plans.

### **Response**

One of the architectural plans shows the pedestrian access ramp and stairs in an incorrect location. The engineering plans show the pedestrian access ramp and stairs in the correct location, lining up with the end of one of the access roads within the retirement village. A condition will be imposed requiring the location of the pedestrian access ramp on the architectural plan to be amended so as to be consistent with the engineering plans.

### **Issue**

Colorbond fencing does not have specific acoustic attenuation properties and would not be sufficient to minimise noise.

### **Response**

Whilst colorbond fencing is not specifically designed to attenuate noise, both the applicant's acoustic consultant and the independent acoustic consultant appointed by Council agree that a colorbond fence (or a variety of other types of fences) of 2.4 metres in height would be sufficient to comply with the relevant policies and guidelines. It must also be noted that compliance with the relevant acoustic criteria is to be confirmed following the completion of the centre, and any adjustments needed to be made in order to achieve compliance would be made.

### **Issue**

Conditions of consent should be imposed requiring a Public Art Strategy and External Signage Strategy to be provided.

## **Response**

Recommended conditions of consent requiring a Public Art Strategy and External Signage Strategy to be provided have been included.

## **Issue**

All car parking should be provided on site in accordance with Council's usual DCP requirements.

## **Response**

Based on a forecast future peak car parking demand rate of 3.96 parking spaces per 100m<sup>2</sup> of leasable floor area, the expanded Macarthur Square shopping centre would generate demand for a total of 4,082 car parking spaces. The proposed development would provide an additional 461 on-site car parking spaces, bringing the total number of on-site car parking spaces to 4074. This is less than the forecast future peak car parking demand of 4082, and leaves a shortfall of eight car parking spaces. Accordingly, a condition of consent will be imposed, requiring the development to incorporate an additional eight car parking spaces. In addition, an extra 35 car parking spaces will be required to be provided on-site to account for the loss of on-street car parking due to the use of Kellicar Road by service vehicles for manoeuvring.

It should be noted that if leasable floor area was used in Council's Development Control Plan instead of gross floor area, a total additional parking requirement of 457 car parking spaces would be applicable, as the bulk of the additional floor space proposed would be located on upper levels of the building, which attracts a lower DCP rate of 1 space per 35m<sup>2</sup>. The proposed development would provide an additional 461 on-site car parking spaces, which exceeds this number.

## **Issue**

The traffic and parking assessment provided by the applicant needs to account for the displacement of 44 formed and marked car spaces currently located at ground level near the north western corner of the existing multi-storey car park (overflow car parking area). In this regard, the net increase in proposed on-site parking is estimated to be 417 car spaces, not 461 spaces as stated in the traffic and parking assessment.

The existing informal overflow car parking area is used for peak periods of parking demand and will be displaced by the proposed building works and formalised car parking area. An equivalent overflow parking area should be provided nearby to retain the provision of an overflow parking area during peak shopping periods (e.g. Christmas). A minimum of 60 additional car parking spaces should be provided as an overflow car parking facility in addition to all other parking proposed as part of the development.

## **Response**

Whilst the traffic and parking assessment did not count the overflow parking in its survey of formal car parking, it did acknowledge the existence of the overflow car parking area. It must be emphasised that it is not the net increase in the number of on-site car parking spaces which is the primary consideration in determining the adequacy of proposed car parking. Rather, it is the relationship between the number of car parking spaces proposed and the amount of floor space proposed that should be given the most regard, and this matter has been discussed in detail earlier in this report. Based on a forecast future peak car parking demand rate of 3.96 parking spaces per 100m<sup>2</sup> of leasable floor area, the expanded

Macarthur Square shopping centre would generate demand for a total of 4,082 car parking spaces. The proposed development would provide an additional 461 on-site car parking spaces, bringing the total number of on-site car parking spaces to 4074. This is less than the forecast future peak car parking demand of 4082, and leaves a shortfall of eight car parking spaces. In addition, 35 on-street car parking spaces would be lost due to the use of Kellicar Road by service vehicles for manoeuvring. Accordingly, it is recommended that a minimum of 43 additional car parking spaces be provided on site (above those proposed to be provided) to account for the shortfall and loss of on-street car parking, and a condition requiring additional car parking to be provided has been included in the recommended conditions of consent in Attachment 1.

Notwithstanding the above, given that an additional 43 car parking spaces would have to be provided, it is considered that the provision of 17 extra car parking spaces to reach a total of 60 to offset the loss of the 44 informal car parking spaces would not be an impractical imposition upon the applicant, given that the provision of 43 car parking spaces is likely to require the construction of an additional new car park in addition to the proposed new car park to be located in the south-western part of the site. Accordingly, a condition requiring the provision of 60 car parking spaces in addition to the car parking proposed has been included in the recommended conditions of consent in attachment 1.

### **Issue**

Modifications to existing bus circulation and stops within Kellicar Road need to be identified and properly considered to ensure satisfactory bus access for users.

### **Response**

A recommended condition of consent has been included requiring the relocation of the bus stop in Kellicar Road to be approved by Council's Local Traffic Committee.

### **Issue**

Potential increases in future parking demand from railway commuters, and resultant displacement of on-site parking for retail customers needs to be appropriately managed.

### **Response**

Parking intrusion from non-users of the site is largely a matter for the land owner and it is in the commercial interests of the land owner to take its own measures to ensure that non-users of the site do not park on the site, e.g. timed parking, ticketing systems, etc. However, the relevant recommended condition of consent requires a fixed number of car parking spaces to be provided on the site, and if parking intrusion were to become such a significant problem that parking availability for shoppers became severely affected, Council could commence enforcement action against the land owner, requiring compliance with the relevant condition of consent to be achieved.

### **Issue**

Subject to comments from RMS, the need to provide upgrades to the surrounding road network/intersections to cater for increased traffic movements attributed to the proposed development. In this respect it is noted that the capacity of nearby intersections with Narellan Road are already approaching their theoretical capacity.

## **Response**

The applicant has provided an intersection performance analysis, which compares the existing situations to a post-development scenario. It should be noted that the existing situation was modelled prior to the opening of the new Gilchrist Drive link, and the post-development scenario was modelled anticipating the opening of the link road. The intersection performance analysis was referred to Roads and Maritime Services, and no objections were made in respect of the analysis. The analysis found that the impact of the proposed development on the surrounding road network would be minimal. The only notable decline in intersection performance would be at the intersection of Kellicar/Bolger Roads and the Macarthur Square entry, where a decline from level A (good operation) to level B (good with acceptable delays and spare capacity) would be experienced. The existing poor performance at Narellan Road intersections would remain, and not be significantly affected by the proposed development. Performance at these intersections would only be improved once Narellan Road is upgraded. The performance of some of the intersections in the vicinity of Macarthur Square is forecast to improve due to the opening of the Gilchrist Drive extension.

## **The public interest**

The public interest is a wide-ranging consideration that requires Council to have regard to the long term impacts of development and the suitability of the proposal in a larger strategic context. For this proposal, the key measures of public interest are economic growth and employment, local containment of retail expenditure, price competition and choice, transport and accessibility, and importantly, protection of surrounding residents' amenity. On all of these key measures, the proposed development would perform highly, and the proposed development is considered to be in the broad interests of the general public.

## **Conclusion**

The proposed expansion of Macarthur Square shopping centre has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal has been found to satisfy the relevant State Environmental Planning Policies and the relevant provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposal is generally compliant with the relevant provisions of Campbelltown (Sustainable City) Development Control Plan 2012, and where non-compliances are present, these are considered to be justified. It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments have and will be mitigated through design measures and operational conditions of consent. The application was publicly exhibited and notified to a significant number of surrounding residents, including all residents within the Macarthur Gardens and Park Central estates, as well as significant numbers of residents within the suburbs of Glen Alpine and Englorie Park. Detailed submissions from five households/organisations were submitted, raising a number of issues. It should be noted that none of the submissions objected to the development per se, but rather certain aspects of it. It is considered that all of the matters raised in the submissions have been addressed through design measures and operational conditions of consent. The site's location, zoning and configuration make it suitable for the proposed development, and the proposal is considered to be in the broad interests of the general public. Accordingly, this report recommends the approval of the application.

## **Officer's Recommendation**

That development application 1057/2014/DA-C proposing the construction of alterations and additions to Macarthur Square shopping centre at 100-200 Gilchrist Drive Campbelltown be approved subject to the conditions outlined in Attachment 1.