Sydney South West Planning Panel

Panel Reference	2016SSW243
DA Number	3280/2016/DA-RA
LGA	Campbelltown
Proposed Development	Demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment
Street Address	Lot 3 DP 575491, 28 Cordeaux Street Lot 50 DP 811930, 12 Cordeaux Street Lot 51 DP 811930, 5 Howe Street Campbelltown
Applicant	Campbelltown No. 1 Property Developments Pty Ltd
Owner	Campbelltown No. 1 Property Developments Pty Ltd (lot 3) Anglican Church Property Trust Diocese of Sydney (lots 50 and 51)
Date of DA lodgement	10 October 2016
Number of Submissions	Twenty-nine
Recommendation	Refusal
Regional Development Criteria	Development that has a capital investment value of more than $20 million The CIV is $29.9 million
List of all relevant s79C(1)(a) matters	• State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015 • Campbelltown City Council Section 94A Development Contributions Plan 2011
List all documents submitted with this report for the Panel's consideration	1. Attachment 1 Recommended Reasons for Refusal 2. Architectural Plans 3. Locality and Site Analysis Plan 4. Shadow and Solar View Diagrams 5. Landscape Plans 6. Photomontages 7. SEPP 65 Design Verification Statement 8. Material Finishes and Detailed Façade Section 9. Site Survey 10. Plan of Proposed Subdivision 11. Stormwater Plan 12. Clause 4.6 Variation to Building Height
Report prepared by	Mr D. Timmins – Development Assessment Planner Campbelltown City Council
Report date	29 September 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	**Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**No**

Conditions

Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**No**

1. EXECUTIVE SUMMARY

A development application has been lodged seeking consent for the demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment.

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and the relevant matters for consideration have been discussed within this report.

The proposal has been reviewed against the design quality principles and the objectives specified in the Apartment Design Guide for the relevant design criteria. The proposal fails to demonstrate that adequate regard has been given to the design quality principles concerning context and neighbourhood character, built form and scale, density, landscape, amenity, housing diversity and social interaction. The proposal fails to achieve the design criteria and objectives with respect to communal open space, deep soil zones, building separation, apartment depth, balcony sizes and visitor parking. The proposal fails to encourage mixed-use developments with high residential amenity.

The site is zoned 'B4 Mixed Use' and 'SP2 Infrastructure' under the Campbelltown Local Environmental Plan 2015. Residential flat buildings, commercial premises and shop top housing are permissible with consent in the B4 zone. While these uses are prohibited within the SP2 zoned land, the proposal utilises the provisions of development near zone boundaries to enable the undertaking of the proposed development within the SP2 zoned land. However the proposal fails to the satisfy the preconditions of the clause, under which the development must not be inconsistent with the objectives for development in both zones and that carrying out of the development is desirable due to compatible land use planning.

The design of the building would not provide a compatible land use as it does not appropriately respond to the sensitive land uses being the adjoining school and heritage item. The failure to provide adequate separation distances, deep soil planting and outdoor communal open space at ground level between the school is not considered satisfactory and contributes to significant adverse overlooking to the adjoining playground and windows of school buildings.

The proposal is not compatible with the streetscape of the northern side of Cordeaux Street with respect to the building alignments established by the rectory, school building and church, and the landscaped open space areas between the street and the buildings within the context of Mawson Park. The proposed building setback and landscaped areas are not sufficient and the impact of the proposed development on the streetscape is exacerbated due to the bulk and scale of building at the street frontage.

The proposal would reduce the oblique views of the heritage item when viewed from Cordeaux Street and would eliminate views of the principal façade when viewed from the footpath of Moore Street adjoining 28 Cordeaux Street. The views of the existing streetscape would not be retained due to the intrusion of the building forward of the established building alignments.

The application has sought a variation to the maximum building height in the order of 2.09m, to allow the lift/stair overruns and equipment areas to be provided at roof level. The design of the development attempts to keep the majority of the upper level within the maximum building height so as to seek a variation to the lift/stair overruns and equipment areas only, which results in noticeable environmental impacts, despite the extent of the variation being relatively minor. Notwithstanding, the proposed development is considered to be inconsistent with the objectives of the building height standard, which is to provide a transition in built form and land use intensity across all zones, to ensure the height of the building reflects the intended scale of development appropriate to the locality and to assist in the minimisation of opportunities for undesirable visual impact and loss of privacy to existing development.

The proposed land use intensity of the proposed development is high and the abrupt height transition would create an unsuitable relationship within the context of the school and the SP2 zone. The proposal would not provide an appropriate transition as it fails to follow the slope of the site. The proposed footpath adjoining the commercial premises would be provided below the adjoining street footpath level. The proposed driveway involves excavation and retaining walls adjacent to the fence of the heritage item and would remove its pedestrian access to the rectory and its traditional principal façade.

It is recognised that the height of buildings within the locality varies, but it is the height of the buildings along the street frontages and the provision of setbacks and open space areas forward of buildings that sets the context for the development. The northern side of Cordeaux Street has an established building alignment created by the rectory, school building and church. The proposed building projects forward of the established building alignment and its associated height and scale is not sympathetic to the existing streetscape that is unlikely to significantly change and as such is not desired or appropriate for the locality.

The design of the development below ground level results in a stepped built form and facade, particularly the centre portion of the building when viewed from Moore Street. The horizontal building elements are not aligned and result in an undesirable visual impact. The proposal would not minimise the undesirable loss of privacy as the height variation would facilitate an additional level of apartments to be provided that contains habitable spaces that overlook the school property which do not comply with the minimum required building separation distances specified in the Apartment Design Guide.

The proposal is inconsistent with the Campbelltown (Sustainable City) Development Control Plan 2015 primarily concerning the desired future character of the area, onsite bulk waste storage and onsite waste collection.

The proposal would remove fourteen significant trees that contribute to the visual amenity of the surrounding locality. The proposed offset planting of trees above the basement below is not appropriate and the lack of landscaping would not provide an optimal outcome for the development, the public domain and the existing character of the streetscape.

The proposal fails to provide housing diversity as no three-bedroom apartments would be provided to cater for families within a CBD environment. No studios would be provided that offer different dwelling sizes, layouts and price points to one bedroom apartments.

Holistically, the design of the development is not considered to be compatible with the character of the locality or capable of existing in harmony with the school and heritage item. Having regard to the reasons detailed within this report, the subject site is considered to be unsuitable for a development of the bulk and scale proposed, and the proposal is not considered to be in the public interest. Twenty-nine public submissions were received objecting the proposal.

The report recommends the refusal of the development application.

2. APPLICATION HISTORY

- The application was lodged on 10 October 2017
- Public exhibition concluded on 5 December 2016
- Additional information was requested from the applicant on 23 March 2017
- The Planning Panel was briefed of the proposal on 15 May 2017.
- Revised plans were received from the applicant on 3 June 2017
- Outstanding information was requested from the applicant on 12 July 2017
- Hard copy plans were received from the applicant on 26 July 2017 and electronic plans were received on 31 July 2017

2.1 Panel briefing

At the panel briefing held on 15 May 2017 the following matters were raised:

- City centre strategic planning
- Streetscape presentation
- Commercial street activation
- Traffic impacts on intersection adjacent to site
- Potential impacts on heritage significance of church site
- Interaction with school (overlooking)
- Impact of school noise – residential amenity
- Compliance with SEPP 65 – design quality principles and ADG
- Construction period impacts on school (noise and vibration) and local traffic
- Compatibility with adjacent school – need for appropriate separation
- Car parking spaces layout
- Vegetation removal on gateway site to CBD and impact on significant trees including trees on adjoining sites and road corridor
- Provision of ground level communal open space
- Setback in north western corner to school
- Height non-compliance – Level 9 lift access/service – height variation justification

The matters are discussed within section 5 of this report.

3. SITE DESCRIPTION AND LOCALITY

The subject site is located on the corner of Cordeaux and Moore Streets, Campbelltown.

The development site involves three allotments. Features of each lot are provided below:

- Lot 3 DP 575491 is the main development site, with a primary frontage to Cordeaux Street and secondary frontage to Moore Street.

  The site contains a single storey brick building that was formerly used a health care centre. The site contains 19 trees, including 14 trees of high visual significance, three of moderate significance and two of low significance.

- Lot 50 DP 811930 contains a heritage item of local significance. The item is named "St Peter's Anglican Church Group comprising Anglican church, rectory, former stables and Anglican cemetery" under Schedule 5 of the Campbelltown Local Environmental Plan 2015. The item has local significance although has been recommended for inclusion on the State Heritage Register in the future.

  The site contains a right of carriageway burdening lot 50 and 51, being the St Peter's Anglican Church Group and St Peters Anglican Primary School respectively. Lot 3 has the benefit of the right of carriageway, being the corner lot on which the majority of the proposed development is to be situated.

  The right of carriageway adjoins the fence associated with the rectory, with the exception of part of the right of carriageway located at the entrance of the site, which traverses through the fence.

  A tree associated with the rectory overhangs the fence line into the right of carriageway.

- Lot 51 DP 811930 contains the St Peters Anglican Primary School. School buildings and the main outdoor play ground adjoins the main development site.

The site is irregular in shape and has an area of 3,100sqm. Site levels vary from RL 79.6 to RL 81.46 generally from south to north east.

The site adjoins the signalised intersection of Cordeaux and Moore Streets.

Moore Street is a major arterial road providing three traffic lanes in each direction and is a classified road pursuant to the Roads Act 1993.

A tree of high significance is located in the Moore Street footpath area that is managed by Council.

The site is mapped as being located in the Campbelltown – Macarthur Centre Regional City Centre.

The site is situated approximately 100m to Mawson Park, 220m to Queen Street, 530m to Campbelltown Railway Station and 680m to Campbelltown Mall.

The Campbelltown RSL Club and a Council owned multi-deck parking area are located on the opposite side of Cordeaux Street to the west on land zoned B3 Commercial Core.

The St Peter's Anglican Church Group and St Peters Anglican Primary School surround the main development site to the north on land zoned SP2 Infrastructure.

Moore Street adjoins the site to the south and is zoned SP2 Infrastructure.

Residential dwellings are located on the opposite side of Moore Street to the south and east on land zoned R3 Medium Density Residential.

The main development site is zoned B4 Mixed Use. It is unique and does not adjoin any other B4 zoned land.

4. THE PROPOSED DEVELOPMENT

The development application proposes demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment.

The former health care centre is proposed for demolition and is not recognised as a heritage item.

A total of seventeen trees are proposed for removal and three trees are proposed to be retained.

The proposed development contains two separate buildings that are joined together with a dividing wall that extends from the ground floor to level 9 and separates the communal roof top terrace into two separate spaces.

Each building is provided with a separate entrance/lobby containing two lifts that provide access to basements, apartments and roof top terrace.

The proposed development provides two commercial tenancies at ground level. The tenancies are open plan and no internal fit-out or use is proposed.

Each level of the building comprises of the following components:

Basement 2:
- 69 x residential car parking spaces, including 11 x accessible spaces
- 11 x bicycles parking spaces
- 21 x storage areas adjoining residential car parking spaces

Basement 1:
- 36 x residential car parking spaces
- 11 x visitor car parking spaces, including 1 x accessible space
- 21 x retail car parking spaces, including 1 x accessible space
- Hydrant / sprinkler pump room
- Fire services storage tanks

- Onsite detention tank
- 11 x bicycles parking spaces
- 15 x storage areas adjoining residential car parking spaces

Ground level/site:
- 2 x commercial premises with areas of 318sqm and 190sqm
- 1 x communal recreation room with an area of 174sqm and an adjoining outdoor communal open space area
- 5 x external dedicated church car parking spaces
- 50 x storage areas in two separate storage rooms
- 2 x residential bin storage rooms
- 1 x commercial bin storage room
- Gas mains room, mains switch room, communications room and cold water pump room
- Seating fronting Moore Street, including 5 x tables and 15 x chairs adjoining the recreation room and 6 x tables and 18 chairs adjoining the two commercial premises
- Provision of landscaped street frontages

Level 1:
- Twelve 2-bedroom units
- One 1-bedroom unit

Level 2:
- Twelve 2-bedroom units

Levels 3 – 7 (inclusive):
- Sixty 2-bedroom units

Level 8:
- Eight 2-bedroom units
- Three 1-bedroom units

Level 9:
- Six 2-bedroom units
- Three 1-bedroom units
- Two separate communal rooftop terraces with landscaped planter boxes

Roof:
- Skylight for units A9.02 and B9.02
- Two separate lift/stair overruns and equipment areas
- Corner architectural roof feature

The proposal involves the realignment of lot boundaries to facilitate the acquisition of parts of land zoned SP2 associated with the heritage item and school. It is proposed to use the land to increase the site area and to provide vehicle access to the basement vehicle entry from Cordeaux Street. The existing right of carriageway would be superseded with a revised right of carriageway to provide emergency access to the school property.

Waste bins are proposed to be collected on-site by Council's waste collection vehicle. Separate commercial and residential bin storage areas provided at ground level. A loading dock would be provided to facilitate the onsite collection of bins by Council's waste collection vehicle. The building manager would be responsible to transfer bins to and from the loading dock area on collection day.

Stormwater is proposed to be drained into an onsite detention tank and then into Council's existing stormwater system.

Figure 1: Aerial photo showing subject site outlined in red and surrounding development

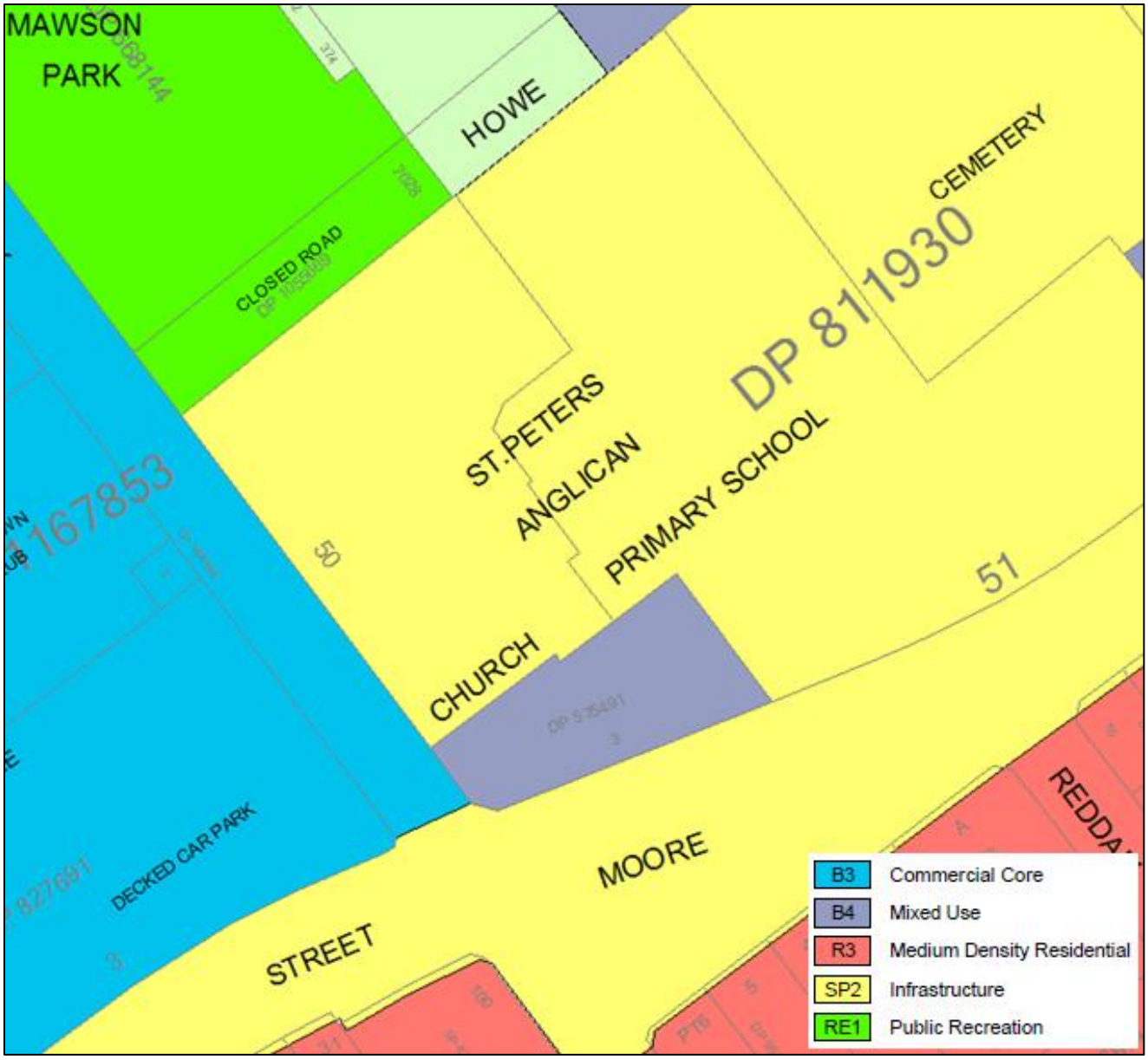

Figure 2: **Extract of zoning map showing zoning of site and locality**

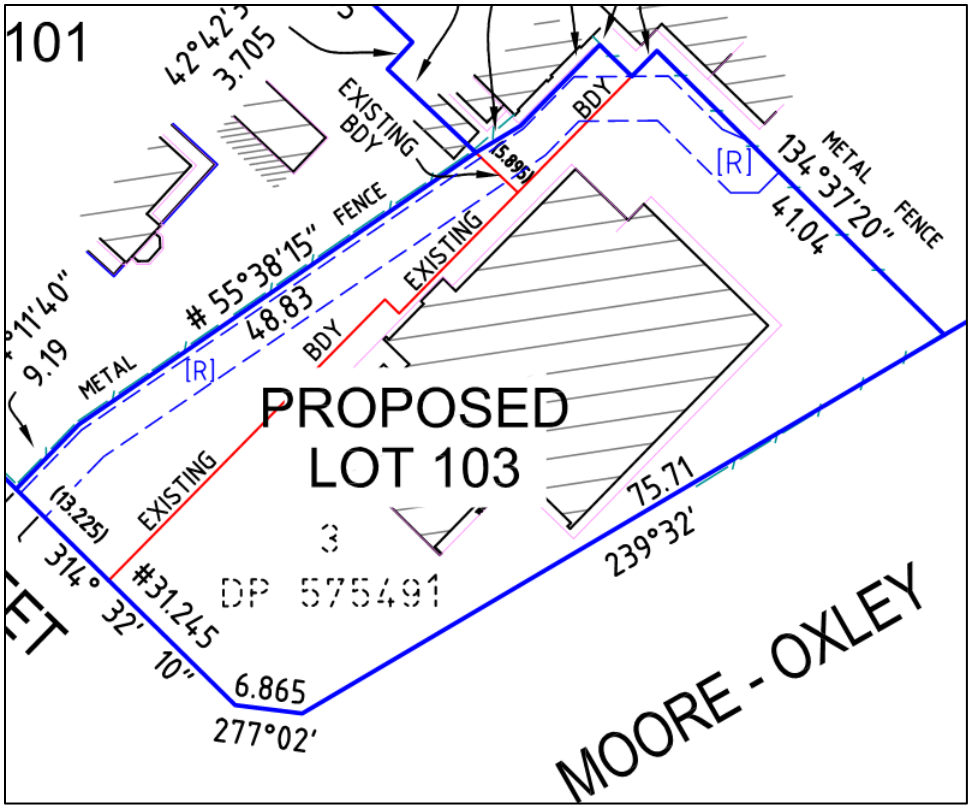

Figure 3: **Existing and proposed lot boundaries**

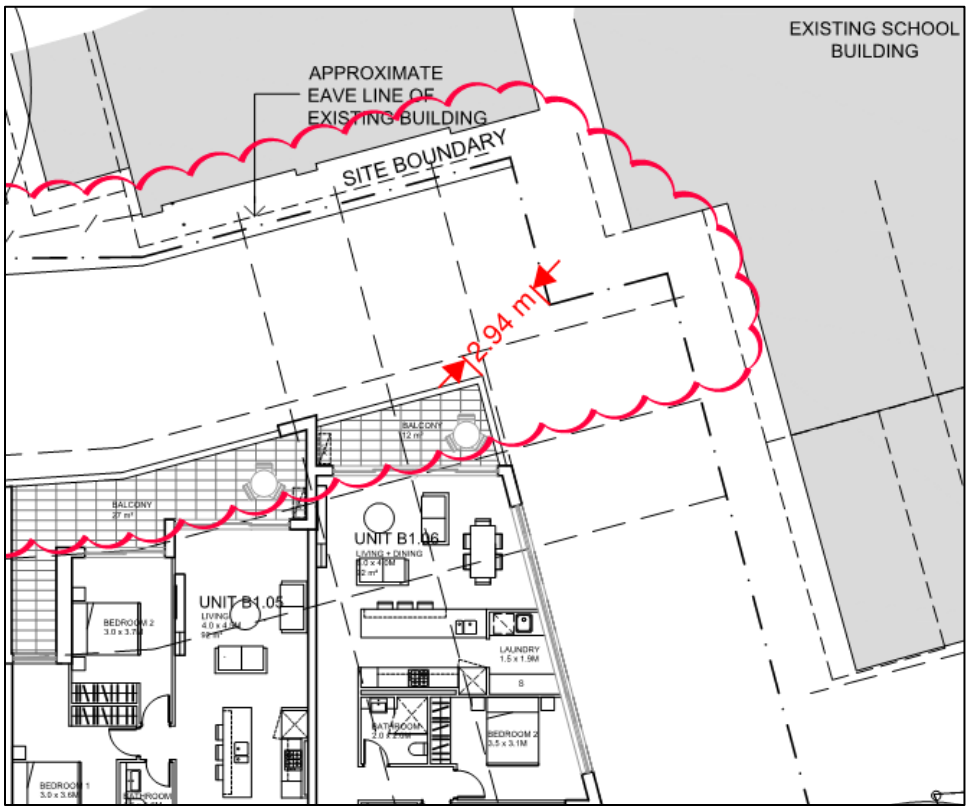

Figure 4: **Setback of level 1 apartment from school boundary**

Figure 5: Principal façade of Rectory viewed from footpath of Moore Street

Figure 6: View of Rectory from southern side of Cordeaux Street

Figure 7: Tree no. 8 - *Araucaria cunninghamii* located in corner of site adjacent to intersection

Figure 8: Pedestrian access to Rectory

Figure 9: St Peter's Anglican Church and trees adjacent to entry path

Figure 10: **School playground to north-east**

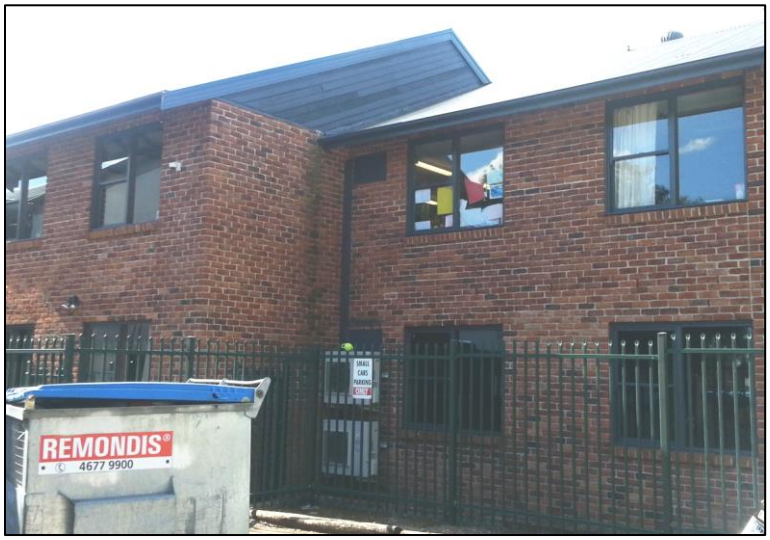

Figure 11: **School building to north-east**

Figure 12: **School building to north-west**

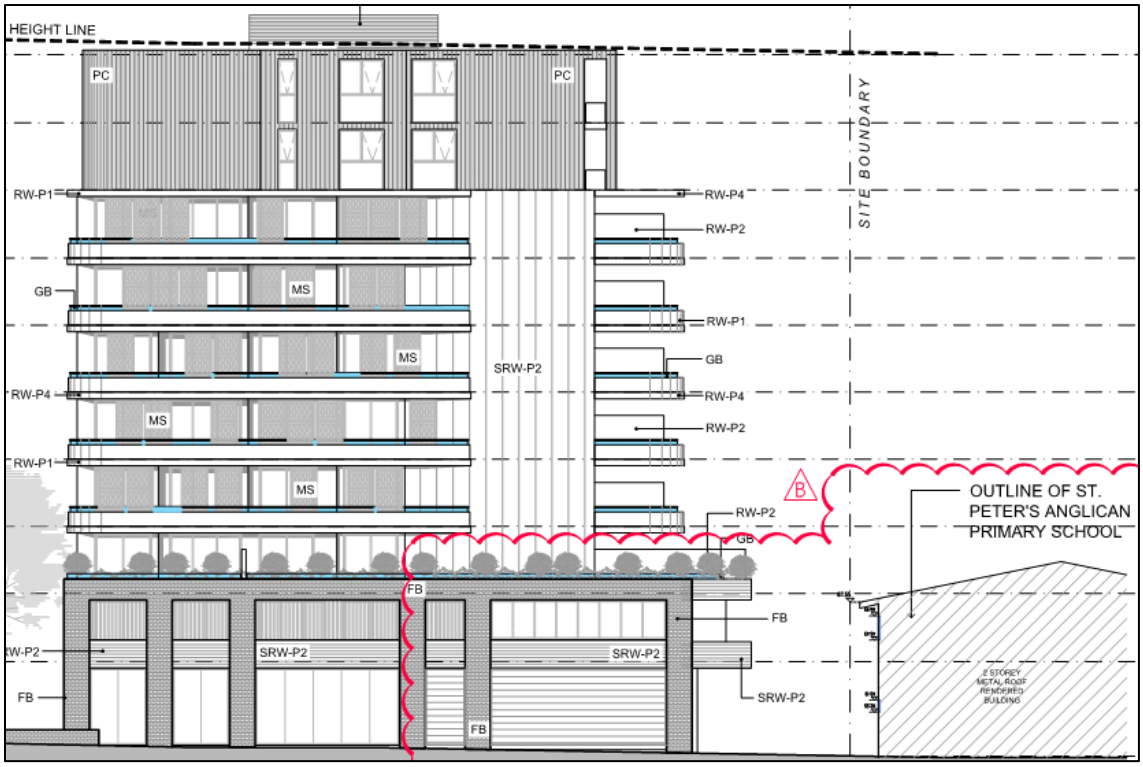

Figure 13: **North-eastern façade of building facing school property**

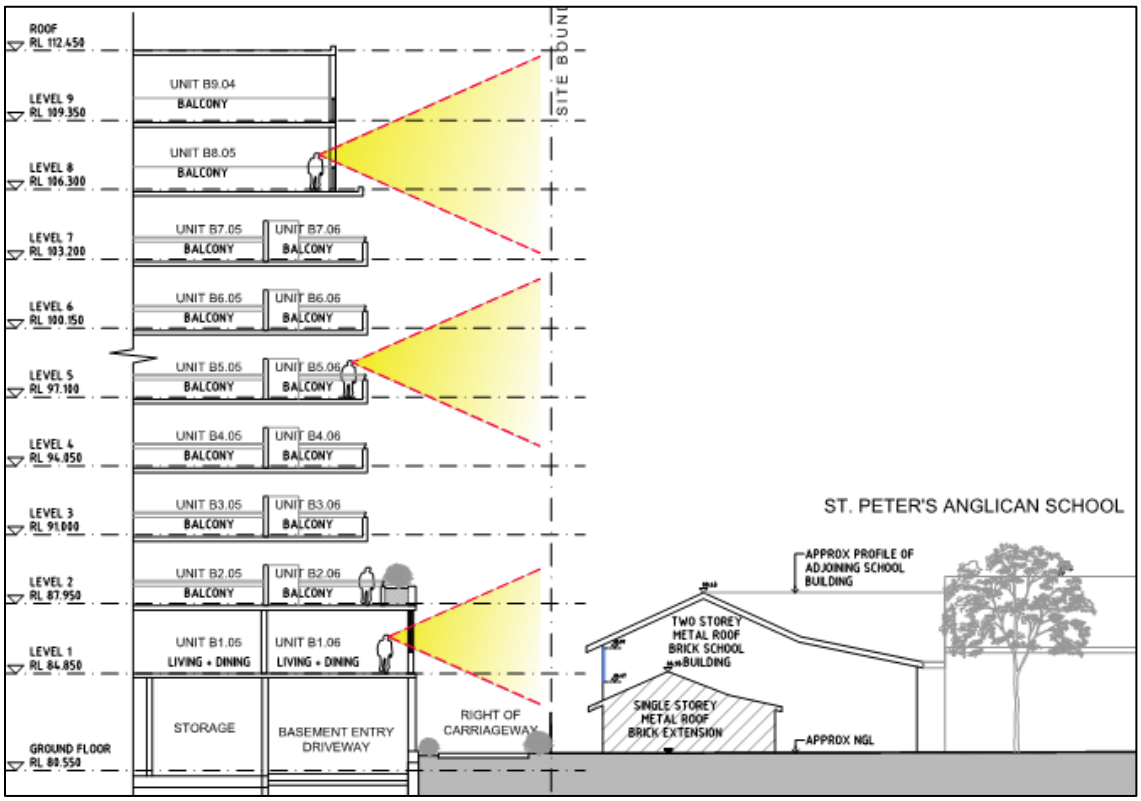

Figure 14: **Location of building showing overlooking potential to adjoining school buildings and playground**

5. STATUTORY PLANNING ASSESSMENT

The proposed development has been assessed against the mattes for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. This assessment is detailed below:

5.1 Environmental Planning Instruments

Section 79(1)(a)(i) of the Act requires the Panel to consider the provisions of any Environmental Planning Instrument. An assessment against the relevant Environmental Planning Instruments is provided below:

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

The BASIX SEPP requires a BASIX Certificate to be submitted for the proposed development. A BASIX Certificate (no. 756020M) prepared by Building and Energy Consultants Australia accompanied the application demonstrating the relevant water, energy and thermal comfort targets would be satisfied.

5.1.2 State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 provides that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site was previously used a community health centre which is not a use specified in Table 1 of the contaminated land planning guidelines.

The application was accompanied by a Preliminary Site Investigation prepared by SLR Consulting Australia which examined the potential presence of contamination at the site. The report concludes the potential for unacceptable, widespread contamination to be present at the site, as a result of past and present land use activities is considered to be low to negligible and that the site is considered to be suitable for the proposed development.

The report recommends the implementation of an unexpected finds protocol during the construction phase as there remains potential for isolated occurrences of contamination being encountered during excavation, particularly asbestos containing materials associated with the demolition of a former building during the 1990s.

Based on the findings of the report, the land is considered suitable for residential purposes and further detailed investigations are not warranted, subject to the implementation of an unexpected finds protocol prepared by a qualified environmental consultant to manage any risks that may be posed during the construction phase.

5.1.3 State Environmental Planning Policy (Infrastructure) 2007

The subject site has frontage to Moore Street which is a classified road. Clause 101 the Infrastructure SEPP applies provided below:

Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Council's Traffic Engineer has reviewed the potential traffic impacts caused by the development and it is considered the proposal would not adversely compromise the effective and ongoing operation and function of Moore Street and its adjoining intersection. The proposed development would provide vehicular access to the site from the local road of Cordeaux Street and the design of the vehicular access to the site is not likely to adversely affect the safety, efficiency and ongoing operation of Moore Street.

The proposed development was accompanied by an Acoustic Report prepared Acoustic Noise and Vibration Solutions. The report provides measurements of background noise levels, and specifies the required weighted sound reduction index of building components that are required in order for the building to achieve the sound pressure levels required under the legislation.

Clause 102 of the Infrastructure SEPP relates to the impact of road noise or vibration on development. The clause applies to residential development that is on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on

the website of Roads and Maritime Services) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

A review of the RMS traffic data map has shown that Moore Street adjacent to the subject site does not have an annual average daily traffic volume of more than 40,000 vehicles, however the map identifies that its annual average daily traffic volume is between 20,000 and 40,000, and that on this basis, an acoustic assessment is recommended.

The Acoustic Report concludes that if the proposed development includes the acoustic recommendations in the report, the proposal will satisfy the required noise reduction levels as required in the NSW Road Noise Policy, AS 3671 Traffic Noise Intrusion – Building Siting and Construction, AS 2107 Acoustics – Recommended Design Sound Levels and Reverberation Times and Part F5 of the BCA Sound Transmission and Insulation.

Schedule 3 Traffic Generating Development to be referred to RMS

The proposed development and revised plans were referred to the RMS under Schedule 3 of the Infrastructure SEPP. The residential flat building contains more than 75 dwellings and is within 90m of the connection with the classified road of Moore Street.

The RMS responded with recommended conditions should consent be granted, which dealt with matters such as construction traffic management, compliance with relevant Australian Standards, provision of a concrete median island in Cordeaux Street and vehicle maneuvering.

The proposed development involves the removal of a street tree located with the road reserve of Moore Street and the excavation of two basement levels approximately 1m away from Moore Street. The RMS did not raise any objection to the proposal and provided specific advice on excavating near Moore Street. The RMS also nominated that the Council (or in this case, the Panel) consider the tree removal and its impacts.

Based on the advice provided by the RMS, the site is considered not unsuitable for the proposed development with respect to the traffic impacts. Council's Traffic Engineer confirmed the RMS manages the classified road from kerb to kerb, and the footpath area and associated tree is under Council's management.

5.1.4 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

SEPP 65 applies to the proposed residential flat building, and accordingly, the application has been assessed against this SEPP.

Clause 30(1) of the SEPP states that if a development application satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

The proposed development satisfies the apartment areas and ceiling heights recommended in the Apartment Design Guide. However the application fails to provide sufficient visitor car parking spaces in accordance with the ADG. A minimum of 15 visitor parking spaces are required but only 11 have been provided.

Clause 30(2) of SEPP 65 states that consent must not be granted if, in the opinion of the consent authority, the development does not demonstrate that adequate regard has been given to:

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

The proposed development has been reviewed against the design quality principles and the objectives specified in the Apartment Design Guide for the relevant design criteria.

Design Quality Principles

Schedule 1 of SEPP 65 provides nine Design Quality Principles. An assessment of the application against the design quality principles is presented in the table below:

Principle 1: Context and neighbourhood character
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. *Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.* **Comment:** The site is located with the Campbelltown – Macarthur Centre Regional City Centre. The proposed development is situated within the Campbelltown precinct, which is recognised as the major business centre for the region, providing a mix of commercial/retail, residential, civic, cultural and community land uses. The site is situated near the commercial core, defined by Queen Street with a range of single and multi-storey buildings that provide a variety of commercial/retail uses. The site is located within close proximity to public transport, particularly the Campbelltown Railway Station which provides linkages between regional centres, facilitating access to employment, universities, schools, shops and leisure activities.

The subject site is zoned B4 Mixed Use and adjoins land zoned B3 Commercial Core and SP2 Infrastructure. A maximum building height of 32m applies to zones B4 and B3, whereas SP2 is unrestrained. While a number of residential apartment buildings have been erected in the locality, the commercial core has not experienced substantial transition into a revitalised high rise city centre.

Key features of the site comprise of the following:

- The school buildings and open space areas
- The heritage item, views of its principal façade, its traditional access path and potential archaeological items
- The existing streetscape, including established building alignments, landscaped areas forward of buildings and height of buildings at the street frontage
- The significant trees
- The dual street frontage and classified road

The above features form the existing and future desired character of the area. The SP2 zoned land is not undergoing change nor is likely to change having regard to its heritage significance, therefore the proposal necessitates a sensitive response to the these features.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

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

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

Comment:

The proposed development comprises of ground floor commercial premises and upper level residential apartments. The upper levels are gradually setback from the school and heritage item. The entries to the lobbies are directly accessible from the street and are distinctly separate from the commercial entrances. The residential floor layouts of levels 3 – 7 are repetitive but the facades have been articulated and varied to add visual interest. Vehicle access is provided from Cordeaux Street to the basement entry that is setback from the street and integrated into the overall building design. The building contains round, square and angled balconies that contribute to the external form and appearance of the building. The secondary façade when viewed from Moore Street shows its bulk and incorporates modulation and material changes to reduce its perceived bulk. The primary façade when viewed from Cordeaux Street is not relative to the streetscape in terms of building height however the LEP allows a maximum building height of 32m for the site. In this regard, it is considered vital the proposed development achieves a building footprint that is relative to the streetscape in in terms of setbacks and open space areas. The bulk and scale of the heritage item and open space areas of Mawson Park are unlikely to significantly change therefore the proposal needs to respond to the character of the existing streetscape.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment:

The density of the residential apartment development is appropriate for its location in terms of proximity to transport, employment and services. However the density of the proposal exceeds the minimum building separation distances and maximum building height controls. The proposal also fails to provide adequate deep soil zones and communal open space. A high proportion of balconies fail to satisfy the minimum required balcony area and depth. It is considered that adequate deep soil zones and communal open space has not been provided to mediate between the adjoining school open spaces so as to balance the need for privacy of the adjoining school with the need for appropriate residential outlook for future occupants. All apartments satisfy the minimum required floor area of 50sqm for a 1 bedroom apartment and 70sqm for a 2 bedroom apartment. However numerous apartments contain open plan layouts that exceed the maximum depth of 8m from a window.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment:

The application was accompanied by a BASIX certificate to ensure that all new apartments have been designed to minimise potable water use and reduce greenhouse gas emissions. All apartments would be provided with water/energy efficient fittings, air-conditioning for heating/cooling, gas cooktops and electric ovens. The proposal would incorporate a centralised hot water system to meet the needs of all apartments. All bathrooms and ensuites rely on mechanical ventilation as no rooms are provided with window openings to the external façade. The proposal satisfies the Apartment Design Guide as 60% of apartments are naturally cross ventilated. All corner apartments are cross ventilated. The proposal satisfies the ADG as 76% of apartments receive 2hrs of sunlight between 9am – 3pm in mid-winter and a maximum of 15% of apartments receive no direct sunlight.

The proposal fails to provide the minimum required 7% of site area as deep soil planting which reduces the area for rainwater infiltration into the water table. The proposal does not involve the collection of stormwater in water tanks from roofs for reuse in toilets, laundry or irrigation. There would be no waste water recycling. The stormwater plan indicates that stormwater will be transferred to an onsite detection tank located under the driveway prior to discharge in Council's stormwater system. The proposal does not involve a bio-retention garden to improve water quality by using plants to treat roof and surface water runoff. The landscape plan includes the planting of drought tolerant and low water use plants within landscaped areas.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment:

The proposal would detract from the landscape character of the streetscape. The proposed landscape treatment of the front setback area and the loss of several streetscape-significant trees detracts from the existing and desired landscape character on this important corner site. The northern side of Cordeaux Street has an established building alignment created by the rectory, school building and church. The areas forward of the buildings are landscaped and harmonise with the landscaped open space of Mawson Park. It is considered the proposal has failed to incorporate adequate landscaping to provide an optimal outcome for the development and the public domain.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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

Comment:

The quality of communal spaces is particularly important for the proposed high density development. A large portion of the communal open space is provided in the form of a landscaped strip and seating adjacent to Moore Street. However it is not ideally suitable for residential use having regard to the hostile traffic environment of Moore Street and as it does not receive any solar access in mid-winter. The rooftop terraces would be accessed via a lift to the upper levels and through the hallways serving the level 9 apartments. It is considered the high pedestrian traffic through the hallways would detract from the acoustic amenity of upper level apartments. Further, the use of the rooftop terraces would detract from the acoustic amenity and cross ventilation of four apartments due to habitable room windows directly adjoining the communal rooftop terraces. While the rooftop terraces receive sunlight, they also receive substantial shadows cast by the building itself, due to the position of the rooftop terraces within the centre section of the building. The top of building is not overshadowed by neighbouring development, therefore the rooftop terraces have not been designed to receive optimum solar access. Building A is not provided with equitable access to the recreation room. Occupants of building A would need to exit the main entrance, travel around the commercial tenancies, then enter the lobby of building B. Alternatively, occupants would need to ride the lift into the basement, travel through the basement car park, then ride lift of building B up into the lobby of building B.

The basement contains two basements with split levels. The lifts are located on the upper level. In order to access lifts/vehicles, occupants would be required to travel up/down 8 - 11 steps which would provide poor amenity for parents with prams or the elderly. Each residential level is provided with a small room to store one 240L recycle bin, to be shared between 4 - 7 apartments. The room does not contain any additional room for

larger items pending disposal. It is likely the recycle bin would require emptying on a daily basis by a caretaker to avoid waste spilling out into corridors.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment:

The vehicle entrance to the basement has not been provided with a security roller shutter. It is considered that a security roller shutter would need to be provided that is open during the day but closed after hours and remotely accessible by residents. This would enable the commercial and visitor parking spaces to be accessible and prevent unrelated persons from entering the building after hours. The proposal includes a security roller shutter between basement 1 and basement 2, which separates the commercial and visitor parking from residential parking. The storage areas located in basement 2 and ground floor would not be accessible from the public domain.

There would be 26 apartments directly facing the school open space areas and buildings. A number of submissions have been received expressing concerns regarding the extent of overlooking to the nearby school property and potential safety implications to students.

Balconies provide passive surveillance opportunities to the ground floor outdoor communal open space areas, but not to the recreation room or rooftop terraces. The recreation room and commercial premises would provide passive surveillance opportunities to the street.

The application was accompanied by a Crime Prevention Through Environmental Design assessment which provides measures concerning surveillance, access control, territorial reinforcement and space management. It includes but is not limited to the installation of security cameras to record entry/exit points, communal open space areas and footpaths. Intercom facilities would be provided to enable visitors to communicate with residents. Access to entries and lifts would be secured by a 'swipe' car system to restrict unauthorised access. Lighting would provide to illuminate entry points and public areas controlled by timers and sensors.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment:

The proposed development would provide 98 two-bedroom apartments and 7 one-bedroom apartments. The proposal would not provide any three-bedroom apartments. Families would not be catered for within the city centre. No studio apartments would be provided that offer different dwellings sizes, layouts and price points to one-bedroom apartments. There is a disproportionate number of two-bedroom apartments, representing

93.3% of the total apartment yield. No evidence has been provided to reflect the current demographics or that the appropriate apartment mix has been provided. More variety would be required to achieve housing diversity. The recreation room does not contain any facilities to encourage recreational activities and there are no outdoor communal BBQ areas for social interaction.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment:

The primary façade when viewed from Cordeaux Street shows a balanced composition of building elements, textures, materials and colour selections. The building has a defined base, middle and top. The base of the building is defined through the face brick facade, entry portico, horizontal louvers and awnings. The height of the brick façade is relative to the horizontal plane of the adjacent rectory. The middle of the building is defined through the use of horizontal floors, solid and partial glazed balustrades, full height glazed windows and sliding doors. The vertical rendered walls and aluminium batten screens define centre of the building and identify the communal entry below. The top of the building is distinguished from its middle through the use of vertical cladding and glazed balustrades. The façade reflects the use, internal layout and structure of the building and the roof feature highlights the prominent corner. The secondary façade viewed from Moore Street is less balanced from a horizontal perspective. It is apparent the development involves two buildings joined together with unaligned horizontal elements, such as the floor slabs, glazing, balustrades, awnings, particularly the centre portion of the building, which contains a proliferation of screening devices.

Apartment Design Guide

The proposed development has been assessed against the Design Criteria of the Apartment Design Guide. Where the proposal fails to satisfy the Design Criteria, an assessment has been provided against the associated Design Guidance. The findings are presented in the table below:

COMMUNAL AND PUBLIC OPEN SPACE		
Objective 3D-1: An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		
Design Criteria:	**Proposed:**	**Compliance:**
1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3) ***Definition:*** *outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public.* ***Design Guidance:*** Communal open space should be	Site area: 3,100sqm Required communal open space: 775sqm Provided: 552sqm or 17.8% The plans highlight 781sqm or 25% but it includes the enclosed recreation room that is not open space, footpath adjoining the fire services booster/water meter, portions of footpath surrounding the landscaped areas fronting Cordeaux Street, the front entry ramp, accessible ramps and fire stairs fronting Moore Street. The communal open space is separated into	**No** **No**

consolidated into a well designed, easily identified and usable area	8 distinct areas. The street front seating indicates some usability, but it is metres from a classified road and does not receive any sunlight in mid-winter. The two rooftop terraces, approximately 91sqm and 93sqm, are considered inadequate in size for the population of 105 apartments.	
Communal open space should have a minimum dimension of 3m, and larger development should consider greater dimensions	The landscaped strip adjoining the substation has a dimension less than 3m and should be excluded. The accessible ramp should not be included as communal open space and as such the remaining landscaped areas would have dimensions less than 3m and should be excluded.	**No**
Communal open space should be co-located with deep soil areas	The communal open space fronting Moore Street is not co-located with deep soil areas and a portion of communal open space fronting Cordeaux Street is not co-located with deep soil areas, as the dimensions are less than 6m.	**No**
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Communal open space is provided in front of each lobby.	Yes
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Additional outdoor communal open space could be provided at ground level to provide additional separation from the school.	**No**
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:		
• provide communal spaces elsewhere such as a landscaped roof top terrace or a common room	• Rooftop terraces and recreation room provided.	Yes
• provide larger balconies or increased private open space for apartments	• Numerous undersized balconies.	**No**
• demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	• Close proximity to Mawson Park and Campbelltown Showground	Yes
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	The principal usable part of the communal open space is the recreation room and adjacent open space area. It provides the greatest opportunity for group recreational activities. The recreation room has a northerly orientation and contains large glazed windows/doors. The shadow and solar	Yes

<table>
<tr><td></td><td>view diagrams indicate that sunlight would be provided to at least 50% of its area for a minimum of 2 hours between 9am and 3pm on 21 June.</td><td></td></tr>
<tr><td colspan="3">DEEP SOIL ZONES</td></tr>
<tr><td colspan="3">Objective 3E-1: Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</td></tr>
<tr><td>Design Criteria:</td><td>Proposed:</td><td>Compliance:</td></tr>
<tr><td>1. Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>Less than 650sqm</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650-1,500sqm</td><td>3m</td></tr><tr><td>Greater than 1,500sqm</td><td>6m</td></tr><tr><td>Greater than 1,500sqm with significant existing tree cover</td><td>6m</td></tr></table>
Design Guidance:

On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:
• 15% of the site as deep soil on sites greater than 1,500sqm

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:
• basement and sub basement car park design that is consolidated beneath building footprints
• use of increased front and side setbacks
• adequate clearance around trees to ensure long term health
• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil

Achieving the design criteria may not be</td><td>Required deep soil zone: 7% of site area with minimum dimensions of 6m.
Provided: Approx. 77sqm or 2.49% measured with 90 degree angles.

The plans highlight 225.8sqm or 7.28%. This includes areas with dimensions less than 6m and impervious footpath areas. It is considered this standard could be achieved by retaining additional significant trees forward of building alignments, increasing the setbacks from the school boundary and provision of a greater area of outdoor communal open space at ground level.

15% recommended, 2.49% provided.

Removal of fourteen and retention of three significant trees.
• Basement sprawls outside of building footprint within 1m of classified road
• Front and side setbacks should be increased
• The spread of the three trees to be retained indicates potential conflicts with building footprint
• Some co-location with adjacent school open space</td><td>No

No

No
No
No</td></tr>
</table>

<table>
<tr><td>possible on some sites including where:
• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)
• there is 100% site coverage or non-residential uses at ground floor level</td><td>• The location permits deep soil planting at ground level, but the proposed building typology is not sensitive to the existing features of the site and neighbouring land uses.
• There is not 100% coverage at ground level. The ground level includes residential storage areas that could otherwise be situated in the basement, particularly as the proposal provides excess basement parking spaces.</td><td>No

Yes</td></tr>
<tr><td>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</td><td>Stormwater discharged into Council's piped drainage system, but does not incorporate rainwater recycling. Planting provided on rooftop terraces, but includes 2 Tuckeroo trees (mature height 10m) in soil with a volume less than 35m³ and dimensions less than 6m (see table 5 in 4P planting on structures).</td><td>No</td></tr>
<tr><td colspan="3">VISUAL PRIVACY</td></tr>
<tr><td colspan="3">Objective 3F-1: Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td></tr>
<tr><td>Design Criteria:</td><td>Proposed:</td><td>Compliance:</td></tr>
<tr><td>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr>
<tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table>

Design Guidance:

Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance</td><td>
<table>
<tr><th>Habitable rooms and balconies</th><th>Y/N</th><th>Non-habitable rooms</th><th>Y/N</th></tr>
<tr><td>Ground: N/A</td><td>Yes</td><td>Ground: 5m</td><td>Yes</td></tr>
<tr><td>Level 1: 2.9m</td><td>No</td><td>Level 1: 6m</td><td>Yes</td></tr>
<tr><td>Level 2: 2.9m</td><td>No</td><td>Level 2: N/A</td><td>Yes</td></tr>
<tr><td>Level 3: 6.4m</td><td>Yes</td><td>Level 3: N/A</td><td>Yes</td></tr>
<tr><td>Level 4: 6.4m</td><td>No</td><td>Level 4: N/A</td><td>Yes</td></tr>
<tr><td>Level 5: 6.4m</td><td>No</td><td>Level 5: N/A</td><td>Yes</td></tr>
<tr><td>Level 6: 6.4m</td><td>No</td><td>Level 6: N/A</td><td>Yes</td></tr>
<tr><td>Level 7: 6.4m</td><td>No</td><td>Level 7: N/A</td><td>Yes</td></tr>
<tr><td>Level 8: 9.1m</td><td>No</td><td>Level 8: N/A</td><td>Yes</td></tr>
<tr><td>Level 9: 9.1m</td><td>No</td><td>Level 9: N/A</td><td>Yes</td></tr>
</table>

Three steps in built form, but does not cause ziggurat appearance.</td><td>No

Yes</td></tr>
</table>

For residential buildings next to commercial buildings, separation distances should be measured as follows: • for retail, office spaces and commercial balconies use the habitable room distances • for service and plant areas use the non-habitable room distances	School is a commercial building. Habitable room distances comply. Non-habitable room distances comply.	Yes Yes Yes
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)	Apartment balconies face windows of adjoining school buildings. • Site layout and building orientation raises privacy concerns • Site is not steep	**No** **No** N/A
Direct lines of sight should be avoided for windows and balconies across corners	Direct lines of sight between apartment balconies and windows of adjoining school buildings.	**No**
No separation is required between blank walls	Walls are not blank.	N/A
CAR PARKING		
Objective 3J-1: Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas		
Design Criteria:	**Proposed:**	**Compliance:**
1. For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street	Site located within 800m of Campbelltown Station and is on land zoned B4 Mixed Use. RMS Guide to Traffic Generating Developments parking rates for high density residential flat buildings in Metropolitan Regional Centres: 0.4 spaces per 1 bedroom unit (7 x 0.4 = 2.8) 0.7 spaces per 2 bedroom unit (98 x 0.7 = 68.6) 1 space per 7 units for visitor parking (105/7 = 15)	Yes

	Total residential spaces required = 71.4 Total residential spaces provided = 105 Total visitor spaces required = 15 Total visitor spaces provided = 11	Yes **No**
SOLAR AND DAYLIGHT ACCESS		
***Objective 4A-1*:** To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria:	**Proposed:**	**Compliance:**
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	Required: 74 apartments Provided: 80 apartments or 76% The Solar View Diagrams show that units: A1.04, A2.04, A3.04, A4.04, A5.04, A6.04, A7.04, A8.04 and A9.03 would receive less than 1 hour of solar access to living room windows and balconies between 2 – 3pm. Units: A1.03, A2.03, A3.03, A4.03, A5.03, A6.03, A7.03, A8.03, B1.02, B2.02, B3.02, B4.02, B5.02, B6.02, B7.02, B8.02 do not receive any sunlight to living rooms and private open spaces.	Yes
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	15.24% or 16 apartments.	Yes
NATURAL VENTILATION		
Objective 4B-3: The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		
Design Criteria:	**Proposed:**	**Compliance:**
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	60% or 64 apartments would be naturally ventilated.	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	All cross-through apartments have a depth less than 15.5m.	Yes

CEILING HEIGHTS

Objective 4C-1: Ceiling height achieves sufficient natural ventilation and daylight access

Design Criteria:	**Proposed:**	**Compliance:**
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

Provided floor to ceiling heights		
Kitchen, living, dining, bedroom:	2.75m – 2.9m	Yes
Recreation room:	4m	Yes
Basement:	2.6m – 3.4m	Yes
Lobby:	2.85m - 4.1m	Yes
Balcony:	2.85m – 2.9m	Yes
Commercial premises:	4.1m	Yes

These minimums do not preclude higher ceilings if desired	Higher ceilings provided	Yes

APARTMENT SIZE AND LAYOUT

Objective 4D-1: The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity

Design Criteria:	**Proposed:**	**Compliance:**
1. Apartments are required to have the following minimum internal areas:		

Apartment type	**Minimum internal area**
1 bedroom	50sqm
2 bedroom	70sqm

Apartment type	**Provided internal area**	
1 bedroom	52sqm – 57sqm	Yes
2 bedroom	76sqm – 92sqm	Yes

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each	The two-bedroom units have two bathrooms and exceed 75sqm	Yes
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	All habitable rooms have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air is not borrowed from other rooms.	Yes

Objective 4D-2: Environmental performance of the apartment is maximised		
Design Criteria:	**Proposed:**	**Compliance:**
1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All habitable bedroom areas have compliant depths	Yes
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Abundant open plan layouts (combined living, dining and kitchen) have a room depth that exceeds 8m from a window. <u>Building A:</u> • A1.01, A1.02, A1.06 • A2.01, A2.02, A2.06 • A3.01 – A7.01, A3.02 – A7.02, A3.06 – A7.06 (15 apartments inclusive) • A8.02 **Total:** 22 apartments <u>Building B:</u> • B1.01, B1.02, B1.03, B1.04, B1.05 • B2.01, B2.02, B2.03, B2.04, B2.05, B2.06 • B3.01 – B7.01, B3.02 – B7.02, B3.03 – B7.03, B3.04 – B7.04, B3.05 – B7.05, B3.06 – B7.06 (30 apartments inclusive) • B8.02, B8.03 • B9.02 **Total:** 44 apartments **Overall total:** 66 apartments or 62.86%	**No**
Design Guidance:		
Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths	Greater than minimum ceiling heights are provided for the open plan layouts up to the permitted maximum depth	Yes
All living areas and bedrooms should be located on the external face of the building	All living rooms and bedrooms are located on the external face of the building	Yes
Where possible: • bathrooms and laundries should have an external openable window	• All bathrooms and laundries require mechanical ventilation	**No**
• main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	• Main living spaces are oriented toward the primary outlook	Yes

Objective 4D-3: Apartment layouts are designed to accommodate a variety of household activities and needs

Design Criteria:	**Proposed:**	**Compliance:**
1. Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space)	All master bedroom have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm excluding wardrobe space	Yes
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms have a minimum dimension of 3m excluding wardrobe space	Yes
3. Living rooms or combined living/dining rooms have a minimum width of:		
• 3.6m for studio and 1 bedroom apartments	• All 1 bedroom apartments have a minimum living/dining room width greater than 3.6m	Yes
• 4m for 2 bedroom apartments	• All 2 bedroom apartments have a minimum living/dining room width of at least 4m	Yes
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All cross-through apartments have an internal width of 4m	Yes

PRIVATE OPEN SPACE AND BALCONIES

Objective 4E-1: Apartments provide appropriately sized private open space and balconies to enhance residential amenity

Design Criteria:	**Proposed:**	**Compliance:**
1. All apartments are required to have primary balconies as follows: **Dwelling type** / **Minimum area** / **Minimum depth** 1 bedroom apartments / 8sqm / 2m 2 bedroom apartments / 10sqm / 2m The minimum balcony depth to be counted as contributing to the balcony area is 1m	All 1 bedroom apartments have balcony areas greater than 8sqm when excluding depths less than 1m. Areas range between approx. 8.8sqm – 16.5sqm (to balustrade).	Yes
	Four 1 bedroom apartments have balcony depths less than 2m. The minimum depths range between approx. 1.5m – 1.59m for the following apartments: • A8.01, A8.06, A9.01, A9.05	**No**
	Twenty-six 2 bedroom apartments have balcony areas less than 10sqm when excluding depths less than 1m. Areas range between approx. 5.11sqm – 9.53sqm for the following apartments: • A3.01 – A7.01, A3.06 – A7.06, B3.04 – B7.04, B3.05 – B7.05 (20 inclusive) • B8.01, B8.02, B8.04 • B9.01, B9.02, B9.03	**No**
	Thirty-five 2 bedroom apartments have balcony depths less than 2m to the primary	**No**

	balcony area and include the following apartments: • A3.01 – A7.01, A3.06 – A7.06, B3.01 – B7.01, B3.04 – B7.04, B3.05 – B7.05 (25 inclusive) • A8.03, B8.01, B8.02, B8.04, B8.05 • A9.02, B9.01, B9.02, B9.03, B9.04	
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m	No apartments at ground floor or on podiums	N/A
Design Guidance:		
Increased communal open space should be provided where the number or size of balconies are reduced	The size of balconies is reduced. Increased communal open space not provided.	**No**
Storage areas on balconies is additional to the minimum balcony size	Storage of air-conditioning units on balconies reduces balcony sizes further	**No**
Balcony use may be limited in some proposals by:		
• consistently high wind speeds at 10 storeys and above	• Balconies do not exceed 10 storeys	N/A
• close proximity to road, rail or other noise sources	• Exposed to road noise	Yes
• exposure to significant levels of aircraft noise	• No significant exposure to aircraft noise	N/A
• heritage and adaptive reuse of existing buildings	• The heritage building does not restrict balcony sizes	N/A
In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated	Some balconies face Moore Street.	Yes

<table>
<tr><th colspan="3">COMMON CIRCULATION AND SPACES</th></tr>
<tr><td colspan="3">Objective 4F-1: Common circulation spaces achieve good amenity and properly service the number of apartments</td></tr>
<tr><td>Design Criteria:</td><td>Proposed:</td><td>Compliance:</td></tr>
<tr><td>1. The maximum number of apartments off a circulation core on a single level is eight</td><td>Building A: maximum of 6 apartments accessed off a circulation core on a single level

Building B: maximum of 7 apartments accessed off a circulation core on a single level</td><td>Yes

Yes</td></tr>
<tr><td>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>Building is 10 storeys high. Building A contains 53 apartments sharing two lifts and Building B contains 52 apartments sharing two lifts.</td><td>Yes</td></tr>
<tr><th colspan="3">STORAGE</th></tr>
<tr><td colspan="3">Objective 4G-1: Adequate, well designed storage is provided in each apartment</td></tr>
<tr><td>Design Criteria:</td><td>Proposed:</td><td>Compliance:</td></tr>
<tr><td>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><th>Dwelling Type</th><th>Storage size volume</th></tr><tr><td>1 bedroom apartments</td><td>6m^3</td></tr><tr><td>2 bedroom apartments</td><td>8m^3</td></tr></table>
At least 50% of the required storage is to be located within the apartment</td><td>1 bedroom internal storage areas range from 2.04sqm – 3.3sqm. Multiplied by the ceiling height, all 1 bedroom storage volumes are compliant.

2 bedroom internal storage areas range from approx. 2.32sqm – 3.86sqm. Multiplied by the ceiling height, all 2 bedroom storage volumes are compliant.

100% of the required storage is located within the apartment. Notwithstanding, the following additional and unallocated storage areas are provided:
Ground floor: 50 individual storage areas
Basement level 1: 15 storage areas positioned in front of car parking spaces
Basement level 2: 21 storage areas positioned in front of or adjacent to car parking spaces</td><td>Yes

Yes

Yes</td></tr>
</table>

The proposed development fails to satisfy several Design Criteria and accordingly the proposal fails to satisfy the objectives for the relevant design criteria discussed below:

Communal open space

Objective 3D-1:	*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*
Criteria:	Communal open space has a minimum area equal to 25% of the site
Comment:	The proposal would provide 17.8% of the site area as communal open space which is considered not adequate for the proposed apartment density and future population. It is considered that 25% would better enhance residential amenity and opportunities for landscaping, than a development that is less than the minimum standard. The communal open space would be more highly valued by residents particularly because inadequate areas and dimensions of balconies are proposed. The future occupants of building A would also have poor access to the principal communal open space provided at ground level as it is associated with building B. The proposed rooftop terrace servicing building A is approximately 91sqm and is considered inadequate for the population of building A.

Deep soil zones

Objective 3E-1:	*Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality*
Criteria:	Deep soil zones to have minimum dimensions of 6m and comprise minimum of 7% of site area
Comment:	Excluding dimensions less than 6m and angles less than 90 degrees, the proposal would provide 2.49% of the site area as deep soil zones. The proposal seeks to retain three significant trees within areas that do not satisfy the minimum deep soil planting dimensions of 6m. The proposal seeks to remove seventeen trees (including 14 significant trees) and proposes the offset planting of trees directly above the basement situated below. An improved basement layout and increased building setback would allow greater deep soil planting to be provided forward of the building alignment.

Visual privacy

Objective 3F-1:	*Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy*
Criteria:	Buildings up to 4 storeys to have habitable rooms and balconies setback minimum of 6m from boundary, buildings between 5 – 8 storeys to have

habitable rooms and balconies setback minimum of 9m from boundary, and buildings over 9 storeys to have habitable rooms and balconies setback minimum of 12m from boundary

Comment: The approximate setbacks from the shared boundary are provided as follows: ground: 5m, level 1: 2.9m, level 2: 2.9m, levels 3 – 7: 6.4m, level 8: 9.1m and level 9: 9.1m.

The critical distance is the separation between the balcony and habitable room on the northern corner of the building. This falls approximately 3.06m short of the 6m distance specified in the ADG and was of concern to the Panel at its site inspection in May 2017.

The proposed development in its current form fails to achieve the objective for building separation in the ADG. A compliant building separation would provide better visual and acoustic privacy for future residents and occupants of the adjoining school buildings. The non-compliant building separation does not increase the amenity of the apartment and unduly compromises the visual privacy of the adjoining school property.

Car parking

Objective 3J-1: *Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas*

Criteria: The RMS Guide to Traffic Generating Developments parking rates for high density residential flat buildings in Metropolitan Regional Centres requires 1 visitor space per 7 apartments.

Comment: The proposal is located within close proximity of public transport. The proposal provides 34 excess residential spaces and is short of 4 visitor parking spaces. Adequate on-site visitor parking would be needed as a high number of visitors could be expected to visit residents. The proposal fails to satisfy the RMS guideline with respect to the provision of visitor parking in the city centre.

Apartment size and layout

Objective 4D-2: *Environmental performance of the apartment is maximised*

Criteria: In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window

Comment: A total of 66 apartments contain open plan layouts that have habitable room depths greater than 8m from a window.

Numerous apartments contain open plan layouts where the habitable room depth exceeds 8m from a window. Dining rooms and kitchens are setback within several apartments and would be provided with poor ventilation.

Windows have not been provided from different aspects to provide natural cross ventilation to the areas exceeding 8m in depth. Solar access is considered generally satisfactory. The apartments facing north are provided with glazed sliding doors that will facilitate solar access to habitable rooms. For the apartments facing south the breaches are less significant and solar access is less attainable. However the apartments facing south have greater reliance on natural daylight to provide residential amenity and reduce the need for artificial lighting. Scaling back the depth of apartments is needed to ensure satisfactory light and ventilation to apartments.

Private open space and balconies

Objective 4E-1: *Apartments provide appropriately sized private open space and balconies to enhance residential amenity*

Criteria: One bedroom apartments to have primary balconies with minimum area of 8sqm and minimum depth of 2m. Two bedroom apartments to have primary balconies with minimum area of 10sqm and minimum depth of 2m. The minimum balcony depth to be counted as contributing to the balcony area is 1m

Comment: Four 1 bedroom apartments have balcony depths less than 2m. Twenty-six 2 bedroom apartments have balcony areas less than 10sqm when excluding depths less than 1m. Thirty-five 2 bedroom apartments have balcony depths less than 2m.

Various balconies are inadequate in size when the unusable narrow portions of the balconies are excluded from the total areas. As balconies are less than 2m wide, it does not reasonably contribute as private open space area. The ADG states that a minimum depth of 2m is appropriate for 1 and 2 bedroom apartments to fit a table and 2-4 chairs. For examples Unit B9.01 is a two bedroom apartment and has a balcony area of approximately 5.1sqm and minimum balcony depth of 1.4m. Having regard to the dense nature of the proposed development, the apartments should be provided with the minimum balcony areas and depths. The reduced utility space does not allow for better amenity for future occupants. The width of the balconies do not allow the use of the tables and chairs to be comfortably undertaken and would fail to provide residents with sufficient dimensions to enjoy the benefits of outdoor living, particularly as the principal usable part of the communal open space is located indoors within a recreation room.

The proposed development exhibits a level of compliance with the ADG, but is not compliant in several key areas relating to residential amenity.

5.1.5 Campbelltown Local Environmental Plan 2015

The proposed development has been assessed against the relevant provision of the Campbelltown Local Environmental Plan 2015. This assessment is discussed below:

Permissibility

The development site is zoned 'B4 Mixed Use' and 'SP2 Infrastructure' under the zoning maps of the Campbelltown Local Environmental Plan 2015. Residential flat buildings, commercial premises and shop top housing are permissible within the B4 zone.

Zone objectives

The objectives of the B4 zone under the LEP are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage the timely renewal and revitalisation of centres that are undergoing growth or change.*
- *To create vibrant, active and safe communities and economically sustainable employment centres.*
- *To provide a focal point for commercial investment, employment opportunities and centre-based living.*
- *To encourage the development of mixed-use buildings that accommodate a range of uses, including residential uses, and that have high residential amenity and active street frontages.*
- *To facilitate diverse and vibrant centres and neighbourhoods.*
- *To achieve an accessible, attractive and safe public domain.*

The proposed development does not propose any uses of the ground floor commercial premises. The compatibility of future commercial uses would be subject to a separate assessment/approval process.

The design of the building is not considered to provide a compatible land use. The failure to provide adequate separation distances, deep soil planting and outdoor communal open space at ground level between the school is unsatisfactory and contributes to significant adverse overlooking to the adjoining school buildings and open space areas. The proposed development is not compatible with the streetscape of the northern side of Cordeaux Street with respect to the building alignments established by the rectory, school building and church, and the landscaped open space areas between the street and the buildings within the context of Mawson Park. The proposed building setback and landscaped areas are not sufficient and the impact of the proposed development on the streetscape is exacerbated due to the bulk and scale of building at the street frontage.

The proposal would integrate residential and retail development in an accessible location that would maximise public transport patronage and encourage walking and cycling.

A proposal of this magnitude would ordinarily be considered an encouragement to the renewal and revitalisation of the Campbelltown city centre. However its potential impacts on the adjoining school and the heritage site are significant. It is considered the timing for the redevelopment of the site for the

proposed development would be more appropriate if the adjoining school site was undergoing change such as a rezoning or redevelopment at a comparable scale.

The proposal would be located on a prominent corner site with frontage to Moore Street and would provide a focal point for centre based living. The two commercial premises are not substantial and would not be recognised as being a focal point for commercial investment and employment opportunities.

The proposal would encourage the development of mixed-use buildings to accommodate a range of potential uses with an active street frontage. However the proposal fails to encourage mixed-use developments with high residential amenity, in terms of balcony sizes, apartment depths, deep soil planting, communal open space, building separation and visitor parking.

The proposal would facilitate a diverse and vibrant centre and neighbourhood in terms of providing a mixed use development. However the proposal fails to provide housing diversity as no three-bedroom apartments would be provided to cater for families within a CBD environment. No studios would be provided that offer different dwellings sizes, layouts and price points to one bedroom apartments.

The proposal achieves an accessible domain due to its location on the edge of the business centre and within close proximity of public transport facilities. It is considered the proposal fails to achieve an attractive public domain as the design of the development involves excavation so as to keep the majority of the upper levels within the maximum building height, which results in the commercial premises being situated four steps below adjoining street level which obscures the active frontage to passing motorists and pedestrians. The excavation results in a stepped built form and facade, particularly the centre portion of the building when viewed from Moore Street. The proposal is considered generally satisfactory with respect to achieving a safe public domain as passive surveillance would be provided to both street frontages.

The objectives of the SP2 zone under the LEP are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To provide for the retention and creation of view corridors.*
- *To preserve bushland, wildlife corridors and natural habitat.*
- *To maintain the visual amenity of prominent ridgelines.*

The proposed development would not provide for infrastructure and related uses.

The proposal would remove approximately 567sqm of land associated with the heritage item and 79sqm of land associated with the school. The proposed development is not considered to be compatible with the adjoining heritage item or school for several reasons previously outlined in the report.

The proposal would not provide for the retention of view corridors. The proposal would reduce the oblique views of the heritage item when viewed from Cordeaux Street and would eliminate views of the principal façade when viewed from the footpath of Moore Street adjoining 28 Cordeaux Street.

The northern side of Cordeaux Street has an established streetscape as a result of the constructed heritage items and existing open space areas located forward of buildings. The streetscape would not be retained due to the intrusion of the building forward of the established building alignments within the SP2 zoned land.

Although not proposed for removal, it is considered that inadequate information has been provided to ascertain that tree No. 24 (*Schinus ariera*) associated with the heritage item would be retained, due to its branches overhanging the proposed right of carriageway and being within the vicinity of the proposed building works. While depicted for other trees, the spread of the tree has not been shown on the Tree Management Plan within appendix 8 of the Arboricultural Impact Appraisal and Method Statement.

Height restrictions for certain residential accommodation

Clause 4.3A of the LEP provides that a dwelling that is either contained within a residential flat building or that forms part of shop-top housing shall not be higher than two storeys. All of the apartments within the proposed building would be single storey, and the proposed development therefore satisfies this provision.

Exception to development standard – building height

The maximum permitted height for the site under the LEP is 32m. The application has sought a variation to the maximum building height in the order of 2.09m, to allow the lift/stair overruns and equipment areas to be provided at roof level.

Clause 4.6 of the LEP provides flexibility to vary the height standard where the breaches achieve a better outcome for and from development. However, the clause requires in part as follows:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Furthermore, consent cannot be granted for a contravention unless the consent authority is satisfied that "the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out".

The objectives for the height of buildings under clause 4.3 of the LEP are:

(a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,

(c) to provide for built form that is compatible with the hierarchy and role of centres,
(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

The objectives of the standard are achieved notwithstanding non-compliance with the standard

The clause 4.6 justification for the breaches sought by the applicant contends that the building meets the objectives for the height standard. Extracts of the applicant's submission is provided below:

(a) To nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,

The subject site is located within the Campbelltown CBD and at the periphery of the CBD's commercial core. Building height development standards throughout this particular portion of the CBD range from 45m (for land in close proximity to the Campbelltown railway station), 38.5m (also for land in close proximity to the Campbelltown railway station), reducing to 32m and 22.5m for land along the southern periphery of the CBD.

In effect, the development standards achieve transition in built form and land use intensity, with each graduating downward (i.e. less intense) from land in the vicinity of the Campbelltown train station, to land at periphery of the CBD.

Given the proposal's breach is minor (i.e. only 2.09m), it would not compromise the built form and land use intensity transitioning effect as sought by the Maximum Building Heights map. As such, this particular objective is satisfied by the proposal, despite the numerical non-compliance.

If the non-compliance was substantially greater, rendering the proposal much similar in height to permitted building envelopes in proximity to the railway station for example (i.e. 45m), then arguably the proposal may be deemed inconsistent with the transitioning effect sought by the local environmental planning framework.

Whilst the non-compliant element's role in the proposal is minor, the proposal's overall contribution is of a high standard. In particular, it adequately defines and articulates the subject corner site. In so doing, the proposal reinforces the site's important role as a gateway to the Campbelltown CBD.

The proposed bulk and scale will relate appropriately to that permitted on the opposing council owned car park site, given it is substantially compliant with most applicable development standards. Further, it has been determined that the proposal's relationship to the adjoining heritage item is acceptable.

In light of the above, it is provided that this particular objective would be satisfied by the proposal, despite the non-compliance.

(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,

The subject site is located within the Campbelltown CBD and at the periphery of the CBD's commercial core. Building height development standards throughout this particular portion of the CBD range from 45m (for land in close proximity to the Campbelltown railway station), 38.5m (also for land in close proximity to the Campbelltown railway station), reducing to 32m and 22.5m for land along the southern periphery of the CBD.

Given the proposal's breach is minor (i.e. only 2.09m), it would not affect the hierarchy of permitted building heights throughout the CBD. As such, this particular objective is satisfied by the proposal, despite the numerical non-compliance.

If the non-compliance was substantially greater, rendering the proposal much similar in height to permitted building envelopes in proximity to the railway station for example (i.e. 45m), then arguably the proposal may be deemed inconsistent with the intended scale of development, as determined by the current local environmental planning framework.

(c) to provide for built form that is compatible with the hierarchy and role of centres,

The extent of the non-compliance is minor (i.e. only 2.09m above the maximum permitted building height and constrained towards the centre of the proposal's roof). Further, the vast majority of the proposal is compliant with other relevant development standards or prescriptive controls such as those within the Campbelltown (Sustainable City) Development Control Plan 2015. As such, this request provides that the non-compliance cannot be incompatible with the hierarchy and role of the Campbelltown CBD, as has been determined by the local environmental planning framework. Similarly, it would not be incompatible with the hierarchy and role of other centres in the Campbelltown Local Government Area (LGA).

If the non-compliance was substantially greater, or similar to higher permitted building heights in the Campbelltown CBD, then arguably any such proposal would be incompatible with the established hierarchy and role of centres.

(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

The extent of the non-compliance is minor, being only 2.09m above the 32m permitted building height, and constrained to a limited portion of the overall proposed building envelope. The non-compliant elements are also recessed back from the perimeter of the building.

The minor nature of the non-compliance, combined with its location towards the centre of the roof ensure it is not highly visible from any public or private domain. It also ensures any shadows cast by the non-compliant element do not result in any unreasonable public or private amenity impacts. This is largely a result of the site's northerly orientation and subsequent shadows being cast over Oxley/Moore Street which benefits from a wide road corridor.

The non-compliant elements do not include any habitable floor space. More specifically, they would only be accessible for servicing related purposes. As such, they would not allow for any privacy related impacts. All of the proposal's habitable floor space, or any other floor space that

would be typically accessible on a daily basis (such as the roof top communal recreation area), is located below the 32m maximum building height plane.

In light of the above, this request provides that the non-compliant height satisfies the objective in question.

Sufficient environmental planning grounds to justify the contravention

The applicant's justification that there is sufficient environmental planning ground to justify the contravention is provided below:

- *It has been demonstrated that the proposal and its height breach remains consistent with the objectives of the subject B4 – Mixed Use zone as well as Clause 4.3 and 4.6 of the Campbelltown LEP 2015, despite the numerical non-compliance.*
- *The proposal would not compromise the land use intensity and built form transitioning effect sought by the local environmental planning framework.*
- *The non-compliant height does not result in any unreasonable visual impacts.*
- *The non-compliant height does not result in any unreasonable overshadowing impacts, largely because shadows from the proposal are almost entirely situated over the substantially wide Oxley/Moore Street road corridor.*
- *The height non-compliance assists with providing improved amenity for the proposal's residents. Specifically, it assists with providing access to a communal, roof top recreation area.*

Response

The height exceedences are not likely to be seen when standing on the footpath fronting the building, but the plans indicate the breaches would be seen from elsewhere in the public domain, such as from Moore Street, Mawson Park and the medium and low density residential properties situated to the south and east. Whilst the height exceedances are concentrated in the centre portions of each building and setback from all boundaries, they would have some visual impact to the street, public spaces residential properties.

The proposed development is inconsistent with the objective of the building height standard to provide a transition in built form and land use intensity across all zones. It is considered the proposed development would not provide an appropriate transition in built form and land use intensity with the adjoining land uses and SP2 zoned land. The heritage item is constrained in future built form and building height due to its significance and is unlikely to change to provide additional transition opportunity.

The proposed development is inconsistent with the objective of the building height standard to ensure that the height of the building reflects the intended scale of development appropriate to the locality. The controls allow a building of up to 32m and the proposal would present as a 10 storey development at the street frontage, which may reflect the desired future character of the city centre. However the immediate locality of the site includes the scale of the heritage item and school. Further, it is recognised the height of buildings within the locality varies, but it is the height of the buildings along the street

frontages and the provision of setbacks and open space areas forward of buildings that sets the context for the development. The northern side of Cordeaux Street has an established building alignment created by the rectory, school building and church. The proposed building projects forward of the established building alignment and its associated height and scale is not sympathetic to the existing streetscape that is unlikely to significantly change and as such is not desired or appropriate for the locality. The breach of the height is not warranted and the applicant has not been able to demonstrate the variation to the height control better achieves the planning outcomes than a complying development. It is considered the lift/stair overruns and equipment areas are capable of being provided on a development within a compliant building height.

The proposed development is inconsistent with the objective of the building height standard to assist in the minimisation of opportunities for undesirable visual impact and loss of privacy to existing development. The proposal involves two separate buildings that are joined together with a dividing wall. The design of the development attempts to keep the majority of the upper levels within the maximum building height, which results in a stepped built form and facade, particularly the centre portion of the building when viewed from Moore Street. The proposed floor slabs, facades, awnings, glazing and screens are not aligned, and would result in an undesirable visual impact that is further pronounced through the proliferation of vertical screening devices. It is considered that if the lift/stairs overruns and equipment areas were provided on a building that was within the maximum building height, there would be no need for a stepped built form and façade and the levels could be aligned, thus removing the undesirable visual impact of the development to the surrounding environment. The applicant argues that strict compliance with the height control would not result in any unreasonable privacy impacts. However the height variation would facilitate an additional level of apartments to be provided that contains habitable room windows and balconies that overlook the school buildings and open spaces areas which also do not comply with the minimum required building separation distances specified in the Apartment Design Guide. It is considered the proposed building height variation would only exacerbate overlooking to the adjoining school buildings and open space areas and the height breaches would not achieve a better planning outcome for the school or be in the public interest.

While the clause 4.6 variation request seeks to adopt a maximum height RL of 113.94, the architectural plans have not provided RLs of the structures exceeding the limit. The variation also fails to identify the vertical rendered walls situated above the front entrances and cladded facades that exceed the 32m height line depicted on the elevation plans.

It is considered there would be no environmental planning benefits derived from the non-compliances. The only benefit from permitting the variation would be the developer's ability to gain an additional level of apartments by exceeding the maximum building height.

It is contended the objectives of the development standard have been achieved and that compliance with the height standard is unreasonable or unnecessary in the circumstances or that there are sufficient environmental planning grounds to warrant contravention of the height standard as proposed. The heritage item and school are significant constraints that limit the achievement of the maximum building height. Objectively, it may not be possible to achieve the maximum building height, despite the

proposed height breaches exceeding the maximum building height limit. Having regard to the negative findings of the clause 4.6 variation request, consent cannot be granted to the application. Notwithstanding, consent cannot be granted, even if the height non-compliances were justified, due to several other non-compliances identified within this report.

Development near zone boundaries – SP2 infrastructure

Clause 5.3 of the LEP contains provision for development near zone boundaries. The development site involves two zones under the LEP. The majority of the site to the south-east adjoining Moore Street is zoned B4 Mixed Use. The balance adjoining the north-west boundary is zoned SP2 Infrastructure. A 32m maximum height of buildings limit applies for the B4 zoned portion and an unlimited building height for the SP2 zoned portion respectively. Both zones benefit from an unlimited floor space ratio and there is no minimum subdivision allotment size. Residential flat buildings and commercial premises (business, office and retail) are permissible in the B4 zone but not in the SP2 zone.

Approximately 646sqm is located in 'transition land' being land zoned SP2 but within 50m of the B4 zone, comprising of 567sqm of land associated with the heritage item and 79sqm of land associated with the school.

Clause 5.3 Development near zone boundaries applies to the transition land. The applicable provisions of clause 5.3 are read as follows:

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

As discussed previously, the proposed development is not considered to be especially compatible with the objectives of the SP2 zone, therefore the application of clause 5.3 for the use of the SP2 zoned land in this case is not appropriate. Notwithstanding, for completeness of the assessment of the application the clause is dealt with below.

A key issue with the application is the appropriateness of utilising the 'transition land' to allow a residential apartment building development which would otherwise be prohibited in the SP2 zone.

Specifically, the application proposes the built form of the residential apartment building into the transition land, including balconies, bedrooms, living rooms, driveway, retaining walls, landscaping, basement car parking, onsite detention tank and fire services storage tanks.

The transition area currently contains an existing right of carriageway, burdening Lots 50 and 51, being the heritage item and school respectively. Lot 3 has the benefit of the right of carriageway, being the corner lot on which the majority of the proposed development is to be situated. The right of carriageway has a bitumen surface and is currently used to provide emergency access to the school property.

The transition land is predominantly associated with the heritage item and to a lesser extent the school. Under the prior LEP all of the affected lots were zoned 10(a) – Regional Comprehensive Centre Zone which permitted a multitude of uses. The LEP 2015 used existing title boundaries and existing land uses to assign zones. It did not consider the intricacies of each development site.

The site is relatively unique as the right of carriageway is located adjacent to the fence of the heritage item, with the exception of the part of the right of carriageway located at the entrance of the site which traverses through the fence.

In applying a dual zoning to the site, it was anticipated that high density development would likely be confined to the B4 zoned portion and not over the SP2 portion, involving the heritage item and the school. However, this does not preclude the application of clause 5.3 to achieve a different built form outcome across the site.

Clause 5.3 has the core objective of providing design flexibility to permit the extension of uses across zone boundaries. In this instance, it would facilitate the residential apartment building predominantly located on the B4 zone to also be erected in the transition land.

Arguably, the proposed development results in a more logical and appropriate development of the B4 zoned land by merging the development with the adjoining SP2 zoned land, given the portion of the SP2 zoned land already contains an existing right of carriageway and the proposed boundary would align with the fence of the rectory.

It is recognised the transition land would contain portions of the residential apartment building and that it would be used for building separation distances which enables a larger and wider building to be provided, particularly when viewed from Cordeaux Street. The resultant outcome of utilising clause 5.3 in this case is to maximise the developable area.

The proposed design, mass and location of the residential apartment building is such that it raises privacy and overlooking concerns to the school property.

It would not be appropriate to permit additional floor space to be provided within the SP2 zoned land, having regard to the proximity of proposed balcony areas and associated living spaces to the adjoining school buildings.

The failure to provide adequate separation distances, deep soil planting and outdoor communal open space at ground level between adjoining properties is unsatisfactory and contributes to amenity issues.

The proposed 10 storey building is considered to have an adverse impact on the item's streetscape qualities and setting which are important to its heritage significance.

The northern side of Cordeaux Street has an established streetscape as a result of the constructed heritage items and existing open space areas forward of the established building alignments.

The proposed building would intrude within the SP2 zoned land and lessen the oblique views and visual prominence of the south-eastern façade of the rectory when viewed from Cordeaux Street and detract from its aesthetic value and appreciation.

The south-eastern façade of the rectory is the traditional façade of the building and the effect is significant given the limited visibility of the bay window and wrap around balcony from the public domain.

Further, the proposed siting of the development would reduce the views of the traditional façade currently afforded by the building alignment of the existing building when viewed from the footpath of Moore Street.

The proposed siting of the development would disrupt the streetscape consistency and the use of the SP2 zoned land undermines the compatibility and relationship with the heritage item.

The proposed development involves the demolition of the existing driveway and the excavation and construction of a new driveway that directly adjoins the fence of the heritage item.

The main pedestrian access is provided to the rectory over the existing level driveway through the fence into its landscaped setting.

The proposed driveway would result in a level change of 0.7m – 0.98m between the proposed driveway and the fence entry to the rectory. It is proposed construct a timber retaining wall adjacent to the fence. The proposed level change and retaining wall would remove level pedestrian access to the rectory that is not compatible with the heritage item.

The site is not considered to be constrained in such a way so to require the proposed undesirable driveway levels and interface with the rectory. The excavated driveway design appears to be an attempt to keep the upper level within the maximum building height so as to obtain an additional level of units, thus seeking a variation to the maximum building height standard for the equipment areas and lift/stair overruns only.

The SP2 zoned land contains a tree that overhangs the existing driveway into the transition land. The Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees identifies the tree as number 24.

The species of the tree is identified as *Schinus areira* with a height of 14m and spread of 14m with a large branch failure. The spread of the tree is not shown in the Tree Management Plan in Appendix 8 however it overhangs the driveway and could potentially conflict with the proposed building works.

A public submission notes the right of carriageway contains the old church well beneath its surface. The well may be significant but would be destroyed by the current proposal.

Having regard to the aforementioned, the proposed development is an inappropriate response to the planning controls and the dual zoning of the development site.

Architectural roof features

Clause 5.6 of the LEP contains provisions for architectural roof features, provided below:

(1) The objectives of this clause are as follows:

(a) to permit variations to the maximum building height standards only where roof features contribute to the building design and overall skyline,
(b) to ensure that the majority of the roof is contained within the maximum building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and
(ii) is not an advertising structure, and
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The proposed development includes an architectural roof feature that exceeds the maximum building height standard. The roof feature contributes to the building design and overall skyline. While the majority of the architectural roof feature exceeds the maximum building height, the majority of the main building roof is contained within the maximum building height. The architectural roof feature comprises a decorative element which forms the uppermost portion of the building and is not an advertising structure. The architectural roof feature does not include floor space and is not reasonably capable of modification to include floor space area.

The architectural roof feature would cause minor overshadowing to the medium density properties to the south, including the front yards of 19 Cordeaux Street between 10am – 12pm and the front yard and roof of 72 Moore Street between 2pm and 3pm. The proposed architectural roof feature would not

cause these properties to receive less than 3 hours of solar access to private open spaces areas between 9am – 3pm on 21 June.

The adjacent equipment areas and lift/stair overruns are not contained in or supported by the architectural roof feature, but are generally integrated when viewed from street level. Accordingly, the proposed architectural roof feature that exceeds the building height limit is consistent with the provision of this clause and may be carried out.

Mixed use development in Zone B4

Clause 7.9 of the LEP contains provisions for mixed use development in zone B4. An assessment against the relevant provisions is provided below:

(1) The objective of this clause is to promote employment opportunities and mixed use development in Zone B3 Commercial Core and Zone B4 Mixed Use.

(2) This clause applies to land in Zone B3 Commercial Core and Zone B4 Mixed Use.

(3) Development consent must not be granted to the erection of a building that will contain a residential component, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that:

(a) the building will have an active street frontage after its erection or change of use, and
(b) the ground floor will only accommodate non-residential land uses,
(c) if the land is in Zone B3 Commercial Core—the building will have at least one additional level of floor space, immediately above the required non-residential ground floor, that is also set aside for non-residential land uses.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:

(a) entrances and lobbies (including as part of mixed use development),
(b) access for fire services,
(c) vehicular access.

(5) In this clause:

***active street frontage**, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.*

***non-residential land uses** includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking.*

The building would contain two commercial premises at street level and would therefore promote employment opportunities within the B4 Mixed Use zone. The commercial premises would have an active street frontage as defined by the definition above.

The proposed development would provide two ground floor commercial premises that would face the majority of the street frontage. Portions of the ground floor would be used as residential storage areas, resident's recreation room, residential bin storage, commercial bin storage, gas main room, main switch room and cold water pump room.

The street frontage rooms would be below the level of Moore Street, which obscures their entry points and reduces their potential to activate the street, particularly at night.

The ground floor would contain a large residential storage component that is not a non-residential land use and is not similar to a commercial premises, medical centre or recreation facility. However, the storage area would be located adjacent to the bin storage room and basement entry in a location that would not be suitable for use as a commercial tenancy and is not visible from a public place.

In this regard, as the proposed commercial premises would be large in size with a wide street frontage, and accommodates as much of the ground floor that could reasonably be expected, the proposed configuration is considered to be satisfactory and satisfy the objective of the provision to promote employment opportunities and mixed use development within the zone.

Entrances/lobbies, fire services booster and water meter and vehicular access are provided at ground level.

Preservation of trees

At the time the application was lodged and although now repealed, clause 5.9 of the LEP contained provisions for the preservation of trees, provided below:

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent, or
(b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

Part 11 Vegetation and Wildlife Management of the Campbelltown (Sustainable City) Development Control Plan 2015 applies to the removal of trees over 3m in height. All trees proposed for removal have a height exceeding 3m.

The proposed development initially involved the removal of twenty trees, however the architect has amended the plans and the proposal now seeks approval to remove seventeen trees.

The application was accompanied by an Arboricultural Impact Appraisal and Method Statement prepared by Andrew Scales of Naturally Trees, in order to justify the proposed tree removal.

The report identifies the species of trees, provides information on their height and spread, age class and life expectancy, health and condition, landscape significance and value.

The report provides each tree with rating under the TreeAZ method of tree assessment, which "determines the worthiness of trees in the planning process" and "whether individual trees are important and how much weight they should be given" for retention.

The proposed tree removal includes fourteen trees of high landscape significance rated A1, one tree of moderate landscape significance rated Z9 and two trees of low landscape significance rated Z5.

The report identifies A1 as being the highest rating being: important trees suitable for retention for more than 10 years and worthy of being a material constraint, with no significant defects and could be retained with minimal remedial care.

The report identifies Z5 as being: unimportant trees not worthy of being a material constraint, including severe damage and/or structural defects where a high risk of failure cannot be satisfactory reduced by reasonable remedial care.

The report recommends the removal of the A1 trees for the following reason: removal of existing structures and installation of new structures.

The report states the trees are considered moderate to high significance and display good health and condition, despite Appendix 2 listing the A1 trees with high significance.

It is considered the proposed tree removal is a negative feature of the development. The existing trees are constraints that need to be addressed through the design of the development. It may not be possible to achieve the maximum building mass envisaged under the controls, upon consideration of the worthiness of retaining a good amount of existing significant trees that make a significant and positive addition to the streetscape.

It is not considered adequate to provide an arboricultural report that identifies trees with high landscape significance and retention value, but advises the trees cannot be retained due to the design of the development, especially when insufficient deep soil planting zones are proposed.

It is considered the arboricultural report has failed to inform the design of the development and does not adequately justify the proposed tree removal, particularly when no alternate designs have been considered.

Whilst it is recognised the location of some trees on a site may prevent their conservation, it is considered the majority of trees are located within the frontages of the site, which could otherwise be retained and incorporated into a development that better integrates with established streetscape and landscape qualities.

The report recommends that in order to compensate for loss of amenity, consideration should be given to replacement planting within the site and on the nature strip. The landscape plan includes the provision of fifteen Spotted Gums in pot sizes of 200L to attain a mature height of 20m and spread of 10m.

The landscape plan indicates replacement trees of similar height and spread would be provided. However it is considered unrealistic to envisage the proposed replacement trees would sufficiently replace the existing trees that would have taken decades to mature, with replacement trees that will achieve a similar size, in locations with significantly less deep soil areas and sunlight caused by the overshadowing of the development. The majority of trees proposed to be planted adjacent to Moore Street would be planted above the basement levels situated directly below raising future growth potential and stability concerns.

The proposal involves the removal of a 22m high *Araucaria cunninghamii* (tree no. 8) which is considered to be a landmark tree. The tree resonates with the two trees planted either side of the church entry path and is likely to have been planted about the same time.

The significant trees are not recognised as threatened species or part of an ecologically endangered community, but the trees provide a high level of visual amenity to the surrounding locality as mentioned in the arboricultural report. The existing significant trees on the site are significant enough to be retained and could be integrated within a development that would be compatible with the existing and desired future character of the area.

Heritage conservation

Clause 5.10 contains provisions with respect to heritage conservation. The objectives of the clause are provided as follows:

(a) to conserve the environmental heritage of Campbelltown,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The development site includes the "St Peters Anglican Church Group comprising Anglican Church, Rectory, Former Stables and Anglican Cemetery" listed as a heritage item of local significance in the LEP. The church is the oldest building remaining in Campbelltown.

The proposal seeks to acquire land associated with the heritage item comprising of the existing right of carriageway, driveway and car park. The proposal mainly impacts on the curtilage of the rectory as the church and cemetery is more distant to the site.

The rectory is a two storey building of Victorian architecture. It was built in 1887 and is associated with an earlier stable behind that is used as a school classroom. The rectory has a bay window downstairs and verandahs upstairs with cast iron balustrading.

The proposed development was accompanied by a Heritage Impact Statement and addendum prepared by Urbis which provides an assessment of the impact of the proposed development on the heritage item. The key findings are provided below:

Reduced Curtilage

- *The proposed subdivision will result in a reduced heritage curtilage of St Peters Church Group, but constitutes a minor portion of this site only (comprising of a recent bitumen driveway and carparking), and thus comprises of entirely contemporary fabric. It does not contribute to the heritage significance of the St Peters Anglican Church Group site as a whole.*
- *The proposed subdivision would not result in any physical change to the heritage fabric on the St Peters Anglican Church Group site.*
- *It is not considered that there is any discernible historic subdivision pattern. The original historic subdivision boundaries of the St Peters Anglican Church Site have been significantly modified, including with the addition of the Moore Street bypass. Further, extant mid-late 20th century development in the immediate vicinity of the subject site has also obscured any discernible historic subdivision pattern. It is therefore considered that further subdivision (particularly with such a small portion proposed) would not have any notable impact in this respect.*
- *The proposed curtilage of the Rectory Building and stables, which form part of the St Peters Anglican Church Group is informally defined by the existing fencing along the northern edge of this site, which will be entirely retained.*
- *The existing driveway will be retained and already serves as a visual buffer and provides separation from the site of Former Rectory Building and Stables on the St Peters Anglican Church Site. This ensures that the proposed new development does not encroach on the curtilage of this site.*

Stable building

- *The physical heritage fabric of the stables building will not be affected in any way.*
- *The proposed new development will not obscure views to the stables building. There are no streetscape/distant views to the stables building from the south (Moore Street). These are obscured by the extant site developments and landscaping. Further, there are only minimal views from Cordeaux Street, due to the positioning of the stables building behind the Rectory building.*

- *The stables building is not intended to be appreciated from streetscape views but rather "in the round" from within the Rectory site, where it is designed to be appreciated in the collective setting of the Rectory building and surround landscaping. Immediate views to the stables building from within the Rectory site will be entirely retained.*
- *Northern views are from the existing accessway/driveway (northern boundary of the site) and from within the Rectory site to the gabled southern façade of the stables building, which will be retained.*
- *The retention of a 6m setback and driveway/access way and provision of additional landscaped area will reinforce the buffer between the rectory/stables site and the proposed new development.*

Canary Date Island Palm

- *According to the arborist report prepared by Naturally Trees (dated 21 April 2017), there will be no physical impact as a result of the proposed works (primarily basement excavation works) as adequate setback has been retained around the tree.*
- *The visual setting of the Palm will be minimally impacted upon. It is primarily appreciated in views from Cordeaux Street and "in the round" from within the Rectory site, where it is designed to be appreciated in the collective setting of the Rectory building, the stables and surround garden setting. Views from these aspects will be entirely retained.*
- *The retention of the 6m setback for the driveway and provision of additional deep soil landscaped area on the western elevation of the subject site will reinforce the buffer between the former rectory/stables site and the proposed new development.*

Relics

- *Historical mapping suggests that there may be potential for archaeological remains of this building to be located in close proximity to the eastern boundary of the current subject site; however, this is likely to have been disturbed.*
- *In the event that sub-surface works are proposed in proximity to the eastern boundary, an archaeological assessment would be required to assess in greater detail the potential for any archaeological remains associated with the school building, and to assess the impacts that proposed works may have on any such remains if considered likely to be present.*
- *Further, historical research shows that the wider site comprised of a first rectory and well. The exact location of the first rectory and former well are unknown.*
- *The proposed works seek to excavate below the present bitumen driveway to the northern boundary line. An archaeological assessment would be required to assess in greater detail the potential for any archaeological remains of the first rectory or former well and whether this is the vicinity of the proposed works, and to assess the impacts that proposed works may have on any such remains if considered likely to be present.*
- *It is recognised that an archaeological assessment can be undertaken at a later stage, i.e. as part of any conditions of consent, if required.*

Views

- *The structures in question will be relocated away from the western corner/boundary accordingly, to reduce impact on principal views to the former rectory and stables site from Cordeaux Street.*

The Heritage Impact Statement concludes the proposal "has considered the heritage significance, curtilage and associated views of the adjacent heritage items and their visual setting, primarily that of the rectory building and they will continue to be appreciated and enjoyed. Although the proposed new development will be larger in scale than its context, it is compatible with mixed use zone and height controls for the site and the future development of Campbelltown city centre".

The Heritage Impact Statement identifies the site contained a first rectory and well that was constructed in 1840 and that the location of these items is unknown. The first rectory was demolished in 1887 upon completion of the current rectory and stables.

A detailed archaeological assessment of the site has not been undertaken. The applicant's heritage advice merely recommends that such an investigation take place as a condition of consent. It is considered not acceptable to undertake an archaeological investigation prior to the issue of a construction certificate or during site preparation. At this stage of the project the construction would be committed and if a significant archaeological site was discovered, it could result in significant delays to construction in order to undertake an investigation. In the event significant elements were discovered, it could result in the need for a redesign and an amended application.

In this regard, without a detailed archaeological investigation being undertaken, consent should be withheld, as it cannot be certain that any significant elements found would be retained and protected, as the approved plans would allow for works on the site that would necessitate the removal of such elements.

The proposal would not provide for the retention of view corridors. The proposal would reduce the oblique views of the heritage item when viewed from Cordeaux Street and would eliminate views of the principal façade when viewed from the footpath of Moore Street adjoining 28 Cordeaux Street.

The northern side of Cordeaux Street has an established streetscape as a result of the constructed heritage items and existing open space areas located forward of buildings. The streetscape would not be retained due to the intrusion of the building forward of the established building alignments within the SP2 zoned land.

Design Excellence

Clause 7.13 of the LEP contains provisions for design excellence. The relevant provisions are provided below:

(1) The objective of this clause is to deliver the highest standard of architectural and urban design, as part of the built environment.

(2) This clause applies to development involving the construction of a new building or external alterations to an existing building on land in the following zones:

(e) Zone B4 Mixed Use.

(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain
(c) whether the proposed development detrimentally impacts on view corridors
(d) how the proposed development addresses the following matters:

(i) the suitability of the land for development,
(ii) existing and proposed uses,
(iii) heritage issues and streetscape constraints,
(iv) bulk, massing and modulation of buildings,
(v) street frontage heights,
(vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
(vii) the achievement of the principles of ecologically sustainable development,
(viii) pedestrian, cycle, vehicular and service access, circulation and requirements,
(ix) impact on, and any proposed improvements to, the public domain,
(x) the interface with the public domain,
(xi) the quality and integration of landscape design.

The proposed development has been considered against the matters for design excellence. Having regard to the issues raised within this report, it is considered the proposal would not deliver the highest standard of architectural and urban design.

5.2 Development Control Plan

Section 79C(1)(iii) of the Environmental Planning and Assessment Act 1979 requires the Panel to consider the provisions of any development control pan.

5.2.1 Campbelltown (Sustainable City) Development Control Plan 2015

The proposed development has been assessed against Part 5 of the DCP: *Residential Flat Buildings and Mixed-Use Development*. The following chapters of the DCP are relevant:

- Requirements Applying to All Types of Development
- General requirements for Residential Flat Buildings and Mixed Use Development
- Residential Flat Buildings
- Mixed Use Development

Requirements Applying to All Types of Development

An assessment against Part 2 of the DCP: *Requirements Applying to All Types of Development* is provided below:

Views and Vistas – The proposed development would reduce and obstruct views of the rectory from Cordeaux and Moore Streets. The proposal involves the removal of significant trees that contribute to the visual appeal of the streetscape.

Sustainable Building Design – A BASIX certificate has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met. A rainwater tank has not been provided to satisfy the requirements of the DCP.

Landscaping – A landscape plan has been prepared by the architect incorporating native species. Landscape planting would be provided within front setbacks and planter boxes would be provided on the roof top terraces, however is not of a quantum that complies with other planning controls and objectives.

Cut, Fill and Floor Levels – Excavation within the zone of influence of the school buildings, heritage item, roads and any other structure would require a dilapidation report demonstrating that adequate ameliorative measures would be implemented to protect the integrity of the structures.

Stormwater – The application was referred to Council's Engineers and the proposal was considered satisfactory in terms of potential flooding impact and stormwater disposal.

Retaining Walls – In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. The proposed development involves retaining walls the adjoining the fence of the heritage item. The wall would be constructed to engineering specifications therefore the risk of failure is considered to be low.

Security – The proposed development is satisfactory with regard to security. Appropriate delineation between public and private space would be provided, and casual surveillance opportunities would be

provided from commercial premises, habitable rooms and balconies. It is considered the proposal is capable of being provided with an appropriate level of illumination to prevent dark alcoves along corridors and walkways.

Waste Management – A Waste Management Plan has been submitted regarding the demolition, construction and ongoing waste generation caused by the development. The caretaker would transport bins from the bin storage rooms to the loading dock for on-site collection by Council's waste collection vehicle.

General requirements for Residential Flat Buildings and Mixed Use Development

An assessment against Part 5.4 of the DCP: *General requirements for Residential Flat Buildings and Mixed Use Development*, is provided in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.4.1 (a) Relationship of the Plan to SEPP 65	All residential flat buildings and mixed use development having a height greater than 12 metres or 4 or more self-contained dwellings shall satisfy all the standards within SEPP 65 and Apartment Design Guide.	Fails to satisfy standards for communal open space, deep soil zones, building separation, apartment depth, balcony sizes and visitor parking.	**No**
5.4.2 (a) Building Form and Character	Building design shall consider foremost the qualities (both natural and built) and the desired future character of the areas including the significance of any heritage item on the land	Building design has insufficient regard to the privacy of the adjoining school. Building design is inconsistent with the established building alignment of the street block of Cordeaux Street and would eliminate views of the principal facade of the rectory when viewed from the corner adjoining Moore Street. The excavated driveway is considered unnecessary and would create an inappropriate transition with the adjoining heritage item, and remove its pedestrian access.	**No**
5.4.2 (b) Building Form and Character	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:		

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	i) incorporation of appropriate facade treatments that help the development properly address the respective street frontages, key vistas and to add visual interest to the skyline	Building design incorporates façades that have been articulated to address both street frontages	Yes
	ii) incorporation of articulation in walls, roof lines, variety of roof pitch, individualised architectural features (balconies, columns, porches, colours, materials etc) into the facade of the building	Building design Incorporates articulation in walls. Sloped feature roof provided. Architectural features such as balconies, columns, materials and colours are incorporated into façade of the building.	Yes
	iii) variation in the vertical planes of exterior walls in depth and/or direction	Variation in the vertical planes of exterior walls in depth and direction	Yes
	iv) variation in the vertical and horizontal planes of the building so that the building appears to be divided into distinct base, middle and top massing elements	The variations in vertical and horizontal planes of the building achieve a distinct base, middle and top.	Yes
	v) articulation of building facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used	Building facades are articulated through the use of colour, façade elements and variations in the types of material.	Yes
	vi) utilisation of landscaping and interesting architectural detailing at the ground level	Landscaping and articulation used at ground level	Yes
	vii) avoidance of blank	No blank walls at ground	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	walls at ground and lower levels	and lower levels	
5.4.2 (c) Building Form and Character	Building design shall demonstrate to Council's satisfaction that the development will: i) facilitate casual surveillance and active interaction with the street	 Apartments and commercial premises provide casual surveillance and interaction with the street.	 Yes
	ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building at street level	The basement is setback approximately 1m from Moore Street. It is unlikely the offset planting of Spotted Gums would attain a mature height of 20m and spread of 10m. The panting of shrubs would not adequately soften the visual impact of the building at street level.	**No**
	iii) maximise cross flow ventilation, therefore minimising the need for air conditioning	Several apartments fail to satisfy the ADG with respect to apartment depth and are not cross ventilated.	**No**
5.4.2 (d) Building Form and Character	Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised to feature and highlight element only.	Building colours, materials and finishes generally achieve subtle contrast.	Yes
5.4.2 (e) Building Form and Character	Building materials shall be high quality, durable and low maintenance	Building materials appear satisfactory.	Yes
5.4.3 (a) Site Services	The location, design and construction of utility services shall satisfy requirements of the relevant servicing	Location and design of utility services appear satisfactory.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	authority and Council.		
5.4.3 (b) Site Services	Development shall ensure that adequate provision has been made for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage).	The applicant would be required to obtain approval from the relevant servicing authorities and to upgrade systems to cater for the new development.	Yes – can be conditioned
5.4.3 (c) Site Services	All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.	The lift/stair overruns would be visible from Maswon Park and from this aspect the lift/stair overruns would not appear as being integrated into the roof design of the development.	**No**
5.4.3 (d) Site Services	All communication dishes, antennae and the like shall be located or integrated into the built form so as to minimise visual prominence.	No proposed communication dishes or antennas.	Not applicable
5.4.3 (e) Site Services	An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	An external lighting plan has not been provided.	**No** - can be conditioned
5.4.3 (f) Site Services	All site services areas including any associated equipment and storage structures shall be incorporated into the design of the building and screened from public view.	The basement vehicle entry, loading area and utility rooms have been incorporated into the design of the building and are satisfactorily screened from public view.	Yes
5.4.3 (g) Site Services	An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	An on-going waste management plan accompanied the application.	Yes
5.4.4 (a) Acoustic Privacy	Residential flat buildings, and the residential component of a mixeduse development shall provide noise mitigation measures to ensure that the following LAeq levels are		

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	not exceeded: i) in any bedroom in the building—35 dBA , ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dBA.	 Acoustic Report specifies that if windows and doors are closed, bedrooms should not exceed 35 dBA Acoustic Report specifies that if windows and doors are closed, habitable areas should not exceed 40 dBA	 Yes Yes
5.4.4 (b) Acoustic Privacy	Residential flat buildings, and the residential component of a mixed-use development near railway corridors and major roads shall demonstrate to Council's satisfaction compliance with the requirements under the Guidelines entitled *Development Near Rail Corridors and Busy Roads* – Interim Guideline, 2008)	Acoustic Report has regard to Guidelines.	Yes
5.4.5 (a) Vehicular Access	Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that existing road networks are capable of providing safe and efficient vehicle access to and from the proposed development.	Traffic impacts on the road network considered satisfactory by RMS and Council's Traffic Engineers.	Yes
5.4.6 (a) Stormwater Drainage	Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that sufficient provisions made for the management of stormwater. All necessary upgrades to existing public and private stormwater infrastructure shall be addressed as part of the proposed development and shall be in accordance with *Council's Engineering Design Guide for*	Storm water disposal and potential flooding impact considered satisfactory by Council's Engineers.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	Development (available from Council's website at www.campbelltown.nsw.gov.au)		
5.4.7 (a) Thermal Comfort	Residential flat buildings and mixed-use developments shall be designed to maximise natural thermal comfort for occupants through the use of appropriate building materials. Examples include the use of energy efficient glazing and/or shading devices for windows and the like.	Building materials satisfy the thermal comfort requirements of BASIX.	Yes
5.4.8 Waste Management 5.4.8.1 (a) Number of Bins	All buildings shall be provided with household garbage bins at the following rates:		
	i) a 240 litre bin per 2.5 dwellings/week for household garbage; or	Bulk bins proposed.	Not applicable
	ii) 1,100 litre bulk bin per 10 dwellings or part thereof, but only if the bulk bin is stored and located within the property where the waste collection truck is able to enter and exit the property in a forward-in forward out arrangement with a maximum three point turning path.	11 x 1,100L garbage bins provided. Caretaker would be required to wheel bins from bin storage areas to the dock.	Yes
5.4.8.1 (b) Number of Bins	All buildings shall be designed with provision for recyclable bins at a ratio of one 240 litre bin per 2.5 dwellings per fortnight.	42 recycling bins required. 24 bin recycling bins provided on ground floor. 18 recycling bins provided on residential floors. 42 recycling bins provided.	Yes
5.4.8.2 (a) Waste Services Rooms, Garbage Chutes and Provision for Recyclables	All buildings with a rise of four (4) storeys or more shall make provision for a waste service room on each section of each level	Separate waste and recycling service rooms provided on each residential level that are accessible to occupants.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
Bins	which is accessible for all occupants.		
5.4.8.2 (b) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	All waste service rooms shall have chutes to enable residents to dispose of garbage.	Garbage chute provided.	
5.4.8.2 (c) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	Chutes shall not be located adjacent to bedrooms or living rooms unless bedrooms unless they are outside the sound transmission barrier surrounding each unit.	Chutes not adjoining bedrooms or living rooms.	Yes
5.4.8.2 (d) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	Chutes shall feed into appropriately sized bins located in the bin storage room.	Chutes feed into bins within bin storage room.	Yes
5.4.8.2 (e) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	The outlet area, in which the chute outlets and mechanical collection devices are located, shall be secured to prevent access by unauthorised persons.	Bin storage room to be accessible by caretaker.	Yes
5.4.8.2 (f) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	While mechanical devices are permitted in order to assist with waste collection (eg. carousel), no compaction is permitted for either garbage or recyclables.	Waste compactors proposed.	**No** – can be conditioned
5.4.8.2 (g) Waste Services Rooms, Garbage Chutes and Provision for Recyclables Bins	Each waste service room shall make provision for a sufficient number of 240-litre mobile recyclable bins for residents on each floor to dispose of recyclables.	The waste service room would provide a single recycling bin to be used by up to 7 apartments.	**No**
5.4.8.3 (a) Bin Storage Room	The development shall make provision for an appropriately sized bin storage room(s) that provides convenient access for occupants and waste collection		

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	personnel. The storage room shall:		
	i) be located behind the primary and secondary building alignment;	Located behind the primary and secondary building alignment	Yes
	ii) have a non slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary);	Details indicating floor construction not provided.	**No** – can be conditioned
	iii) be graded and drained to a Sydney Water approved drainage fitting;	Floor waste to comply with Sydney Water requirements	Yes
	iv) have coving at all wall and floor intersections;	Details of coving not provided.	**No** – can be conditioned
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;	Details of finished not provided. Waste management plan states the bin storage rooms will be kept clean at all times.	**No** – can be conditioned
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and	Waste management plan indicates taps would be provided, but does not specify supply of hot/cold water and provision of hose cock.	**No** – can be conditioned
	vii) have a self-closing door openable from within the room.	Doors provided, but details of door mechanism not indicated.	**No** – can be conditioned
5.4.8.3 (b) Bin Storage Room	Bin storage rooms shall be ventilated by:		
	i) a mechanical exhaust ventilation system; or	Waste management plan indicates ventilation would be provided, but does not specify mechanical ventilation.	Yes – can be conditioned
	ii) permanent, unobstructed natural ventilation openings	Natural ventilation openings not shown on plans.	Not applicable

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Control	**Required**	**Proposed**	**Compliance**
	having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.		
5.4.8.3 (c) Bin Storage Room	Exterior doors of communal bin storage rooms shall be: i) consistent with the overall design of the building; ii) located away from the frontage of the building; and iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door.	 Integrated within design of building Located to side of building The caretaker would be provided with a security access key to the bin storage rooms and control of roller shutter to the bin loading area. Details of Council compatible keyed locking system not proposed.	 Yes Yes **No** – can be conditioned
5.4.8.3 (d) Bin Storage Room	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	All bin storage areas are enclosed and capable of being constructed to prevent the entry of vermin.	Yes
5.4.8.3 (e) Bin Storage Room	All bin storage rooms must be located in an area where bins can be easily moved to the waste collection point.	The main bin storage rooms are provided at ground level and would be provided with a level wheeling path to the waste collection point. The recycling bin stored on each floor level would utilise a lift and ramp to access the waste collection point.	Yes
5.4.8.3 (f) Bin Storage Room	Where waste collection personnel are required to enter the premises to service bins, the collection point shall be no further than five metres from the collection vehicle.	The caretaker will transport bins to the collection point where bins will be within 5m from the collection vehicle.	Yes
	Developments must make	A waste room of 10sqm	**No**

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.4.8.3 (h) Bin Storage Room	provision for the storage of bulk waste (kerbside clean-up) materials, including: i) a minimum area of 10sqm; ii) the area must be accessible to all residents; and iii) the area must not be more than 10 metres from the waste collection point.	has not been provided that is accessible for residents to store bulk waste materials pending kerbside cleanup within 10m of the waste collection point. Excessive bulk waste items may accumulate on the site's street frontages.	
5.4.8.4 (a) Waste Collection	Any development containing 20 or more dwellings and/or the number of bins proposed cannot be accommodated within 50% of the development's frontage on collection day (the calculation shall allow for 300mm separation distance on either side of each bin) shall be designed to accommodate a forward in forward-out drive-on collection for on-site servicing. The designated area must meet the following requirements:	The proposal involves on-site waste bin collection. The waste collection vehicle would enter and exit the site in a forward direction.	Yes
	i) there shall be a minimum height clearance of 5.2 metres;	The minimum height clearance within the loading bay is approximately 4.5m.	**No** – see discussion below.
	ii) there shall be provision for a waste collection vehicle to empty bins on the vehicle's left side, allowing for a width of 3.8 metres from the right side of the vehicle to the collection point;	Provision is made for the waste collection vehicle to empty bins from the vehicle's left side. A minimum width of approximately 5.7m is provided from the right side of the vehicle to the collection point. The caretaker would need to	Yes – can be conditioned

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Control	**Required**	**Proposed**	**Compliance**
		ensure the car wash bay is vacant on bin collection day.	
	iii) where the waste collection vehicle is required to turn around on site, there must be provision for a vehicle of 10.4 metres length to negotiate a maximum three-point turn allowing the waste collection truck to enter and leave the property in a forward direction;	Council's waste collection vehicle is required to turn around on site. The site plan provides a swept path showing an 11m large rigid truck negotiating a two-point turn to enter and exit the site in a forward direction.	Yes
	iv) the maximum grade of any path of travel for collection vehicle shall be 1V:20H for the first 6 metres from the street, and 1V:12H thereafter;	Driveway levels indicate compliance with gradients.	Yes
	v) the minimum path width for a collection vehicle shall be 3.6 metres wide; and	Double driveway provides path for collection vehicle that is approximately 6m in width.	Yes
	vi) constructed to withstand the loaded mass of the waste collection vehicle of 24 tonnes.	Details of driveway construction to withstand weight of waste collection vehicle not provided.	**No** – can be conditioned
5.4.9 (a) Access for People with Disabilities	Residential flat buildings and mixed use development shall comply with the minimum access requirements contained within the BCA , the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	The application was accompanied by a Disability Access Report prepared by Cheung Access. The report addresses compliance with the BCA, Access to Premises Standards and AS1428.	Yes
5.4.10 (a) Advertising Material	As part of the letter box design for residential flat buildings and mixed use	Container for advertising and newspaper materials not shown on plans.	**No** – can be conditioned

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	development a special container shall be provided for the placement of advertising and newspaper materials. Such container shall be located behind the building line and designed to be part of the letter box arrangement for the development.		
5.4.10 (b) Advertising Material	The newspaper/ advertisement container shall be regularly emptied by the manager/caretaker of the building.	Details of emptying container not provided.	**No** – can be conditioned

Waste collection

The application nominates that on-site collection of waste bins would be undertaken by Council's waste collection vehicles. The proposal involves Council's waste collection vehicles performing a reverse movement into the loading dock in order to collect bins from the left side of the vehicle (in the case of 240L recycling bins). The loading bay has been designed to accommodate an 11m heavy rigid truck. The architectural plans provide a swept path showing how the vehicle would enter and exit the space in a forward direction.

Council's DCP requires a minimum uninhibited height clearance of 5.2m to accommodate on-site waste collection. The proposal was referred to Council's Waste and Recycling Services for review where it was determined that a minimum unobstructed clearance height of 5.2m is required for safe servicing of 240L bins with typical one-arm collection vehicles.

The loading dock has an RL of 79.3 and level 1 has an RL of 84.15. The top of the roller door finishes 0.3m below level 1. The levels indicate a vertical distance of 4.55m would be provided. However this distance has not accounted for any retractable roller door, fire suppression piping, water/sewerage piping, lighting or other services.

Council's waste collection vehicle is approximately 4.5m high and vertical height is increased when the arm and bin is elevated for unloading.

Residential Flat Buildings

Part 5.6.1(a) of the DCP states the requirements for mixed-use development shall be consistent with the requirements for Part 5.5 *Residential Flat Buildings* except as specified in Part 5.6.

An assessment against Part 5.5 of the DCP: *Residential Flat Buildings*, is provided in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.5.1 (a) Site Requirements for Residential Flat Buildings	Residential flat buildings shall only be permitted on an allotment having a minimum width of 30 metres measured at the front property boundary.	31.2m frontage to Cordeaux Street and 75.7m frontage to Moore Street.	Yes
5.5.1 (b) Site Requirements for Residential Flat Buildings	Sites shall be amalgamated where required, to achieve the minimum site area and width requirement applicable to the proposed development.	Acquisition of land associated with rectory to achieve a frontage of 31.2m to Cordeaux Street.	Yes
5.5.1 (c) Site Requirements for Residential Flat Buildings	Development shall not result in an "isolated allotment" adjoining the development site.	Does not result in isolation of adjoining allotment	Yes
5.5.2 (a) Building Setbacks for Residential Flat Buildings	Residential flat buildings shall be setback a minimum of: i) 5.5 metres from any street boundary; and ii) 6 metres from any other boundary.	The setback controls of part 5.6.2(b) for mixed-use development prevail.	Not applicable
5.5.3 (a) General Requirements for Residential Flat Buildings	A minimum of 5% of the total number of dwellings within a residential flat building shall be one (1) bedroom flat(s) or a studio(s).	5 one-bedroom or studios apartments required. 7 provided one-bedroom apartments provided.	Yes
5.5.3 (b) General Requirements for Residential Flat Buildings	A minimum of 10% of the total number of dwellings within a residential flat building shall be adaptable dwelling(s).	11 adaptable dwellings required. 11 adaptable dwellings provided.	Yes
5.5.3 (c) General Requirements for Residential Flat Buildings	The floor space occupied by each dwelling within a residential flat building shall not be less than:		

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	ii) 50sqm in case of a 1 bedroom flat; iii) 70sqm in case of a 2 bedroom flat;	All 1 bedroom apartments exceed 50sqm All 2 bedroom apartments exceed 70sqm	Yes Yes
5.5.3 (d) General Requirements for Residential Flat Buildings	For the purpose of clause 5.5.3 c), the floor space includes only one bathroom. Additional bathrooms shall increase the minimum floor space of each dwelling by 5sqm for each additional bathroom.	All apartments comply in area when the second bathroom is excluded.	Yes
5.5.3 (f) General Requirements for Residential Flat Buildings	A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	A maximum of 7 dwellings would be accessible from a corridor.	Yes
5.5.3 (g) General Requirements for Residential Flat Buildings	All residential flat buildings shall contain at least one (1) lift for access from the basement to the upper most storey that provide access to a dwelling space. Further, the lift(s) shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace.	4 lifts provide access from basement to upper most residential storey and rooftop terraces.	Yes
5.5.3 (h) General Requirements for Residential Flat Buildings	A maximum of fifty (50) dwellings shall be accessible from a single common lift.	Lobby A contains 53 apartments and is serviced by two lifts. Lobby B contains 52 apartments and is serviced by two lifts.	Yes Yes
5.5.3 (i) General Requirements for Residential Flat Buildings	Access to lifts shall be direct and well illuminated.	Direct access to lifts. Lighting proposed at entry points and within lobby.	Yes - can be conditioned
5.5.3 (j) General Requirements for Residential Flat Buildings	A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	15% of the site area is greater than 25% of the required communal open space area. While the DCP requires 15% of the site area to be deep soil zones, the ADG specifies a	**No**

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Control	**Required**	**Proposed**	**Compliance**
		minimum of 7% of the site area to be deep soil zones which prevails to the extent of this inconsistency. The proposal fails to satisfy the ADG for deep soil planting.	
5.5.3 (k) General Requirements for Residential Flat Buildings	Each flat shall be provided with an 'incidentals' storage facility within the unit and/or the basement, which shall be available for personal use of the occupants of each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of not less than the following: ii) 6 cubic metres in case of a 1 bedroom flat; iii) 8 cubic metres in case of a 2 bedroom flat;	In addition to storage in kitchens, bathrooms and bedrooms, all apartments are provided with incidentals storage areas. This control is consistent with the storage requirements specified in the ADG.	Yes
5.5.3 (l) General Requirements for Residential Flat Buildings	The incidentals storage facility shall not be created as a separate (strata) allotment to the unit it services.	Subdivision not proposed.	Not applicable
5.5.4 (a) Car Parking and Access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended), except as otherwise specified in the Plan.	All car parking and access for vehicles, including accessible spaces indicate compliance with AS2890 parts 1 and 2 (as amended)	Yes
5.5.4 (b) Car Parking and Access	The minimum dimensions of any parking space shall be 2.5 x 5.5 metres. The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	All spaces indicate compliance.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.5.4 (c) Car Parking and Access	Driveways shall be located a minimum distance of 6 metres from the splay of any unsignalled intersection (refer to Figure 5.5.4).	Driveway is located greater than 6m from the splay of the signalised intersection.	Not applicable
5.5.4 (d) Car Parking and Access	For development incorporating 20 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	Traffic Report provided. The proposal would not have an unacceptable impact on the surrounding road network.	Yes
5.5.4 (e) Car Parking and Access	Where existing, vehicular entry points shall be located at the rear or side streets.	Vehicle access proposed from Cordeaux Street at most appropriate location.	Yes
5.5.4 (f) Car Parking and Access	Development containing 3 or more storeys shall provide all required car parking at basement level.	Despite the 5 church parking spaces, all residential and commercial parking is provided within the basements levels.	Yes
5.5.4 (g) Car Parking and Access	Parking provided at ground level shall be appropriately screened from public view.	The 5 church spaces are setback behind the primary building line and screened from public view.	Yes
5.5.4 (h) Car Parking and Access	Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every 4 dwellings (or part thereof); and ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	This application is not required to comply with Council's car parking standards. As the site is within 800 metres of a train station, the RMS car parking standards apply as per the ADG. These standards require a minimum of 71 parking spaces to be provided. The proposed development would provide 105 residential parking spaces.	Not applicable
5.5.4 (i) Car Parking and Access	No required car parking space shall be in a stacked configuration.	Not stacked car parking spaces.	Yes
5.5.4 (j) Car Parking and Access	Each development shall make provision for bicycle storage at a rate of 1 space per 5 dwellings within common property.	Space for 21 bicycles required. 22 bicycle spaces provided.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.5.5 (a) Solar Access	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	Building has been oriented and sited to maximise sunlight to living areas and private open space.	Yes
5.5.5 (b) Solar Access	A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3 metres), shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	The proposal would not overshadow the school or rectory on 21 June. The architectural roof feature would cause minor overshadowing to the medium density properties to the south, including the front yards of 19 Cordeaux Street between 10am – 12pm and the front yard and roof of 72 Moore Street between 2pm and 3pm. The proposed architectural roof feature would not cause these properties to receive less than 3 hours of solar access to private open spaces areas between 9am – 3pm on 21 June.	Yes
5.5.5 (c) Solar Access	Living rooms and private open spaces of at least 70% of dwellings within a residential flat building shall receive a minimum of 2 hours direct sunlight between 9:00am and 3:00pm at mid winter.	74% of apartments receive a minimum of 2 hours direct sunlight between 9:00am and 3:00pm at mid winter.	Yes
5.5.5 (d) Solar Access	Council expects that with innovative and thoughtful design, all dwellings should receive some direct sunlight, however, when it can be shown that providing sunlight to every dwelling is unachievable, Council may allow a design solution that result in up to 15% of the dwelling receiving no direct sunlight between 9:00am and 3:00pm at mid winter.	15% of the units receive no sunlight between 9am and 3pm at mid winter.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.5.6 (a) Balconies and Ground Level Courtyards	Dwellings shall be provided with a private courtyard and/or balcony	All apartments are provided with a private balcony.	Yes
5.5.6 (b) Balconies and Ground Level Courtyards	Courtyards/balconies shall be: i) not less than 8sqm in area and have a minimum depth of 2 metres; ii) clearly defined and screened for private use; iii) oriented to achieve comfortable year round use; and iv) accessible from a main living area of the flat.	 Numerous balconies less than 8sqm in area with a minimum depth of 2m. Defined for private use. Oriented to receive sunlight. All balconies adjoining living area.	 **No** Yes Yes Yes
5.5.7 (a) Privacy	Ground level dwellings incorporating a courtyard shall be provided with a privacy screen.	Commercial premises provided at ground level.	Not applicable
5.5.7 (b) Privacy	No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9 metres of the proposed window or balcony.	There would be no overlooking of adjoining dwellings.	Yes
5.5.7 (c) Privacy	Notwithstanding 5.5.7(b) a window of a habitable room may be permitted only where it: i) is offset by 2 metres to limit views between windows, or ii) has a sill height 1.7 metres above the floor level; or iii) is splayed to avoid direct views between windows; or	Notwithstanding, it is prudent to consider the overlooking of the existing school. In this regard, it is considered that 19 apartments can look directly into the school playground. This was raised as an issued by the Panel at its inspection held in May 2017.	**No**

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Control	**Required**	**Proposed**	**Compliance**
	iv) has a fixed translucent glazing in any part of the window within 1.7 metres of the floor level; or v) is otherwise appropriately screened.		
5.5.7 (d) Privacy	Notwithstanding 5.5.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	Balconies do not impact on the privacy of adjacent dwellings. Moreover, see above.	**No**
5.5.8 (a) Communal Recreation Facilities	Each residential flat building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising: i) a recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).	 174sqm recreation room provided for 105 apartments. Ground floor outdoor dining areas comply with 100sqm requirement.	 Yes Yes
5.5.8 (b) Communal Recreation Facilities	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Communal open space proposed within primary and secondary street boundary setbacks.	**No**
5.5.8 (c) Communal Recreation Facilities	All communal recreational facilities shall be provided on the same land as the residential flat building.	All communal recreational facilities are provided on the same site as the development.	Yes
5.5.8 (d) Communal Recreation Facilities	Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	Communal open space provided on roof and is included as part of the required communal open space.	**No**
5.5.8 (e) Communal Recreation Facilities	All required communal and recreational facilities are required to be constructed prior to the issue of an interim	Not a staged development.	Not applicable

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	occupation certificate for any residential units within a staged development.		

Mixed Use Development

An assessment against Part 5.6 of the DCP: *Mixed Use Development*, is provided in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.6.1(a) General Requirements for Mixed-use Development in areas zoned B4	The requirements for mixed-use development shall be consistent with the requirements for residential flat buildings (Section 5.5 except as specified in this section).	Assessment against part 5.5 undertaken.	Refer to table prior.
5.6.1(b) General Requirements for Mixed-use Development in areas zoned B4	Mixed-use developments on areas zoned B4 shall only be occupied at ground level by retail and/or commercial office or like uses, subject to land use permissibility under the CLEP;	Ground level commercial premises.	Yes
5.6.1(c) General Requirements for Mixed-use Development in areas zoned B4	No ground floor level on areas zoned B3 & B4 shall be occupied by a residential use.	Ground floor uses consistent with clause 7.9 of LEP.	Yes
5.6.1(d) General Requirements for Mixed-use Development in areas zoned B4	Any mixed-use buildings that are designed to 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 residents or other occupants using the building.	Uses of commercial premises not proposed.	Not applicable
5.6.2(a) Site Requirements and Building Envelope for Mixed-use Development in areas zoned B4	Council may consider a mixed-use development on land with an area less than 1,200 square metres and a width less than 30 metres.	Area: 3,100sqm Width: 31.2m – 75.1m	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
5.6.2(b) Site Requirements and Building Envelope for Mixed-use Development in areas zoned B4	Mixed use buildings shall be setback a minimum of: i) zero metres from any street boundary; and ii) 6 metres from any other boundary for any residential component of the building.	 Setback 5.5m from Moore Street Setback 4.7m to Cordeaux Street Setback 3.7m to corner splay of Cordeaux and Moore Streets Setback 2.94m to side boundary of school Setback 5.5m from Moore Street	 **No** – see discussion below **No**
5.6.3(a) Car Parking and Access in areas zoned B4	In addition to residential car parking rates (section 5.5.4), the development shall provide one (1) car parking space per 25sqm of leasable floor space at ground level and one (1) car parking space per 35sqm of floor space at upper levels for all commercial/retail parts of the building.	Ground floor commercial floor area 508sqm. 20 commercial parking spaces required. 21 commercial parking spaces provided.	Yes
5.6.3(b) Car Parking and Access in areas zoned B4	Pedestrian access to residential flats shall be separated from the commercial/retail uses.	Separate commercial and residential entries.	Yes
5.6.3(c) Car Parking and Access in areas zoned B4	The development shall provide adequate space for the on-site parking, loading and unloading of all delivery/service vehicles as detailed in Part 6.4.2 of this Plan.	Assessment against part 6.4.2 undertaken.	Refer to table below.
5.6.4(a) Roof Terraces	Consideration will only be given to the provision of a roof top terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying	Two rooftop terraces are relied upon to satisfy communal open space requirements in the ADG. The terraces are provided with landscaping but offer minimal recreational facilities for the density of	**No**

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
	the respective provisions of the RFDC.	the development.	
5.6.5(a) Mixed-use Development and Waste Management	Self contained and lockable areas shall be provided for commercial and residential waste.	Contained and lockable areas are provided for commercial and residential waste.	Yes
5.6.5(b) Mixed-use Development and Waste Management	Areas for commercial and residential waste shall be kept separate.	Separate areas for commercial and residential waste.	Yes

Front and side setbacks

The DCP states that the commercial component of mixed use buildings may be built to street boundaries, and 6 metres from any other boundary for any residential component of the building.

The proposed development would be setback from the front boundaries for the commercial component of the building and less than 6m for the residential component of the building, and therefore fails to comply with the side setback control.

In addition to being inconsistent with the side setback controls, the proposed building would also not be consistent with the established character of the northern side of Cordeaux Street, which has an established building line created by the rectory, school building and church, and the landscaped open space areas between the street and the buildings within the context of Mawson Park.

The northern side of Cordeaux Street is not envisaged to be a highly urbanised environment containing buildings that interact directly adjoin the street. The Apartment Design Guide states that a residential flat building's setbacks should be consistent with the existing and future desired setbacks within the site's immediate locality. The proposed development fails to satisfy this objective.

Commercial Development

Part 5.6.3(c) of the DCP states the development shall provide adequate space for the on-site parking, loading and unloading of all delivery/service vehicles as detailed in Part 6.4.2 of this Plan

An assessment against the relevant controls of Part 6.4.2 of the DCP: *Car Parking and Access*, is provided in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
6.4.2.1(d) Car Parking and Access	Commercial development shall be designed to accommodate all related vehicle movements on site such that:		
	i) all vehicles shall enter and exit the site in a forward direction;	All vehicles shown to enter and exit the site in a forward direction.	Yes
	ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;	The area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas	Yes
	iii) cause minimal interference to the flow of traffic within the surrounding road network; and	The development would not cause interference to the flow of surrounding traffic.	Yes
	iv) safe and convenient access is provided for pedestrians.	Safe and convenient access is provided for pedestrians.	Yes
6.4.2.1(f) Car Parking and Access	Each site shall have a: i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and ii) each site may have an additional ingress/egress for cars (and other light vehicles).	One vehicle entrance would be provided, which would serve both the residential and commercial components of the development. Heavy vehicles would not be required to enter the site.	Yes
6.4.2.1(g) Car Parking and Access	No car parking spaces shall be designed in a stacked configuration.	No stacked car parking spaces are proposed.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
6.4.2.1(h) Car Parking and Access	No required car parking spaces shall be created as a separate Strata or Torrens Title allotment.	Subdivision not proposed.	Not applicable
6.4.2.2(a) Loading and Unloading	Where practicable, loading bays shall be separated from parking and pedestrian access.	Loading bays are separated from parking and pedestrian access.	Yes
6.4.2.2(b) Loading and Unloading	All loading and unloading shall take place wholly within the site.	All loading and unloading will take place wholly within the site.	Yes
6.4.2.2(c) Loading and Unloading	No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.	No loading or unloading is required to be carried out across parking spaces, landscaped areas pedestrian aisles or roadways.	Yes
6.4.2.2(d) Loading and Unloading	Parking and loading bays shall be provided and clearly identified on site.	Parking and loading bays are clearly identified on site.	Yes
6.4.2.2(e) Loading and Unloading	Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Manoeuvring areas would not conflict with car parking.	Yes
6.4.2.2(f) Loading and Unloading	Each new commercial building/unit having a gross floor area: ii) more than 200 square metres, but up to 1500 square metres shall provide an area to allow for a medium rigid vehicle to manoeuvre on site; and	A loading area has been medium rigid vehicle.	Yes
6.4.2.2(g) Loading and Unloading	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 areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.	The proposed loading area would not be visible from any public place.	Yes
6.4.2.3 (a) Access for People with	Commercial development shall comply with the minimum access	Principal Certifying Authority to ensure compliance.	Yes - can be conditioned

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	**Required**	**Proposed**	**Compliance**
Disabilities	requirements contained within the BCA , the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).		
6.4.2.3 (b) Access for People with Disabilities	The required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).	 1 commercial accessible parking space provided. 2 commercial accessible parking space required Designed to comply with AS2890.6.	 **No** – see discussion below Yes

Accessible parking

The DCP requires the commercial component of the development to be provided with 2 accessible parking spaces, but only 1 parking space has been provided. Although, basement level 1 provides 2 accessible parking spaces, one of these spaces is allocated for visitor parking. The proposed development requires 15 visitor parking spaces but only 11 visitor spaces are provided. Basement level 1 fails to provide sufficient accessible and visitor parking spaces.

5.2.2 Campbelltown City Council Section 94A Development Contributions Plan 2011

The Campbelltown City Council Section 94A Development Contributions Plan 2011 applies to the subject site. A levy would be required to be paid to Council should consent be granted in accordance with the Plan.

5.3 Environmental Planning and Assessment Regulation 2000

Section 79C(1)(iv) of the Environmental Planning and Assessment Act 1979 requires the Panel to consider the provisions of the regulations.

Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 states:

If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.

The application was accompanied by a statement prepared by Paul Buljevic (Registered Architect No. 7768) of PBD Architects.

Clause 50(1AB) of the Regulation states:

The statement by the qualified designer must:

(a) verify that he or she designed, or directed the design, of the development, and

(b) provide an explanation that verifies how the development:

(i) addresses how the design quality principles are achieved, and
(ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

A SEPP 65 Design Verification Statements accompanies the application stating that "Paul Buljevic has been responsible for the design of this project since its inception and has worked with a professional consultant team in preparing the Development Application. PBD Architects certify that the design quality principles set out in Schedule 1, Design quality principles of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development are achieved for the proposed development…"

5.4 Impacts on Natural and Built Environment

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

It is considered the impacts of the development on the natural environment would be somewhat negative. The proposal seeks to remove seventeen trees (including 14 significant trees) and proposes the offset planting of trees directly above the basement situated below which is not likely to feasibly replace or replicate the streetscape contribution of the trees that would be removed. The proposal seeks to retain three trees within areas that do not satisfy the minimum deep soil planting dimensions of 6m.

It is considered the impacts of the development on the built environment would be somewhat negative. The building setbacks, landscape treatment and height of the building at the street frontage are not considered to be compatible with the existing and desired future character of the streetscape.

The design of the proposal has not given satisfactory regard to the amenity of adjoining school, in terms of building separation and privacy impacts. The proposal would detract from the heritage significance of the rectory, with respect to the loss of views of the principal façade, the established streetscape building alignment, the removal its pedestrian access, and potential impacts on archaeological elements.

The development's traffic and parking, building separation and privacy impacts are discussed as follows:

Traffic impact

The proposed development was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning. The report describes the proposed development, surrounding road network and provides estimates of potential traffic generation and implications on road network capacity. The proposed parking facilities are assessed against the relevant standards and swept paths are provided of vehicles entering/exiting the site and basement ramps.

The report states the geometric design layout of the proposed car parking facilities have been designed to comply with the relevant requirements specified of the Australian Standard Parking Facilities Off-Street Car Parking AS2890.1 with respect to parking bay dimensions, ramp gradients and aisle widths.

The report states the aisle widths and ramp design of the basement will allow efficient circulation of the users of the car-park. The simultaneous passing of vehicles on the ramp has been reviewed by Council's Development Engineer. Concern is raised as the proposed development has not addressed sight distances which may lead to potential vehicle conflicts.

The report projects traffic generation of approximately 30 vehicles per hour during the morning commuter peak period and approximately 23 vehicles per hour during the afternoon commuter peak period. The increased traffic flows has the potential to impact on the operational performance of the nearby intersections. The report has considered the impacts using the SIDRA capacity analysis program. Council's Traffic Engineers have reviewed the findings of the assessment and consider the traffic generation from the proposed development would not cause significant adverse impacts on the level of service of the adjoining traffic network.

The proposed development involves the provision of a median in Cordeaux Street to restrict right turn movement into and out of the proposed site. Although particular design details have not been provided, the median would need to be constructed in accordance with the Austroad Road Design Guideline.

Traffic is not expected to create a significant detrimental impact on the locality.

Building separation

The Apartment Design Guide states that building separation is the distance measured between building envelopes and that separation between buildings contributes to the urban form of an area and the amenity within apartments and open space areas. Amenity is improved through establishing minimum distances between apartments and non-residential uses and with boundaries to neighbours.

The aims of the building separation control are to:

- *ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings*
- *assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*
- *provide suitable areas for communal open spaces, deep soil zones and landscaping.*

The objective of the applicable design criteria is to ensure:

- *adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*

The ADG allows the application of separation to buildings on adjoining sites, by applying half the minimum separation distance measures to the boundary, to distribute the building separation equally between sites. However this method is usually applied in areas undergoing transition from low to higher densities to ensure that future adjoining development can achieve the minimum total building separation distances.

The proposed development relies on applying half the building separation distance to the adjoining school property. However the adjoining land is zoned SP2 and currently does not permit residential apartment buildings. The SP2 zoned land permits development up to the zone boundary and this should be taken into consideration as part of the future development of the school site.

An objective of SP2 zoned land is:

- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

In the event the proposal is approved in its current form, the proposal would not achieve the building separation distance between the school buildings, which are not presently identified for transition.

The proximity of the proposed building to the school was raised as an issue by the Panel at its May 2017 site inspection.

In this circumstance, the proposal would be inconsistent with the aim of the building separation control to ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings.

In the event the building separation distances were enforced on the future development of the SP2 zoned land, it could be argued as being inconsistent with the objective of the SP2 zoned land as it may detract from the provision of infrastructure.

Alternatively, occupants of the apartment building could object to the development of the school property within the half of the building separation distance, as the proposal would be inconsistent with the aim of the building separation control to assist in providing residential amenity including visual and acoustic privacy, sunlight and outlook.

In this regard, it is considered a better planning outcome to place less reliance on applying half the required building separation distances on the adjoining school property and greater emphasis on increasing the building separation distances from the existing building envelopes and likely future development of the SP2 zoned land.

This would provide future enhanced amenity for apartments and increase the visual privacy of the adjoining school buildings and open spaces areas.

Visual privacy

As Council's request, the architectural plans included a View Impact Analysis (plan no. DA310) illustrating the overlooking potential of balconies and living rooms to the adjoining school property, including the open space areas the school and the windows of the school buildings.

The following features have been included into the proposed building design to mitigate privacy impacts:

- The level 1 balconies facing the school playground would be provided with vertical louvers from the top of the balustrade to the underside of the ceiling
- The level 2 balconies facing the school playground would be provided with a planter box to separate occupants from the edge of the balcony
- The level 3 – 7 balconies would be provided with movable screening devices
- Levels 9 – 10 would not contain balconies facing the school playground

Despite the privacy treatments, the balconies of level 1 would face the windows of the school buildings and would not be provided with any privacy mitigation measures. The influence of privacy screens and other devices on solar penetration into apartments must also be considered.

The application was accompanied by justification to support the proposed design and privacy impacts. It includes examples of schools in the Sydney metropolitan area that are overlooked by medium or high rise commercial and residential buildings. The applicant states that "on this basis, we provide that the general community would not perceive the proposal as being an unacceptable outcome".

The examples provided by the application include:

- Liverpool Public Primary School, Railway Street, Liverpool

- All Saints Catholic Boys College, 53 Bigge Street, Liverpool
- Arthur Phillip Primary & High School, 177 Macquarie Street, Parramatta
- St Ambrose Primary School, Stuart Street, Concord West
- Brigidine College, 6 Aeolia Street, Randwick
- Sydney Adventist School, 3 Macquarie Road, Auburn
- Ultimo Pyrmont Public School, Quarry Street, Ultimo

The applicant's justification has failed to draw any similarities or differences in building design or site features to that of the development proposed. The Liverpool, Parramatta Concord West examples include buildings that are separated by much greater distances by roads or landscaped areas. The commercial buildings do not contain residential apartments and while some contain balconies, they are not associated with living rooms and would be used by office workers for short periods. The Randwick example contains buildings at lower levels to the school with limited overlooking potential. The Auburn example is only three storeys high and details of window and balcony placement at the rear of the building have not been provided. The Ultimo example is four storeys at the street frontage and balconies and window sizes have been limited adjoining the school playground. None of the examples include a 10 storey residential apartment building with built form that directly adjoins a school with quantity and size of balconies and windows proposed. The justification has not provided any examples from within the Campbelltown Local Government Area.

5.5 Social and Economic Impacts

It is considered the social impacts of the proposed development would be somewhat negative. The proposal adjoins a school and no three bedroom apartments would be provided to cater for families within a CBD environment.

The proposed development would result in the provision of nineteen apartments, including associated balconies and habitable room windows, directly overlooking the school playground. The constant potential for overlooking would compromise the privacy and amenity of the school in a way that does not respond to the desired character of the area or that promotes amenity for both the school and the proposed development.

Economically, it is considered the proposal may employ local tradespeople for the construction of the development, and while not catering for families per se, would cater for other people that wish to reside in an apartment. However, some of the apartments do have some livability limitations as discussed earlier in the report, such as balcony non-compliances, poor communal open space provision and apartment depth.

5.6 Site Suitability

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

It is considered the proposed development is of a scale and design that is not suitable for the site. The proposal has failed to respond appropriately to the context and character of the site within the locality including the sensitive land uses of the school and heritage item. Despite the height limit provided in the LEP, this must be considered in the context of the site and its surrounds.

5.7 Public Participation

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

The application was publicly notified and exhibited between 17 November 2016 and 5 December 2016. During the notification period, 29 submissions were received objecting the development. The issues of objection are summarised and discussed below.

Issue

The proposed development is not in keeping with the significant corridor of Campbelltown comprising of Mawson Park, St Peter's Anglican Church and the White House (rectory). The proposed multi-storey building that is above the maximum building height seems inappropriate for the site. The significant heritage value of this area will be impacted by the proposed development and is inconsistent with the heritage conservation objectives in the LEP.

Comment

The proposed development is inconsistent with the existing streetscape in terms of established buildings alignments, open spaces areas and height of buildings at the street frontage. The proposal is considered to be inconsistent with objectives of the building height development standard. The proposal would detract from views of the heritage item. An archaeological analysis has not been undertaken therefore the conservation of any unearthed items of significance cannot be assured.

Issue

Concern is raised the proposed ground floor commercial premises could be occupied by a 'restricted premises' or be used for the sale of alcohol and this would neighbor the school that has been operating at the site for 34 years.

Comment

A development application would need to be lodged with Council for the use of a commercial premises as a restricted premises under which the suitability of the site for the proposed development would be considered. While restricted premises are permissible with consent in the B4 zone, Council is unable to provide assurance that such development would not take place as this would jeopardise the

development assessment process. It is however, outside the scope of the subject development proposal, which does not included uses for the tenancy.

Issue

The proposed windows and balconies of apartments would overlook the school playground and classrooms and reduce the privacy, safety and wellbeing of students and staff.

Comment

The proposed building has been oriented and designed to maximise the use of the northerly aspect and views over the adjoining school property raising privacy and incompatibility concerns.

Issue

The proposed adjustable/fixed louvres and screens across the eastern elevation are not sufficient to maximise the privacy of the school property.

Comment

Despite the privacy mitigation measures incorporated into the design of the development, the proposal still raises privacy concerns due to the proximity of the development to the school playground. The level 1 corner apartment located adjacent to the school buildings has not been provided with any privacy mitigation measures.

Issue

The proposal is illogical and would jeopardise the success of the school and the next generation of leaders.

Comment

The proposed development is a permissible land use within the zone. The building's relationship to existing school structures has been discussed throughout this report and is not considered to be favourable.

Issue

The proposal would observe the various events held at the church and Mawson Park.

Comment

The proposal would have views of the church and Mawson Park and would be provided with passive surveillance from the development.

Issue

The excessive bulk and scale of the proposed design is unacceptable due to its inconsistency with neighbouring properties and incompatibility with the streetscape and character of the local area.

Comment

This proposed development is considered to be incompatible with the neighboring properties and the character of the streetscape as detailed throughout this report.

Issue

The proposed development would create excessive noise due to the scale of the development and number of occupants and will have an impact on the school environment.

Comment

The increased population would generate additional noise impacts caused by occupants utilising balconies and increased vehicle movements. However is unlikely to be at unacceptable especially when the school is operating (except perhaps during the construction phase). Moore Street is also a major contributor of noise within the locality.

Issue

The proposed construction works would be very close to the school where the noise and vibration would impact on students learning and effective teaching.

Comment

Major noise and vibration causing activities would need to be scheduled to take place at particular times to reduce disruption to the operation of the school.

Issue

The proposed development would obstruct the right of carriageway to the school during construction phase and would not allow for emergency purposes.

Comment

The right of carriageway would be inoperable during the construction phase until the revised right of carriageway is endorsed by NSW Land and Property Information.

Issue

The proposed construction phase would impact on the surrounding road network due to trucks and vehicles accessing the site. Concern is raised about how the surrounding roads and intersections would be managed.

Comment

A construction traffic management plan would need to be endorsed by Council prior to the commencement of works.

Issue

The proposal raises traffic safety concerns for students when arriving and departing school due to restricted visibility when stepping from the kerb to cross roads. The increased traffic in the area will affect parents picking up and dropping of students.

Comment

The developer would be required to engage authorised traffic controllers to maintain traffic safety during the construction phase. The traffic impact assessment did not point to a significant increase in traffic in the locality as a result of the development.

Issue

The proposed construction phase could cause dilapidation to the school's facilities and damage the adjoining heritage items. The basement levels nearly adjoin the school buildings.

Comment

A dilapidation report would need to be prepared to protect the integrity of adjoining structures, and to ensure that construction work is managed appropriately should consent be granted.

Issue

The proposed demolition and excavation phases raise potential health risks from dust, asbestos and contamination.

Comment

A demolition work plan would need to be designed in accordance with the Australian Standards AS2601-2001 The demolition of Structures. The handling or removal of any asbestos must be carried out by a SafeWork NSW licensed contractor.

Issue

The proposal would increase traffic congestion at an already bottlenecked intersection and would only add to the worsening traffic flow problems of the Campbelltown area.

Comment

Traffic impacts on the locality have been considered and determined not unacceptable by the RMS and Council's Traffic Engineer.

Issue

The proposal would detract from parking within the area and create additional parking problems.

Comment

The proposal provides excess residential parking but lacks visitor parking.

Issue

Concern was raised about the provision of infrastructure in the area and if the proposal would generate the need for any new roads, traffic lights or roundabout and if there are adequate resources to maintain peace and order with the increased population such as police.

Comment

The developer would be required to construct a new concrete median in Cordeaux Street. The State Government would be responsible to ensure that adequate police are provided.

Issue

During the construction phase a falling object may hit a student in the playground or the dust may cause an asthma attack.

Comment

The construction phase would need to comply with SafeWork NSW safety requirements. The applicant would need to incorporate dust mitigation measures during the construction phase.

Issue

The impact on the water table and runoff from the development.

Comment

The applicant would be required to undertake a geotechnical investigation examining the potential impact the proposal would have on the water table including the design of the basement levels. A storm

water plan has been prepared by a qualified engineer to capture and dispose of runoff from the development.

Issue

The proposal would remove drainage lines within the right of carriageway that the school buildings are utilising.

Comment

The drainage lines are not registered easements and would be demolished as part of the development. The school would need to prepare an alternative drainage plan by arrangement with the developer should consent be granted.

Issue

A submission mentions the existing right of carriageway contains the old church well under its surface.

Comment

The proposal involves a heritage item. An archaeological analysis of the site is discussed previously in the report.

Issue

The height and scale of the proposed development is not consistent with the objective of the building height development standard within the LEP to assist the minimisation of opportunities for undesirable loss of privacy to existing and future development and to the public domain.

Comment

The proposed development in considered to be inconsistent with this objective as discussed within this report.

Issue

It is understood that something will be built on the land but 10 storeys and 105 apartments is excessive and not appropriate at this location. A smaller development would be much more appropriate.

Comment

The LEP permits a maximum building height of 32m. However the site adjoins sensitive land uses and is within an established streetscape that is unlikely to significantly change. In this regard, it is vital the development is designed to be compatible with the context of the locality.

Issue

The church is the oldest building in Campbelltown and the proposal would dwarf the church and rectory. The building will be an eyesore with regard to the heritage items.

Comment

The height of the development at the street frontage is not sympathetic to the existing streetscape.

Issue

The proposal would be an isolated tall structure along the bypass.

Comment

The building would be an isolated tall structure along the bypass until such time as the school property or Council's multi-deck parking area undergoes transition at some time in the future. The school's transition would also need to consider the heritage significance of the immediate locality.

6. CONCLUSION

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues raised above, it is considered that the application is inconsistent with some of the objectives and controls of the relevant planning legislation.

The application fails to comply with several provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and the associated Apartment Design Guide as well as the Campbelltown Local Environmental Plan 2015 and Campelltown (Sustainable City) Development Control Plan 2015. The lack of compliance is symptomatic of the proposal's overdevelopment of the site.

The proposal fails to demonstrate that adequate regard has been given to the design quality principles and the objectives specified in in the Apartment Design Guide for the relevant design criteria. The proposal fails to encourage mixed-use developments with high residential amenity.

The design of the building would not provide a compatible land use as it does not appropriately respond to the sensitive land uses being the adjoining school and heritage item.

The proposal is not compatible with the streetscape of the northern side of Cordeaux Street with respect to the character of the existing streetscape including the established building alignments, landscaped areas forward of buildings and the height of buildings at the street frontage.

The proposal would require the removal of fourteen significant trees that contribute to the visual amenity and character of the locality.

The proposed building height variation is considered to be inconsistent with the objectives of the building height standard and the applicant's submission is not considered to be well founded in the circumstances.

The proposal would reduce the oblique views of the heritage item when viewed from Cordeaux Street and would eliminate views of the principal façade when viewed from the footpath of Moore Street adjoining 28 Cordeaux Street.

The proposal would remove pedestrian access to the rectory and potentially impact on archaeological elements of significance.

Twenty-nine public submissions were received objecting the proposed development. Having regard to the matters raised within this report and during public exhibition, approval of the proposed development is not considered to be in the public interest, and accordingly, the application is recommended for refusal.

7. RECOMMENDATION

That development application 3280/2016/DA-RA proposing the demolition of existing structures, construction of a 10 storey residential apartment building consisting of 105 residential units, basement car parking, 2 retail/commercial units and a boundary adjustment, be refused for the reasons outlined in Attachment 1.

ATTACHMENT 1

Recommend Reasons for Refusal

You are advised that the subject application has been refused pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy State Environmental Planning Policy 65 – Design Quality of Residential Flat Development with respect to the design principles for neighbourhood character, built form and scale, density, landscape, amenity, housing diversity and social interaction.

2. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy State Environmental Planning Policy 65 – Design Quality of Residential Flat Development with respect to the design criteria for communal open space, deep soil zones, building separation, apartment depth, balcony sizes and visitor parking.

3. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the SP2 Infrastructure zone under Campbelltown Local Environmental Plan 2015, as the proposed development fails to prevent development that is not compatible with infrastructure.

4. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objective of the B4 Mixed Use zone under Campbelltown Local Environmental Plan 2015, as the proposed development fails to encourage the development of mixed-use buildings that have high residential amenity and active street frontages.

5. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the SP2 Infrastructure zone under Campbelltown Local Environmental Plan 2015, as the proposed development fails to provide for the retention or view corridors.

6. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to building height under clause 4.3 of the Campbelltown Local Environmental Plan 2015.

7. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to exceptions to development standards under clause 4.6 of the Campbelltown Local Environmental Plan 2015.

8. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to development near zone boundaries under clause 5.3 of the Campbelltown Local Environmental Plan 2015.

9. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to the preservation of trees under clause 5.9 of the Campbelltown Local Environmental Plan 2015.

10. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to heritage conservation under clause 5.10 of the Campbelltown Local Environmental Plan 2015.

11. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and controls relating to design excellence under clause 7.13 of the Campbelltown Local Environmental Plan 2015.

12. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with section 5.4.8.4 of Campbelltown (Sustainable City) Development Control Plan 2015, as the proposed development fails to make provision for the storage of bulk waste materials.

13. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with section 5.4.8.4 of Campbelltown (Sustainable City) Development Control Plan 2015, as the proposed development fails to provide a sufficient height clearance within the loading dock for the on-site collection of waste bins by Council's waste collection vehicle.

14. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to adequately consider the potential impacts on the built environment with respect to the character of the existing streetscape including the established building alignments, landscaped areas forward of buildings and the height of buildings at the street frontage.

15. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development would have an adverse impact on the natural environment with respect to the removal of significant trees.

16. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development would have negative social impacts in the locality due to the lack of proposed housing diversity within the city centre.

17. Pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, having regard to the site's heritage significance, the site is not considered to be suitable for the proposed development in the absence of an archaeological analysis and the development's possible impacts on existing significant elements.

18. Pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, having regard to the extent of overlooking to the school property, the site is not considered to be suitable for the proposed development.

19. Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, having regard to the submissions in objection to the proposal, the proposed development is not considered to be a compatible form of development for the site and locality.

20. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as the proposed development would adversely affect an item of local heritage, would result in a disorderly development of land, and has failed to demonstrate that the site is suitable for the proposed development, approval of the application is not in the public interest.